

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME I OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

	Docket/Tab #
 <u>Volume I</u>	
District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89
 <u>Volume II</u>	
Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
 <u>Volume III</u>	
Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286
 <u>Volume IV</u>	
Opinion and Memorandum of Decision (pp. 191–434).....	286
 <u>Volume V</u>	
Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

A

4months,APPEAL,CLOSED,EXH,PROTO

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:21-cv-05339-SCJ**

Pendergrass et al v. Raffensperger et al - **Restricted Filer Robert Allensworth, see Order #244**

Assigned to: Judge Steve C. Jones

Case in other court: USCA - 11th Circuit, 23-13916-AA

USCA- 11th Circuit, 24-10231-AA

Cause: 52:10301 Denial or abridgement of right to vote on account of race or color

Date Filed: 12/30/2021

Date Terminated: 10/26/2023

Jury Demand: None

Nature of Suit: 441 Civil Rights: Voting

Jurisdiction: Federal Question

Plaintiff

Coakley Pendergrass

represented by **Abha Khanna**

Elias Law Group LLP

1700 Seventh Ave

Suite 2100

Seattle, WA 98101

206-656-0177

Email: akhanna@elias.law

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Adam Martin Sparks

Krevolin & Horst, LLC

One Atlantic Center

1201 West Peachtree St., NW

Suite 3250

Atlanta, GA 30309

404-888-9700

Fax: 404-888-9577

Email: sparks@khlawfirm.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Christina Ashley Ford

Elias Law Group LLP

250 Massachusetts Ave NW

Suite 400

Washington, DC 20001

202-968-4558

Email: cford@elias.law

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Daniel C Osher

Elias Law Group LLP
250 Massachusetts Ave NW
Suite 400
Washington, DC 20001
202-968-4594
Email: dosher@perkinscoie.com
TERMINATED: 05/08/2023
LEAD ATTORNEY
PRO HAC VICE

Graham W. White

Elias Law Group LLP -DC
10 G Street NE
Suite 600
Washington, DC 20002
202-968-4490
TERMINATED: 01/30/2023
LEAD ATTORNEY
PRO HAC VICE

Jonathan Patrick Hawley

Elias Law Group LLP
1700 Seventh Ave
Suite 2100
Seattle, WA 98101
206-656-0179
Email: jhawley@elias.law
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joyce Gist Lewis

Krevolin & Horst, LLC
1201 W. Peachtree Street, NW
Suite 3250
Atlanta, GA 30309
404-888-9700
Email: jlewis@khlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin J. Hamilton

Perkins Coie LLP
1201 Third Avenue
Suite 4900
Seattle, WA 98101-3099
206-359-8741
Email: khamilton@perkinscoie.com
TERMINATED: 02/13/2023
LEAD ATTORNEY
PRO HAC VICE

Makeba Rutahindurwa

Elias Law Group LLP
1700 Seventh Ave
Suite 2100
Seattle, WA 98101
202-968-4599
Email: mrutahindurwa@elias.law
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Brandon Jones
Elias Law Group LLP
250 Massachusetts Ave. NW
Ste 400
Washington, DC 20001
202-985-1752
Fax: 202-968-4498
Email: mjones@elias.law
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Triana Arnold James

represented by **Abha Khanna**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Adam Martin Sparks
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina Ashley Ford
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel C Osher
(See above for address)
TERMINATED: 05/08/2023
LEAD ATTORNEY
PRO HAC VICE

Graham W. White
(See above for address)
TERMINATED: 01/30/2023
LEAD ATTORNEY
PRO HAC VICE

Jonathan Patrick Hawley
(See above for address)
LEAD ATTORNEY

~~PRO HAC VICE~~*ATTORNEY TO BE NOTICED***Joyce Gist Lewis**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kevin J. Hamilton**

(See above for address)

*TERMINATED: 02/13/2023**LEAD ATTORNEY**PRO HAC VICE***Makeba Rutahindurwa**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Michael Brandon Jones**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Elliott Hennington**represented by **Abha Khanna**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Adam Martin Sparks**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Christina Ashley Ford**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Daniel C Osher**

(See above for address)

*TERMINATED: 05/08/2023**LEAD ATTORNEY**PRO HAC VICE***Graham W. White**

(See above for address)

*TERMINATED: 01/30/2023**LEAD ATTORNEY**PRO HAC VICE*

Jonathan Patrick Hawley
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joyce Gist Lewis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin J. Hamilton
(See above for address)
TERMINATED: 02/13/2023
LEAD ATTORNEY
PRO HAC VICE

Makeba Rutahindurwa
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Brandon Jones
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Robert Richards

represented by **Abha Khanna**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Adam Martin Sparks
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina Ashley Ford
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel C Osher
(See above for address)
TERMINATED: 05/08/2023
LEAD ATTORNEY
PRO HAC VICE

Graham W. White

(See above for address)
TERMINATED: 01/30/2023
LEAD ATTORNEY
PRO HAC VICE

Jonathan Patrick Hawley
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joyce Gist Lewis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin J. Hamilton
(See above for address)
TERMINATED: 02/13/2023
LEAD ATTORNEY
PRO HAC VICE

Makeba Rutahindurwa
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Brandon Jones
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jens Rueckert

represented by **Abha Khanna**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Adam Martin Sparks
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina Ashley Ford
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel C Osher
(See above for address)
TERMINATED: 05/08/2023

LEAD ATTORNEY
PRO HAC VICE

Graham W. White
(See above for address)
TERMINATED: 01/30/2023
LEAD ATTORNEY
PRO HAC VICE

Jonathan Patrick Hawley
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joyce Gist Lewis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin J. Hamilton
(See above for address)
TERMINATED: 02/13/2023
LEAD ATTORNEY
PRO HAC VICE

Makeba Rutahindurwa
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael Brandon Jones
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ojuan Glaze

represented by **Abha Khanna**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Adam Martin Sparks
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina Ashley Ford
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel C Osher

(See above for address)

*TERMINATED: 05/08/2023**LEAD ATTORNEY**PRO HAC VICE***Graham W. White**

(See above for address)

*TERMINATED: 01/30/2023**LEAD ATTORNEY**PRO HAC VICE***Jonathan Patrick Hawley**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Joyce Gist Lewis**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kevin J. Hamilton**

(See above for address)

*TERMINATED: 02/13/2023**LEAD ATTORNEY**PRO HAC VICE***Makeba Rutahindurwa**

(See above for address)

*LEAD ATTORNEY**PRO HAC VICE**ATTORNEY TO BE NOTICED***Michael Brandon Jones**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

V.

Defendant**Brad Raffensperger***in his official capacity as the Georgia
Secretary of State*represented by **Bryan Francis Jacoutot**

Taylor English Duma LLP

1600 Parkwood Circle

Suite 200

Atlanta, GA 30339

770-434-6868

Fax: 770-434-7376

Email: bjacoutot@taylorenghish.com*ATTORNEY TO BE NOTICED*

Bryan P. Tyson

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
770-434-6868
Fax: 770-434-7376
Email: btyson@taylorenghish.com
ATTORNEY TO BE NOTICED

Charlene S McGowan

Office of the Georgia Attorney General
40 Capitol Square SW
Atlanta, GA 30334
404-458-3658
Email: cmcgowan@law.ga.gov
TERMINATED: 02/15/2023

Diane Festin LaRoss

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
678-336-7169
Email: dlaross@taylorenghish.com
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
770-434-6868
Email: dboyle@taylorenghish.com
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan

Department of Law - Division 5
40 Capitol Square, SW
Atlanta, GA 30334
404-458-3549
Email: evaughan@law.ga.gov
TERMINATED: 10/25/2023

Frank B. Strickland

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
770-434-6868
Email: fstrickland@taylorenghish.com
ATTORNEY TO BE NOTICED

Loree Anne Paradise
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339
512-534-1787
Email: lap@gobergroup.com
TERMINATED: 09/15/2022

Defendant

Rebecca N. Sullivan
*in her official capacity as the Acting Chair
of the State Election Board*
TERMINATED: 01/28/2022

represented by **Bryan Francis Jacoutot**
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Charlene S McGowan
(See above for address)
TERMINATED: 02/15/2023

Frank B. Strickland
(See above for address)
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
TERMINATED: 09/15/2022

Defendant

Sara Tindall Ghazal
*in her official capacity as a member of the
State Election Board*
TERMINATED: 10/26/2023

represented by **Bryan Francis Jacoutot**
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Charlene S McGowan
(See above for address)
TERMINATED: 02/15/2023

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan
(See above for address)
TERMINATED: 10/25/2023

Frank B. Strickland
(See above for address)
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
TERMINATED: 09/15/2022

Defendant

Matthew Mashburn
*in his official capacity as a member of the
State Election Board*
TERMINATED: 10/26/2023

represented by **Bryan Francis Jacoutot**
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Charlene S McGowan
(See above for address)
TERMINATED: 02/15/2023

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan
(See above for address)
TERMINATED: 10/25/2023

Frank B. Strickland
(See above for address)
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
TERMINATED: 09/15/2022

Defendant

Anh Le
*in her official capacity as a member of the
State Election Board*
TERMINATED: 10/28/2022

represented by **Bryan Francis Jacoutot**
(See above for address)
ATTORNEY TO BE NOTICED

Bryan P. Tyson
(See above for address)
ATTORNEY TO BE NOTICED

Charlene S McGowan
(See above for address)
TERMINATED: 02/15/2023

Frank B. Strickland
(See above for address)
ATTORNEY TO BE NOTICED

Loree Anne Paradise
(See above for address)
TERMINATED: 09/15/2022

Defendant

Edward Lindsey
*in his official capacity as a member of the
State Election Board*
TERMINATED: 10/26/2023

represented by **Bryan P. Tyson**
(See above for address)
ATTORNEY TO BE NOTICED

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan
(See above for address)
TERMINATED: 10/25/2023

Loree Anne Paradise
The Gober Group PLC
14425 Falconhead Blvd.
Building E-100
Austin, TX 73738
512-534-1787
Email: lap@gobergroup.com
TERMINATED: 09/15/2022

Defendant

Hon. William S. Duffey, Jr.
*(Ret.), in his official capacity as Chair of the
Georgia State Election Board*
TERMINATED: 10/26/2023

represented by **Bryan P. Tyson**
(See above for address)
ATTORNEY TO BE NOTICED

Diane Festin LaRoss
(See above for address)
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan
(See above for address)
TERMINATED: 10/25/2023

Defendant

Janice W. Johnston

*in her official capacity as a member of the
State Election Board
TERMINATED: 10/26/2023*

represented by **Bryan P. Tyson**

(See above for address)
ATTORNEY TO BE NOTICED

Diane Festin LaRoss

(See above for address)
ATTORNEY TO BE NOTICED

Donald P. Boyle , Jr.

(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth Marie Wilson Vaughan

(See above for address)
TERMINATED: 10/25/2023

Amicus

**Georgia State Conference of the NAACP,
et al.**

Intervenor**United States of America**represented by **Daniel J. Freeman**

U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
202-305-4355
Email: daniel.freeman@usdoj.gov
ATTORNEY TO BE NOTICED

Michael Elliot Stewart

DOJ-Civ
950 Pennsylvania Avenue NW
Washington, DC 20530
202-598-7233
Email: michael.stewart3@usdoj.gov
TERMINATED: 04/05/2024

unknown**Robert M. Allensworth***TERMINATED: 08/09/2023*represented by **Robert M. Allensworth**

B14522
251 NIL 37
Ina, IL 62846
PRO SE

Date Filed	#	Docket Text
12/30/2021	<u>1</u>	COMPLAINT filed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. (Filing fee \$402, receipt number AGANDC-11487645) (Attachments: # <u>1</u> Civil Cover Sheet)(jra) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 01/03/2022)

12/30/2021	2	Certificate of Interested Persons by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (jra) (Entered: 01/03/2022)
01/03/2022	3	Electronic Summons Issued as to Brad Raffensperger. (adg) (Entered: 01/03/2022)
01/03/2022	4	Electronic Summons Issued as to Rebecca N. Sullivan. (adg) (Entered: 01/03/2022)
01/03/2022	5	Electronic Summons Issued as to Sara Tindall Ghazal. (adg) (Entered: 01/03/2022)
01/03/2022	6	Electronic Summons Issued as to Matthew Mashburn. (adg) (Entered: 01/03/2022)
01/03/2022	7	Electronic Summons Issued as to Anh Le. (adg) (Entered: 01/03/2022)
01/04/2022	8	APPLICATION for Admission of Kevin J. Hamilton Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493029).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/04/2022)
01/04/2022	9	APPLICATION for Admission of Jonathan P. Hawley Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493112).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/04/2022)
01/04/2022	10	APPLICATION for Admission of Christina A. Ford Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493151).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/04/2022)
01/04/2022	11	APPLICATION for Admission of Abha Khanna Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493294).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/04/2022)
01/04/2022	12	NOTICE of Appearance by Bryan P. Tyson on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (Tyson, Bryan) (Entered: 01/04/2022)
01/05/2022	13	APPLICATION for Admission of Daniel C. Osher Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11496288).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/05/2022)
01/05/2022	14	APPLICATION for Admission of Graham W. White Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11496315).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 01/05/2022)
01/06/2022		APPROVAL by Clerks Office re: 8 APPLICATION for Admission of Kevin J. Hamilton Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493029).. Attorney Kevin J. Hamilton added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/06/2022)
01/06/2022		APPROVAL by Clerks Office re: 9 APPLICATION for Admission of Jonathan P. Hawley Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493112).. Attorney Jonathan Patrick Hawley added appearing on behalf of Ojuan Glaze, Elliott Hennington,

		Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/06/2022)
01/06/2022		APPROVAL by Clerks Office re: 10 APPLICATION for Admission of Christina A. Ford Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493151).. Attorney Christina Ashley Ford added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/06/2022)
01/06/2022		APPROVAL by Clerks Office re: 11 APPLICATION for Admission of Abha Khanna Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11493294).. Attorney Abha Khanna added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/06/2022)
01/06/2022		NOTICE OF VIDEO PROCEEDING: RULE 16 CONFERENCE set for 1/12/2022 at 01:30 PM in No Courtroom before Judge Steve C. Jones, Judge Elizabeth Branch, and Judge Steven Grimberg. Connection Instructions: Topic: Rule 16 Conference: 1:21-cv-05337-SCJ; 1:21-cv-05338-SCJ-SDG-ELB; and 1:21-cv-05339-SCJ Please click the link below to join the webinar: https://ganduscourts.zoomgov.com/j/1605120572 Passcode: 851671 Or One tap mobile : US: +16692545252,,1605120572#,,, *851671# or +16468287666,,1605120572#,,, *851671# Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 669 254 5252 or +1 646 828 7666 or +1 551 285 1373 or +1 669 216 1590 Webinar ID: 160 512 0572 Passcode: 851671 International numbers available: https://ganduscourts.zoomgov.com/u/abdGvu42dG Or an H.323/SIP room system: H.323: 161.199.138.10 (US West) or 161.199.136.10 (US East) Meeting ID: 160 512 0572 Passcode: 851671 SIP: 1605120572@sip.zoomgov.com Passcode: 851671 You must follow the instructions of the Court for remote proceedings available here . The procedure for filing documentary exhibits admitted during the proceeding is available here . <i>Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited.</i> (pdw) (Entered: 01/06/2022)
01/06/2022	15	ORDER setting Rule 16 Conference for 1/12/2022 at 01:30 PM via Zoom (connection instructions to follow by separate notice.) The parties are further ORDERED to file by 12:00 p.m. EST on TUESDAY,JANUARY 11, 2022, status report(s) explaining their positions with respect to the issues (set forth herein.) Signed by Judge Steve C. Jones on 01/06/2022. (pdw) (Entered: 01/06/2022)
01/07/2022	16	AFFIDAVIT of Service for Summons in a Civil Action , as to Brad Raffensperger. (Sparks, Adam) (Entered: 01/07/2022)
01/07/2022	17	Return of Service Executed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. Anh Le served on 1/6/2022, answer due 1/27/2022. (Sparks, Adam) (Entered: 01/07/2022)
01/07/2022	18	Return of Service Executed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. Matthew Mashburn served on 1/6/2022, answer due 1/27/2022. (Sparks, Adam) (Entered: 01/07/2022)
01/07/2022	19	Return of Service Executed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. Rebecca N. Sullivan served on 1/4/2022, answer due 1/25/2022. (Sparks, Adam) (Entered: 01/07/2022)
01/07/2022		Per 16 : Return of Service Executed Brad Raffensperger served on 1/4/2022, answer due 1/25/2022. (ddm) (Entered: 01/07/2022)
01/07/2022	20	NOTICE of Appearance by Bryan Francis Jacoutot on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (Jacoutot, Bryan)

01/07/2022	21	NOTICE of Appearance by Loree Anne Paradise on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (Paradise, Loree Anne) (Entered: 01/07/2022)
01/07/2022	22	NOTICE of Appearance by Frank B. Strickland on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (Strickland, Frank) (Entered: 01/07/2022)
01/10/2022		APPROVAL by Clerks Office re: 13 APPLICATION for Admission of Daniel C. Osher Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11496288).. Attorney Daniel C Osher added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/10/2022)
01/10/2022		APPROVAL by Clerks Office re: 14 APPLICATION for Admission of Graham W. White Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-11496315).. Attorney Graham W. White added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (gas) (Entered: 01/10/2022)
01/10/2022	23	Return of Service Executed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. Sara Tindall Ghazal served on 1/7/2022, answer due 1/28/2022. (Sparks, Adam) (Entered: 01/10/2022)
01/10/2022	24	ORDER granting 8 Application for Admission Pro Hac Vice of Kevin J. Hamilton. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022	25	ORDER granting 9 Application for Admission Pro Hac Vice of Jonathan P. Hawley. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022	26	ORDER granting 10 Application for Admission Pro Hac Vice of Christina A. Ford. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022	27	ORDER granting 11 Application for Admission Pro Hac Vice of Abha Khanna. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022	28	ORDER granting 13 Application for Admission Pro Hac Vice of Daniel C. Osher. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022	29	ORDER granting 14 Application for Admission Pro Hac Vice of Graham W. White. Signed by Judge Steve C. Jones on 1/10/2022. If the applicant does not have CM/ECF

		access in the Northern District of Georgia already, they must request access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(pdw) (Entered: 01/10/2022)
01/10/2022		DOCKET ORDER AMENDING 15 Order setting Rule 16 Conference for 1/12/2022 at 01:30 PM via Zoom (connection instructions to remain as previously noticed). The parties are further ORDERED to file by 12:00 p.m. EST on TUESDAY, JANUARY 11, 2022, status report(s) explaining their positions with respect to the issues set forth in the Courts prior order at Doc. No. 15 after conferring with the parties in 1:21-cv-05337-SCJ; 1:21-cv-05338-ELB-SCJ-SDG; and 1:22-cv-00090-ELB-SCJ-SDG. Signed by Judge Steve C. Jones on 1/10/2022. (pdw) (Entered: 01/10/2022)
01/11/2022	30	STATUS REPORT by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Lewis, Joyce) (Entered: 01/11/2022)
01/11/2022	31	STATUS REPORT by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan. (Attachments: # 1 Exhibit A - 2022 Election Calendar, # 2 Exhibit B - Letter from B. Evans regarding redistricting)(Tyson, Bryan) Modified on 1/11/2022 to remove duplicate text (ddm). (Entered: 01/11/2022)
01/12/2022	32	MOTION for Preliminary Injunction with Brief In Support by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Brief in Support of Plaintiffs' Motion for Preliminary Injunction, # 2 Text of Proposed Order Granting Plaintiffs' Motion for Preliminary Injunction)(Sparks, Adam) (Entered: 01/12/2022)
01/12/2022	33	ORDER setting motion(s) and briefing schedule: Defendants shall file their motion to dismiss, if any, by no later than 5:00 PM EST on January 14,2022.Plaintiffs shall file their response, if any, by no later than 5:00 PM on January 18, 2022. Defendants shall file their reply/ if any, by no later than 5:00 PM on January 20, 2022. Signed by Judge Steve C. Jones on 1/12/2022. (pdw) (Entered: 01/12/2022)
01/12/2022	34	AFFIDAVIT re 32 MOTION for Preliminary Injunction <i>Declaration of Kevin J. Hamilton</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - Expert Report of William S. Cooper, # 2 Exhibit 2 - Expert Report of Dr. Maxwell Palmer, # 3 Exhibit 3 - Expert Report of Dr. Orville Vernon Burton, # 4 Exhibit 4 - Expert Report of Dr. Loren Collingwood, # 5 Exhibit 5 - Declaration of Coakley Pendergrass, # 6 Exhibit 6 - Declaration of Triana Arnold James, # 7 Exhibit 7 - Declaration of Elliott Hennington, # 8 Exhibit 8 - Declaration of Robert Richards, # 9 Exhibit 9 - Declaration of Jens Rueckert, # 10 Exhibit 10 - Declaration of Ojuan Glaze, # 11 Exhibit 11 - U.S. News & World Report Article (11/19/21), # 12 Exhibit 12 - AJC Article (11/22/21), # 13 Exhibit 13 - Albany Herald Article (11/9/21), # 14 Exhibit 14 - GPB Article (11/22/21), # 15 Exhibit 15 - AJC Article (12/30/21), # 16 Exhibit 16 - SOS Webpage - Qualifying Information, # 17 Exhibit 17 - House LCRC Guidelines, # 18 Exhibit 18 - Dunne Letter (03/20/92), # 19 Exhibit 19 - Reynolds Letter (02/11/82), # 20 Exhibit 20 - AJC Article (09/30/16), # 21 Exhibit 21 - CNN Article (05/02/17), # 22 Exhibit 22 - Appen Media Group Article (03/15/17), # 23 Exhibit 23 - AJC Article (04/15/17), # 24 Exhibit 24 - AJC Article (01/16/17), # 25 Exhibit 25 - Washington Post Article (11/05/18), # 26 Exhibit 26 - Slate Article (11/06/18), # 27 Exhibit 27 - USA Today Article (05/10/18), # 28 Exhibit 28 - Salon Article (01/04/21), # 29 Exhibit 29 - ABC News Article (07/28/20), # 30 Exhibit 30 - CNN Article (10/17/20), # 31 Exhibit 31 - AJC Article 10/26/21), # 32 Exhibit 32 - 2021-2022 GLBC Members Webpage, # 33 Exhibit 33 - Governing Article (01/13/21), # 34 Exhibit 34 - NCSL Article (12/01/20), # 35 Exhibit 35 - NGA - Former GA Governors, # 36 Exhibit 36 - AJC Article (12/01/20), # 37 Exhibit 37 - U.S. Senate Webpage - Georgia Senators, # 38 Exhibit 38 - WUGA Article (11/19/21), # 39 Exhibit 39 - House

		Study Committee on Maternal Mortality Final Report, # 40 Exhibit 40 - AJC Article (12/01/21), # 41 Exhibit 41 - AJC Article (12/06/21), # 42 Exhibit 42 - AP Article (11/20/21), # 43 Exhibit 43 - 2022 State Elections & Voter Registration Calendar)(Sparks, Adam) (Entered: 01/12/2022)
01/12/2022	35	ORDER setting motion(s) and briefing schedule: Plaintiffs shall file their amended motion for a preliminary injunction, if any, by no later than 2:00 PM EST on January 13,2022. Defendant shall file their response, if any, by no later than 5:00 PM EST on January 18, 2022. Plaintiffs shall file their reply, if any, by no later than 5:00 PM EST on January 20, 2022. Signed Judge Steve C. Jones on 1/12/2022. (pdw) (Entered: 01/12/2022)
01/12/2022	64	Minute Entry for proceedings held before Judge Steve C. Jones, Judge Elizabeth Branch, and Judge Steven Grimberg: Rule 16 conference held via Zoom in Alpha Phi Alpha v. Raffensperger, 1:21-cv-5337-SCJ; Georgia State Conference of the NAACP et al v. State of Georgia, 1:21-cv-05338-SCJ-SDG-ELB; Pendergrass v. Raffensperger, 1:21-CV-5339-SCJ; Common Cause et al v. Raffensperger, 1:22-cv-00090-SCJ-SDG-ELB; Grant v. Raffensperger, 1:22-CV-0122-SCJ (Court Reporter Viola Zbrowski)(pdw) (Entered: 02/07/2022)
01/13/2022	36	(FILED IN ERROR) NOTICE of Appearance by Charlene S McGowan on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (McGowan, Charlene) Modified on 1/13/2022 to note pleading was filed in wrong case and attorney has been notified (ddm). (Entered: 01/13/2022)
01/13/2022	37	NOTICE of Appearance by Charlene S McGowan on behalf of Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan (McGowan, Charlene) (Entered: 01/13/2022)
01/14/2022	38	MOTION to Dismiss <i>Plaintiffs' Complaint</i> with Brief In Support by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan. (Attachments: # 1 Brief in Support of Defendants' Motion to Dismiss)(Tyson, Bryan) (Entered: 01/14/2022)
01/18/2022	39	RESPONSE in Opposition re 38 MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - Dwight v. Kemp Joint Statement (09/12/18))(Sparks, Adam) (Entered: 01/18/2022)
01/18/2022	40	RESPONSE in Opposition re 32 MOTION for Preliminary Injunction filed by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan. (Attachments: # 1 Exhibit A - Dec. of John Morgan, # 2 Exhibit B - Dec. of Michael Barnes)(Tyson, Bryan) (Entered: 01/18/2022)
01/19/2022	41	COORDINATED ORDER advising that for any and every case in which the Court does not grant the motion to dismiss and does not thereafter grant a request for interlocutory appeal or a request to stay, the Court will hold a coordinated, in-person preliminary injunction hearing regarding the pending motions for preliminary injunction in those cases. If any preliminary injunction hearing occurs, the parties collectively will have up to six (6) days to present evidence and arguments. The presenting parties may choose not to use all six days. If any preliminary injunction hearing occurs, it will take place in the Richard B. Russell Federal Building and United States Courthouse (courtroom to be determined) and begin at 9:00 A.M. (EST) on MONDAY, FEBRUARY 7, 2022. If the parties opt to use all six days, the hearing will take place each following business day from 9:00 A.M. to 5:00 P.M. until the overall conclusion of the hearing at 5:00 P.M. on MONDAY, FEBRUARY 14, 2022. The parties shall file with the Court a consolidated presentation schedule by no later than 5:00 P.M. (EST) on WEDNESDAY, JANUARY 26, 2022. If any preliminary injunction hearing occurs, the parties in cases with still-

		pending motions for preliminary injunction shall file proposed findings of fact and conclusions of law by no later than 5:00 P.M. (EST) on MONDAY, FEBRUARY 21, 2022. The proposed findings of fact and conclusions of law shall be specific to each case and motion. Signed by Judge Steve C. Jones on 1/19/2022. (ddm) (Entered: 01/19/2022)
01/19/2022	42	Unopposed MOTION for Leave to File Excess Pages by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 01/19/2022)
01/19/2022	43	ORDER granting 42 Motion for Leave to File Excess Pages. Plaintiffs may file an additional five pages, for a total of 20 pages, in their forthcoming reply in support of their motion for preliminary injunction. Signed by Judge Steve C. Jones on 01/19/2022. (rsg) (Entered: 01/19/2022)
01/20/2022	44	REPLY to Response to Motion re 38 MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan. (Tyson, Bryan) (Entered: 01/20/2022)
01/20/2022	45	REPLY to Response to Motion re 32 MOTION for Preliminary Injunction filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 01/20/2022)
01/20/2022	46	<i>Second Declaration of Kevin J. Hamilton</i> in Support of 32 Plaintiffs' Motion for Preliminary Injunction filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - Suppl. Expert Report of William S. Cooper, # 2 Exhibit 2 - Suppl. Expert Report of Dr. Orville Vernon Burton)(Sparks, Adam) Modified on 1/21/2022 to edit docket entry (ddm). (Entered: 01/20/2022)
01/25/2022	47	NOTICE Of Filing of Supplemental Authority by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 39 Response in Opposition to Motion, 32 MOTION for Preliminary Injunction (Attachments: # 1 Exhibit 1 - Caster v. Merrill Order (01/26/22))(Sparks, Adam) (Entered: 01/25/2022)
01/26/2022	48	NOTICE Of Filing PARTIES CONSOLIDATED PRESENTATION SCHEDULE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 41 Order,,,,,, Set Submission Deadline,,,,,, Set Deadlines/Hearings,,,,,, (Lewis, Joyce) (Entered: 01/26/2022)
01/28/2022	49	ORDER advising that on January 7, 2022, Mr. Edward Lindsey was appointed to replace Rebecca Sullivan on the State Election Board and directing the Clerk update the docket and case-style to this regard. Signed by Judge Steve C. Jones on 1/27/2022. (ddm) (Entered: 01/28/2022)
01/28/2022	50	ORDER denying 38 Defendants' Motion to Dismiss Plaintiffs' Complaint. Defendants' request for certification of this ruling for immediate appeal under 28 U.S.C. § 1292(b) is denied. Signed by Judge Steve C. Jones on 1/27/2022. (ddm) (Entered: 01/28/2022)
01/28/2022	51	COORDINATED ORDER issued for purposes of perfecting the record as to the February 7-14, 2022 coordinated in-person hearing on the Motion for Preliminary Injunction. See Order for specifics on pre-hearing deadlines, stipulations, hearing schedule and covid-19 mitigation protocols. Signed by Judge Steve C. Jones on 1/27/2022. (ddm) (Entered: 01/28/2022)
01/31/2022	52	NOTICE Of Filing Defendants' Lists of Witnesses and Exhibits by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger, Rebecca N. Sullivan re 51 Order, (Attachments: # 1 Exhibit 7, # 2 Exhibit 9, # 3 Exhibit 10, # 4 Exhibit 11, # 5 Exhibit 12, # 6 Exhibit 13, # 7 Exhibit 14 Part 1, # 8 Exhibit 14 Part 2, # 9 Exhibit 15, # 10 Exhibit

		16, # 16 Exhibit 17, # 17 Exhibit 18, # 18 Exhibit 19, # 19 Exhibit 20, # 20 Exhibit 21, # 21 Exhibit 22, # 22 Exhibit 23, # 23 Exhibit 24, # 24 Exhibit 25, # 25 Exhibit 26, # 26 Exhibit 27, # 27 Exhibit 28, # 28 Exhibit 29, # 29 Exhibit 30, # 30 Exhibit 31, # 31 Exhibit 32, # 32 Exhibit 33, # 33 Exhibit 34, # 34 Exhibit 35, # 35 Exhibit 36, # 36 Exhibit 37)(Tyson, Bryan) (Entered: 01/31/2022)
01/31/2022	53	Witness List by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Lewis, Joyce) (Entered: 01/31/2022)
02/01/2022	54	RESPONSE to 47 <i>Plaintiffs' Notice of Supplemental Authority</i> filed by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Exhibit A - Amicus Brief Joined by Georgia in Merrill v. Milligan) (Tyson, Bryan) Modified on 2/1/2022 to edit docket text (ddm). (Entered: 02/01/2022)
02/02/2022	55	NOTICE Of Filing Defendants' Objections to Plaintiffs' Witnesses and Exhibits by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger re 51 Order, (Tyson, Bryan) (Entered: 02/02/2022)
02/02/2022	56	NOTICE Of Filing <i>Plaintiffs' Objections to Defendants' Lists of Witnesses and Exhibits</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Lewis, Joyce) Modified on 2/3/2022 to edit docket text (ddm). (Entered: 02/02/2022)
02/03/2022	57	ORDER ALLOWING AUDIO/VISUAL EQUIPMENT IN THE COURTROOM on 2/04/2022 - 2/14/2022 at 9:00 AM: Graham W. White, Michael B. Jones, Kevin J. Hamilton, Abha Khanna Adam M. Sparks, Joyce Gist Lewis, and Jonathan. P. Hawley, and their accompanying staff, Patricia Marino, Benjamin Winstead and Patina Clarke. Signed by Judge Steve C. Jones on 2/3/2022. (pdw) (Entered: 02/03/2022)
02/03/2022		Submission of 32 MOTION for Preliminary Injunction , to District Judge Steve C. Jones. (pdw) (Entered: 02/03/2022)
02/03/2022		DOCKET ORDER AMENDMENT to 57 Order Allowing Audio/Visual Equipment in the Courtroom: the parties will NOT be permitted to bring additional tables into the Courtroom. Entered by Judge Steve C. Jones on 2/3/2022. (pdw) (Entered: 02/03/2022)
02/03/2022	58	ORDER directing Defendants to file on the docket expert reports by Lynn Bailey, Gina Wright, and Dr. John Alford by no later than 12:00 p.m. (EST) on Friday, February 4, 2022. Signed by Judge Steve C. Jones on 02/03/2022. (ddm) (Entered: 02/03/2022)
02/03/2022	59	COORDINATED ORDER regarding Defendants' Objections to Plaintiffs' witnesses and exhibits 55 . The Court declines to rule on these objections prior to the preliminary injunction hearing. The Court instructs Defendants to raise their objections to a specific exhibit when Plaintiffs move to introduce the exhibit into evidence. At that time, the Court will rule on the Defendants' objection to that particular exhibit. Signed by Judge Steve C. Jones on 02/03/2022. (ddm) Modified on 2/3/2022 to edit docket text (ddm). (Entered: 02/03/2022)
02/04/2022	60	Expert Report of John R. Alford, Ph.D. by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/04/2022)
02/04/2022	61	Expert Report of Lynn Bailey by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/04/2022)
02/04/2022	62	Expert Report of Gina Wright by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/04/2022)
02/04/2022		COURT'S NOTICE REGARDING THE PRELIMINARY INJUNCTION HEARING SCHEDULED TO COMMENCE ON FEBRUARY 7, 2022 AT 9:00 AM IN

		COURTROOM 1907. As part of the Court's COVID-19 safety protocols, a maximum of 24 non-party observers will be permitted to attend. A maximum of 7 members of press will be permitted to sit in the jury box; however, entrance to and egress from the jury box will be limited to prior to start of court and during breaks only. COURTROOM 2105 WILL BE USED FOR OVERFLOW SEATING, WITH A LIVE AUDIO STREAM PROVIDED. (pdw) (Entered: 02/04/2022)
02/04/2022	63	STIPULATION re 51 Order, <i>Joint Stipulated Facts for Preliminary Injunction Proceedings</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 02/04/2022)
02/07/2022	65	ORDER - In light of the Supreme Court's decision this Court hereby ORDERS the parties to arrive to court tomorrow morning prepared to discuss whether this Court should continue to hold the current hearing regarding Plaintiffs' motions for preliminary injunctions. Signed by Judge Steve C. Jones on 2/7/2022. (pdw) (Entered: 02/07/2022)
02/07/2022	90	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing held on 7/2022 re 32 MOTION for Preliminary Injunction. Preliminary Injunction hearing began. Opening statements heard. Pendergrass/Grant plaintiffs' exhibits 1-26, 38-40, 53, 55-58, 60, 62, 66 admitted. Alpha plaintiffs' exhibits A1-A18, A22, A37, A46-A49 admitted. Pendergrass/Grant witness Dr. William Cooper sworn and testified. Dr. William Cooper recalled by Alpha plaintiffs. Alpha plaintiffs' exhibit 47 admitted. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/08/2022	91	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing continued on 2/8/2022 re 32 MOTION for Preliminary Injunction . The Court heard argument regarding SCOTUS ruling issued 2/7/2022 in Alabama cases. Court adjourned for three hours to allow counsel time to prepare for presentation of evidence. Defendants witness Mark Barnes sworn and testified. Pendergrass/Grant witness Blakeman Esselstyn sworn and testified. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/09/2022	66	RESPONSE re 65 Order, filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 02/09/2022)
02/09/2022	67	AFFIDAVIT re 66 Response (Non-Motion) <i>Declaration of Jonathan P. Hawley</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - B. Esselstyn 2nd Supplemental Expert Report)(Sparks, Adam) (Entered: 02/09/2022)
02/09/2022	68	NOTICE Of Filing Subpoenas to Appear and Testify by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (Attachments: # 1 Exhibit N. Boren Subpoena, # 2 Errata R. Barron Subpoena)(Lewis, Joyce) (Entered: 02/09/2022)
02/09/2022	92	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing continued on 2/9/2022 re 32 MOTION for Preliminary Injunction. Defendants' witness Lynn Bailey sworn and testified. Defendants' exhibits 38 and 7 admitted. Pendergrass/Grant witnesses Richard Barron and Nancy Boren sworn and testified. Pendergrass/Grant exhibit 68 admitted. Alpha Plaintiffs' witness Bishop Jackson sworn and testified. Blakeman Esselstyn recalled by Pendergrass/Grant Plaintiffs. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/10/2022	69	Unopposed MOTION for Judicial Notice by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - 2012 Districting Maps and Data, # 2 Exhibit 2 - 2014 Districting Maps and

		Data, # 2 Exhibit 3 - 2015 Districting Maps and Data (Sparks, Adam) (Entered: 02/10/2022)
02/10/2022	70	Consent MOTION for Extension of Time to File Answer re 1 Complaint, by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Tyson, Bryan) (Entered: 02/10/2022)
02/10/2022	93	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing continued on 2/10/2022 re 32 MOTION for Preliminary Injunction . Pendergrass/Grant witness sworn and testified via Zoom.Pendergrass/Grant witness Dr. Maxwell Palmer sworn and testified. Alpha witness Lisa Handley sworn and testified. Alpha exhibit A52 admitted. Pendergrass/Grant witness Jason Carter sworn and testified. Alpha witness Adrienne Jones sworn and testified. Alpha exhibit A5 admitted. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/11/2022		DOCKET ORDER granting 69 Unopposed MOTION for Judicial Notice. Entered by Judge Steve C. Jones on 2/11/2022. (pdw) Modified on 2/11/2022 to edit docket link (ddm). (Entered: 02/11/2022)
02/11/2022	71	ORDER granting the 70 Defendants' Motion to Extend the Time to Answer Plaintiffs' Complaint. Defendants' answers to Plaintiffs' Complaint is due on or before February 25, 2022. Signed by Judge Steve C. Jones on 02/11/2022. (ddm) (Entered: 02/11/2022)
02/11/2022	94	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing continued on 2/11/2022 re 32 MOTION for Preliminary Injunction. Defendants' witness Gina Wright sworn and testified. Defendants' exhibits 1-37, 38, 41 admitted.Pendergrass/Grant exhibits 69 and 70 admitted. Defendants' exhibit 41 admitted. Defendants' witness John Morgan sworn and testified. Defendants' witness JohnAlford sworn and testified via Zoom. Defendants' exhibit 42 admitted Alpha exhibit 207.6 admitted. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/14/2022	72	COORDINATED ORDER directing the parties to file proposed findings of fact and conclusions of law no later than 5:00 P.M. (EST) on FRIDAY, FEBRUARY 18, 2022. Parties are further ORDERED to file their proposed findings of fact and conclusions of law to CM/ECF and e-mail a word copy the Court's Courtroom Deputy (see order for contact information). Signed by Judge Steve C. Jones on 02/14/2022. (ddm) (Entered: 02/15/2022)
02/14/2022	95	Minute Entry for proceedings held before Judge Steve C. Jones: Motion Hearing concluded on 2/14/2022 re 32 MOTION for Preliminary Injunction. Alpha exhibit A53 admitted. John Morgan recalled,testified via Zoom. Defendants' exhibits 43-47 admitted. Pendergrass/Grant exhibits 27-37, 41-54, 59, 61, 63-67admitted. Alpha exhibits 50 and 51 admitted. Closing arguments heard. The matter was taken under advisement by the Court with ruling to follow. (Court Reporter V. Zbrowski & M. Brock)(pdw) (Entered: 02/28/2022)
02/15/2022	73	TRANSCRIPT of Preliminary Injunction Hearing held on 2/7/2022 - A.M. Session, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)
02/15/2022	74	TRANSCRIPT of Preliminary Hearing Injunction held on 2/8/2022 - A.M. Session, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full

		<p>directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 2. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)</p>
02/15/2022	75	<p>TRANSCRIPT of Preliminary Injunction Hearing held on 2/9/2022, A.M. Session before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 3. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)</p>
02/15/2022	76	<p>Notice for Leave of Absence for the following date(s): March 24-25, 2022, April 4-8, 2022, May 23-27, 2022, and July 5-8, 2022, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 02/15/2022)</p>
02/15/2022	77	<p>TRANSCRIPT of Preliminary Injunction Hearing held on 2/10/2022, A.M. Session, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 4. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)</p>
02/15/2022	78	<p>TRANSCRIPT of Preliminary Injunction Hearing held on 2/11/2022, A.M. Session, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 5. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)</p>
02/15/2022	79	<p>TRANSCRIPT of Preliminary Injunction Hearing held on 2/14/2022, Afternoon Session, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 6. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/8/2022. Redacted Transcript Deadline set for 3/18/2022. Release of Transcript Restriction set for 5/16/2022. (Attachments: # 1 Appendix Notice of Filing of Transcript) (Entered: 02/15/2022)</p>
02/16/2022	80	<p>TRANSCRIPT of Proceedings held on February 7, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters. Tape Number: 1. Transcript may be viewed at the court public terminal or purchased</p>

		through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of filing of transcript) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)
02/16/2022	81	TRANSCRIPT of Proceedings held on February 8, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 2. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of filing of transcript) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)
02/16/2022	82	TRANSCRIPT of Proceedings held on February 9, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 3. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of filing of transcript) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)
02/16/2022	83	TRANSCRIPT of Proceedings held on February 10, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 4. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of Filing) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)
02/16/2022	84	TRANSCRIPT of Proceedings held on February 11, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 5. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of filing of transcript) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)
02/16/2022	85	TRANSCRIPT of Proceedings held on February 14, 2022, before Judge Steve C Jones. Court Reporter/Transcriber Melissa Brock. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 6. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2022. Redacted Transcript Deadline set for 3/21/2022. Release of Transcript Restriction set for 5/17/2022. (Attachments: # 1 Appendix Notice of filing of transcript) Modified on 2/17/2022 to remove QC date (ddm). (Entered: 02/16/2022)

02/18/2022	86	NOTICE by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger <i>of Supplemental Authority</i> (Attachments: # 1 Exhibit A - Order in Arkansas State Conf. of the NAACP v. Arkansas Board of Apportionment)(Tyson, Bryan) (Entered: 02/18/2022)
02/18/2022	87	Proposed Findings of Fact by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 02/18/2022)
02/18/2022	88	Proposed Findings of Fact by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 02/18/2022)
02/25/2022	89	ANSWER to 1 COMPLAINT by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. Discovery ends on 7/25/2022.(Tyson, Bryan) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 02/25/2022)
02/28/2022	96	SCHEDULING ORDER. See Order for all specific deadlines. The parties are encouraged to abide by their previously expressed commitments to coordinate with the parties in all of the redistricting cases (currently pending in the Northern District of Georgia) in terms of discovery, so as to limit redundancies and diminish discovery burdens. Except as modified herein, the Federal Rules of Civil Procedure and the Local Rules of this Court, shall govern any remaining deadlines. Signed by Judge Steve C. Jones on 02/28/2022. (ddm) (Entered: 03/01/2022)
02/28/2022	97	ORDER denying the 32 Motion for Preliminary Injunction. Having determined that a preliminary injunction should not issue, the Court cautions that this is an interim, non-final ruling that should not be viewed as an indication of how the Court will ultimately rule on the merits at trial. Under the specific circumstances of this case, the Court finds that proceeding with the Enacted Maps for the 2022 election cycle is the right decision. But it is a difficult decision. And it is a decision the Court did not make lightly. Signed by Judge Steve C. Jones on 02/28/2022. (ddm) (Entered: 03/01/2022)
03/28/2022	98	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 03/28/2022)
03/28/2022	99	CERTIFICATE OF SERVICE <i>of Plaintiffs' Initial Disclosures</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 03/28/2022)
03/31/2022	100	CERTIFICATE OF SERVICE <i>for Defendants' Initial Disclosures</i> by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/31/2022)
05/12/2022	101	Notice for Leave of Absence for the following date(s): May 23-27, 2022, July 5-8, 2022, September 2-6, 2022, September 16-19, 2022, September 30, 2022, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 05/12/2022)
05/16/2022	102	ORDER advising the parties that the Court declines the parties' request for another scheduling conference. The Court also DENIES Plaintiffs' requests to alter the previously issued scheduling orders. Said scheduling orders remain the Order of the Court. Signed by Judge Steve C. Jones on 05/16/2022. (ddm) (Entered: 05/16/2022)
05/23/2022	103	Request for Leave of Absence for the following date(s): 6/13/22 - 6/24/22; 6/27/22 - 7/1/22; 7/5/22 - 7/15/22, by Bryan P. Tyson. (Tyson, Bryan) (Entered: 05/23/2022)

07/27/2022		ORDER (by docket entry only): The parties are hereby ORDERED to file a joint status report no later than 12:00 PM on August 2, 2022 setting forth the following information: 1.) the current posture of the litigation; and 2.) if the parties will be prepared to proceed to trial either in late April or the month of May, 2023. Entered by Judge Steve C. Jones on 7/27/2022. (pdw) (Entered: 07/27/2022)
08/02/2022	104	STATUS REPORT <i>Joint Status Report</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 08/02/2022)
08/04/2022	105	ORDER advising the parties that, after having read and considered the parties' Joint Status Report in response to the Court's order of July 27, 2022, the Court exercises its discretion to leave the scheduling order (dated February 28, 2022) in place. No changes will be made at this time. Signed by Judge Steve C. Jones on 08/04/2022. (ddm) (Entered: 08/04/2022)
08/04/2022	106	CERTIFICATE OF SERVICE of <i>Discovery</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Lewis, Joyce) (Entered: 08/04/2022)
08/05/2022	107	CERTIFICATE OF SERVICE for <i>Defendants' First Set of Interrogatories, Requests for Production of Documents, and Requests for Admission</i> by Sara Tindall Ghazal, Anh Le, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 08/05/2022)
08/24/2022	108	Joint MOTION for Protective Order by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order [Proposed] Stipulated Protective Order)(Lewis, Joyce) (Entered: 08/24/2022)
08/25/2022	109	STIPULATED PROTECTIVE ORDER. Signed by Judge Steve C. Jones on 08/25/2022. (ddm) (Entered: 08/25/2022)
09/02/2022	110	STIPULATION AND ORDER REGARDING DISCOVERY. Signed by Judge Steve C. Jones on 09/02/2022. (ddm) (Entered: 09/02/2022)
09/13/2022	111	MOTION to Withdraw Loree Anne Paradise as Attorney by Sara Tindall Ghazal, Anh Le, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Paradise, Loree Anne) (Entered: 09/13/2022)
09/14/2022	112	APPLICATION for Admission of Makeba Rutahindurwa Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-12068067).by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Documents for this entry are not available for viewing outside the courthouse. (Entered: 09/14/2022)
09/15/2022	113	ORDER granting 111 Motion to Withdraw as Attorney filed by Loree Anne Paradise. Signed by Judge Steve C. Jones on 09/15/2022. (ddm) (Entered: 09/15/2022)
09/16/2022		APPROVAL by Clerks Office re: 112 APPLICATION for Admission of Makeba Rutahindurwa Pro Hac Vice (Application fee \$ 150, receipt number AGANDC-12068067). Attorney Makeba Rutahindurwa added appearing on behalf of Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (pdt). (Entered: 09/16/2022)
09/19/2022	114	ORDER granting 112 Application for Admission Pro Hac Vice filed by Makeba Rutahindurwa. Signed by Judge Steve C. Jones on 09/19/2022. If the applicant does not have CM/ECF access in the Northern District of Georgia already, they must request

		access at http://pacer.gov . If they have electronically filed in this district in a previous case, please omit this step.(ddm) (Entered: 09/19/2022)
10/07/2022	115	STIPULATION AND ORDER REGARDING DISCOVERY. (See Order for specific deadlines.) Signed by Judge Steve C. Jones on 10/07/2022. (ddm) (Entered: 10/07/2022)
10/17/2022	116	Consent MOTION to Add Party <i>Judge William S. Duffey, Jr. as a Defendant in His Official Capacity</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order [Proposed] Order)(Sparks, Adam) (Entered: 10/17/2022)
10/17/2022	117	ORDER granting 116 Plaintiffs' Consent Motion to add Judge William S. Duffey, Jr. as a Defendant. Plaintiffs are ORDERED to file their amended complaint within ten days of the entry of this Order. Signed by Judge Steve C. Jones on 10/17/2022. (ddm) (Entered: 10/18/2022)
10/18/2022	118	CERTIFICATE OF SERVICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) (Entered: 10/18/2022)
10/25/2022	119	CERTIFICATE OF SERVICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) (Entered: 10/25/2022)
10/28/2022	120	AMENDED COMPLAINT against All Defendants filed by Robert Richards, Coakley Pendergrass, Ojuan Glaze, Jens Rueckert, Elliott Hennington, Triana Arnold James. (Sparks, Adam) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 10/28/2022)
11/08/2022	121	WAIVER OF SERVICE Returned Executed by Robert Richards, Coakley Pendergrass, Jens Rueckert, Elliott Hennington, Triana Arnold James. William S. Duffey, Jr waiver mailed on 11/3/2022, answer due 1/3/2023. (Sparks, Adam) (Entered: 11/08/2022)
11/14/2022	122	ANSWER to 120 Amended Complaint by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 11/14/2022)
11/23/2022	123	CERTIFICATE OF SERVICE <i>for Defendants' Objections and Responses to Plaintiffs' First Set of Requests for Admission</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 11/23/2022)
11/29/2022	124	Notice for Leave of Absence for the following date(s): December 30, 2022 - January 5, 2023, February 15-20, 2023, March 22-24, 2023, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 11/29/2022)
12/06/2022	125	CERTIFICATE OF SERVICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) (Entered: 12/06/2022)
12/06/2022	126	CERTIFICATE OF SERVICE <i>for State Defendants' Responses to Plaintiffs' Second Set of Discovery Requests</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 12/06/2022)
12/06/2022	127	CERTIFICATE OF SERVICE <i>for Defendants' Notices of Deposition of Robert Richards, Ojuan Glaze and Triana Arnold James</i> by William S. Duffey, Jr, Sara Tindall Ghazal,

		Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 12/06/2022)
12/13/2022	128	CERTIFICATE OF SERVICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) (Entered: 12/13/2022)
12/15/2022	129	Joint MOTION to Amend 115 Order with Brief In Support by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 1 - Amended Proposed Stipulation and Order)(Sparks, Adam) (Entered: 12/15/2022)
12/22/2022	130	STIPULATION AND ORDER REGARDING DISCOVERY. Signed by Judge Steve C. Jones on 12/22/2022. (ddm) (Entered: 12/22/2022)
01/03/2023	131	CERTIFICATE OF SERVICE <i>for Notices to take the Depositions of Coakley Pendergrass, Jens Rueckert and Elliott Hennington</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 01/03/2023)
01/06/2023	132	MOTION for Leave to Withdraw as Counsel - Graham W. White by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order [Proposed] Order)(Sparks, Adam) (Entered: 01/06/2023)
01/09/2023	133	Notice for Leave of Absence for the following date(s): 4/3/23 - 4/7/23, 5/22/23 - 5/26/23, 10/5/23 - 10/19/23 and 11/9/23 - 11/10/23, by Bryan P. Tyson. (Tyson, Bryan) (Entered: 01/09/2023)
01/19/2023	134	NOTICE of Appearance by Donald P. Boyle, Jr on behalf of William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger (Boyle, Donald) (Entered: 01/19/2023)
01/24/2023	135	MOTION to Withdraw Kevin J. Hamilton as Attorneyby Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Hamilton, Kevin) (Entered: 01/24/2023)
01/26/2023	136	NOTICE of Appearance by Diane Festin LaRoss on behalf of William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger (LaRoss, Diane) (Entered: 01/26/2023)
01/30/2023		Submission of 132 MOTION for Leave to Withdraw as Counsel - Graham W. White , to District Judge Steve C. Jones. (pdw) (Entered: 01/30/2023)
01/30/2023	137	ORDER granting the 132 Motion to Withdraw as counsel filed by Graham W. White. Signed by Judge Steve C. Jones on 01/30/2023. (ddm) (Entered: 01/30/2023)
01/30/2023		Clerk's Certificate of Mailing to Graham W. White re 137 Order. (ddm) (Entered: 01/30/2023)
01/31/2023	138	CERTIFICATE OF SERVICE <i>for Defendants' expert disclosure of John Morgan's Report</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 01/31/2023)
01/31/2023	139	CERTIFICATE OF SERVICE <i>for Defendant Secretary of State Brad Raffensperger's Supplemental Objections and Responses to Plaintiffs' First Set of Interrogatories</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 01/31/2023)

02/01/2023	140	CERTIFICATE OF SERVICE <i>for Defendants' Notice to take the Expert Deposition of William S. Cooper</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/01/2023)
02/06/2023	141	CERTIFICATE OF SERVICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) (Entered: 02/06/2023)
02/06/2023	142	CERTIFICATE OF SERVICE <i>for the Expert Report of John R. Alford, Ph.D.</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/06/2023)
02/13/2023		Submission of 135 MOTION to Withdraw Kevin J. Hamilton as Attorney, to District Judge Steve C. Jones. (pdw) (Entered: 02/13/2023)
02/13/2023	143	ORDER granting the 135 Motion to Withdraw as Attorney filed by Kevin J. Hamilton. Signed by Judge Steve C. Jones on 02/13/2023. (ddm) (Entered: 02/13/2023)
02/15/2023	144	Certification of Consent to Substitution of Counsel. Elizabeth Marie Wilson Vaughan replacing attorney Charlene S McGowan. (Vaughan, Elizabeth) (Entered: 02/15/2023)
02/17/2023	145	Joint MOTION for Extension of Time to Complete Discovery <i>for Limited Purpose of Taking Depositions</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Tyson, Bryan) (Entered: 02/17/2023)
02/17/2023	146	CERTIFICATE OF SERVICE <i>for Defendants' Notices of Depositions of Drs. Orville Vernon Burton, Maxwell Palmer and Loren Collingwood, Fenika Miller and Representatives Derrick Jackson and Erick Allen</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 02/17/2023)
02/17/2023	147	ORDER granting the parties' 145 Joint Motion to Extend Discovery Deadline for Limited Purpose of Taking Depositions. The discovery deadline is extended through and including March 9, 2023 for the limited purpose of conducting depositions. Signed by Judge Steve C. Jones on 02/17/2023. (ddm) (Entered: 02/17/2023)
02/17/2023	148	CERTIFICATE OF SERVICE <i>of Joint Notices of Deposition</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 02/17/2023)
02/28/2023	149	CERTIFICATE OF SERVICE <i>for Defendants' Amended Notice to take the Expert Deposition of Loren Collingwood, Ph.D. and Defendants' Notices to take the Depositions of Marion Warren and Diane Evans, Ph.D.</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 02/28/2023)
03/06/2023	150	NOTICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert <i>Plaintiffs' and Defendants' Notice Regarding Alternative Dispute Resolution</i> (Lewis, Joyce) (Entered: 03/06/2023)
03/10/2023	152	MOTION to Strike 151 Certificate of Service, by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 03/10/2023)
03/13/2023	153	Consent MOTION for Leave to File Excess Pages by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.

		(Attachments: # 1 Text of Proposed Order Granting Plaintiffs' Consent Motion for Leave to File Excess Pages)(Sparks, Adam) (Entered: 03/13/2023)
03/13/2023	154	ORDER granting 153 Plaintiffs' Consent Motion for Leave to File Excess Pages. Plaintiffs may file an additional fifteen (15) pages, for a total of forty (40) pages, for the brief in support of their forthcoming motion for summary judgment. Signed by Judge Steve C. Jones on 03/13/2023. (ddm) (Entered: 03/14/2023)
03/15/2023	155	Consent MOTION for Leave to File Excess Pages <i>for Summary Judgment Briefing</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order) (Tyson, Bryan) (Entered: 03/15/2023)
03/15/2023	156	ORDER granting the 155 Consent Motion for Additional Pages for Summary Judgment Briefing. Signed by Judge Steve C. Jones on 03/15/2023. (ddm) (Entered: 03/16/2023)
03/17/2023	157	DEPOSITION of John B. Morgan taken on 2/13/2023 by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 03/17/2023)
03/17/2023	158	(FILED UNDER SEAL) DEPOSITION of Dr. John Alford taken on 2/23/2023 by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.(Sparks, Adam) Modified on 3/17/2023 (ddm). (Entered: 03/17/2023)
03/17/2023	159	DEPOSITION of Coakley Pendergrass taken on 12.15.22 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	160	DEPOSITION of Triana Arnold James taken on 12.07.22 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	161	DEPOSITION of Robert Ray Richards taken on 12.05.22 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	162	DEPOSITION of Jens Rueckert taken on 2.07.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	163	DEPOSITION of Ojuan Glaze taken on 12.14.22 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	164	DEPOSITION of Elliott Hennington taken on 12.13.22 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/17/2023)
03/17/2023	165	MOTION for Leave to File Matters Under Seal re: 158 Deposition of Dr. John Alford by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order [Proposed] Order, # 2 Exhibit Exhibit - Deposition of Dr. John Alford)(Sparks, Adam) (Entered: 03/17/2023)
03/17/2023	166	ORDER granting 165 Plaintiffs' Motion for Leave to File Matters Under Seal and directing the Clerk to sealed the document appearing at ECF No. 158 on the docket. Signed by Judge Steve C. Jones on 03/17/2023. (ddm) (Entered: 03/17/2023)
03/20/2023	167	DEPOSITION of William S. Cooper taken on 2.14.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad

		Raffensperger. (Attachments: # 1 Supplement Part 2 of William S. Cooper Deposition, # 2 Supplement Part 3 of William S. Cooper Deposition)(Tyson, Bryan) (Entered: 03/20/2023)
03/20/2023	168	DEPOSITION of Maxwell Palmer taken on 2.22.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 03/20/2023)
03/20/2023	169	COORDINATED ORDER in anticipation of the Parties' filing their motions for summary judgment. The Court will hold a hearing on the Parties' motions for summary judgment on May 18, 2023 at 10:00 AM. The Court will hold a pretrial conference on August 15, 2023 at 10:00 AM. The Court specially sets the above-listed Actions for a coordinated trial to begin on September 5, 2023. All proceedings will be in person and held in Courtroom No. 1907, in the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. Unless otherwise notified, all proceedings will begin at 9:00 AM. The Court will not permit counsel to argue or witnesses to offer live testimony via Zoom. The Court will permit a witness to testify via video deposition, per a prior agreement between the Parties. Signed by Judge Steve C. Jones on 03/20/2023.(ddm) (Entered: 03/20/2023)
03/20/2023	170	DEPOSITION of Gina Wright taken on 1.26.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 03/20/2023)
03/20/2023	171	DEPOSITION of John F. Kennedy taken on 1.20.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 03/20/2023)
03/20/2023	172	DEPOSITION of Bonnie Rich taken on 1.18.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Supplement Part 2 of Bonnie Rich Deposition)(Tyson, Bryan) (Entered: 03/20/2023)
03/20/2023	173	MOTION for Summary Judgment with Brief In Support by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Brief Brief in Support of Motion for Summary Judgment, # 2 Statement of Material Facts Statement of Undisputed Material Facts, # 3 Text of Proposed Order [Proposed] Order)(Sparks, Adam) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 03/20/2023)
03/20/2023	174	<i>Declaration of Jonathan P. Hawley</i> in support of 173 MOTION for Summary Judgment filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit Ex. 1 - Expert Report of William S. Cooper, # 2 Exhibit Ex. 1 Pt. 2 - Expert Report of William S. Cooper, # 3 Exhibit Ex. 2 - Expert Report of Dr. Maxwell Palmer, # 4 Exhibit Ex. 3 - Supplemental Expert Report of Dr. Maxwell Palmer, # 5 Exhibit Ex. 4 - Expert Report of Dr. Orville Vernon Burton, # 6 Exhibit Ex. 5 - Expert Report of Dr. Loren Collingwood, # 7 Exhibit Ex. 6 - Expert Report of John B. Morgan, # 8 Exhibit Ex. 7 - Expert Report of Dr. John R. Alford, # 9 Exhibit Ex. 8 - Excerpts from John B. Morgan Deposition, # 10 Exhibit Ex. 9 Excerpts from Dr. John R. Alford Deposition, # 11 Exhibit Ex. 10 - 2021-2022 Committee Guidelines, # 12 Exhibit Ex. 11 - 2021-2022 Guidelines for the House Legislative and Congressional Reapportionment Committee, # 13 Exhibit Ex. 12 - 1982.02.11 Letter from Assistant AG W. Reynolds, # 14 Exhibit Ex. 13 - 1992.03.20 Letter from Assistant AG J. Dunne, # 15 Exhibit Ex. 14 - 2016.09.30 AJC Article, # 16 Exhibit Ex. 15 - 2017.05.02 CNN Article, # 17 Exhibit Ex. 16 - 2017.03.15 Appen Media Group Article, # 18 Exhibit Ex. 17 - 2017.04.15 AJC Article, # 19 Exhibit Ex. 18 -

		2017.01.16 AJC Article, # 20 Exhibit Ex. 19 - 2018.11.05 Washington Post Article, # 21 Exhibit Ex. 20 - 2018.11.06 Slate Article, # 22 Exhibit Ex. 21 - 2018.05.10 USA Today Article, # 23 Exhibit Ex. 22 - 2021.01.04 Salon Article, # 24 Exhibit Ex. 23 - 2020.07.28 ABC Article, # 25 Exhibit Ex. 24 - 2020.10.17 CNN Article, # 26 Exhibit Ex. 25 - 2021.10.26 AJC Article, # 27 Exhibit Ex. 26 - H. Res. 72, # 28 Exhibit Ex. 27 - H.Res.72 - Removing a Certain Member)(Sparks, Adam) Modified on 3/21/2023 to edit docket text (ddm). (Entered: 03/20/2023)
03/20/2023	175	MOTION for Summary Judgment with Brief In Support by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Brief in Support of Defendants' Motion for Summary Judgment)(Tyson, Bryan) --Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.- (Entered: 03/20/2023)
03/20/2023	176	Statement of Material Facts re 175 MOTION for Summary Judgment filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Exhibit A - Report of William Cooper Part 1, # 2 Exhibit A - Report of William Cooper Part 2, # 3 Exhibit B - SEB Responses to Interrogatories, # 4 Exhibit C - Deposition Excerpts from William Cooper, # 5 Exhibit D - Deposition Excerpts from Gina Wright, # 6 Exhibit E - Deposition Excerpts from John Kenney, # 7 Exhibit F - Deposition Excerpts from Bonnie Rich, # 8 Exhibit G - Deposition Excerpts from Triana James, # 9 Exhibit H - Deposition Excerpts from Coakley Pendergrass, # 10 Exhibit I - Deposition Excerpts from Elliott Hennington, # 11 Exhibit J - Deposition Excerpts from Robert Richards, # 12 Exhibit K - Deposition Excerpts from Jens Rueckert, # 13 Exhibit L - Deposition Excerpts from O'Juan Glaze, # 14 Exhibit M - Deposition Excerpts from Maxwell Palmer, # 15 Exhibit N - Deposition Excerpts from John Alford)(Tyson, Bryan) (Entered: 03/20/2023)
04/03/2023	177	NOTICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 157 Deposition <i>Signed Errata Sheet to Deposition Transcript of John B. Morgan</i> (Sparks, Adam) (Entered: 04/03/2023)
04/11/2023		Submission of 152 MOTION to Strike 151 Certificate of Service, , to District Judge Steve C. Jones. (pdw) (Entered: 04/11/2023)
04/12/2023	178	Consent MOTION for Leave to File Excess Pages by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 04/12/2023)
04/12/2023	179	ORDER granting 178 Plaintiffs' Consent Motion for Leave to File Excess Pages. Signed by Judge Steve C. Jones on 04/12/2023. (ddm) (Entered: 04/12/2023)
04/17/2023	180	NOTICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 158 Deposition <i>Signed Errata Sheet to Deposition Transcript of Dr. John Alford</i> (Sparks, Adam) (Entered: 04/17/2023)
04/17/2023	181	Consent MOTION for Leave to File Excess Pages by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Tyson, Bryan) (Entered: 04/17/2023)
04/17/2023	182	ORDER granting the 181 Consent Motion for Additional Pages for Summary Judgment Briefing. Signed by Judge Steve C. Jones on 04/17/2023. (ddm) (Entered: 04/17/2023)
04/18/2023	183	Notice for Leave of Absence for the following date(s): June 12-15, 2023, by Bryan P. Tyson. (Tyson, Bryan) (Entered: 04/18/2023)

04/19/2023	<u>184</u>	MOTION for Leave to Withdraw Appearance Pro Hac Vice of Daniel C. Osher by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # <u>1</u> Text of Proposed Order [Proposed] Order)(Sparks, Adam) (Entered: 04/19/2023)
04/19/2023	<u>185</u>	DEPOSITION of Orville Burton, Ph.D. taken on 2.17.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 04/19/2023)
04/19/2023	<u>186</u>	DEPOSITION of Loren Collingwood, Ph.D. taken on 2.28.23 by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger.(Tyson, Bryan) (Entered: 04/19/2023)
04/19/2023	<u>187</u>	RESPONSE in Opposition re <u>173</u> MOTION for Summary Judgment filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # <u>1</u> Statement of Material Facts Defendants' Statement of Additional Material Facts, # <u>2</u> Exhibit A - Exhibits from Cooper Report, # <u>3</u> Exhibit B - Expert Report of L. Collingwood, # <u>4</u> Exhibit C - Cooper Deposition Excerpts, # <u>5</u> Exhibit D - Palmer Deposition Excerpts, # <u>6</u> Exhibit E - Alford Deposition Excerpts, # <u>7</u> Exhibit F - Burton Deposition Excerpts, # <u>8</u> Exhibit G - Collingwood Deposition Excerpts)(Tyson, Bryan) Modified on 4/19/2023 to edit docket text (ddm). (Entered: 04/19/2023)
04/19/2023	<u>188</u>	Response to Statement of Material Facts re <u>173</u> MOTION for Summary Judgment filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # <u>1</u> Exhibit A - Cooper Deposition Excerpts, # <u>2</u> Exhibit B - Burton Deposition Excerpts)(Tyson, Bryan) Modified on 4/19/2023 to edit docket text (ddm). (Entered: 04/19/2023)
04/19/2023	<u>189</u>	RESPONSE in Opposition re <u>175</u> MOTION for Summary Judgment filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # <u>1</u> Statement of Material Facts Plaintiffs' Response to Defendants' Statement of Undisputed Material Facts, # <u>2</u> Statement of Material Facts Plaintiffs' Statement of Additional Material Facts)(Sparks, Adam) (Entered: 04/19/2023)
04/19/2023	<u>190</u>	DECLARATION of Jonathan P. Hawley in Opposition of <u>175</u> MOTION for Summary Judgment filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # <u>1</u> Exhibit Ex. 1 Expert Report of William S. Cooper, # <u>2</u> Exhibit Ex. 1 pt 2 Expert Report of William S. Cooper, # <u>3</u> Exhibit Ex. 2 Expert Report of Dr. Maxwell Palmer, # <u>4</u> Exhibit Ex. 3 Supplemental Expert Report of Dr. Maxwell Palmer, # <u>5</u> Exhibit Ex. 4 Expert Report of Dr. Orville Vernon Burton, # <u>6</u> Exhibit Ex. 5 Expert Report of John B. Morgan, # <u>7</u> Exhibit Ex. 5 pt 2 Expert Report of John B. Morgan, # <u>8</u> Exhibit Ex. 5 pt 3 Expert Report of John B. Morgan, # <u>9</u> Exhibit Ex. 5 pt 4 Expert Report of John B. Morgan, # <u>10</u> Exhibit Ex. 6 Expert Report of Dr. John R. Alford, # <u>11</u> Exhibit Ex. 7 Deposition Excerpts of William S. Cooper, # <u>12</u> Exhibit Ex. 8 Deposition Excerpts of Dr. Maxwell Palmer, # <u>13</u> Exhibit Ex. 9 Deposition Excerpts of John B. Morgan, # <u>14</u> Exhibit Ex. 10 Deposition Excerpts of Dr. John R. Alford, # <u>15</u> Exhibit Ex. 11 Deposition Excerpts of Ojuan Glaze)(Sparks, Adam) Modified on 4/20/2023 to edit docket entry (ddm). (Entered: 04/19/2023)
04/20/2023	<u>191</u>	ORDER advising the parties that the Court requests two courtesy copies of the documents filed relating to the parties' summary judgment motions. Counsel shall have said courtesy copies delivered to the Court's Atlanta Chambers, 1967 United States Courthouse, 75 Ted Turner Drive, S.W. by 10 A.M., THURSDAY, MAY 4, 2023. Signed by Judge Steve C. Jones on 04/20/2023. (ddm) (Entered: 04/21/2023)

04/28/2023	192	<i>Plaintiffs' Notice of Corrected Filing</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 190 Affidavit. (Attachments: # 1 Exhibit Corrected Exhibit 5)(Sparks, Adam) Modified on 4/28/2023 to edit docket text (ddm). (Entered: 04/28/2023)
04/28/2023	193	Consent MOTION for Leave to File Excess Pages by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order [Proposed] Order)(Sparks, Adam) (Entered: 04/28/2023)
04/28/2023	194	ORDER outlining the schedule for the May 18, 2023 hearing on the Parties' Motions for Summary Judgment. The Court notes that it reserves the right to amend the schedule of the argument. (Please read Order for specific timing of these hearings.) Signed by Judge Steve C. Jones on 04/28/2023. (ddm) (Entered: 05/01/2023)
05/01/2023	195	ORDER granting 193 Plaintiffs' Motion for Leave to File Excess Pages. Signed by Judge Steve C. Jones on 05/01/2023. (ddm) (Entered: 05/01/2023)
05/01/2023	196	Consent MOTION for Leave to File Excess Pages by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Tyson, Bryan) (Entered: 05/01/2023)
05/01/2023	197	ORDER granting 196 Defendants' Motion for Leave to File Excess Pages. Signed by Judge Steve C. Jones on 05/01/2023. (ddm) (Entered: 05/02/2023)
05/02/2023	198	ORDER DENYING Defendants' Motion to Strike (Doc. No. 152). However, the Court, in an effort to perfect the Docket, DIRECTS the Clerk that access to (Doc. No. 151) shall be restricted to Court users. The Clerk shall also modify the CM/ECF docket text to show the document as RESTRICTED. Signed by Judge Steve C. Jones on 05/02/2023. (ddm) (Entered: 05/02/2023)
05/02/2023	199	CLARIFICATION ORDER specifying the preferred format for the courtesy copies to be provided to the Court. Signed by Judge Steve C. Jones on 05/02/2023. (ddm) (Entered: 05/02/2023)
05/03/2023	200	REPLY BRIEF in support of 173 MOTION for Summary Judgment filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Plaintiffs' Response to Defendants' Statement of Additional Material Facts)(Sparks, Adam) Modified on 5/3/2023 to edit docket text (ddm). (Entered: 05/03/2023)
05/03/2023	201	<i>Second Declaration of Jonathan P. Hawley in Support of</i> 173 MOTION for Summary Judgment filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit 28 - Declaration of Coakley Pendergrass, # 2 Exhibit 29 - Declaration of Triana Arnold James, # 3 Exhibit 30 - Declaration of Elliott Hennington, # 4 Exhibit 31 - Declaration of Robert Richards, # 5 Exhibit 32 - Declaration of Jens Rueckert, # 6 Exhibit 33 - Declaration of Ojuan Glaze, # 7 Exhibit 34 - Deposition Transcript Excerpts of Coakley Pendergrass, # 8 Exhibit 35 - Deposition Transcript Excerpts of Triana Arnold James, # 9 Exhibit 36 - Deposition Transcript Excerpts of Elliott Hennington, # 10 Exhibit 37 - Deposition Transcript Excerpts of Robert Richards, # 11 Exhibit 38 - Deposition Transcript Excerpts of Jens Rueckert, # 12 Exhibit 39 - Deposition Transcript Excerpts of Ojuan Glaze, # 13 Exhibit 40 - Deposition Transcript Excerpts of William S. Cooper, # 14 Exhibit 41 - Deposition Transcript Excerpts of Dr. John R. Alford, # 15 Exhibit 42 - Deposition Transcript Excerpts of Dr. Maxwell Palmer)(Sparks, Adam) Modified on 5/3/2023 to edit docket text (ddm). (Entered: 05/03/2023)

05/03/2023	202	Reply in Support of 175 MOTION for Summary Judgment filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) Modified on 5/4/2023 to edit docket entry (ddm). (Entered: 05/03/2023)
05/03/2023	203	<i>Defendants' Responses and Objections to Plaintiffs' Statement of Additional Material Facts</i> in re 175 MOTION for Summary Judgment filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Exhibit A - Cooper Deposition Excerpts, # 2 Exhibit B - Alford Deposition Excerpts, # 3 Exhibit C - Expert Report of Maxwell Palmer)(Tyson, Bryan) Modified on 5/4/2023 to edit docket entry (ddm). (Entered: 05/03/2023)
05/08/2023	204	ORDER granting 184 Plaintiffs' Motion for Leave to Withdraw the Appearance Pro Hac Vice of Daniel C. Osher as counsel of record. Signed by Judge Steve C. Jones on 05/08/2023. (ddm) (Entered: 05/08/2023)
05/15/2023	205	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order Exhibit A - Proposed Order)(Sparks, Adam) (Entered: 05/15/2023)
05/15/2023	206	ORDER allowing counsel Abha Khanna, Jonathan P. Hawley, Adam M. Sparks, and Joyce Gist Lewis and accompanying staff to bring electronic equipment into the courthouse in conjunction with a hearing scheduled to begin at 10:00 a.m. on Thursday, May 18, 2023, in Courtroom 1907. Counsel and accompanying staff named herein may also bring this equipment on Wednesday, May 17, 2023, to test prior to the hearing as scheduled with Judge Jones's chambers. Signed by Judge Steve C. Jones on 05/15/2023. (ddm) (Entered: 05/15/2023)
05/16/2023		Submission of 175 MOTION for Summary Judgment , 173 MOTION for Summary Judgment , to District Judge Steve C. Jones. (pdw) (Entered: 05/16/2023)
05/18/2023	207	Minute Entry for proceedings held before Judge Steve C. Jones: Hearing held on the parties' Motions for Summary Judgment 173 175 , together with argument in civil actions 1:21-cv-5337-SCJ and 1:22-cv-122-SCJ. The Court heard oral argument and took the matters under advisement. (Court Reporter Viola Zborowski)(ddm) (Entered: 05/19/2023)
05/19/2023	208	(ORDER VACATED PER 210) AMENDED SCHEDULING ORDER. (See Order for deadlines.) Signed by Judge Steve C. Jones on 05/19/2023. (ddm) Modified on 6/8/2023 (ddm). (Entered: 05/19/2023)
06/01/2023	209	TRANSCRIPT of Proceedings held on 5/18/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/22/2023. Redacted Transcript Deadline set for 7/3/2023. Release of Transcript Restriction set for 8/30/2023. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 06/01/2023)
06/08/2023	210	SECOND AMENDED SCHEDULING ORDER. (See Order for deadlines.) Signed by Judge Steve C. Jones on 06/08/2023. (ddm) (Entered: 06/08/2023)
06/20/2023	211	Notice for Leave of Absence for the following date(s): July 3-7, 2023, August 31-September 2, 2023, September 29, 2023, November 22-27, 2023, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 06/20/2023)

06/22/2023	212	<i>Supplemental Brief in Support of Plaintiffs' Motion for Summary Judgment</i> 173 filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Modified on 6/23/2023 to edit docket text (ddm). (Entered: 06/22/2023)
06/22/2023	213	NOTICE Of Filing Exhibit 1 (2023.05.18 <i>Transcript of Summary Judgment Proceedings</i>) to Supplemental Brief 212 filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Modified on 6/23/2023 to edit docket text (ddm). (Entered: 06/22/2023)
06/22/2023	214	<i>Supplemental Brief Regarding Summary Judgment Briefing Based on Allen v. Milligan</i> 175 filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) Modified on 6/23/2023 to edit docket text (ddm). (Entered: 06/22/2023)
07/17/2023	215	ORDER denying 173 Motion for Summary Judgment; denying 175 Motion for Summary Judgment. As the Court noted consistently throughout this Order, there are material disputes of fact and credibility determinations that foreclose the award of summary judgment to either Party. Additionally, given the gravity and importance of the right to an equal vote for all American citizens, the Court will engage in a thorough and sifting review of the evidence that the Parties will present in this case at a trial. Accordingly, the case will proceed to a coordinated trial with Alpha Phi Alpha Fraternity, Inc., et al. v. Brad Raffensperger, No. 1:21-cv-5339-SCJ and Annie Lois Grant et al. v. Brad Raffensperger et al., No. 1:22-cv-122-SCJ. The Second Amended Scheduling Order shall govern the forthcoming proceedings. Doc. No. 210 . Signed by Judge Steve C. Jones on 7/17/23. (rsg) (Entered: 07/17/2023)
07/21/2023	216	ORDER: Having read and considered Plaintiffs' proposal regarding amending the existing pretrial deadlines and learned of Defendants' agreement thereto, it is hereby ORDERED that exhibit lists and deposition designations shall be exchanged by all Parties and filed with the Court no later than JULY 31, 2023 and objections to the same shall be exchanged by all Parties and filed with the Court no later than AUGUST 4, 2023.1 Except as amended herein, the remainder of the Court's Second Amended Scheduling Order remains in effect, this includes the July 25, 2023 and August 1, 2023 deadlines for filing and responding to motions in limine and Daubert motions. Signed by Judge Steve C. Jones on 07/21/2023. (rsg) (Entered: 07/21/2023)
07/25/2023	217	<i>Joint Pretrial Order</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Modified on 7/26/2023 to edit docket text (ddm). (Entered: 07/25/2023)
07/31/2023	218	NOTICE Of Filing Defendants' Trial Exhibit List and Defendants' Deposition Designations by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger (Attachments: # 1 Exhibit A - Defendants' Trial Exhibit List, # 2 Exhibit B - Defendants' Deposition Designations) (Tyson, Bryan) (Entered: 07/31/2023)
07/31/2023	219	<i>Plaintiffs' Trial Exhibit List</i> by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.. (Sparks, Adam) Modified on 8/1/2023 to edit docket text (ddm). (Entered: 07/31/2023)
07/31/2023	220	Joint Exhibit List by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert.. (Sparks, Adam) (Entered: 07/31/2023)
07/31/2023	221	NOTICE Of Filing Plaintiffs' Deposition Designations by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (Sparks, Adam) (Entered: 07/31/2023)

08/04/2023	222	NOTICE Of Filing Plaintiffs' Deposition Designations with Responses by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 221 Notice of Filing (Sparks, Adam) (Entered: 08/04/2023)
08/04/2023	223	NOTICE Of Filing Objections to Exhibits and Deposition Designations by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger re 216 Scheduling Order,, (Attachments: # 1 Exhibit A - APA Plaintiffs' Exhibit List with Defendant's Objections, # 2 Exhibit B - Grant Plaintiffs' Exhibit List with Defendants' Objections, # 3 Exhibit C - Pendergrass Plaintiffs' Exhibit List with Defendants' Objections, # 4 Exhibit D - Defendant's Deposition Designations and Objections to APA Plaintiffs, # 5 Exhibit E - Defendants' Deposition Designations and Objections to Pendergrass and Grant Plaintiffs)(Tyson, Bryan) (Entered: 08/04/2023)
08/04/2023	224	MOTION for Order <i>Taking Judicial Notice</i> by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Attachments: # 1 Exhibit A - Census Table 4b CPS 2018, # 2 Exhibit B - Census Table 4b CPS 2020, # 3 Exhibit C - Census Table 4b CPS 2022, # 4 Exhibit D - Members of the Georgia State Senate, # 5 Exhibit E - Members of the Georgia House of Representatives, # 6 Exhibit F - 2022 US Senate Primary Election Results by County, # 7 Exhibit G - 2022 PSC Primary Election Results, # 8 Exhibit H - 2018 District 6 Election Results, # 9 Exhibit I - Biography of Commissioner John King, # 10 Exhibit J - 2022 Commissioner of Insurance Election Results, # 11 Exhibit K - Justice Carla McMillian Biography) (Tyson, Bryan) (Entered: 08/04/2023)
08/04/2023	225	NOTICE Of Filing Plaintiffs' Objections to Defendants' Trial Exhibits by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert (Attachments: # 1 Exhibit A - Plaintiffs' Objections to Defendants' Trial Exhibits)(Sparks, Adam) (Entered: 08/04/2023)
08/07/2023	226	--- DOCUMENT LODGED ---Letter from Robert M. Allensworth. (rsg) Modified on 8/31/2023 (rsg). (Entered: 08/08/2023)
08/09/2023	227	ORDER re 226 Letter. Having reviewed the letter, the Court deems that Mr. Allensworth is commenting publicly on potential remedies. The Court has not made any findings of fact or conclusions of law regarding liability. Accordingly, no action is to be taken on Mr. Allensworth's letter. The Clerk of Court is DIRECTED to TERMINATE Mr. Allenworth as an unknown party. Signed by Judge Steve C. Jones on 08/09/23. (rsg) (Entered: 08/09/2023)
08/09/2023		Clerk's Certificate of Mailing as to Robert M. Allensworth re 227 Order. (rsg) (Entered: 08/09/2023)
08/11/2023	228	RESPONSE re 224 MOTION for Order <i>Taking Judicial Notice Plaintiffs' Partial Opposition to Defendants' Motion for Judicial Notice</i> filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) (Entered: 08/11/2023)
08/14/2023	229	NOTICE by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert <i>Regarding Pretrial Conference Attendance and Unopposed Request for Remote Participation</i> (Sparks, Adam) (Entered: 08/14/2023)
08/14/2023	230	ORDER denying Plaintiffs' requests (Pendergrass Doc. No. 229 ;Grant Doc. No. 241). Signed by Judge Steve C. Jones on 8/14/23. (rsg) (Entered: 08/14/2023)
08/15/2023	231	PRETRIAL ORDER. Signed by Judge Steve C. Jones on 08/15/2023. (rsg) (Entered: 08/15/2023)

08/15/2023	248	Minute Entry for proceedings held before Judge Steve C. Jones: Pretrial Conference held on 8/15/2023. Bench trial to proceed on September 5, 2023. (Court Reporter Viola Zborowski)(pdw) (Entered: 09/01/2023)
08/18/2023	232	LOGISTICS ORDER entered in preparation for the trial. The Court ORDERS the Parties to provide the Court with courtesy copies of the deposition transcripts that they intend to introduce into evidence at the Trial. The Court ORDERS these courtesy copies be delivered to the Court no later than THURSDAY, AUGUST 24, 2023. The Court will discuss trial presentation of evidence with the Parties at a conference call to be held on Tuesday, August 22, 2023 at 2:00 P.M. Signed by Judge Steve C. Jones on 08/18/2023. (rsg) (Entered: 08/18/2023)
08/18/2023	233	REPLY BRIEF re 224 MOTION for Order <i>Taking Judicial Notice</i> filed by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 08/18/2023)
08/22/2023	249	Minute Entry for proceedings held before Judge Steve C. Jones: Telephone Conference held on 8/22/2023 regarding presentation of witness testimony during bench trial beginning 9/05/2023. (Court Reporter Viola Zborowski)(pdw) (Entered: 09/01/2023)
08/23/2023	234	ORDER DENYING Defendants' 224 Motion to Take Judicial Notice with regard to the data contained in Census Bureau Table 4b for the 2018, 2020 and 2022 elections. The Court GRANTS the remainder of the Motion. Signed by Judge Steve C. Jones on 08/23/2023. (rsg) (Entered: 08/23/2023)
08/24/2023	235	TRANSCRIPT of Pretrial Proceedings held on 8/15/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/14/2023. Redacted Transcript Deadline set for 9/25/2023. Release of Transcript Restriction set for 11/22/2023. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 08/24/2023)
08/24/2023	236	ORDER perfecting the Record on trial logistics and advising the parties how the presentation of evidence will proceed. The Court notes that at the telephone conference, the Plaintiffs indicated that they would like to come to an agreement on the order in which the Plaintiffs will present their cases-in-chief, i.e., Alpha Phi Alpha first, Pendergrass second, and Grant third, or some other order. For purposes of judicial efficiency and to ensure that all Parties are adequately prepared, the Court requires Plaintiffs to submit a notice of the order in which they will present their cases-in-chief on or before 5:00 PM on SEPTEMBER 1, 2023. The Parties are ordered to comply with this Order when presenting the evidence in the coordinated cases at trial. The Court reserves the right to amend or alter this Order in the future. Signed by Judge Steve C. Jones on 08/24/2023. (rsg) (Entered: 08/24/2023)
08/25/2023	237	ORDER directing Defendants to respond to the Alpha Phi Alpha Plaintiffs' 283 Motion to Take Judicial Notice, Alpha Phi Alpha Doc. No. 283 by 5:00 PM on August 28, 2023. If the Pendergrass or Grant Plaintiffs wish to respond they are also ORDERED to do so by 5:00PM on August 28, 2023. Signed by Judge Steve C. Jones on 08/25/2023. (rsg) (Entered: 08/25/2023)
08/28/2023	238	<i>Defendants' Response in Opposition to APA Plaintiffs' Motion for Judicial Notice</i> filed per 237 Order by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) Modified on 8/29/2023 to edit docket text (ddm). (Entered: 08/28/2023)

08/28/2023	240	---DOCUMENT LODGED---Letter from Robert M. Allensworth. (rsg) Modified on 8/31/2023 (rsg). (Entered: 08/29/2023)
08/29/2023	239	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 08/29/2023)
08/30/2023	241	ORDER granting Plaintiffs' Use of Electronic Equipment during trial. It is ordered that attending counsel Abha Khanna, Michael B. Jones, Makeba Rutahindurwa, Joyce Gist Lewis, and Adam M. Sparks, and their accompanying staff, Aidan Denver-Moore, Benjamin Winstead, and Patina Clarke may each bring and use electronic equipment in conjunction with a bench trial before Judge Steve C. Jones, scheduled for Tuesday, September 5, 2023 through Monday, September 18, 2023. The above listed counsel and staff may also bring and use this equipment on Friday, September 1, 2023 for the purpose of arranging, installing, and testing said equipment and trial exhibits as scheduled with Judge Jones's chambers. Signed by Judge Steve C. Jones on 08/30/2023. (ddm) (Entered: 08/30/2023)
08/30/2023	242	ORDER DENYING Alpha Phi Alpha Plaintiffs' Motion to Take Judicial Notice (Alpha Phi Alpha, Doc. No. 283 in case 1:21-cv-5337). Signed by Judge Steve C. Jones on 08/30/2023. (rsg) (Entered: 08/30/2023)
08/30/2023	243	ORDER resolving the Parties' outstanding objections to the depositions that they wish to introduce into evidence at trial. Signed by Judge Steve C. Jones on 08/30/2023.(ddm) (Entered: 08/31/2023)
08/30/2023	244	ORDER re Mr. Allensworth's 226 240 Letters, it is improper to write letters to the Court for purposes of public comment, the Court finds that in the interest of preserving judicial resources, the appropriate course of action is a standing lodge order for any future filings by Mr. Allensworth. The Court DIRECTS the Clerk to add the language "DOCUMENT LODGED" to the CM/ECF descriptions for Doc. Nos. 226 and 240 and lodge any future filings from Mr. Allensworth in a similar manner. Lodged documents will not be considered. Signed by Judge Steve C. Jones on 8/30/23. (rsg) (Entered: 08/31/2023)
08/31/2023		Clerk's Certificate of Mailing as to Robert M. Allensworth re 244 Order. (rsg) (Entered: 08/31/2023)
08/31/2023	245	TRANSCRIPT of Conference Call held on 8/22/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/21/2023. Redacted Transcript Deadline set for 10/2/2023. Release of Transcript Restriction set for 11/29/2023. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 08/31/2023)
08/31/2023	246	MOTION for Clarification re: 236 Order,,, by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Exhibit Exhibit A - B. Tyson Email, # 2 Text of Proposed Order [Proposed] Order) (Sparks, Adam) (Entered: 08/31/2023)
08/31/2023	247	ORDER issued to Clarify its August 24, 2023 Order (Alpha Phi Alpha Doc. No. 286; Pendergrass Doc. No. 236 ; Grant Doc. No. 248). The August 24, 2023 Orders are amended in so far as to comply with this Order. Signed by Judge Steve C. Jones on 08/31/2023.(rsg) (Entered: 09/01/2023)

09/05/2023	250	Minute Entry for proceedings held before Judge Steve C. Jones: Bench trial began. Opening statements heard. Plaintiffs' case began. Alpha Plaintiffs' (1:21-cv-5337-SCJ) witness William Cooper sworn and testified as expert. Alpha exhibits 1, 327, 53, 54, 325 admitted. Joint Exhibits 1 and 2 admitted. Trial not concluded. Court adjourned and will reconvene at 9:30 AM on 9/06/2023. (Court Reporter Viola Zborowski & Penny Coudriet)(ddm) (Entered: 09/06/2023)
09/05/2023	251	--- DOCUMENT LODGED ---Letter from Robert M. Allensworth. (rsg) (Entered: 09/06/2023)
09/06/2023	252	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/6/2023. Testimony of expert witness William Cooper concluded. Alpha Plaintiffs' exhibits 328-339 admitted. Alpha Phi Alpha witness Bishop Reginald Jackson sworn and testified. Pendergrass and Grant Plaintiffs' expert witness Dr. Maxwell Palmer sworn and testified. Grant exhibits 2 and 3, and Pendergrass exhibits 2 and 3 admitted. Grant expert witness Blakeman Esselstyn sworn and testified. Grant exhibits 1 and 6 admitted. Defendants' exhibits 89 and 92 admitted. Trial not concluded. Court adjourned and will reconvene at 9:00 AM on 9/07/2023. (Court Reporter V. Zborowski & P. Coudriet)(rsg) (Entered: 09/07/2023)
09/07/2023	253	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/7/2023. Grant witness Dr. Diane Evans sworn and testified. Grant witness Fenika Miller sworn and testified. Grant and Pendergrass expert witness Dr. Loren Collingwood sworn and testified. Grant exhibit 5 and Pendergrass exhibit 5 admitted. William Cooper recalled by Pendergrass plaintiffs as expert witness. Pendergrass exhibit 1 admitted. Defendants' exhibits 21 and 154 admitted. Alpha Phi Alpha ("APA") expert witness Dr. Lisa Handley sworn and testified. APA exhibits 5 and 10 admitted. Trial not concluded. Court adjourned and will reconvene at 9:00 AM on 9/08/2023. (Court Reporter V. Zborowski & P. Coudriet) (rsg) (Entered: 09/08/2023)
09/08/2023	254	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/8/2023. Testimony of Alpha Phi Alpha expert witness Dr. Lisa Handley concluded. Grant and Pendergrass witness Jason Carter sworn and testified. Grant and Pendergrass witness Erik Allen sworn and testified. APA witness Dr. Traci Burch sworn and testified as expert. APA exhibit 6 admitted. APA witness Dr. Adrienne Jones sworn and testified as expert. APA exhibits 2, 3, 340, 31, 266 admitted. Trial not concluded. Court adjourned and will reconvene at 9:00 AM on 9/11/2023. (Court Reporter V. Zborowski & P. Coudriet) (rsg) (Entered: 09/11/2023)
09/11/2023	255	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/11/2023. APA exhibits 31 and 266, and direct and cross testimony of Dr. Adrienne Jones admitted into the Grant and Pendergrass records. Testimony of APA expert witness Dr. Adrienne Jones concluded. Defendants' exhibit 59 admitted. APA witness Sherman Lofton sworn and testified. APA witness Dr. Jason Ward sworn and testified as expert. APA exhibit 4 admitted. Grant and Pendergrass expert witness Dr. Orville Burton sworn and testified. Pendergrass exhibit 4 and Grant exhibit 4 admitted. Pendergrass exhibit 14 and Grant exhibit 15 admitted over objection (these exhibits, as well as testimony of Dr. Burton also admitted as part of the APA record.) Defendants' exhibit 107 admitted. All Plaintiffs rested. Oral motion by Defendants for Judgment on Partial Findings pursuant to Fed.R.Civ.P. 52(c). Oral argument heard. Matter taken under advisement. Trial not concluded. Court adjourned and will reconvene at 9:30 AM on 9/12/2023. (Court Reporter V. Zborowski & P. Coudriet)(rsg) (Entered: 09/12/2023)
09/11/2023		ORAL MOTION by Defendants for Judgment on Partial Findings pursuant to Fed.R.Civ.P. 52(c). (ddm) (Entered: 09/13/2023)

09/12/2023	256	Notice for Leave of Absence for the following date(s): September 29, 2023, October 12-13, 2023, November 22-27, 2023, December 14-21, 2023, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 09/12/2023)
09/12/2023	257	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/12/2023. The Court issued a verbal order denying Defendants' oral motion for Judgment on Partial Findings Pursuant to Fed.R.Civ.P. 52(c) as made on 9/11/2023. Defendants' case began. Witness Gina Wright sworn and testified. Defendants' exhibits 186, 187, 185 admitted. John Morgan sworn and testified as expert witness. Defendants' exhibits 1, 2, 5 admitted in re: APA plaintiffs; exhibits 1, 3, 6 admitted in re: Grant plaintiffs; and exhibits 4 and 7 admitted in re: Pendergrass plaintiffs. (Court Reporter V. Zborowski & P. Coudriet)(ddm) (Entered: 09/13/2023)
09/13/2023	258	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial continued on 9/13/2023. Testimony of John Morgan continued and concluded. Dr. John Alford sworn and testified as expert witness for Defendants. Defendants exhibit 8 (exclusive of pages 2-9) and exhibit 97 admitted. Trial not concluded. Court adjourned and will reconvene at 9:00 AM on 9/14/2023. Exhibits retained to be forwarded to the Clerks Office. (Court Reporter V. Zborowski and P. Coudriet)(rsg) (Entered: 09/13/2023)
09/14/2023	259	Minute Entry for proceedings held before Judge Steve C. Jones: Bench Trial concluded on 9/14/2023. Testimony of Dr. John Alford continued and concluded. Ryan Germany sworn and testified. APA cross examination of witness German incorporated into Pendergrass and Grant records. Defendants rested. Renewed oral motion by Defendants for Judgment on Partial Findings pursuant to Fed.R.Civ.P. 52(c). The Court issued a verbal order denying Defendants' motion. Closing arguments heard. This matter was taken under advisement by the Court, with ruling by written order to follow in due course. (Court Reporter V. Zborowski & P. Coudriet) (rsg) (Entered: 09/15/2023)
09/15/2023	260	Witness List filed by Plaintiffs'(rsg) (Entered: 09/15/2023)
09/15/2023	261	Witness List filed by Defendants. (rsg) (Entered: 09/15/2023)
09/15/2023	262	Exhibit List filed jointly by Plaintiffs and Defendants. (rsg) (Entered: 09/15/2023)
09/15/2023	263	Exhibit List by Alpha Phi Alpha Fraternity, Inc.. (rsg) (Entered: 09/15/2023)
09/15/2023	264	Exhibit List by Coakley Pendergrass. (rsg) (Entered: 09/15/2023)
09/15/2023	265	Exhibit List by Annie Lois Grant. (rsg) (Entered: 09/15/2023)
09/15/2023	266	Exhibit List by Brad Raffensperger. (rsg) (Entered: 09/15/2023)
09/18/2023	267	<i>Plaintiffs' Notice of Submitting Proposed Corrections to Trial Transcript</i> filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Modified on 9/19/2023 to edit docket text (ddm). (Entered: 09/18/2023)
09/25/2023	268	Proposed Findings of Fact by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Tyson, Bryan) (Entered: 09/25/2023)
09/25/2023	269	Proposed Findings of Fact by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Khanna, Abha) (Entered: 09/25/2023)
09/27/2023	270	NOTICE by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger <i>Notice of Resignation of William S. Duffey, Jr.</i> (Tyson, Bryan) (Entered: 09/27/2023)

10/03/2023	271	---DOCUMENT LODGED--- Letter from Robert M. Allensworth. (rsg) (Entered: 10/04/2023)
10/04/2023	272	ORDER certifying to the United States Attorney General that the constitutionality of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301(b) has been called into question as affirmative defenses in the Pretrial Order. The Attorney General is requested to submit his position as to intervention in reference to this issue no later than 60 DAYS of the date of this Certification Order. Signed by Judge Steve C. Jones on 10/04/2023. (rsg) (Entered: 10/04/2023)
10/04/2023	273	ORDER directing Defendants to promptly comply with the requirements of compliance with Rule 5.1 (on CM/ECF) on or before Tuesday, October 10, 2023. Signed by Judge Steve C. Jones on 10/04/2023. (rsg) (Entered: 10/04/2023)
10/04/2023		Clerk's Certificate of Mailing to Honorable Merrick Garland re 272 Order. (rsg) (Entered: 10/04/2023)
10/06/2023	274	MOTION to Withdraw Elizabeth Marie Wilson Vaughan as Attorneyby William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger. (Vaughan, Elizabeth) (Entered: 10/06/2023)
10/10/2023	275	NOTICE by William S. Duffey, Jr, Sara Tindall Ghazal, Janice W. Johnston, Edward Lindsey, Matthew Mashburn, Brad Raffensperger re 273 Order, Set Submission Deadline of <i>Constitutional Question</i> (Tyson, Bryan) (Entered: 10/10/2023)
10/17/2023	276	ORDER advising that if the Parties have any additional concerns/questions as to the corrected transcripts, they shall notify the court reporters by 5:00 P.M., THURSDAY, OCTOBER 19, 2023. After said deadline, the Court will request that the court reporters finalize the transcripts. Signed by Judge Steve C. Jones on 10/17/2023. (ddm) (Entered: 10/17/2023)
10/18/2023	277	Notice for Leave of Absence for the following date(s): January 9, 2024 - January 19, 2024, by Bryan P. Tyson. (Tyson, Bryan) (Entered: 10/18/2023)
10/25/2023		DOCKET ORDER granting 274 Motion to Withdraw as Attorney. Attorney Elizabeth Marie Wilson Vaughan terminated as counsel for Defendants. Entered by Judge Steve C. Jones on 10/25/2023. (pdw) (Entered: 10/25/2023)
10/25/2023	278	TRANSCRIPT of Bench Trial Proceedings held on 9/5/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	279	TRANSCRIPT of Bench Trial Proceedings held on 9/6/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 2 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)

10/25/2023	280	TRANSCRIPT of Bench Trial Proceedings held on 9/7/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 3 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	281	TRANSCRIPT of Bench Trial Proceedings held on 9/8/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 4 P.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	282	TRANSCRIPT of Bench Trial Proceedings held on 9/11/23, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 5 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	283	TRANSCRIPT of Bench Trial Proceedings held on 9/12/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 6 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	284	TRANSCRIPT of Bench Trial Proceedings held on 9/13/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 7 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/15/2023. Redacted Transcript Deadline set for 11/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)
10/25/2023	285	TRANSCRIPT of Bench Trial Proceedings held on 9/14/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 8 A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.

Redaction Request due 1/15/2023. Redacted Transcript Deadline set for 10/27/2023. Release of Transcript Restriction set for 1/23/2024. (Attachments: # 1 Appendix Notice of Filing Transcript) (Entered: 10/25/2023)

10/26/2023

286

OPINION AND MEMORANDUM OF DECISION advising of the Court's findings and conclusions following a non-jury trial and consideration of the evidence. It is ordered that the Pendergrass and Grant Plaintiffs lack standing to bring suit against the members of the State Election Board; thus, Sarah Tindall Ghazal, Janice W. Johnston, Edward Lindsey, and Matthew Mashburn are DISMISSED from this case. Alpha Phi Alpha Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plans, SB 1EX and HB 1EX, SB 1EX and HB 1EX, as to the following enacted districts/areas: Enacted Senate Districts 10, 16, 17, 34, 43, 44, and Enacted House Districts 74 and 78.138 Alpha Phi Alpha Plaintiffs have not met their burden as to the remaining challenged districts. Pendergrass Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plan, SB 2EX, as to the following enacted district/ areas: Enacted Congressional Districts 3, 6, 11, 13, and 14. Grant Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plans, SB 1EX and HB 1EX, SB 1EX and HB 1EX, as to the following enacted districts/areas: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 44, and Enacted House Districts 61, 64, 78, 117, 133, 142, 143, 145, 147, and 149.139 Grant Plaintiffs have not met their burden as to the remaining challenged districts. This Court further concludes that declaratory and permanent injunctive relief are appropriate. The Court, therefore, DECLARES the rights of the parties as follows. SB 2EX violates Section 2 of the Voting Rights Act as to the following districts/areas: Enacted Congressional Districts 3, 6, 11, 13, and 14. SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44. HB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149. The Court PERMANENTLY ENJOINS Defendant Raffensperger, as well as his agents and successors in office, from using SB 2EX, SB 1EX, and HB 1EX in any future election. The Court's injunction affords the State a limited opportunity to enact new plans that comply with the Voting Rights Act by DECEMBER 8, 2023. This timeline balances the relevant equities and serves the public interest by providing the General Assembly with its rightful opportunity to craft a remedy in the first instance, while also ensuring that, if an acceptable remedy is not produced, there will be time for the Court to fashion one as the Court will not allow another election cycle on redistricting plans that the Court has determined on a full trial record to be unlawful. The Court is confident that the General Assembly can accomplish its task by DECEMBER 8, 2023: the General Assembly enacted the Plans quickly in 2021; the Legislature has been on notice since at least the time that this litigation was commenced nearly 22 months ago that new maps might be necessary; the General Assembly already has access to an experienced cartographer; and the General Assembly has an illustrative remedial plan to consult. The Clerk is DIRECTED to enter judgment in favor of the Alpha Phi Alpha Plaintiffs (in Civil Action No. 1:21-cv-05337), Pendergrass Plaintiffs (in Civil Action No. 1:21-cv-05339), and Grant Plaintiffs (in Civil Action No. 1:22-cv-00122) and against Brad Raffensperger. Attorneys' fees and costs are also awarded to each set of Plaintiffs pursuant to 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988. After entry of judgment, the Clerk is DIRECTED to close these three cases. The Court will retain jurisdiction over these matters for oversight and further remedial proceedings, if necessary. The Court reiterates that Georgia has made great strides since 1965 towards equality in voting. However, the evidence before this Court shows that Georgia has not reached the point where the political process has equal openness and equal opportunity for everyone. Accordingly, the Court issues this Order to ensure that Georgia continues to

		move toward equal openness and equal opportunity for everyone to participate in the electoral system. Signed by Judge Steve C. Jones on 10/26/2023.(ddm) Modified on 10/26/2023 to edit text (ddm). (Entered: 10/26/2023)
10/26/2023	287	CLERK'S JUDGMENT entered in favor of PLAINTIFFS and against remaining Defendants in accordance with this Court's Order of October 26, 2023. Attorneys' fees and costs are also awarded to each set of Plaintiffs pursuant to 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988. (ddm)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 10/26/2023)
10/26/2023		Civil Case Terminated. (ddm) (Entered: 10/26/2023)
10/30/2023	288	TRANSCRIPT of Proceedings held on 9/5/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	289	TRANSCRIPT of Proceedings held on 9/6/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	290	TRANSCRIPT of Proceedings held on 9/7/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	291	TRANSCRIPT of Proceedings held on 9/8/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	292	TRANSCRIPT of Proceedings held on 9/11/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)

10/30/2023	293	TRANSCRIPT of Proceedings held on 9/12/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	294	TRANSCRIPT of Proceedings held on 9/13/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
10/30/2023	295	TRANSCRIPT of Proceedings held on 9/14/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/20/2023. Redacted Transcript Deadline set for 11/30/2023. Release of Transcript Restriction set for 1/29/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 10/30/2023)
11/03/2023	296	NOTICE by United States of America <i>Notice of Intervention Pursuant to 28 U.S.C. § 2403(a)</i> (Attachments: # 1 Brief)(Freeman, Daniel) (Entered: 11/03/2023)
11/03/2023	297	NOTICE of Appearance by Daniel J. Freeman on behalf of United States of America (Freeman, Daniel) (Entered: 11/03/2023)
11/03/2023	298	NOTICE of Appearance by Michael Elliot Stewart on behalf of United States of America (Stewart, Michael) (Entered: 11/03/2023)
11/08/2023	299	Unopposed MOTION for Extension of Time to File Bill of Costs and Motion for Attorneys' Fees with Brief In Support by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 11/08/2023)
11/09/2023	300	ORDER GRANTING 299 Plaintiffs' Unopposed Motion for Extension of Time to File Bill of Costs and Motion for Attorneys' Fees. Plaintiffs shall have until 30 days after the Court receives the Eleventh Circuit's mandate in Defendant's appeal to file a motion for attorneys' fees and expenses and a bill of costs. If Defendant does not appeal, Plaintiffs shall have until 30 days following the expiration of Defendant's time to appeal to file a motion for attorneys' fees and expenses. Signed by Judge Steve C. Jones on 11/09/2023. (ddm) (Entered: 11/09/2023)
11/17/2023	301	<i>Response to United States on Constitutionality of Section 2 of the Voting Rights Act</i> 296 filed by Brad Raffensperger. (Tyson, Bryan) Modified on 11/20/2023 to edit docket text (ddm). (Entered: 11/17/2023)
11/22/2023	302	NOTICE OF APPEAL as to 215 Order on Motion for Summary Judgment,,,,,, 287 Clerk's Judgment, 286 Order,,,,,,,,,,,,, 50 Order on Motion to Dismiss, by Brad Raffensperger. Filing fee \$ 505, receipt number AGANDC-13050596. Transcript Order Form due on 12/6/2023 (Tyson, Bryan) (Entered: 11/22/2023)

11/28/2023	303	ORDER perfecting the trial record in this case and providing the parties with the case name and docket location of the depositions used at trial. Signed by Judge Steve C. Jones on 11/28/2023. (rsg) (Entered: 11/28/2023)
11/28/2023	304	USCA Appeal Transmission Letter to USCA- 11th Circuit re: 302 Notice of Appeal, filed by Brad Raffensperger. (pjm) (Entered: 11/28/2023)
11/28/2023	305	Transmission of Certified Copy of Notice of Appeal, USCA Appeal Fees, Judgment, Orders and Docket Sheet to US Court of Appeals re: 302 Notice of Appeal. (pjm) (Entered: 11/28/2023)
11/30/2023	306	USCA Acknowledgment of 302 Notice of Appeal, filed by Brad Raffensperger. Case Appealed to USCA- 11th Circuit. Case Number 23-13916-A. (pjm) (Entered: 11/30/2023)
11/30/2023	310	EXHIBITS (Parties Joint Exhibits 1 and 2) admitted and retained at the 255 Bench Trial - Continued, 257 Order on Motion for Judgment on Partial Findings, Bench Trial - Continued, 259 Bench Trial - Concluded, 250 Bench Trial - Begun, 253 Bench Trial - Continued, 254 Bench Trial - Continued, 252 Bench Trial - Continued, 258 Bench Trial - Continued, have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # 1 Joint Ex. 1, # 2 Joint Ex. 2)(sct) (Entered: 12/07/2023)
11/30/2023	319	EXHIBITS (Defendant's Exhibits: 1-8,21,59,89,92,97,107,154,185-187) admitted and retained at the 255 Bench Trial - Continued, 257 Order on Motion for Judgment on Partial Findings, Bench Trial - Continued, 250 Bench Trial - Begun, 253 Bench Trial - Continued, 252 Bench Trial - Continued, 258 Bench Trial - Continued, 259 Bench Trial - Concluded, 254 Bench Trial - Continued, have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # 1 Deft Ex. 1, # 2 Deft Ex. 2 (pages 1-181), # 3 Deft Ex. 2 (pages 181-220), # 4 Deft Ex. 2 (pages 221-362), # 5 Deft Ex. 3, # 6 Deft Ex. 4, # 7 Deft. Ex 5, # 8 Deft Ex. 6, # 9 Deft Ex. 7, # 10 Deft. Ex 8, # 11 Deft. Ex 21, # 12 Deft Ex. 59, # 13 Deft Ex. 89, # 14 Deft Ex. 92, # 15 Deft Ex. 97, # 16 Deft Ex. 107, # 17 Deft Ex. 154, # 18 Deft Ex. 185, # 19 Deft Ex. 186, # 20 Deft Ex. 187)(sct) (Additional attachment(s) added on 12/28/2023: # 21 Deft Ex. 3 part 2, # 22 Deft Ex. 3 part 3) (kdw). (Entered: 12/13/2023)
12/04/2023	307	MOTION for Entry of Remedial Scheduling Order 286 Order,,,,,,,,,,,,,,,,,,,,, with Brief In Support by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 12/04/2023)
12/05/2023		DOCKET ORDER re 307 MOTION for Entry of Remedial Scheduling Order filed by Plaintiffs. Defendant is ORDERED to file an expedited response no later than 9:00 AM on 12/06/2023, to include Defendant's proposed schedule. Entered by Judge Steve C. Jones on 12/05/2023. (pdw) (Entered: 12/05/2023)
12/06/2023	308	RESPONSE re 307 MOTION for Entry of Remedial Scheduling Order 286 Order,,,,,,,,,,,,,,,,,,,,, filed by Brad Raffensperger. (Tyson, Bryan) (Entered: 12/06/2023)
12/06/2023	309	ORDER granting 307 Plaintiffs' Joint Motion for Entry of Remedial Scheduling Order. However, because time is of the essence in this matter, the Court finds it necessary to enter a more compressed schedule than that proposed by either Party. See order for new deadlines. A hearing, set for December 20, 2023, at 9:00 a.m., will be held at the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia, in Courtroom 1907. Each set of Plaintiffs will have one hour to present evidence and argument and may proceed in any order they prefer. Defendant will have one hour to present evidence and argument directly following each set of Plaintiffs. To be clear, the presentations will be ordered as follows: One set of Plaintiffs will begin and will have up to one hour to present; Defendant will respond to that presentation and will have

		up to one hour to do so. The next set of plaintiffs will make their presentation (up to one hour) and Defendant will then have up to one hour to respond. Finally, the final set of Plaintiffs will present (up to one hour), and Defendant will have up to one hour to respond. Signed by Judge Steve C. Jones on 12/6/2023. (rsg) (Entered: 12/06/2023)
12/06/2023		Set Hearings: Status Conference set for 12/20/2023 at 09:00 AM in ATLA Courtroom 1907 before Judge Steve C. Jones. (rsg) (Entered: 12/06/2023)
12/07/2023	311	NOTICE TO COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS from the bench trial held September 5th, 2023 through September 14th, 2023 pursuant to Local Rule 79.1D. Re: 310 Exhibits, (sct) (Entered: 12/07/2023)
12/08/2023	312	NOTICE by Brad Raffensperger of <i>Adoption of Remedial Plans</i> (Tyson, Bryan) (Entered: 12/08/2023)
12/11/2023	313	EXHIBITS (Pendergrass Plaintiff's Exhibits: 1,2,3,4,5,14) admitted and retained at the 255 Bench Trial - Continued, 257 Order on Motion for Judgment on Partial Findings, Bench Trial - Continued, 250 Bench Trial - Begun, 253 Bench Trial - Continued, 252 Bench Trial - Continued, 258 Bench Trial - Continued, 259 Bench Trial - Concluded, 254 Bench Trial - Continued, have been received from Courtroom Deputy and placed in the custody of the Records Clerks.. (Attachments: # 1 Pltf Ex. 1 (pages 1-97), # 2 Pltf Ex. 1 (pages 98-194), # 3 Pltf Ex. 2, # 4 Pltf Ex. 3, # 5 Pltf Ex. 4, # 6 Pltf Ex. 5, # 7 Pltf Ex. 14) (sct) (Entered: 12/11/2023)
12/11/2023	314	NOTICE TO PLAINTIFF'S COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS from the bench trial held on September 5, 2023 through September 14, 2023 pursuant to Local Rule 79.1D. Re: 313 Exhibits (sct) (Entered: 12/11/2023)
12/11/2023	315	ADMINISTRATIVE ORDER NO. 23-08: IN RE USE OF CELLULAR TELEPHONES AND ELECTRONIC EQUIPMENT ON THE 19TH FLOOR OF THE RICHARD B. RUSSELL BUILDING ON DECEMBER 20, 2023. Signed by Judge Timothy C. Batten, Sr. on 12/11/2023.(pdw) (Entered: 12/11/2023)
12/12/2023	316	Appellant's BRIEF by Georgia State Conference of the NAACP, et al.. (Attachments: # 1 Exhibit A Amici Curiae Brief, # 2 Exhibit B Declaration of Dr. Moon Duchin)(Kastorf, Kurt) (Entered: 12/12/2023)
12/12/2023	317	NOTICE Of Filing Plaintiffs Objections To The Georgia Legislatures Remedial Congressional Plan by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 309 Order on Motion for Miscellaneous Relief,,, 286 Order,,,,,,,,,,,,,, (Attachments: # 1 Exhibit 1 - Remedial Expert Report of Bill Cooper, # 2 Exhibit 2 - Remedial Expert Report of Dr. Maxwell Palmer, # 3 Exhibit 3 - Appendix to Ex. 2, # 4 Exhibit 4 - C.V. for Dr. Palmer, # 5 Exhibit 5 - Remedial Expert Report of Loren Collingwood)(Sparks, Adam) (Entered: 12/12/2023)
12/12/2023	318	NOTICE Of Filing Plaintiffs' Supplemental Exhibits Supporting Their Objections to the Georgia General Assembly's Remedial Congressional Plan by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert re 317 Notice of Filing,, [317-1] <i>Cooper Remedial Report</i> (Attachments: # 1 Exhibit A-1 Population Summary Report for the Illustrative Plan, # 2 Exhibit A-2 Population Summary Report for the 2023 Enacted Plan, # 3 Exhibit A-3 Population Summary Report for the 2021 Enacted Plan, # 4 Exhibit B-1 County level population assignments by district for the Illustrative Plan, # 5 Exhibit B-2 County level population assignments by district for the 2023 Enacted Plan, # 6 Exhibit B-3 County level population assignments by district for the 2021 Enacted Plan, # 7 Exhibit B-4 Table reporting 2020 Census Georgia Population by County Race and Ethnicity, # 8 Exhibit C-1 Core Constituencies

		Table regarding 2021 Enacted Plan CD 6 and VRA Section 2 violation area, # 9 Exhibit C-2 Core Constituencies Table regarding Illustrative Plan CD 6, 2023 Enacted Plan CD 6, and VRA Section 2 violation area, # 10 Exhibit D-1 Map Packet depicting the Illustrative Plan, # 11 Exhibit D-2 Map packet depicting the 2023 Enacted Plan, # 12 Exhibit D-3 Map packet depicting the 2021 Enacted Plan, # 13 Exhibit E-1 Core Constituencies Table regarding Illustrative Plan core components, # 14 Exhibit E-2 Core Constituencies Table regarding Illustrative Plan core components, # 15 Exhibit F-1 Compactness Report (district-by-district) for Illustrative Plan, # 16 Exhibit F-2 Compactness Report (district-by-district) for 2023 Enacted Plan, # 17 Exhibit F-3 Compactness Report (district-by-district) for 2021 Enacted Plan, # 18 Exhibit G-1 County and VTD split report for the Illustrative Plan, # 19 Exhibit G-2 County and VTD split report for the 2023 Enacted Plan, # 20 Exhibit G-3 County and VTD split report for the 2021 Enacted Plan, # 21 Exhibit H-1 Split report for all municipalities for the Illustrative Plan, # 22 Exhibit H-2 Split report for all municipalities for the 2023 Enacted Plan, # 23 Exhibit H-3 Split report for all municipalities for the 2021 Enacted Plan, # 24 Exhibit I-1 Regional Split Report for the Illustrative Plan, # 25 Exhibit I-2 Regional Split Report for the 2023 Enacted Plan, # 26 Exhibit I-3 Regional Split Report for the 2021 Enacted Plan)(Sparks, Adam) (Entered: 12/12/2023)
12/13/2023	320	NOTICE TO DEFENDANT'S COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS from the bench trial held on September 5, 2023 through September 14, 2023 pursuant to Local Rule 79.1D. Re: 319 Exhibits. (sct) Modified on 1/18/2024 (mec). (Entered: 12/13/2023)
12/14/2023	321	ORDER GRANTING the Motion for Leave to File Brief as Amici Curiae in Opposition to Defendant's Proposed Remedial Maps. Alpha Doc. No. 353 , Grant Doc. No. 316 , Pendergrass Doc. No. 316 . The Clerk is DIRECTED to refile Alpha Doc. Nos. [353-1], Grant Doc. No. [316-1], and Pendergrass Doc. No. [316-1] as a new docket entry in each case on CM/ECF. Signed by Judge Steve C. Jones on 12/14/2023. (ddm) (Entered: 12/14/2023)
12/14/2023	322	AMICUS CURIAE BRIEF in opposition to Defendants' Proposed Remedial Maps filed by Georgia State Conference of the NAACP, et al. (Attachments: # 1 Declaration of Dr. Moon Duchin)(ddm) (Entered: 12/14/2023)
12/15/2023	323	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Attachments: # 1 Text of Proposed Order)(Sparks, Adam) (Entered: 12/15/2023)
12/15/2023	324	Motion to Bring Audio/Visual/Electronic Equipment in the Courtroom <i>During Remedial Hearing</i> by Brad Raffensperger. (Attachments: # 1 Text of Proposed Order)(Tyson, Bryan) (Entered: 12/15/2023)
12/18/2023	325	ORDER allowing counsel for the Plaintiffs and accompanying staff to bring electronic equipment into the Courthouse on Wednesday, December 20, 2023 for a hearing scheduled to begin at 9:00 a.m. before the undersigned in Courtroom 1907. The Court notes that the prohibition pursuant to Administrative Order No. 23-08 on cellular phones and other electronic devices with camera or other recording technology remains in full force and effect for all persons, including counsel and parties. Signed by Judge Steve C. Jones on 12/18/2023. (ddm) (Entered: 12/18/2023)
12/18/2023	326	ORDER allowing counsel for the Defendant to bring electronic equipment into the Courthouse on Wednesday, December 20, 2023 for a hearing scheduled to begin at 9:00 a.m. before the undersigned in Courtroom 1907. The Court notes that the prohibition pursuant to Administrative Order No. 23-08 on cellular phones and other electronic devices with camera or other recording technology remains in full force and effect for all

		persons, including counsel and parties. Signed by Judge Steve C. Jones on 12/18/2023. (ddm) (Entered: 12/18/2023)
12/18/2023	327	<i>Consolidated Response to Plaintiffs' Objections Regarding Remedial Plans</i> 317 filed by Brad Raffensperger. (Attachments: # 1 Exhibit A - Dec. of Gina Wright, # 2 Exhibit B - Report of Dr. Michael Barber, # 3 Exhibit C - Senate Committee Hearing (11/29/2023), # 4 Exhibit D - House Committee Hearing (11/29/2023), # 5 Exhibit E - House Committee Hearing (11/29/2023), # 6 Exhibit F - Senate Committee Hearing (12/4/2023), # 7 Exhibit G - Senate Floor Debate (12/1/2023), # 8 Exhibit H - House Floor Debate (12/1/2023), # 9 Exhibit I - House Floor Debate (12/7/2023), # 10 Exhibit J - 2024 State Election Calendar)(Tyson, Bryan) Modified on 12/19/2023 to edit docket text (ddm). (Entered: 12/18/2023)
12/19/2023	328	Plaintiffs' Reply in Support of Objections to Remedial Plans 317 by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. (Sparks, Adam) Modified on 12/20/2023 to edit docket text (ddm). (Entered: 12/19/2023)
12/20/2023	329	Minute Entry for proceedings held before Judge Steve C. Jones: Evidentiary Hearing held on 12/20/2023 pursuant to the Court's Order of 12/06/2023 regarding the remedial phase of these proceedings following the anticipated enactment of remedial state legislative and congressional plans by the Georgia General Assembly. The Court heard oral argument from counsel. Gina Wright called by Defendants, sworn and testified. These matters were taken under advisement by the Court, with ruling by written order to follow in due course. (Court Reporter V. Zborowski & P. Coudriet)(ddm) (Entered: 12/20/2023)
12/21/2023	330	TRANSCRIPT of Remedial Hearing Proceedings held on 12/20/2023, before Judge Steve C. Jones. Court Reporter/Transcriber Viola S. Zborowski. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Tape Number: 1 - A.M. SESSION. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/11/2024. Redacted Transcript Deadline set for 1/22/2024. Release of Transcript Restriction set for 3/20/2024. (Attachments: # 1 Affidavit Notice of Filing Transcript) (Entered: 12/21/2023)
12/27/2023	331	TRANSCRIPT of Proceedings held on 12/20/2023, before Judge Steven Jones. Court Reporter/Transcriber PENNY COUDRIET. A full directory of court reporters and their contact information can be found at www.gand.uscourts.gov/directory-court-reporters . Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2024. Redacted Transcript Deadline set for 1/29/2024. Release of Transcript Restriction set for 3/26/2024. (Attachments: # 1 Notice of Filing) (ppc) (Entered: 12/27/2023)
12/27/2023	332	Notice for Leave of Absence for the following date(s): 1/9/24 - 1/31/24; 4/1/24 - 4/5/24; 5/20/24 - 5/24/24; 6/3/24 - 6/14/24; 11/14/24 - 11/16/24, by Bryan P. Tyson. (Tyson, Bryan) (Entered: 12/27/2023)
12/28/2023	333	NOTICE TO COURT regarding RECLAMATION AND DISPOSITION OF UNCLAIMED EXHIBITS pursuant to Local Rule 79.1D(2) filed by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. Exhibits to be Retrieved.. (Sparks, Adam) (Entered: 12/28/2023)
12/28/2023	334	ORDER finding that the General Assembly fully complied with this Court's order requiring the creation of a majority-Black congressional district in the region of the State where vote dilution was found. The Court further finds that the elimination of 2021 CD 7 did not violate the October 26, 2023 Order. Finally, the Court declines to adjudicate

		Plaintiffs new Section 2 claim based on a coalition of minority voters. Hence, the Court OVERRULES Plaintiffs' objections (Doc. No. 317) and HEREBY APPROVES SB 3EX. Signed by Judge Steve C. Jones on 12/28/2023. (ddm) (Entered: 12/28/2023)
01/16/2024	335	Appeal Remark: Absent objection filed within 14 days of this letter, this appeal will be consolidated by the Clerk with 23-13914 and 23-13921 pursuant to FRAP 3(b)(2) and 11th Cir. R. 12-2 re 302 Notice of Appeal. Case Appealed to USCA - 11th Circuit Case Number 23-13916-AA. (rlh) (Entered: 01/16/2024)
01/22/2024	336	NOTICE OF APPEAL as to 334 Order,, by Ojuan Glaze, Elliott Hennington, Triana Arnold James, Coakley Pendergrass, Robert Richards, Jens Rueckert. Case Appealed to USCA - 11th Circuit. Filing fee \$ 605, receipt number AGANDC-13172486. Transcript Order Form due on 2/5/2024 (Lewis, Joyce) (Entered: 01/22/2024)
01/22/2024	337	USCA Appeal Transmission Letter to USCA- 11th Circuit re: 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James, and Elliott Hennington. (pjm) (Entered: 01/22/2024)
01/22/2024	338	Transmission of Certified Copy of Notice of Appeal, USCA Appeal Fees, Order and Docket Sheet to USCA - 11th Circuit re: 336 Notice of Appeal. (pjm) (Entered: 01/22/2024)
01/25/2024	339	USCA Acknowledgment of 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James, Elliott Hennington. Case Appealed to USCA- 11th Circuit. Case Number 24-10231-A. (pjm) (Entered: 01/25/2024)
02/05/2024	340	TRANSCRIPT ORDER FORM for proceedings held on 12/20/2023 (Evidentiary Hrg) before Judge Steve C. Jones, re: 336 Notice of Appeal. Court Reporter: Viola Zborowski & Penny Coudriet. (Khanna, Abha) Modified on 2/6/2024 to update text (pjm). (Entered: 02/05/2024)
02/06/2024		Set Deadline re: 336 Notice of Appeal: Financial Arrangements due on 2/20/2024. (pjm) (Entered: 02/06/2024)
02/08/2024	341	Notification of Transcript Filed in District Court re: 340 Transcript Order Form filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James and Elliott Hennington. All transcripts for this request are on file. (pjm) (Entered: 02/09/2024)
02/09/2024		Pursuant to F.R.A.P.11(c), the Clerk certifies that the record is complete for purposes of this appeal, 336 Notice of Appeal. Case Appealed to USCA- 11th Circuit. Case Number 24-10231-AA. The entire record on appeal is available electronically. (pjm) (Entered: 02/09/2024)
02/26/2024	342	Notification of Transcript Filed in District Court for Penny Coudriet re: 340 Transcript Order Form filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James and Elliott Hennington. All transcripts for this request are on file. (pjm) (Entered: 02/27/2024)
02/29/2024	343	USCA Order: The motion for an extension of time to and including May 3, 2024, to file Appellants initial brief is GRANTED, with the appendix due 7 days after the filing of the brief. re: 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James, Elliott Hennington. Case Appealed to USCA - 11th Circuit Case Number 24-10231. (rlh) (Entered: 03/01/2024)
03/11/2024	344	MOTION to Withdraw Michael Elliot Stewart as Attorneyby United States of America. (Attachments: # 1 Text of Proposed Order)(Stewart, Michael) (Entered: 03/11/2024)

03/18/2024	345	Notice for Leave of Absence for the following date(s): April 26-30, 2024, May 9-10, 2024, June 6-7, 2024, July 8-12, 2024, August 29 - September 3, 2024, September 27, 2024, by Joyce Gist Lewis. (Lewis, Joyce) (Entered: 03/18/2024)
03/27/2024	346	USCA Order: The motion to withdraw as legal counsel filed by Jonathan Patrick Hawley for Plaintiffs-Appellees is GRANTED re: 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James and Elliott Hennington. Case Appealed to USCA- 11th Circuit. Case Number 23-13914-AA. (pjm) (Entered: 03/27/2024)
04/05/2024		DOCKET ORDER granting 344 Motion to Withdraw as Attorney. Attorney Michael Elliot Stewart terminated as counsel for United States. Entered by Judge Steve C. Jones on 4/05/2024. (pdw) (Entered: 04/05/2024)
04/22/2024	347	USCA Order GRANTING Withdrawal of Counsel filed by Edward Williams for Plaintiffs-Appellees re: 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James and Elliott Hennington. Case Appealed to USCA- 11th Circuit. Case Number 23-13916-A. (pjm) (Entered: 04/22/2024)
04/23/2024	348	USCA Order on Withdrawal of Counsel: The motion to withdraw as legal counsel filed by Jonathan Patrick Hawley for Plaintiffs-Appellants is GRANTED re: 336 Notice of Appeal, filed by Jens Rueckert, Robert Richards, Ojuan Glaze, Coakley Pendergrass, Triana Arnold James, and Elliott Hennington. Case Appealed to USCA- 11th Circuit. Case Number 24-10231-AA. (pjm) (Entered: 04/24/2024)

PACER Service Center			
Transaction Receipt			
05/03/2024 14:46:08			
PACER Login:	VHRobertson5	Client Code:	
Description:	Docket Report	Search Criteria:	1:21-cv-05339-SCJ
Billable Pages:	30	Cost:	3.00

1

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
REBECCA N. SULLIVAN, in her official
capacity as the Acting Chair of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
MATTHEW MASHBURN, in his official
capacity as a member of the State Election
Board; and ANH LE, in her official
capacity as a member of the State Election
Board,

Defendants.

CIVIL ACTION FILE
NO. _____

COMPLAINT

1. Plaintiffs bring this action to challenge the Georgia General Assembly's congressional redistricting plan, the Georgia Congressional Redistricting Act of 2021 ("SB 2EX"), on the ground that it violates Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301.

2. In undertaking the latest round of congressional redistricting following the 2020 decennial census, the General Assembly has diluted the growing electoral strength of the state’s communities of color. Faced with Georgia’s changing demographics, the General Assembly has ensured that the growth of the state’s Black population will not translate to increased political influence at the federal level.

3. The 2020 census data make clear that minority voters in Georgia are sufficiently numerous and geographically compact to form a majority of eligible voters—which is to say, a majority of the voting age population¹—in multiple congressional districts throughout the state, including an additional majority-Black district in the western Atlanta metropolitan area. This additional majority-Black district can be drawn without reducing the total number of districts in the region and

¹ The phrases “majority of eligible voters” and “majority of the voting age population” have been used by courts interchangeably when discussing the threshold requirements of a vote-dilution claim under Section 2 of the Voting Rights Act. *Compare, e.g., Bone Shirt v. Hazeltine*, 461 F.3d 1011, 1019 (8th Cir. 2006) (“[T]he first *Gingles* precondition . . . ‘requires only a simple *majority of eligible voters* in a single-member district.’” (emphasis added) (quoting *Dickinson v. Ind. State Election Bd.*, 933 F.2d 497, 503 (7th Cir. 1991))), with *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009) (plurality op.) (“[T]he majority-minority rule relies on an objective, numerical test: Do minorities make up *more than 50 percent of the voting-age population* in the relevant geographic area?” (emphasis added)). The phrase “majority of eligible voters” when used in this Complaint shall also refer to the “majority of the voting age population.”

statewide in which Black voters have the opportunity to elect candidates of their choice.

4. Rather than draw this additional congressional district to allow Georgians of color the opportunity to elect their preferred candidates, the General Assembly instead chose to “pack” some Black voters in the Atlanta metropolitan area and “crack” other Black voters among rural-reaching, predominantly white districts.

5. Section 2 of the Voting Rights Act prohibits this result and requires the General Assembly to draw an additional congressional district in which Black voters have the opportunity to elect their candidate of choice.

6. By failing to create this district, the General Assembly’s response to Georgia’s changing demographics has had the effect of diluting minority voting strength in the state.

7. Accordingly, Plaintiffs seek an order (i) declaring that SB 2EX violates Section 2 of the Voting Rights Act; (ii) enjoining Defendants from conducting future elections under SB 2EX; (iii) requiring adoption of a valid plan for new congressional districts in Georgia that comports with Section 2 of the Voting Rights Act; and (iv) providing any and such additional relief as is appropriate.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1357.

9. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper under 28 U.S.C. § 1391(b) because “a substantial part of the events or omissions giving rise to the claim occurred” in this district.

PARTIES

11. Plaintiff Coakley Pendergrass is a Black citizen of the United States and the State of Georgia. The Rev. Pendergrass is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Eleventh Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. The Rev. Pendergrass resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting

power of Black voters like the Rev. Pendergrass and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

12. Plaintiff Triana Arnold James is a Black citizen of the United States and the State of Georgia. Ms. James is a registered voter and intends to vote in future congressional elections. She is a resident of Douglas County and located in the Third Congressional District under the enacted plan, where she is unable to elect candidates of her choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. James resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. James and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

13. Plaintiff Elliott Hennington is a Black citizen of the United States and the State of Georgia. Mr. Hennington is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral

support for those candidates from other Black voters in his community. Mr. Hennington resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Hennington and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

14. Plaintiff Robert Richards is a Black citizen of the United States and the State of Georgia. Mr. Richards is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Richards resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Richards and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

15. Plaintiff Jens Rueckert is a Black citizen of the United States and the State of Georgia. Mr. Rueckert is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Rueckert resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Rueckert and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

16. Plaintiff Ojuan Glaze is a Black citizen of the United States and the State of Georgia. Mr. Glaze is a registered voter and intends to vote in future congressional elections. He is a resident of Douglas County and located in the Thirteenth Congressional District under the enacted plan. The Thirteenth Congressional District is a district in which Black voters like Mr. Glaze are packed, preventing the creation of an additional majority-Black district as required by the Voting Rights Act.

17. Defendant Brad Raffensperger is the Georgia Secretary of State and is named in his official capacity. Secretary Raffensperger is Georgia’s chief election official and is responsible for administering the state’s elections and implementing election laws and regulations, including Georgia’s congressional plan. *See* O.C.G.A. § 21-2-50; Ga. Comp. R. & Regs. 590-1-1-.01–.02 (specifying, among other things, that Secretary of State’s office must provide “maps of Congressional, State Senatorial and House Districts” when requested). Secretary Raffensperger is also an ex officio non-voting member of the State Election Board, which is responsible for “formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” O.C.G.A. §§ 21-2-30(d), -31(2).

18. Defendant Rebecca N. Sullivan is the Acting Chair of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

19. Defendant Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

20. Defendant Matthew Mashburn is a member of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

21. Defendant Anh Le is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

LEGAL BACKGROUND

22. Section 2 of the Voting Rights Act prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” 52 U.S.C. § 10301(a). Thus, in addition to prohibiting practices that deny the exercise of the right to vote, Section 2 prohibits vote dilution.

23. A violation of Section 2 is established if “it is shown that the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by members of a [minority group] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b).

24. Such a violation might be achieved by “cracking” or “packing” minority voters. To illustrate, the dilution of Black voting strength “may be caused by the dispersal of blacks into districts in which they constitute an ineffective minority of voters”—cracking—“or from the concentration of blacks into districts where they constitute an excessive majority”—packing. *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

25. In *Thornburg v. Gingles*, the U.S. Supreme Court identified three necessary preconditions for a claim of vote dilution under Section 2: (i) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; (ii) the minority group must be “politically cohesive”; and (iii) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Id.* at 50–51.

26. Once all three preconditions are established, Section 2 directs courts to consider whether, “based on the totality of circumstances,” members of a racial minority “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. § 10301(b).

27. The Senate Report on the 1982 amendments to the Voting Rights Act identified several nonexclusive factors that courts should consider when determining

if, under the totality of circumstances in a jurisdiction, the operation of the challenged electoral device results in a violation of Section 2. *See Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1288–89 (11th Cir. 2020).

These “Senate Factors” include:

- a. the history of official voting-related discrimination in the state or political subdivision;
 - b. the extent to which voting in the elections of the state or political subdivision is racially polarized;
 - c. the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority-vote requirements, or prohibitions against bullet-voting;
 - d. the exclusion of members of the minority group from candidate-slating processes;
 - e. the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;
 - f. the use of overt or subtle racial appeals in political campaigns;
- and

g. the extent to which members of the minority group have been elected to public office in the jurisdiction.

28. The Senate Report itself and the cases interpreting it have made clear that “there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other.” *United States v. Marengo Cnty. Comm’n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); *see also id.* at 1566 (“The statute explicitly calls for a ‘totality-of-the-circumstances’ approach and the Senate Report indicates that no particular factor is an indispensable element of a dilution claim.”).

FACTUAL BACKGROUND

The 2020 Census

29. Between 2010 and 2020, Georgia’s population increased by more than 1 million people. As a result of this population growth, the state will retain 14 seats in the U.S. House of Representatives.

30. The population growth during this period is entirely attributable to the increase in Georgia’s minority population. The 2020 census results indicate that Georgia’s Black population grew by over 15 percent and now comprises 33 percent of Georgia’s total population. Meanwhile, Georgia’s white population *decreased* by

4 percent over the past decade. In total, Georgia's minority population now comprises just under 50 percent of the state's total population.

The 2021 Congressional Redistricting Plan

31. In enacting Georgia's new congressional map, the Republican-controlled General Assembly diluted the political power of the state's minority voters.

32. On November 22, 2021, the General Assembly passed SB 2EX, which adopted a new congressional redistricting plan that revised existing congressional district boundaries. Republican Governor Brian Kemp signed SB 2EX into law on December 30, 2021.

33. Democratic and minority legislators were largely excluded from the redistricting process and repeatedly decried the lack of transparency. Moreover, lawmakers and activists from across the political spectrum questioned the speed with which the General Assembly undertook its redistricting efforts, observing that the haste resulted in unnecessary divisions of communities and municipalities.

34. Rather than create an additional congressional district in the western Atlanta metropolitan area in which Georgia's growing Black population would have the opportunity to elect candidates of its choice, the General Assembly did just the opposite: it packed and cracked Georgia's Black voters to dilute their influence.

35. SB 2EX packs Black voters into the Atlanta metropolitan area, particularly into the new Thirteenth Congressional District, which includes significant Black populations in south Fulton, Douglas, and Cobb Counties. The remaining Black communities in Douglas and Cobb Counties are cracked among the new Third, Sixth, Eleventh, and Fourteenth Congressional Districts—predominantly white districts that stretch into the rural reaches of western and northern Georgia.

36. This combination of cracking and packing dilutes the political power of Black voters in the Atlanta metropolitan area. The General Assembly could have instead created an additional, compact congressional district in which Black voters, including Plaintiffs, comprise a majority of eligible voters and have the opportunity to elect their preferred candidates, as required by Section 2 of the Voting Rights Act. Significantly, this could have been done without reducing the number of other districts in which Black voters have the opportunity to elect candidates of their choice.

37. Unless enjoined, SB 2EX will deny Black voters an equal opportunity to elect candidates of their choice.

38. The relevant factors and considerations readily require the creation of an additional majority-Black district under Section 2.

Racial Polarization

39. This Court has recognized that “voting in Georgia is highly racially polarized.” *Ga. State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1360 (N.D. Ga. 2018) (three-judge panel).

40. “Districts with large black populations are likely to vote Democratic.” *Id.* Indeed, during competitive statewide elections over the past decade—from the 2012 presidential election through the 2021 U.S. Senate runoff elections—an average of 97 percent of Black Georgians supported Democratic candidates.

41. White voters, by striking contrast, overwhelmingly vote Republican. An average of only 13 percent of white Georgians supported Democratic candidates in competitive statewide elections over the past decade.

42. Georgia’s white majority usually votes as a bloc to defeat minority voters’ candidates of choice, including in the areas where Plaintiffs live and the Black population could be united to create a new majority-Black district.

History of Discrimination

43. Georgia’s past discrimination against its Black citizens, including its numerous attempts to deny Black voters an equal opportunity to participate in the political process, is extensive and well documented. This prejudice is not confined to history books; the legacy of discrimination manifests itself today in state and local

elections marked by racial appeals and undertones. And the consequences of the state's historic discrimination persist to this day as well, as Black Georgians continue to experience socioeconomic hardship and marginalization.

44. This history dates back to the post-Civil War era, when Black Georgians first gained the right to vote and voted in their first election in April 1868. Soon after this historic election, a *quarter* of the state's Black legislators were either jailed, threatened, beaten, or killed. In 1871, the General Assembly passed a resolution that expelled 25 Black representatives and three senators but permitted the four mixed-race members who did not “look” Black to keep their seats. The General Assembly's resolution was based on the theory that Black Georgians' right of suffrage did not give them the right to hold office, and that they were thus “ineligible” to serve under Georgia's post-Civil War state constitution.

45. After being denied the right to hold office, Black Georgians who attempted to vote also encountered intense and frequently violent opposition. The Ku Klux Klan and other white mobs engaged in a campaign of political terrorism aimed at deterring Black political participation. Their reigns of terror in Georgia included, for instance, attacking a Black political rally in Mitchell County in 1868, killing and wounding many of the participants; warning the Black residents of Wrightsville that “blood would flow” if they exercised their right to vote in an

upcoming election; and attacking and beating a Black man in his own home to prevent him from voting in an upcoming congressional election.

46. In the General Assembly, fierce resistance to Black voting rights led to more discriminatory legislation. In 1871, Georgia became the first state to enact a poll tax. At the state's 1877 constitutional convention, the General Assembly made the poll tax permanent and cumulative, requiring citizens to pay all back taxes before being permitted to vote. The poll tax reduced turnout among Black voters in Georgia by half and has been described as the single most effective disenfranchisement law ever enacted. The poll tax was not abolished until 1945—after it had been in effect for almost 75 years.

47. After the repeal of the poll tax in 1945, voter registration among Black Georgians significantly increased. However, as a result of the state's purposeful voter suppression tactics, not a *single* Black lawmaker served in the General Assembly between 1908 and 1962.

48. Georgia's history of voter discrimination is far from ancient history. As recently as 1962, 17 municipalities and 48 counties in Georgia required segregated polling places. When the U.S. Department of Justice filed suit to end this practice, a local Macon leader declared that the federal government was ruining "every vestige of the local government."

49. Other means of disenfranchising Georgia’s Black citizens followed. The state adopted virtually every one of the “traditional” methods to obstruct the exercise of the franchise by Black voters, including literacy and understanding tests, strict residency requirements, onerous registration procedures, voter challenges and purges, the deliberate slowing down of voting by election officials so that Black voters would be left waiting in line when the polls closed, and the adoption of “white primaries.”

50. Attempts to minimize Black political influence in Georgia have also tainted redistricting efforts. During the 1981 congressional redistricting process, in opposing a bill that would maintain a majority-Black district, Joe Mack Wilson—a Democratic state representative and chair of the House Reapportionment Committee—openly used racial epithets to describe the district: following a meeting with officials of the U.S. Department of Justice, he complained that “the Justice Department is trying to make us draw [n*****] districts and I don’t want to draw [n*****] districts.” Speaker of the House Tom Murphy objected to creating a district where a Black representative would certainly be elected and refused to appoint any Black lawmakers to the conference committee, fearing that they would support a plan to allow Black voters to elect a candidate of their choice. Several senators also

expressed concern about being perceived as supporting a majority-Black congressional district.

51. Indeed, federal courts have invalidated Georgia's redistricting plans for voting rights violations numerous times. In *Georgia v. United States*, the U.S. Supreme Court affirmed a three-judge panel's decision that Georgia's 1972 reapportionment plan violated Section 5 of the Voting Rights Act, at least in part because it diluted the Black vote in an Atlanta-based congressional district in order to ensure the election of a white candidate. *See* 411 U.S. 526, 541 (1973); *see also* *Busbee v. Smith*, 549 F. Supp. 494, 517 (D.D.C. 1982) (three-judge panel) (denying preclearance based on evidence that Georgia's redistricting plan was product of purposeful discrimination in violation of Voting Rights Act), *aff'd*, 459 U.S. 1166 (1983); *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004) (per curiam) (three-judge panel) (invalidating state legislative plans that reduced number of majority-minority districts).

52. Due to its lengthy history of discrimination against racial minorities, Georgia became a "covered jurisdiction" under Section 5 of the Voting Rights Act upon its enactment in 1965, meaning that any changes to Georgia's election practices or procedures (including the enactment of new redistricting plans) were prohibited

until either the U.S. Department of Justice or a federal court determined that the change did not result in backsliding, or “retrogression,” of minority voting rights.

53. Accordingly, between 1965 and 2013—at which time the U.S. Supreme Court effectively barred enforcement of the Section 5 preclearance requirement in *Shelby County v. Holder*, 570 U.S. 529 (2013)—Georgia received more than 170 preclearance objection letters from the U.S. Department of Justice.

54. Georgia’s history of racial discrimination in voting, here only briefly recounted, has been thoroughly documented by historians and scholars. Indeed, “[t]he history of the state[’s] segregation practice and laws at all levels has been rehashed so many times that the Court can all but take judicial notice thereof.” *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994); *see also*, e.g., *Fair Fight Action, Inc. v. Raffensperger*, No. 1:18-CV-5391-SCJ, slip op. at 41 (N.D. Ga. Nov. 15, 2021), ECF No. 636 (taking judicial notice of fact that “prior to the 1990s, Georgia had a long sad history of racist policies in a number of areas including voting”).

55. Ultimately, as this Court has noted, “Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather

than the exception.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013) (quoting *Brooks*, 848 F. Supp. at 1560), *aff’d in part, rev’d in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015).

Use of Racial Appeals in Political Campaigns

56. In addition to Georgia’s history of discrimination against minorities in voting, political campaigns in the state have often relied on both overt and subtle racial appeals—both historically *and* during recent elections.

57. In 2016, Tom Worthan, former Republican Chair of the Douglas County Board of Commissioners, was caught on video making racist comments aimed at discrediting his Black opponent, Romona Jackson-Jones, and a Black candidate for sheriff, Tim Pounds. During the recorded conversation with a Douglas County voter, Worthan asked, “[D]o you know of another government that’s more black that’s successful? They bankrupt you.” Worthan also stated, in reference to Pounds, “I’d be afraid he’d put his black brothers in positions that maybe they’re not qualified to be in.”

58. In the 2017 special election for Georgia’s Sixth Congressional District—a majority-white district that had over the previous three decades been represented by white Republicans Newt Gingrich, Johnny Isakson, and Tom Price—the husband of the eventual Republican victor, Karen Handel, shared an image over

social media that urged voters to “[f]ree the black slaves from the Democratic plantation.” The image also stated, “Criticizing black kids for obeying the law, studying in school, and being ambitious as ‘acting white’ is a trick the Democrats play on Black people to keep them poor, ignorant and dependent.” The image was then shared widely by local and national media outlets.

59. During that same election, Jere Wood—the Republican Mayor of Roswell, Georgia’s eighth-largest city—insinuated that voters in the Sixth Congressional District would not vote for Democratic candidate Jon Ossoff because he has an “ethnic-sounding” name. When describing voters in that district, Wood said, “If you just say ‘Ossoff,’ some folks are gonna think, ‘Is he Muslim? Is he Lebanese? Is he Indian?’ It’s an ethnic-sounding name, even though he may be a white guy, from Scotland or wherever.”²

60. On a separate occasion, State Senator Fran Millar alluded to the fact that the Sixth Congressional District was gerrymandered in such a way that it would not support candidate Ossoff—specifically, because he was formerly an aide to a

² In actuality, now-U.S. Senator Ossoff’s paternal forebears were Ashkenazi Jewish immigrants who fled pogroms during the early 20th century. *See* Etan Nechin, *Jon Ossoff Tells Haaretz How His Jewish Upbringing Taught Him to Fight for Justice*, Haaretz (Dec. 20, 2020), <https://www.haaretz.com/us-news/.premium-jon-ossoff-tells-haaretz-how-his-jewish-upbringing-taught-him-to-fight-for-justice-1.9386302>.

Black member of Congress. State Senator Millar said, “I’ll be very blunt. These lines were not drawn to get Hank Johnson’s protégé to be my representative. And you didn’t hear that. They were not drawn for that purpose, OK? They were not drawn for that purpose.”

61. Earlier in 2017, Tommy Hunter, a member of the board of commissioners in Gwinnett County—the second-most populous county in the state—called the late Black Congressman John Lewis a “racist pig” and suggested that his reelection to the U.S. House of Representatives was “illegitimate” because he represented a majority-minority district.

62. Racist robocalls targeted the Democratic candidate for governor in 2018, referring to Stacey Abrams as “Negress Stacey Abrams” and “a poor man’s Aunt Jemima.” The Republican candidate, now-Governor Kemp, posted a statement on Twitter on the eve of the election alleging that the Black Panther Party supported Ms. Abrams’s candidacy.

63. Governor Kemp also ran a controversial television advertisement during the primary campaign asserting that he owned “a big truck, just in case [he] need[s] to round up criminal illegals and take ‘em home [him]self.”

64. The 2020 campaigns for Georgia’s two U.S. Senate seats were also rife with racial appeals. In one race, Republican incumbent Kelly Loeffler ran a paid

advertisement on Facebook that artificially darkened the skin of her Democratic opponent, now-Senator Raphael Warnock. In the other race, Republican incumbent David Perdue ran an advertisement against Democratic nominee Ossoff that employed a classic anti-Semitic trope by artificially enlarging now-Senator Ossoff's nose.

65. Senator Perdue later mispronounced and mocked the pronunciation of then-Senator Kamala Harris's first name during a campaign rally, even though the two had been colleagues in the Senate since 2017.

66. Racial appeals were apparent during local elections in Fulton County even within the last few weeks. City council candidates in Johns Creek and Sandy Springs pointed to Atlanta crime and protests that turned violent to try to sway voters, publicly urging residents to vote for them or risk seeing their cities become home to chaos and lawlessness. *The Atlanta Journal-Constitution* quoted Emory University political scientist Dr. Andra Gillespie, who explained that although the term "law and order" is racially neutral, the issue becomes infused with present-day cultural meaning and thoughts about crime and violence and thus carries racial undertones.

67. These are just a few—and, indeed, only among the more recent—examples of the types of racially charged political campaigns that have tainted elections in Georgia throughout the state’s history.

Ongoing Effects of Georgia’s History of Discrimination

68. State-sponsored segregation under Georgia’s Jim Crow laws permeated all aspects of daily life and relegated Black citizens to second-class status. State lawmakers segregated everything from public schools to hospitals and graveyards. Black Georgians were also precluded from sitting on juries, which effectively denied Black litigants equal justice under the law. Moreover, Black Georgians were excluded from the most desirable manufacturing jobs, which limited their employment opportunities to primarily unskilled, low-paying labor. And in times of economic hardship, Black employees were the first to lose their jobs.

69. Decades of Jim Crow and other forms of state-sponsored discrimination—followed by continued segregation of public facilities well into the latter half of the 20th century, in defiance of federal law—resulted in persistent socioeconomic disparities between Black and white Georgians. These disparities hinder the ability of Black voters to participate effectively in the political process.

70. Black Georgians, for instance, have higher poverty rates than white Georgians. According to the U.S. Census Bureau’s 2019 American Community

Survey (“ACS”) 1-Year Estimate, 18.8 percent of Black Georgians have lived below the poverty line in the past 12 months, compared to 9 percent of white Georgians.

71. Relatedly, Black Georgians have lower per capita incomes than white Georgians. The 2019 ACS 1-Year Estimate shows that white Georgians had an average per capita income of \$40,348 over the past 12 months, compared to \$23,748 for Black Georgians.

72. Black Georgians also have lower homeownership rates than white Georgians. The 2019 ACS 1-Year Estimate shows that 52.6 percent of Black Georgians live in renter-occupied housing, compared to 24.9 percent of white Georgians. And Black Georgians also spend a higher percentage of their income on rent than white Georgians. The 2019 ACS 1-Year Estimate shows that in Georgia, the percent of income spent on rent is a staggering 54.9 percent for Black Georgians, compared to 40.6 percent for white Georgians.

73. Black Georgians also have lower levels of educational attainment than their white counterparts and are less likely to earn degrees. According to the 2019 ACS 1-Year Estimate, only 25 percent of Black Georgians have obtained a bachelor’s degree or higher, compared to 37 percent of white Georgians.

74. These disparities impose hurdles to voter participation including working multiple jobs, working during polling place hours, lack of access to

childcare, lack of access to transportation, and higher rates of illness and disability. All of these hurdles make it more difficult for poor and low-income voters to participate effectively in the political process.

CAUSES OF ACTION

COUNT I: SB 2EX Violates Section 2 of the Voting Rights Act

75. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

76. Section 2 of the Voting Rights Act prohibits the enforcement of any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or” membership in a language minority group. 52 U.S.C. § 10301(a).

77. Georgia’s congressional district boundaries, as currently drawn, crack and pack minority populations with the effect of diluting their voting strength, in violation of Section 2 of the Voting Rights Act.

78. Black Georgians in the northwestern and western Atlanta metropolitan area are sufficiently numerous and geographically compact to constitute a majority of eligible voters in an additional congressional district, without reducing the number of minority-opportunity districts already included in the enacted map.

79. Under Section 2 of the Voting Rights Act, the General Assembly was required to create an additional congressional district in which Black voters in this area would have the opportunity to elect their candidates of choice.

80. Black voters in Georgia, including in and around this area, are politically cohesive. Elections in this area reveal a clear pattern of racially polarized voting that allows blocs of white voters usually to defeat Black voters' preferred candidates.

81. The totality of the circumstances establishes that the enacted congressional map has the effect of denying Black voters an equal opportunity to participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

82. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffs' rights guaranteed by Section 2 of the Voting Rights Act. Defendants will continue to violate those rights absent relief granted by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

A. Declare that SB 2EX violates Section 2 of the Voting Rights Act;

B. Enjoin Defendants, as well as their agents and successors in office, from enforcing or giving any effect to the boundaries of the congressional districts as drawn in SB 2EX, including an injunction barring Defendants from conducting any further congressional elections under the enacted map;

C. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to order the adoption of a valid congressional redistricting plan that includes an additional congressional district in the western Atlanta metropolitan area in which Black voters have the opportunity to elect their preferred candidates, as required by Section 2 of the Voting Rights Act, without reducing the number of minority-opportunity districts currently drawn in SB 2EX;

D. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiffs' attorneys' fees and reasonable costs.

Dated: December 30, 2021

By: **Adam M. Sparks**

Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
KREVOLIN & HORST, LLC
One Atlantic Center
1201 West Peachtree Street, NW,
Suite 3250
Atlanta, Georgia 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
Email: jlewis@khlawfirm.com
Email: sparks@khlawfirm.com

Kevin J. Hamilton*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101
Phone: (206) 359-8000
Facsimile: (206) 359-9000
Email: KHamilton@perkinscoie.com

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: AKhanna@elias.law
Email: JHawley@elias.law

Daniel C. Osher*
Christina A. Ford*
Graham W. White*
Michael B. Jones
Georgia Bar No. 721264
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: DOsher@elias.law
Email: CFord@elias.law
Email: GWhite@elias.law
Email: MJones@elias.law

Counsel for Plaintiffs

**Pro hac vice application forthcoming*

32

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
SARA TINDALL GHAZAL, in her
official capacity as a member of the State
Election Board; ANH LE, in her official
capacity as a member of the State Election
Board; EDWARD LINDSEY, in his
official capacity as a member of the State
Election Board; and MATTHEW
MASHBURN, in his official capacity as a
member of the State Election Board,

Defendants.*

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

* Pursuant to Federal Rule of Civil Procedure 25(d), Plaintiffs have automatically substituted Edward Lindsey, in his official capacity, for Rebecca N. Sullivan, in her official capacity, based on Defendants' representation in their recently filed status report. *See* Defs.' Status Report 2 n.1, ECF No. 31.

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs COAKLEY PENDERGRASS, TRIANA ARNOLD JAMES, ELLIOTT HENNINGTON, ROBERT RICHARDS, JENS RUECKERT, and OJUAN GLAZE, for the reasons set forth herein and in the memorandum of law filed concurrently with this motion, and as supported by the materials submitted therewith, respectfully move for an order preliminarily enjoining Defendants from enforcing the boundaries of the congressional districts as drawn in the Georgia Congressional Redistricting Act of 2021 (“SB 2EX”).

A preliminary injunction is warranted here because Plaintiffs are likely to succeed on the merits of their claim that SB 2EX violates Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301, by failing to include an additional congressional district in the western Atlanta metropolitan area in which Black voters have the opportunity to elect their preferred candidates. Georgia has a Black population sufficiently large and geographically compact to create an additional majority-Black congressional district in the western Atlanta metropolitan area. Rather than draw this district as required by federal law, the Georgia General Assembly instead chose to limit the ability of Black Georgians in this area to elect candidates of their choice to Congress, thus diluting the voting strength of a politically cohesive minority group in violation of Section 2. *See Johnson v. De*

Grandy, 512 U.S. 997, 1007 (1994). Plaintiffs have shown that they have satisfied the threshold preconditions established in *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986), and that, considering the totality of circumstances, “the political processes leading to nomination or election in the State or political subdivision are not equally open to participation” by members of Georgia’s Black community. 52 U.S.C. § 10301(b).

Moreover, Plaintiffs will suffer irreparable injury to their fundamental voting rights without preliminary injunctive relief. *See League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). And the balance of equities and the public interest favor an injunction to “ensur[e] that all citizens . . . have an equal opportunity to elect the representatives of their choice.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338, 1349 (N.D. Ga. 2015); *see also Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005).

Plaintiffs therefore request that the Court issue a preliminary injunction enjoining Defendants from enforcing or giving any effect to the boundaries of the congressional districts as drawn in SB 2EX, including barring Defendants from conducting any congressional elections under the enacted map. Plaintiffs further request that the Court expedite its consideration of this motion, including the

scheduling of any hearings, to ensure that necessary remedies are timely adopted and a lawful congressional map is in place before the deadlines for this year's congressional elections.

Plaintiffs also request that the Court waive the posting of security as otherwise required by Federal Rule of Civil Procedure 65(c). *See, e.g., New Ga. Project v. Raffensperger*, 484 F. Supp. 3d 1265, 1307 n.33 (N.D. Ga. 2020) (exercising discretion to waive security in voting rights case); *Ga. Coal. for People's Agenda, Inc. v. Kemp*, 347 F. Supp. 3d 1251, 1268–69 (N.D. Ga. 2018) (same).

Dated: January 12, 2022

By: **Adam M. Sparks**

Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
KREVOLIN & HORST, LLC
One Atlantic Center
1201 West Peachtree Street, NW,
Suite 3250
Atlanta, Georgia 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
Email: JLewis@khlawfirm.com
Email: Sparks@khlawfirm.com

Kevin J. Hamilton*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101
Phone: (206) 359-8000
Facsimile: (206) 359-9000
Email: KHamilton@perkinscoie.com

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: AKhanna@elias.law
Email: JHawley@elias.law

Daniel C. Osher*
Christina A. Ford*
Graham W. White*
Michael B. Jones
Georgia Bar No. 721264
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: DOsher@elias.law
Email: CFord@elias.law
Email: GWhite@elias.law
Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: January 12, 2022

Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: January 12, 2022

Adam M. Sparks
Counsel for Plaintiffs

89

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

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT

Defendants Brad Raffensperger, in his official capacity as Secretary of the State of Georgia; and Sara Tindall Ghazal, Janice Johnston, Edward Lindsey, and Matthew Mashburn, in their official capacities as members of the State Election Board (collectively, the “Defendants”), answer Plaintiffs’ Complaint [Doc. 1] (the “Complaint”) as follows:

FIRST AFFIRMATIVE DEFENSE

The allegations in Plaintiffs’ Complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs’ claims are barred for failure to name necessary and indispensable parties.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs lack constitutional standing to bring this action.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs lack statutory standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' federal claims against Defendants are barred by the Eleventh Amendment to the United States Constitution.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by sovereign immunity.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Section 2 of the Voting Rights Act provides no provide right of action.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they should be heard by a three-judge panel.

NINTH AFFIRMATIVE EFENSE

Defendants deny that Plaintiffs have been subjected to the deprivation of any right, privilege, or immunity under the Constitution or laws of the United States.

TENTH AFFIRMATIVE DEFENSE

Defendants reserve the right to amend their defenses and to add additional ones, including lack of subject matter jurisdiction based on the mootness or ripeness doctrines, as further information becomes available in discovery.

Defendants answer the specific numbered paragraphs of Plaintiffs' Complaint as follows:

1. Paragraph 1 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

2. Defendants deny the allegations set forth in Paragraph 2 of the Complaint.

3. Defendants deny the allegations set forth in Paragraph 3 of the Complaint.

4. Defendants deny the allegations set forth in Paragraph 4 of the Complaint.

5. Paragraph 5 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

6. Defendants deny the allegations set forth in Paragraph 6 of the Complaint.

7. Paragraph 7 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied and Defendants further deny that Plaintiffs are entitled to any relief.

8. Defendants admit that this Court has federal-question jurisdiction for claims arising under the Voting Rights Act. Defendants deny the remaining allegations set forth in Paragraph 8 of the Complaint.

9. Defendants deny the allegations set forth in Paragraph 9 of the Complaint.

10. Defendants admit the allegations set forth in Paragraph 10 of the Complaint.

11. The allegations in Paragraph 11 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

12. The allegations in Paragraph 12 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

13. The allegations in Paragraph 13 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

14. The allegations in Paragraph 14 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

15. The allegations in Paragraph 15 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

16. The allegations in Paragraph 16 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

17. Defendants admit that Secretary Raffensperger is the Secretary of State of Georgia and that the Secretary of State is designated by statute as the chief election official. Defendants further admit that the Secretary has responsibilities under law related to elections. Defendants deny the remaining allegations contained in Paragraph 17 of the Complaint.

18. Defendants deny that Rebecca Sullivan is a member of the State Election Board, but further state that Edward Lindsey replaced her. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 18 of the Complaint.

19. Defendants admit that Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity. Defendants

further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 19 of the Complaint.

20. Defendants admit that Matthew Mashburn is a member of the State Election Board and is named in his official capacity. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 20 of the Complaint.

21. Defendants deny that Anh Le is a member of the State Election Board, but further state that Janice Johnston replaced her. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 21 of the Complaint.

22. Paragraph 22 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

23. Paragraph 23 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

24. Paragraph 24 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

25. Paragraph 25 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

26. Paragraph 26 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

27. Paragraph 27 of the Complaint and its subparagraphs set forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

28. Paragraph 28 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

29. Defendants admit the allegations set forth in Paragraph 29 of the Complaint.

30. Defendant admits that, as a percentage of the electorate, the white percentage has decreased and the percentage of voters of color has increased over the last ten years. The remaining allegations in Paragraph 30 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

31. Defendants deny the allegations set forth in Paragraph 31 of the Complaint.

32. Defendants admit the allegations set forth in Paragraph 32 of the Complaint.

33. Defendants deny the allegations set forth in Paragraph 33 of the Complaint.

34. Defendants deny the allegations set forth in Paragraph 34 of the Complaint.

35. Defendants deny the allegations set forth in Paragraph 35 of the Complaint.

36. Defendants deny the allegations set forth in Paragraph 36 of the Complaint.

37. Defendants deny the allegations set forth in Paragraph 37 of the Complaint.

38. Defendants deny the allegations set forth in Paragraph 38 of the Complaint.

39. Paragraph 39 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. Defendants admit that Black and white voters in Georgia vote in blocs and prefer different candidates. The remaining allegations in this Paragraph are denied.

40. Defendants admit that a substantial majority of Black voters in Georgia prefer Democrat candidates. Defendants deny the remaining allegations set forth in Paragraph 40 of the Complaint.

41. Defendants admit that a majority of white voters in Georgia have voted for Republican candidates in the recent past. Defendants deny the remaining allegations set forth in Paragraph 41 of the Complaint.

42. Defendants admit that Black and white voters in Georgia usually vote in blocs and prefer different candidates. Defendants deny the remaining allegations set forth in Paragraph 42 of the Complaint.

43. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. Defendant denies the remaining allegations set forth in Paragraph 43 of the Complaint.

44. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 44 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

45. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 45 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

46. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 46 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

47. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of

Paragraph 47 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

48. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 48 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

49. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 49 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

50. Defendants admit that Democratic representatives in the 1981 redistricting process sought to minimize Black political influence in Georgia. The remaining allegations of Paragraph 50 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

51. Defendants admit that plans drawn when Democrats controlled Georgia government were objected to in 1971, 1981, 1991, and 2001 and that

redistricting plans drawn when Democrats controlled Georgia government were rejected as unconstitutional in 2004. The remaining allegations of Paragraph 51 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

52. Defendants admit that, prior to 2013, Georgia was a covered jurisdiction under Section 4 of the Voting Rights Act and was required to seek preclearance of election laws prior to enforcement. The remaining allegations in Paragraph 52 set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

53. Defendants admit that, prior to 2013, Georgia was a covered jurisdiction under Section 4 of the Voting Rights Act and was required to seek preclearance of election laws prior to enforcement. The remaining allegations in Paragraph 53 set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

54. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 54 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

55. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 55 of the Complaint set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

56. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 56 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

57. The allegations in Paragraph 57 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

58. The allegations in Paragraph 58 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

59. The allegations in Paragraph 59 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

60. The allegations in Paragraph 60 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

61. The allegations in Paragraph 61 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

62. The allegations in Paragraph 62 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

63. The allegations in Paragraph 63 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

64. The allegations in Paragraph 64 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

65. The allegations in Paragraph 65 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

66. The allegations in Paragraph 66 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

67. The allegations in Paragraph 67 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

68. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 68 of the Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

69. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 69 of the Complaint set forth legal conclusions to which no

response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

70. The allegations in Paragraph 70 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

71. The allegations in Paragraph 71 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

72. The allegations in Paragraph 72 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

73. The allegations in Paragraph 73 of the Complaint are outside Defendants' knowledge and are therefore denied on that basis.

74. Defendants deny the allegations set forth in Paragraph 74 of the Complaint.

75. Defendants incorporate their responses to Paragraphs 1 through 74 as if fully set forth herein.

76. Paragraph 76 of the Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

77. Defendants deny the allegations set forth in Paragraph 77 of the Complaint.

78. Defendants deny the allegations set forth in Paragraph 78 of the Complaint.

79. Defendants deny the allegations set forth in Paragraph 79 of the Complaint.

80. Defendants deny the allegations set forth in Paragraph 80 of the Complaint.

81. Defendants deny the allegations set forth in Paragraph 81 of the Complaint.

82. Defendants deny the allegations set forth in Paragraph 82 of the Complaint.

Prayer for Relief

Defendants deny that Plaintiffs are entitled to any relief they seek. Defendants further deny every allegation not specifically admitted in this Answer.

Respectfully submitted this 25th day of February, 2022.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
Charlene McGowan
Assistant Attorney General

Georgia Bar No. 697316
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/ Bryan P. Tyson

Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com

Frank B. Strickland
Georgia Bar No. 678600
fstrickland@taylorenghish.com

Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com

Loree Anne Paradise
Georgia Bar No. 382202
lparadise@taylorenghish.com

Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, Georgia 30339
(678) 336-7249

Counsel for Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
Bryan P. Tyson

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME II OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

Docket/Tab

Volume I

District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89

Volume II

Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
--	----

Volume III

Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286

Volume IV

Opinion and Memorandum of Decision (pp. 191–434).....	286
---	-----

Volume V

Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

97

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

**ALPHA PHI ALPHA FRATERNITY
INC., et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, in his
official capacity as Secretary of State of
Georgia,
Defendant.**

**COAKLEY PENDERGRASS, et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, et al.,
Defendants.**

**ANNIE LOIS GRANT, et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, et al.,
Defendants.**

CIVIL ACTION FILE

No. 1:21-CV-5337-SCJ

CIVIL ACTION FILE

No. 1:21-CV-5339-SCJ

CIVIL ACTION FILE

No. 1:22-CV-122-SCJ

**ORDER FOLLOWING
COORDINATED HEARING ON
MOTIONS FOR PRELIMINARY
INJUNCTION**

TABLE OF CONTENTS

I. BACKGROUND	11
A. What Is Redistricting and Why Is It Necessary?	12
B. Factual History	14
C. The Purpose of the Voting Rights Act and the Conduct It Prohibits	16
D. Timeline.....	19
II. LEGAL STANDARD	21
A. Preliminary Injunction	21
1. Eleventh Circuit.....	21
2. Recent Supreme Court Authority	23
B. The Voting Rights Act.....	27
1. The Gingles Preconditions	28
2. The Senate Factors.....	29
C. Evidentiary Considerations.....	32
D. Motions to Dismiss	33
III. FINDINGS OF FACT AND CONCLUSIONS OF LAW	34
A. Likelihood of Success on the Merits.....	34
1. The First Gingles Precondition: Numerosity and Compactness	35
a) Credibility Determinations	35
(1) Mr. Cooper	35
(2) Mr. Esselstyn.....	38

(3) Mr. Morgan.....	42
(4) Ms. Wright	46
b) First <i>Gingles</i> Precondition Legal Standard.....	51
(1) Numerosity	52
(2) Compactness.....	54
c) Pendergrass	55
(1) Numerosity	58
(a) Demographic developments in Georgia.....	59
(b) Georgia’s 2021 congressional plan	63
(c) The Pendergrass Plaintiffs’ illustrative congressional plan.....	66
(2) Geographic Compactness	69
(a) Population equality.....	71
(b) Compactness	71
(c) Contiguity.....	76
(d) Preservation of political subdivisions	76
(e) Preservation of communities of interest.....	79
(f) Core Retention	85
(g) Racial considerations	87
(3) Conclusions of Law	92
d) Grant and Alpha Phi Alpha.....	93
(1) The Grant Plaintiffs are substantially likely to establish a Section 2 violation	101

(a) Senate Districts	101
i) Numerosity.....	101
ii) Geographic compactness.....	107
(a) Population equality	108
(b) Compactness.....	110
(c) Contiguity	115
(d) Preservation of political subdivisions.....	115
(e) Preservation of communities of interest	118
(f) Incumbent protection.....	123
(g) Core retention.....	123
(h) Racial considerations.....	125
(b) Esselstyn House Districts.....	129
i) Numerosity.....	129
ii) Geographic Compactness.....	133
(a) Population equality	134
(b) Compactness.....	135
(c) Contiguity	139
(d) Preservation of political subdivisions.....	139
(e) Preservation of communities of interest	143

(f) Incumbent protection.....	145
(g) Core retention.....	148
(h) Racial considerations.....	149
(2) The Alpha Phi Alpha Plaintiffs are substantially likely to establish a Section 2 violation.....	153
(a) Cooper’s Illustrative House District 153.....	153
i) Numerosity.....	153
ii) Geographic compactness.....	155
(a) Population equality	156
(b) Compactness.....	157
(c) Contiguity	159
(d) Preservation of political subdivisions.....	159
(e) Preservation of communities of interest	164
(f) Incumbent protection.....	165
(g) Core retention.....	168
(h) Racial considerations.....	169
(3) Conclusions of Law	171
2. The Second Gingles Precondition: Political Cohesion.....	172
a) The parties’ arguments	172
(1) Defendants	172

(2) Plaintiffs	173
(3) Conclusions of law.....	174
b) The existence of political cohesion.....	176
(1) Pendergrass.....	176
(a) Plaintiffs’ Expert: Dr. Maxwell Palmer	176
i) Qualification.....	177
ii) Analysis.....	178
(b) Defendants’ Expert: Dr. John Alford.....	180
i) Qualification.....	180
ii) Analysis.....	182
(c) Conclusions of Law.....	185
(2) Grant	186
(a) Dr. Palmer’s analysis	186
(3) Alpha Phi Alpha	187
(a) Plaintiffs’ Expert: Dr. Lisa Handley	188
i) Qualification.....	188
ii) Analysis.....	190
(a) Statewide general elections	191
(b) State legislative elections	192
(c) Primaries	193
(b) Defendants’ Expert: Dr. Alford.....	195
(c) Conclusions of Law.....	197

3. The Third Gingles Precondition: Bloc Voting.....	197
a) Pendergrass	198
b) Grant.....	200
c) Alpha Phi Alpha	202
4. The Senate Factors.....	205
a) Senate Factor One: Georgia has a history of official, voting-related discrimination.....	205
b) Senate Factor Two: Georgia voters are racially polarized.	209
c) Senate Factor Three: Georgia’s voting practices enhance the opportunity for discrimination.	210
d) Senate Factor Four: Georgia has no history of candidate slating for legislative elections.	211
e) Senate Factor Five: Georgia’s discrimination has produced significant socioeconomic disparities that impair Black Georgians’ participation in the political process.	211
f) Senate Factor Six: Both overt and subtle racial appeals are prevalent in Georgia’s political campaigns.	215
g) Senate Factor Seven: Black candidates in Georgia are underrepresented in office and rarely succeed outside of majority-minority districts.	217
h) Senate Factor Eight: Georgia is not responsive to its Black residents.	218
i) Senate Factor Nine: The justifications for the enacted redistricting maps are tenuous.	219

5. Conclusions of Law.....	220
B. Irreparable Injury	220
C. Balancing of the Equities and Public Interest	221
1. Findings of Fact	222
2. Conclusions of Law.....	230
IV. CONCLUSION	237

ORDER¹

This matter appears before the Court on the pending Motions for Preliminary Injunction filed in the above-stated cases concerning the legality of the State of Georgia’s newly adopted redistricting plans. APA Doc. No. [39],

¹ In the interest of judicial economy, the Court issues a single order that will be filed by the Clerk in each of the above-stated cases. The Court’s issuance of this single order does not imply or reflect any intention of the court to consolidate these cases under Federal Rule of Civil Procedure 42 or otherwise.

For reference, the following citations are used for support for each of the findings below:

Citation	Document Type
<u>APA</u> Doc. No. []	Docket entry from <u>Alpha Phi Alpha</u>
<u>Grant</u> Doc. No. []	Docket entry from <u>Grant</u>
<u>Pendergrass</u> Doc. []	Docket entry from <u>Pendergrass</u>
Tr.	Transcript of the preliminary injunction hearing held February 7-14, 2022 in all three cases and filed at <u>APA</u> Doc. Nos. [106-117]; <u>Grant</u> Doc. Nos. [68-79]; <u>Pendergrass</u> Doc. Nos. [73-75, 77-85].
DX	Defendants’ Exhibits
APAX	<u>Alpha Phi Alpha</u> Plaintiffs’ Exhibits
GPX	<u>Grant/Pendergrass</u> Plaintiffs’ Exhibits
<u>APA</u> Stip.	<u>Alpha Phi Alpha</u> joint stipulated facts filed at <u>APA</u> Doc. No. [94]
<u>Grant</u> Stip.	<u>Grant</u> joint stipulated facts filed at <u>Grant</u> Doc. No. [56]
<u>Pendergrass</u> Stip.	<u>Pendergrass</u> joint stipulated facts filed at <u>Pendergrass</u> Doc. No. [63]

Grant Doc. No. [19], Pendergrass Doc. No. [32]. In considering this important matter, the Court has had the benefit of thousands of pages of briefing and evidence, as well as the testimony of numerous fact and expert witnesses the Court observed over a six-day hearing on this matter. After careful review and consideration, the Court finds that while the plaintiffs have shown that they are likely to ultimately prove that certain aspects of the State's redistricting plans are unlawful, preliminary injunctive relief is not in the public's interest because changes to the redistricting maps at this point in the 2022 election schedule are likely to substantially disrupt the election process. As a result, the Court will not grant the requests for preliminary injunctive relief.

The Court's analysis proceeds as follows. First, the Court discusses redistricting, voting rights law, and the factual and procedural backgrounds of the above-stated actions. Second, the Court provides the relevant legal standard and discusses the voting rights legislation and case law that guides this Court's analysis. Finally, the Court provides its findings of fact and conclusions of law, which includes the Court's credibility determinations of expert witnesses as well as the Court's analysis under the pertinent law.

I. BACKGROUND

Long ago, the United States Supreme Court in Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886), described the “political franchise of voting” as “a fundamental political right, [] preservative of all rights.” Our sister court in the Northern District of Alabama therefore aptly expanded: “Voting is an inviolable right, occupying a sacred place in the lives of those who fought to secure the right and in our democracy, because it is ‘preservative of all rights.’” People First of Ala. v. Merrill, 491 F. Supp. 3d 1076, 1091 (N.D. Ala. 2020) (quoting Yick Wo, 118 U.S. at 370), appeal dismissed sub nom. People First of Ala. v. Sec’y of State for Ala., No. 20-13695-GG, 2020 WL 7038817 (11th Cir. Nov. 13, 2020), and appeal dismissed, No. 20-13695-GG, 2020 WL 7028611 (11th Cir. Nov. 16, 2020).

In the three cases before the Court, each set of Plaintiffs argues that their voting rights have been violated by the redistricting plans recently adopted by the State of Georgia in the wake of the 2020 Census. The Court thus approaches this case “with caution, bearing in mind that these circumstances involve ‘one of the most fundamental rights of . . . citizens: the right to vote.’” Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs, 775 F.3d 1336, 1345 (11th Cir. 2015) (citations omitted).

A. What Is Redistricting and Why Is It Necessary?

The country's system of elections is based on the principle of "one person, one vote" espoused by the Supreme Court in Baker v. Carr, 369 U.S. 186 (1962). As a result, and because our federal system of government is representative when people are drawn into electoral districts, those districts must have equal populations. Karcher v. Daggett, 462 U.S. 725, 730 (1983) ("Article I, § 2 establishes a 'high standard of justice and common sense' for the apportionment of congressional districts: 'equal representation for equal numbers of people.'" (quoting Wesberry v. Sanders, 376 U.S. 1, 18 (1964))). Otherwise, the voting strength of people who live in districts with large populations will be diluted compared to those who live in districts with smaller populations. The Supreme Court has therefore held that in elections for members of the United States House of Representatives, "the command of Art. I, § 2 [of the Constitution], that Representatives be chosen 'by the People of the several States' means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." Wesberry, 376 U.S. at 7-8 (footnotes omitted) (citations omitted). This principle has also been extended to state legislative bodies: "[A]s a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral

state legislature must be apportioned on a population basis.” Reynolds v. Sims, 377 U.S. 533, 568 (1964).

The number of people who must be in a particular electoral district depends on which legislative office the district is designed to cover. For instance, the U.S. Constitution prescribes that for the House of Representatives, “[t]he Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative.” U.S. Const. art. I, § 2, cl. 3. When district populations are not equal, the districts are malapportioned. Because populations naturally shift and change over time, district boundaries must be adjusted periodically to correct any malapportionment. This “[r]ealignment of a legislative district’s boundaries to reflect changes in population and ensure proportionate representation by elected officials” is known as reapportionment or redistricting. Reapportionment, Black’s Law Dictionary (11th ed. 2019) (citing U.S. Const. art. I, § 2, cl. 3); redistricting, Black’s Law Dictionary (11th ed. 2019). The U.S. Constitution requires that reapportionment for members of the U.S. House of Representatives occur every ten years, based on the Decennial Census. U.S. Const. art. I, § 2, cl. 3; id., amend XIV, § 2. Likewise, the Georgia Constitution

requires that the Senate and House districts of the General Assembly be reapportioned after each Decennial Census. Ga. Const. art. III, § 2, ¶ II.

B. Factual History

All of this explains why it was necessary, after the results of the 2020 Census became available, for the Georgia General Assembly to pass laws reapportioning districts for the U.S. House of Representatives (SB 2EX), the Georgia Senate (SB 1EX), and the Georgia House (HB 1EX). Each of these provisions was signed into law by Governor Brian Kemp on December 30, 2021. Plaintiffs' claims all stem from that redistricting process, but they do not claim that the districts are malapportioned. Rather, their claims are based on the alleged improper dilution of their votes tied to race.

Within hours of Governor Kemp signing SB 2EX, SB 1EX, and HB 1EX into law, Plaintiffs in Alpha Phi Alpha v. Raffensperger, No. 1:21-cv-05337-SCJ (Alpha Phi Alpha) and Pendergrass v. Raffensperger, No. 1:21-cv-05339-SCJ (Pendergrass), filed suit. Ultimately, between December 30, 2021, and January 11, 2022, the three cases at issue here were filed against State of Georgia officials, alleging these redistricting plans (collectively, the "Enacted Plans") violated Section 2 of the Voting Rights Act of 1965.

The Alpha Phi Alpha Plaintiffs challenge certain State Senate and State House districts in the Enacted Plans. Specifically, they challenge Senate Districts 16, 17, and 23 in the Enacted State Senate Plan (SB 1EX), and House Districts 74, 114, 117, 118, 124, 133, 137, 140, 141, 149, 150, 153, 154, and 155, in the Enacted State House Plan (HB 1EX). APA Doc. No. [1], ¶¶ 64–66, 70–74. The Alpha Phi Alpha Plaintiffs contend that the Enacted State Senate and House Plans fail to include additional majority-minority districts (i.e., districts in which the majority of the voting-age population is Black) that would give Black voters the opportunity to elect their preferred candidates. Instead, they assert Black voters have been heavily “packed” into certain districts and split up into predominantly white districts (i.e., “cracked”) in other areas. See generally APA Doc. No. [1].

The Grant v. Raffensperger, No. 1:22-cv-00122-SCJ (Grant) Plaintiffs, likewise challenge the Enacted State Senate and House Plans. Specifically, the Grant Plaintiffs challenge Senate Districts 10, 16, 17, 23, 24, 25, 28, 30, 34, 35 in the Enacted State Senate Plan, and House Districts 61, 64, 69, 74, 75, 78, 117, 133, 142, 143, 144, 145, 147, and 149 in the Enacted State House Plan. Grant Doc. No. [1], ¶¶ 41–44. They argue the General Assembly should have drawn three

additional majority-minority State Senate districts and five State House districts. See generally Grant Doc. No. [1].

Finally, the Pendergrass Plaintiffs, challenges certain congressional districts in the Congressional Enacted Plan. Specifically, the Pendergrass Plaintiffs challenge congressional Districts 3, 6, 11, 13, and 14. Pendergrass Doc. No. [1], ¶ 35. The Pendergrass Plaintiffs allege that SB 2EX should have included an additional majority-minority district in the western Atlanta metropolitan area.

Each set of Plaintiffs contends these failures to draw additional majority-minority districts violates Section 2 of the Voting Rights Act of 1965.

C. The Purpose of the Voting Rights Act and the Conduct It Prohibits

“The Fifteenth Amendment was ratified in 1870, in the wake of the Civil War. It provides that ‘[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,’ and it gives Congress the ‘power to enforce this article by appropriate legislation.’” Shelby Cnty., Ala. v. Holder, 570 U.S. 529, 536 (2013). Even after the adoption of this amendment, however, many discriminatory systems—including violence—were used to deprive Blacks (among others) of their right to vote.

One particularly extreme use of such violence took place on Sunday, March 7, 1965 (“Bloody Sunday”). On that day, civil rights proponents began marching from Selma, Alabama to Montgomery, Alabama for, among other things, the right to vote. After crossing the Edmund Pettus Bridge, the marchers were attacked by state troopers and civilians, an event that was televised across America. The Bloody Sunday attack caused public outrage. See James D. Wascher, Recognizing the 50th Anniversary of the Voting Rights Act, Fed. Law., May 2015, at 41 (hereinafter, “Wascher”) (citing Richard H. Pildes, Introduction, in The Future of the Voting Rights Act xi, (David L. Epstein, et al., eds., 2006)). Shortly thereafter, Congress passed the Voting Rights Act of 1965 (“VRA”). It was signed into law on August 6 of that year. Pub. L. No. 89-110, 79 Stat. 437 (1965) (codified as amended at 52 U.S.C. §§ 10301–10702). The VRA was adopted specifically “[t]o enforce the fifteenth amendment to the Constitution of the United States.” Id. Many commentators have “rightly called [it] the most effective civil rights legislation ever adopted.” Wascher at 38; see also Terrye Conroy, The Voting Rights Act of 1965: A Selected Annotated Bibliography, 98 Law Libr. J. 663, 663 (2006) (stating that the VRA “is widely considered one of the most important and successful civil rights laws ever enacted”).

While the VRA has been amended several times, as originally adopted, Section 2 prohibited practices that denied or abridged the right to vote “on account of” race or color. Section 4 contained an automatic trigger for the review of new voting laws or practices adopted in certain locations that had a history of using discriminatory voting tests or devices (such as poll taxes or literacy requirements) (the “coverage formula”). The entire State of Georgia was among these “covered jurisdictions.” Under Section 5, covered jurisdictions were required to submit new voting procedures or practices for prior approval (“preclearance”) by the Department of Justice or a district court panel of three judges. See Wascher at 41. The VRA thus “employed extraordinary measures to address an extraordinary problem.” Shelby Cnty., 570 U.S. at 534.

In 2013, the Supreme Court held that the coverage formula was no longer constitutional because it had not been reformulated since 1975. Shelby Cnty., 570 U.S. at 538, 556–57. As a result, the State of Georgia is no longer a covered jurisdiction. The current round of redistricting is the first to be done as a result of a Decennial Census after the Shelby County ruling. Thus, this is the first time in over fifty years in which Georgia has redistricted following the Decennial Census without having to seek preclearance. But Shelby County “in no way

affect[ed] the permanent, nationwide ban on racial discrimination in voting found in § 2.” Shelby Cnty., 570 U.S. at 557. And it is Section 2 on which the Plaintiffs in these three cases predicate their claims.

D. Timeline

Due to the serious time exigencies surrounding the fair and timely resolution of these cases, including the provisions of Georgia’s election law that set various deadlines applicable to the upcoming 2022 elections, the Court moved expeditiously to hold a Rule 16 Status Conference on January 12, 2022. APA Doc. No. [8]; Pendergrass Doc. No. [15].

Following the Status Conference, the Court set the following schedule for briefing on motions to dismiss in all three matters: Motions to Dismiss were due by 5:00 PM EST on January 14, 2022; Responses were due by 5:00 PM on January 18; Replies were due by 5:00 PM on January 20. APA Doc. No. [37]; Grant Doc. No. [14]; Pendergrass Doc. No. [33].

The Court also set an expedited schedule for briefing on any motions for preliminary injunction in all three matters: Motions for preliminary injunction were due by 5:00 PM EST on January 13, 2022; Responses were due by 5:00 PM EST on January 18; Replies were due by 5:00 PM EST on January 20. APA Doc. No. [36]; Grant Doc. No. [15]; Pendergrass Doc. No. [35].

The Court then scheduled a six-day preliminary injunction hearing with deadlines for exchange of witnesses and exhibits, objections to witnesses and exhibits, and stipulated facts to streamline the hearing process. APA Doc. No. [55]; Grant Doc. No. [44]; Pendergrass Doc. No. [41]. The Court thereafter entered expedited rulings, denying Defendants' Motions to Dismiss on January 28, 2022. APA Doc. No. [65]; Grant Doc. No. [44]; Pendergrass Doc. No. [43].

The coordinated hearing on the preliminary injunctions in all three cases was held from February 7 through February 14, 2022. APA Doc. Nos. [106]–[117]; Grant Doc. Nos. [68]–[79]; Pendergrass Doc. Nos. [73]–[75], [77]–[85].²

Related to the coordinated hearing and in accordance with the Court's orders setting deadlines, the parties filed stipulations, requests for judicial notice, supplemental authority (and responses), and proposed findings and conclusions of law,³ which the Court has reviewed in conjunction with the issuance of this Order.⁴ APA Doc. Nos. [61], [73], [94], [95], [98], [101], [119],

² On February 8, 2022, the Court verbally granted the Motion for Leave to File Brief as Amici Curiae in Support of Plaintiffs filed by Fair Districts Ga and the Election Law Clinic at Harvard. APA Doc. No. [90]. The Amici Curiae brief has been fully considered by the Court in rendering its decision.

³ In the interest of judicial economy, portions of the proposed findings of fact/conclusions of law have been adopted and incorporated into this Order.

⁴ In addition, non-party, Fair Districts Ga and the Election Law Clinic at Harvard filed a Motion for Leave to File Brief as Amici Curiae in Support of Plaintiffs. APA Doc.

[120], [121], [123], [124]; Grant Doc. Nos. [39], [47], [56], [60], [61], [80], [81], [82]; Pendergrass Doc. Nos. [47], [54], [63], [66], [67], [69], [86], [87], [88].

The Court has also reviewed the entire record of each of the three cases at issue, inclusive of the exhibits and evidence admitted during the coordinated hearing. The pending preliminary injunction motions are now ripe for review.

II. LEGAL STANDARD

A. Preliminary Injunction

1. *Eleventh Circuit*

To obtain injunctive relief, Plaintiffs must demonstrate:

- (1) a substantial likelihood of success on the merits;
- (2) that irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.

Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr, S.A., 320 F.3d 1205, 1210 (11th Cir. 2003); see also Parker v. State Bd. of Pardons and Paroles, 275 F.3d 1032, 1034–35 (11th Cir. 2001). Injunctive relief is an extraordinary and drastic remedy and should not be granted unless the movant clearly establishes the

No. [90]. On February 8, 2022, the Court verbally granted the Motion. The Amici Curiae brief has been fully considered by the Court in rendering its decision.

burden of persuasion as to each of these four factors. Siegel v. LePore, 234 F. 3d 1163, 1176 (11th Cir. 2000); McDonald's Corp. v. Robertson, 147 F.3d 1301, 1306 (11th Cir. 1998). Moreover, when a party seeks to affirmatively enjoin a state governmental agency, requiring it to perform a certain action, the “case must contend with the well-established rule that the Government has traditionally been granted the widest latitude in the dispatch of its own affairs.” Martin v. Metro. Atlanta Rapid Transit Auth., 225 F. Supp. 2d 1362, 1372 (N.D. Ga. 2002) (citing Rizzo v. Goode, 423 U.S. 362, 378–79 (1976)). This rule “bars federal courts from interfering with non-federal government operations in the absence of facts showing an immediate threat of substantial injury.” Id. (quoting Midgett v. Tri-Cnty. Metro. Dist. of Or., 74 F. Supp. 2d 1008, 1012 (D. Or. 1999); citing Brown v. Bd. of Trs. of LaGrange Ind. Sch. Dist., 187 F.2d 20 (5th Cir. 1951)).⁵ The decision to grant preliminary injunctive relief is within the broad discretion of the district court. Majd-Pour v. Georgiana Cmty. Hosp., Inc., 724 F.2d 901, 902 (11th Cir. 1984).

⁵ All decisions of the former Fifth Circuit entered prior to October 1, 1981, are binding precedent in the Eleventh Circuit. Bonner v. City of Prichard, Ala., 661 F.2d 1206, 1209–10 (11th Cir. 1981).

2. *Recent Supreme Court Authority*

Added to this mix is the recent Supreme Court order in Merrill v. Milligan, 595 U.S. ---, 142 S. Ct. 879 (Feb. 7, 2022). Milligan involves challenges under the United States Constitution and the VRA to Alabama's recently redrawn congressional electoral maps. See generally Milligan v. Merrill, Case No. 2:21-cv-1530-AMM (N.D. Ala.) (three-judge court), consolidated with Singleton v. Merrill, Case No. 2:21-cv-1291-AMM (N.D. Ala.) (three-judge court). After an extensive evidentiary hearing, the three-judge court entered preliminary injunctions enjoining the Alabama Secretary of State from conducting congressional elections using those maps. Id. Doc. No. [107]. The Alabama defendants applied to the United States Supreme Court for a stay of the injunctive relief from those orders. Milligan, 142 S. Ct. at 879.⁶ The Supreme Court granted the request and stayed, without opinion, the injunctions that were issued by the three-judge court. See id. Chief Justice Roberts, as well as Justices Kagan, Breyer, and Sotomayor, dissented. Id. at 882–89.

⁶ Because the orders were issued by a three-judge court, all appellate review is by the United States Supreme Court. 52 U.S.C. § 10306(c) ("The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of Title 28 and any appeal shall lie to the Supreme Court.").

Justice Kavanaugh, joined by Justice Alito, wrote separately to concur with the stay of the injunctions. See id. at 879–82. Justice Kavanaugh’s concurrence first emphasized that the stay was not a ruling on the merits but followed precedent – the Purcell principle⁷ – which dictates that federal courts generally “should not enjoin state election laws in the period close to an election.” Id. at 879. This is important because

[l]ate judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others. It is one thing for a State on its own to toy with its election laws close to a State’s elections. But it is quite another thing for a federal court to swoop in and re-do a State’s election laws in the period close to an election.

Id. at 881 (footnote omitted). Because “practical considerations sometimes require courts to allow elections to proceed despite pending legal challenges,”

⁷ The Purcell principle derives from Purcell v. Gonzales, 549 U.S. 1 (2006) (per curiam). There, the Supreme Court noted that “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” Id. at 4–5. Accordingly, the Court vacated an appellate court order that enjoined enforcement of a voter-identification law about a month before an election. Id. at 3. Based on Purcell, both the Supreme Court and lower federal courts have applied the principle that “lower federal courts should ordinarily not alter the election rules on the eve of an election.” Republican Nat’l Comm. v. Democratic Nat’l Comm., 140 S. Ct. 1205, 1207 (2020) (citations omitted).

id. at 882 (quoting Riley v. Kennedy, 553 U.S. 406, 426 (2008)), Justice Kavanaugh concluded that the Purcell principle should be applied to modify the traditional preliminary injunction standard when elections are close at hand:

I would think that the Purcell principle thus might be overcome even with respect to an injunction issued close to an election if a plaintiff establishes at least the following: (i) the underlying merits are entirely clearcut in favor of the plaintiff; (ii) the plaintiff would suffer irreparable harm absent the injunction; (iii) the plaintiff has not unduly delayed bringing the complaint to court; and (iv) the changes in question are at least feasible before the election without significant cost, confusion, or hardship.

Id. at 881 (citations omitted).

Although Justice Kavanaugh’s concurrence is not controlling, this Court would be remiss if it ignored its conclusions. First, even dicta from the Supreme Court carries strong persuasive value. The Eleventh Circuit has made this clear. In rejecting another appellate court’s dismissal of Supreme Court dicta, the Eleventh Circuit emphasized the following:

We disagree with the [] opinion’s dismissal of the Supreme Court’s specific pronouncements []. A lot. We will start with the most fundamental reason. We have always believed that when the Founders penned Article III’s reference to the judicial power being vested “in one supreme Court and in such inferior

Courts” as Congress may establish, they used “supreme” and “inferior” as contrasting adjectives, with us being on the short end of the contrast. See U.S. Const. Art. III § 1. . . .

It is true that the Supreme Court’s analysis . . . and its conclusion that the issue remains an open question in Supreme Court jurisprudence, is dicta. However, there is dicta and then there is dicta, and then there is Supreme Court dicta. . . .

We have previously recognized that “dicta from the Supreme Court is not something to be lightly cast aside.”

Schwab v. Crosby, 451 F.3d 1308, 1325 (11th Cir. 2006) (quoting Peterson v. BMI Refractories, 124 F.3d 1386, 1392 n.4 (11th Cir. 1997)).

Second, although the Supreme Court did not issue an opinion in Milligan explaining its reasoning for staying the three-judge court’s injunction orders, five justices agreed that the stay should issue. That is, a majority of the Supreme Court necessarily concluded that there was a “fair prospect” it would reverse the injunction on the merits, the Alabama defendants would suffer irreparable injury if the injunction were not lifted, the equities weighed in the defendants’ favor, and the injunction was not in the public interest. 142 S. Ct. at 880 (Kavanaugh, J., concurring). Taken in this light, Justice Kavanaugh’s opinion carries even more weight than typical Supreme Court dicta.

Accordingly, although this Court applies the traditional test employed by the Eleventh Circuit for determining whether a preliminary injunction should issue, it is cognizant of the proposed standard set forth by Justice Kavanaugh and that the State of Georgia has already begun the process of preparing for elections to take place under the Enacted Plans.

B. The Voting Rights Act

Subsection (a) of Section 2 of the VRA prohibits standards, practices, and procedures that deny or abridge the right to vote of any United States citizen based on race or color. 52 U.S.C. § 10301(a). Such a violation is established

if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Id. at § 10301(b). The Eleventh Circuit has emphasized that Section 2 is “a constitutional exercise of congressional enforcement power under the Fourteenth and Fifteenth Amendments.” United States v. Marengo Cnty. Comm’n, 731 F.2d 1546, 1550 (11th Cir. 1984).

1. *The Gingles Preconditions*

In Thornburg v. Gingles, 478 U.S. 30 (1986), the Supreme Court first interpreted Section 2 after Congress amended it in 1982. The statute, as amended, focuses on the results of the challenged standards, practices, and procedures; it is not concerned with whether those processes were adopted because of discriminatory intent. Id. at 35–36. “Under the results test, the inquiry is more direct: past discrimination can severely impair the present-day ability of minorities to participate on an equal footing in the political process. Past discrimination may cause [B]lacks to register or vote in lower numbers than whites. Past discrimination may also lead to present socioeconomic disadvantages, which in turn can reduce participation and influence in political affairs.” Marengo Cnty. Comm’n, 731 F.2d at 1567 (footnote omitted) (citation omitted).

Under Gingles, plaintiffs must show that they have satisfied three prerequisites to make out a Section 2 vote dilution claim:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the *multi-member form* of the district cannot be responsible for minority voters’ inability to elect its candidates. Second, the

minority group must be able to show that it is politically cohesive. If the minority group is not politically cohesive, it cannot be said that the selection of a multimember electoral structure thwarts distinctive minority group interests. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority’s preferred candidate.

478 U.S. at 50–51 (footnotes omitted) (citations omitted). Despite Gingles’s focus on multi-member districts, in Voinovich v. Quilter, 507 U.S. 146, 153 (1993), the Supreme Court made clear that single-member districts can also dilute minority voting strength and thereby violate Section 2. The Gingles requirements “present mixed questions of law and fact.” Solomon v. Liberty Cnty., Fla., 899 F.2d 1012, 1017 n.6 (11th Cir. 1990) (Kravitch, J., specially concurring).

2. *The Senate Factors*

In addition to applying the Gingles factors, courts must also consider several factors that may be relevant to Section 2 claims, which were identified in the Senate Report accompanying the 1982 VRA amendment. Gingles, 478 U.S. at 44–45. The Court notes, “it will be only the very unusual case in which the plaintiffs can establish the . . . Gingles [threshold] factors but still have failed to establish a violation of § 2 under the totality of the circumstances.”

Nipper v. Smith, 39 F.3d 1494, 1514 (11th Cir. 1994) (citing Jenkins v. Red Clay Consol. Sch. Bd. of Educ., 4 F.3d 1103, 1116 (3d Cir. 1993)); see also Clark v. Calhoun Cnty., 88 F.3d 1393, 1402 (5th Cir. 1996) (same). However, Gingles instructs Courts to evaluate the Senate Factors to determine, under the totality of the circumstances, if there was a Section 2 violation. See Gingles, 478 U.S. at 48, n.15. As later explained by the Eleventh Circuit, the Senate Report factors (the “Senate Factors”) that will “typically establish” a violation of Section 2 are:

1. the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote or otherwise to participate in the democratic process;
2. the extent to which voting in the elections of the state or political subdivision is racially polarized;
3. the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions,⁸ or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;

⁸ Single-shot or bullet voting “enables a minority group to win some at-large seats if it concentrates its vote behind a limited number of candidates and if the vote of the majority is divided among a number of candidates.” Gingles, 478 U.S. at 38 n.5 (internal quotation marks omitted) (citations omitted).

4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;

5. the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment[,] and health, which hinder their ability to participate effectively in the political process;

6. whether political campaigns have been characterized by overt or subtle racial appeals;

7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

Solomon, 899 F.2d at 1015–16. Two additional circumstances may also be probative of a Section 2 violation:

8. whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group;

9. whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice or procedure is tenuous.

Id. at 1016.

In Gingles, the Supreme Court concluded that the Senate Factors “will often be pertinent to certain types of § 2 violations, particularly to vote dilution claims.” 478 U.S. at 45 (footnote omitted). In conjunction, the Gingles

preconditions and Senate Factors require the consideration of race to some extent when evaluating electoral districts so that the voting rights of minorities are not denied or abridged. 52 U.S.C. § 10301(a); see also, e.g., Gingles, 478 U.S. 30; Voinovich, 507 U.S. 146; Solomon, 899 F.2d 1012; Marengo Cnty. Comm’n, 731 F.2d at 1561 (“Section 2 is not meant to create race-conscious voting but to attack the discriminatory results of such voting where it is present.”). Satisfying the Gingles preconditions and the Senate Factors proves the injury of vote dilution. Such harms must, however, be evaluated on a district-by-district basis. Gill v. Whitford, 138 S. Ct. 1916, 1930 (2018).

Chief Justice Roberts recently noted that “it is fair to say that Gingles and its progeny have engendered considerable disagreement and uncertainty regarding the nature and contours of a vote dilution claim.” Milligan, 142 S. Ct. at 882–83 (Roberts, C.J., dissenting) (citations omitted). Despite the disagreement and apparent uncertainty, this Court applies the relevant Supreme Court and Eleventh Circuit precedent as they currently exist.

C. Evidentiary Considerations

At the preliminary injunction stage, “a district court may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if the evidence is ‘appropriate given the character and

objectives of the injunctive proceeding.” Levi Strauss & Co. v. Sunrise Int’l Trading Inc., 51 F.3d 982, 985 (11th Cir. 1995). A substantial amount of evidence was presented by the parties during the hearing, and much of it has been considered by the Court for purposes of this Order, even if such evidence may not ultimately be admissible at trial. When discussing the evidence, this Order addresses to the extent necessary any objections raised by the parties.⁹

D. Motions to Dismiss

The Court has already ruled on the motions to dismiss filed by Defendants in each of these three cases and denied their requests to certify the Court’s rulings for interlocutory appeal. APA Doc. No. [65]; Pendergrass Doc. No. [50]; Grant Doc. No. [43]. No party has sought reconsideration of those Orders. See generally APA Docket; Pendergrass Docket; Grant Docket. Accordingly, the Court does not further address Defendants’ argument that there is no private right of action under Section 2.¹⁰

⁹ The Court entered a separate order addressing evidentiary rulings.

¹⁰ The Court is aware of the recent decision in Arkansas State Conference NAACP v. Arkansas Board of Apportionment, Case No. 4:21-cv-01239-LPR, 2022 WL 496908, at *1 (E.D. Ark. Feb. 17, 2022) (APA Doc. No. [119]), in which the district court concluded there is no implied private right of action under Section 2. Given the extent and weight of the authority holding otherwise (see APA Doc. No. [65], 32–33), including from the Supreme Court, this Court finds no basis to alter the analysis in its Order denying Defendants’ motions to dismiss.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the parties' briefs, evidence, and other filings, and having listened to and considered the testimony and arguments presented during the preliminary injunction hearing, the Court now provides the following findings of fact and conclusions of law. The Court first discusses Plaintiffs' likelihood of success on the merits, analyzing the Section 2 claims under the framework established by Gingles and its progeny. The Court then discusses whether Plaintiffs have shown that they will suffer irreparable injury absent the requested injunctions, whether Plaintiffs' threatened injury outweighs whatever the damage the proposed injunction may cause Defendants and if issued, whether the injunction is adverse to the public interest.

A. Likelihood of Success on the Merits

The Court's analysis begins with the first Gingles precondition and a credibility review of the expert witnesses who testified in relation to this prong.

1. *The First Gingles Precondition: Numerosity and Compactness*

a) *Credibility Determinations*

(1) *Mr. Cooper*

The Alpha Phi Alpha and Pendergrass Plaintiffs qualified Mr. William S. Cooper as an expert in redistricting and with reference to census data. Feb. 7, 2022, Morning Tr. 38:16–18; Feb. 7, 2022, Afternoon Tr. 112:16–19. Mr. Cooper earned a bachelor’s degree in economics from Davidson College and has earned his living for the last thirty years by drawing maps, both for electoral purposes and for demographic analysis. APAX 1, ¶¶ 1–2. He has extensive experience testifying in federal courts about redistricting issues and has been qualified in forty-five voting rights cases in nineteen states. Id. ¶ 2.

Over twenty-five of these cases led to changes in local election district plans. Id. And five of the cases resulted in changes to statewide legislative boundaries: Rural West Tennessee African-American Affairs Council, Inc. v. McWherter, 877 F. Supp. 1096 (W.D. Tenn. 1995); Old Person v. Brown, 182 F. Supp. 2d 1002 (D. Mont. 2002); Bone Shirt v. Hazeltine, 336 F. Supp. 2d 976 (D.S.D. 2004); Alabama Legislative Black Caucus v. Alabama, 231 F. Supp. 3d 1026 (M.D. Ala. 2017); and Thomas v. Reeves, 2:18-CV-441-CWR-FKB, 2021 WL 517038 (S.D. Miss. Feb. 11, 2021).

Mr. Cooper has served as an expert in two post-2010 local level Section 2 cases in Georgia (Ga. State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm'rs, 118 F. Supp. 3d 1338 (N.D. Ga. 2015) and Ga. State Conf. of the NAACP v. Emanuel Cnty., 6:16-CV-00021, (S.D. Ga. 2016)) both of which resulted in settlements and implementation of the maps that Mr. Cooper created. Mr. Cooper has worked on behalf of both plaintiffs and defendants in redistricting cases. Caster v. Merrill, No. 2:21-cv-1536-AMM, 2022 WL 264819, at *35 (N.D. Ala. Jan. 24, 2022); APAX 1, 67-72.

The Court finds Mr. Cooper's testimony highly credible. Mr. Cooper has spent the majority of his career drawing maps for redistricting and demographic purposes, and he has accumulated extensive expertise (more so than any other expert in the first Gingles precondition in the case) in redistricting litigation, particularly in Georgia. Indeed, his command of districting issues in Georgia is sufficiently strong that he was able to draw a draft remedial plan for Pendergrass's counsel "in a couple of hours in late November." Feb. 7, 2022, Morning Tr. 69:6-9.

Throughout Mr. Cooper's reports and his live testimony, his opinions were clear and consistent, and he had no difficulty articulating his bases for them. See APAX 1, Feb. 7, 2022, Morning Tr. 39-104; Feb. 7, 2022, Afternoon Tr.

113–241. But he was not dogmatic: he took Mr. Tyson’s and the Court’s criticism of the compactness of his Illustrative State Senate District 18 seriously and stated, “I think the Plaintiffs – the Defendant are going to complain about [Senate District 18]. I think they sort of have a valid argument that you don’t need to have a district that long, so . . . if I had that opportunity, will fix that problem.” Feb. 7, 2022, Afternoon Tr. 149:14–23.

The Court particularly credits Mr. Cooper’s testimony that he “tried to balance” all traditional redistricting principles. Feb. 7, 2022, Morning Tr. 50:24. Mr. Cooper also testified that he “was aware of [all the traditional redistricting principles] and [he] tried to achieve plans that were fair and balanced.” Feb. 7, 2022, Afternoon Tr. 140:6–7. He was candid that he prioritized race only to the extent necessary to answer the essential question asked of him as an expert on the first Gingles precondition (“Is it possible to draw an additional, reasonably compact majority-Black district?”), and clearly explained that he did not prioritize it to any greater extent. See Feb. 7, 2022, Morning Tr. 51:4–5 (“I was aware of the racial demographics for most parts of the state, but certainly [race] did not predominate”); Feb. 7, 2022, Afternoon Tr. 135:17–19 (“I was aware of race as traditional redistrict principles suggest one should be. I mean, it’s Voting Rights Act[.]. It’s Federal Law.”). Mr. Cooper acknowledged that [the]

tradeoffs between traditional districting criteria are necessary, and he did not ignore any criteria. See Feb. 7, 2022, Afternoon Tr. 230:22–25 (“I have attempted to balance [traditional redistricting principles] together and I think overall, the Plan does comply with traditional redistricting principles, but I’m certainly willing to accept criticism and would make adjustments upon receiving that criticism.”).

During Mr. Cooper’s live testimony, the Court carefully observed his demeanor, particularly as he was cross-examined for the first time about his work on this case. He consistently defended his work with careful and deliberate explanations of the cases for his opinions. The Court observed no internal inconsistencies in his testimony, no appropriate question that he could not or would not answer, and no reason to question the veracity of his testimony. The Court finds that his methods and conclusions are highly reliable, and ultimately that his work as an expert on the first Gingles precondition is helpful to the Court.

(2) Mr. Esselstyn

The Grant Plaintiffs qualified Mr. Blakeman B. Esselstyn as an expert in redistricting and census data. Feb. 8, 2022, Afternoon Tr. 111:18–112:1. Mr. Esselstyn earned his bachelor’s in Geology & Geophysics and International

Studies from Yale University and a Master's in Computer and Information Technology from the University of Pennsylvania, School of Engineering. GPX 3, 26. Mr. Esselstyn testified that he has "more than 20 years in experience in looking at maps and demographics and recognizing patterns and things like that." Feb. 9, 2022, Afternoon Tr. 168:10-12. Since 2017, Mr. Esselstyn has taught two one-semester-graduate-level courses in Geographic Information Systems. GPX 3, at 27. Mr. Esselstyn has designed redistricting plans that were accepted by various local governments in North Carolina. Id. at 27-28. Mr. Esselstyn was a testifying expert witness in Jensen v. City of Asheville, Buncombe County, North Carolina, Superior Court (2009); Hall v. City of Asheville, Buncombe County, North Carolina, Superior Court (2009); and Arnold v. City of Asheville, Buncombe County, North Carolina, Superior Court (2005). On *voir dire*, Mr. Esselstyn acknowledged that he has never drawn a statewide map that was used in an election and that he has never drawn a map for any jurisdiction in Georgia. Feb. 8, 2022, Afternoon Tr. 112:13-18. The Court finds Mr. Esselstyn's testimony highly credible. Mr. Esselstyn has spent the majority of his professional life drawing maps for redistricting and demographic purposes.

Throughout Mr. Esselstyn's reports and his live testimony, his opinions were clear and consistent, and he had no difficulty articulating his bases for them. See GPX 3; Feb. 8, 2022, Afternoon Tr. 107-128; Feb. 9, 2022, Afternoon Tr. 148-276. Mr. Esselstyn acknowledged that his Illustrative State and House Plans had higher population deviations, more precinct splits, and more county splits than the Enacted State House and Senate Plans. Feb. 9, 2022, Afternoon Tr. 203:18-21, 205:8-14, 23-25. Mr. Esselstyn also stated that if he was asked to try to reduce these changes, he "could probably accommodate." Id. at 204:23-25.

The Court particularly credits Mr. Esselstyn's testimony that he tried "to sort of find the best balance that [he] can" for all the traditional redistricting principles. Feb. 9, 2022, Afternoon Tr. 157:14-25. Mr. Cooper also testified the traditional redistricting principles are "sort of the multi-layered puzzle" and it's a balancing act" because "there are often criteria that will be [in tension] with each other." Id. at 157:24-25. He was candid that he prioritized race only to the extent necessary to answer the essential question asked of him as an expert on the first Gingles precondition ("Is it possible to draw an additional, reasonably compact majority-Black district?"), and clearly explained that he did not prioritize it to any greater extent. See id. at 155:20-156:2 ("[M]y

understanding of Section 2 in the Gingles criteria is that the key metric is whether a district has a majority of Any Part Black population. . . . And that means . . . [y]ou have to look at the numbers that measure the percentage of the population is Black.”). Mr. Esselstyn acknowledged that tradeoffs between traditional districting criteria are necessary, and he did not ignore any criteria.

See id. at 157:14–21

[O]ften the criteria will be [in tension] with each other. It may be that you are trying to just follow precinct lines and not split . . . precincts, but the precincts have funny shapes. So that means you either are going to end up with a less compact shape that doesn’t split precincts or you could split a precinct and end up with a more compact shape.

During Mr. Esselstyn’s live testimony, the Court carefully observed his demeanor, particularly as he was cross-examined for the first time about his work on this case. He consistently defended his work with careful and deliberate explanations of the cases for his opinions. The Court observed no internal inconsistencies in his testimony, no appropriate question that he could not or would not answer, and no reason to question the veracity of his testimony. The Court finds that his methods and conclusions are highly reliable, and ultimately that his work as an expert on the first Gingles precondition is helpful to the Court.

(3) Mr. Morgan

The Defendants qualified Mr. John B. Morgan as an expert in redistricting and the analysis of demographic data. Feb. 11, 2022, Morning Tr. 121:8–10. Mr. Morgan has a bachelor's in History from the University of Chicago and has earned his living for the last thirty years by drawing maps, both for electoral purposes and for demographic analysis. DX 2, ¶ 2; Feb. 11, 2022, Morning Tr. 119:13–18. Prior to this case, Mr. Morgan has served as a testifying expert in five cases. Feb. 11, 2022, Afternoon Tr. 244:12–15. He has performed redistricting work for 20 states and performed demographics and election analysis in 40 states for both statewide and legislative candidates. DX 2, at 17–18.

Despite Mr. Morgan's extensive experience, the Court assigns very little weight to Mr. Morgan's testimony. Mr. Morgan's previous redistricting work includes drawing maps that were ultimately struck down as unconstitutional racial gerrymanders (Feb. 11, 2022, Afternoon Tr. 183:9–17, 183:24–184:6), as well as serving as an expert for the defense in a case in Georgia where the map was ultimately found to have violated the Voting Rights Act (Feb. 14, 2022, Morning Tr. 9:21–10:6).

In Georgia State Conference of NAACP v. Fayette County Board of Commissioners, Mr. Morgan testified as an expert for the defense opposite Mr. Cooper, who testified as an expert for the plaintiffs. 950 F. Supp. 2d 1294, 1310–11 (N.D. Ga. 2013). In granting the motion for summary judgment, that court found that the plaintiffs successfully asserted a vote dilution claim. Id. at 1326. At the preliminary injunction hearing for the cases sub judice, Mr. Morgan admitted that he worked on the 2011–2012 North Carolina State Senate Maps. Feb. 11, 2022, Afternoon Tr.182:22–183:13. Ultimately, twenty-eight districts in North Carolina’s 2011 state House and Senate redistricting plans were struck down as racial gerrymanders. Id. at 183:14–19; see also Covington v. North Carolina, 316 F.R.D. 117 (M.D.N.C. 2016), aff’d North Carolina v. Covington, 137 S. Ct. 2211 (2017).

Additionally, two federal courts have determined that Mr. Morgan’s testimony was not credible. Feb. 11, 2022, Afternoon Tr. 245:19–246:15, 246:17–19, 247:25–248:21. The Court gives great weight to the credibility determinations of its sister courts.

At the hearing for this matter, Mr. Morgan testified that he had helped draw the 2011 Virginia House of Delegates Maps. Feb. 11, 2022, Afternoon Tr. 183:20–25. In that case, “Mr. Morgan testified . . . that he played a substantial

role in constructing the 2011 plan, which role included his use of the Maptitude software to draw district lines.” Bethune-Hill v. Virginia State Bd. of Elections, 326 F. Supp. 3d 128, 151 (E.D. Va. 2018). Ultimately, a three-judge court found that 11 of the House of Delegates districts were racial gerrymanders. Feb. 11, 2022, Afternoon Tr. 184:1–6; see also Bethune-Hill, 326 F. Supp. 3d at 181.

Mr. Morgan served as both a fact and expert witness in Bethune-Hill. That court ultimately found that Mr. Morgan’s testimony was not credible. That court found that “Morgan’s testimony was wholly lacking in credibility. Th[is] adverse credibility finding[] [is] not limited to particular assertions of [this] witness[], but instead wholly undermine[s] the content of . . . Morgan’s testimony.” Bethune-Hill, 326 F. Supp. 3d at 174; Feb. 11, 2022, Afternoon Tr. 246:17–19, 247:25–248:4. Specifically, “Morgan testified in considerable detail about his reasons for drawing dozens of lines covering all 11 challenged districts, including purportedly race-neutral explanations for several boundaries that appeared facially suspicious.” Bethune-Hill, 326 F. Supp.3d at 151. “In our view, Morgan’s contention, that the precision with which these splits divided white and black areas was mere happenstance, simply is not credible.” Id. “[W]e conclude that Morgan did not present credible testimony, and we decline to consider it in our predominance analysis.” Id. at 152.

Mr. Morgan also served as a testifying expert in Page v. Virginia State Bd. of Elections, No. 3:13cv678, 2015 WL 3604029 (E.D. Va. June 5, 2015). Feb. 11, 2022, Afternoon Tr. 245:2–5. When counsel for the Pendergrass and Grant Plaintiffs asked Mr. Morgan if he recalled that court’s opinions about his testimony, he stated: “not specifically.” Id. at 245:9–11. That court found “Mr. Morgan, contends that the majority-white populations excluded . . . were predominately Republican. . . . The evidence at trial, however, revealed that Mr. Morgan’s analysis was based upon several pieces of mistaken data, a critical error. . . . Mr. Morgan’s coding mistakes were significant to the outcome of his analysis.” Page, 2015 WL 3604029, at *15 n.25; Feb. 11, 2022, Afternoon T. 245:19–3. Mr. Morgan explained that his error was caused because the attorneys asked him to produce an additional exhibit on the day of trial. Feb. 11, 2022, Afternoon Tr. 246:8–14.

During Mr. Morgan’s live testimony, the Court carefully observed his demeanor, particularly as he was cross-examined for the first time about his work on this case. The Court found that Mr. Morgan declined to answer counsel’s and the Court’s questions about the definition for “packing.” Feb. 11, 2022, Afternoon Tr. 192:24–196:25. The Court specifically asked Mr. Morgan for his definition of packing (Id. at 194:4), to which Mr. Morgan responded,

“Honestly, I have seen so many different places —” Id. at 194:4–6. The Court then stated, “I understand that. You said you have been doing this for four decades. You have more experience than just about everybody. What is your definition of it?” Id. at 194:7–9. Despite the Court and counsel’s questioning, Mr. Morgan never gave a clear definition for the term “packing.” Id. at 194:7–196:25. The Court also observed that Mr. Morgan consistently could not recall that his credibility was undermined in previous redistricting cases. As such, the Court finds that Mr. Morgan’s testimony lacks credibility, and the Court assigns little weight to his testimony.

(4) Ms. Wright

Over objection from the Grant and Pendergrass Plaintiffs, Defendants offered Ms. Regina Harbin Wright as an expert on redistricting in Georgia and the analysis of demographic data in Georgia.¹¹ Ms. Wright is an experienced map drawer and a busy public servant. Ms. Wright serves as the Executive Director of the Legislative and Congressional Reapportionment Officer (LCRO), a joint office of the Georgia General Assembly. DX 41, ¶ 2. Ms. Wright

¹¹ In 2012, Ms. Wright served as a technical advisor and consultant to this Court in the redrawing the Cobb County, Georgia electoral commission districts. See Crumly v. Cobb Cnty. Bd. of Elections & Voter Registration, 892 F. Supp. 2d 1333 (N.D. Ga. 2012); Feb. 11, 2022, Morning Tr. 9:2–4.

has worked for LRCO for just over twenty-one years and has been the director for almost ten years. Feb. 11, 2022, Morning Tr. 6:20–24. LRCO assists the General Assembly in drawing the Georgia State House and Senate Districts, the Public Service Commission, as well as the fourteen (14) United States Congressional Districts. Id. LRCO provides an array of maps and data reports to both legislators and the public at large. Id.

Ms. Wright has served as an expert or technical advisor for redistricting by federal courts in eight federal cases since the 2010 redistricting cycle. See DX 41, ¶ 6 (Ga. State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm’rs, 996 F. Supp. 2d 1353, 1359 (N.D. Ga. 2014) (appointed as the court’s “independent technical advisor”); Fayette Cnty. Bd. of Comm’rs, 118 F. Supp. 3d at 1340 (appointed to be the court’s “expert or technical advisor”); Crumly v. Cobb Cnty. Bd. of Elections & Voter Registration, 892 F. Supp. 2d 1333, 1344 (N.D. Ga. 2012) (appointed as the court’s “technical advisor and consultant”) Martin v. Augusta-Richmond Cnty., No. CV 112-058, 2012 WL 2339499, at *1 (S.D. Ga. June 19, 2012) (appointed by the court as “advisor and consultant”); Walker v. Cunningham, No. CV 112-058, 2012 WL 2339499, at *5 (S.D. Ga. June 19, 2012) (three-judge court) (appointed by the court “as its independent technical advisor”); Bird v. Sumter Cnty. Bd. of Educ., CA No. 1:12cv76-WLS (M.D. Ga.

2013) Doc. No. [70], 5 (appointed as the court's "independent technical advisor"); Adamson v. Clayton Cnty. Elections & Reg. Bd., CA No. 1:12cv1665-CAP (N.D. Ga. 2012), Doc. No. [23], 2 (appointed as the court's "independent technical advisor."); Ga. State Conf. of NAACP v. Kemp, 312 F. Supp. 3d 1357, 1360–62 (N.D. Ga. 2018) (three-judge court) (testified at preliminary judgment hearing by deposition)).

Counsel for Defendants offered Ms. Wright as an expert on redistricting in Georgia and the analysis of demographic data in Georgia. Feb. 11, 2022, Morning Tr. 10:1–3. Counsel for the Grant and Pendergrass Plaintiffs objected to Ms. Wright's certification as an expert because

Her credibility has been specifically questioned by the Court in connection with the 2015 redistricting where she moved many [B]lack voters from districts where their votes would have made an impact to districts where they would not. And [her] report[, in this case,] 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 [A]lthough [Ms. Wright] 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 her testimony is not based on sufficient facts or data which are notably absent from the report [Ms. Wright] 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.

Feb. 11, 2022, Morning Tr. 20:10–17, 21:8–11, 18–20. The Court overruled counsel’s objection and admitted Ms. Wright as an expert on redistricting in Georgia and the analysis of demographic data in Georgia. Id. at 24:1–5.

Although the Court finds that Ms. Wright is a credible expert witness with over twenty-one years of experience in redistricting and demographics in Georgia, the Court assigns little weight to her testimony regarding compactness and demographics; however, the Court assigns a greater amount of weight to Ms. Wright’s testimony about communities of interest and political subdivisions in Georgia.

The Court finds that Ms. Wright did not provide any statistical metric by which to measure the compactness of any of the illustrative maps. Ms. Wright’s report does not explain how she determined whether a particular district was more or less compact and thus was not permitted to explain her methodology at the hearing. DX 41; Feb. 11, 2022, Morning Tr. 47:18–48:6. Thus, the Court assigns very little weight to Ms. Wright’s testimony regarding a district’s compactness. The Court does recognize that Ms. Wright was given one day to

prepare and submit her expert report to the Court. See APA Doc. No. [85]; Pendergrass Doc. No. [58]; Grant Doc. No. [51].

Ms. Wright also testified about the demographics of the enacted Congressional, State House, and State Senate districts in comparison to the Illustrative Congressional, State House, and State Senate districts. Ms. Wright testified that the Secretary of State's Office used the Non-Hispanic Black metric as opposed to the Any Part Black metric that was used by Mr. Cooper and Mr. Esselstyn. Id. at 79:4–80:1. In particular, Ms. Wright testified when evaluating the percentage of Black registered voters, Ms. Wright's analysis is based on non-Hispanic Black metric and not Any Part Black metric. Id. at 79:18–21. Because the Court uses the Any Part Black metric to determine if the Black population is sufficiently numerous to create an additional majority-minority district—"it is proper to look at *all* individuals who identify themselves as [B]lack" in their census responses, even if they "self-identify as both [B]lack and a member of another minority group," because the case involved "an examination of only one minority group's effective exercise of the electoral franchise." Georgia v. Ashcroft, 539 U.S. 461, 473 n.1 (2003)—the Court assigns little weight to Ms. Wright's demographic analysis.

The Court assigns greater weight to Ms. Wright’s testimony about communities of interest and political subdivisions in Georgia. Ms. Wright has twenty-one years of experience in drawing statewide Congressional, State House, and State Senate districts. DX 41, ¶ 2. Ms. Wright also assists in drawing maps for local County Commissions, Boards of Education, and City Councils throughout the state of Georgia. Id. Ms. Wright oversees a staff that draws maps in Georgia for statewide legislative districts, local redistricting plans, city creation boundaries, annexations and de-annexations, and precinct boundary changes. Id. ¶ 3. Finally, Ms. Wright has been appointed as an expert and technical advisor to the Court in seven federal redistricting cases between 2012 and 2015. Id. at 6. Accordingly, the Court finds that Ms. Wright has extensive knowledge about communities of interest and political subdivisions in Georgia. Thus, Ms. Wright’s testimony regarding communities of interest and political subdivisions in Georgia is highly credible.

Having discussed the expert witnesses relevant to the analysis of the first Gingles precondition in these cases.

b) First Gingles Precondition Legal Standard

To satisfy the first Gingles precondition, the plaintiffs must establish that Black voters as a group are “sufficiently large and geographically compact to

constitute a majority in some reasonably configured legislative district.” Cooper, 137 S. Ct. at 1470 (internal quotation marks omitted). “When applied to a claim that single-member districts dilute minority votes, the first Gingles [pre]condition requires the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice.” Johnson v. De Grandy, 512 U.S. 997, 1008 (1994). Although “[p]laintiffs typically attempt to satisfy [the first Gingles precondition] by drawing hypothetical majority-minority districts,” Clark, 88 F.3d at 1406, such illustrative plans are “not cast in stone” and are offered only “to demonstrate that a majority-[B]lack district is feasible,” Clark v. Calhoun Cnty., 21 F.3d 92, 95 (5th Cir. 1994); see also Bone Shirt v. Hazeltine, 461 F.3d 1011, 1019 (8th Cir. 2006) (same); Solomon, 899 F.2d at 1018 n.7 (Kravitch, J., specially concurring) (“So long as the potential exists that a minority group could elect its own representative in spite of racially polarized voting, that group has standing to raise a vote dilution challenge under the Voting Rights Act.” (citing Gingles, 478 U.S. at 50 n.17)).

(1) Numerosity

The plaintiffs must show that the Black population is sufficiently numerous to create an additional majority-minority district. “In majority-

minority districts, a minority group composes a numerical, working majority of the voting-age population. Under present doctrine, [Section] 2 can require the creation of these districts.” Bartlett v. Strickland, 556 U.S. 1, 13 (2009) (plurality op.). “[A] party asserting [Section] 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.” Id. at 19–20. When a voting rights “case involves an examination of only one minority group’s effective exercise of the electoral franchise[,] . . . it is proper to look at *all* individuals who identify themselves as black” when determining a district’s Black Voting Age Population (“BVAP”). Ashcroft, 539 U.S. at 474 n.1 (2003); see also Fayette Cnty., 118 F. Supp. 3d at 1343 n.8 (“[T]he Court is not willing to exclude Black voters who also identify with another race when there is no evidence that these voters do not form part of the politically cohesive group of Black voters in Fayette County.”).

In determining whether a district is sufficiently numerous, Courts use the Any Part Black Voting Age Population (“AP BVAP”) demographics, not single-race black demographics. The Supreme Court concluded that “it is proper to look at *all* individuals” even if they “self-identify as both [B]lack and a member of another minority group,” because the case involved “an

examination of only one minority group's effective exercise of the electoral franchise." Ashcroft, 539 U.S. at 473 n.1 (2003). Because this Court must decide a case that involves claims about Georgia's Black population's effective exercise of the electoral franchise, this Court relies on the AP BVAP metric.

(2) Compactness

The plaintiffs must show that Georgia's Black population can form additional reasonably compact Congressional, State Senate, and State House districts. Under the compactness requirement of the first Gingles precondition, Plaintiffs must show that it is "possible to design an electoral district[] consistent with traditional redistricting principles." Davis v. Chiles, 139 F.3d 1414, 1425 (11th Cir. 1998). Compliance with this criterion does not require that the illustrative plans be equally or more compact than the enacted plans; instead, this criterion requires only that the illustrative plans contain reasonably compact districts. An illustrative plan can be "far from perfect" in terms of compactness yet satisfy the first Gingles precondition. Wright v. Sumter Cnty. Bd. of Elections & Registration, 301 F. Supp. 3d 1297, 1326 (M.D. Ga. 2018), aff'd, 979 F.3d 1282 (11th Cir. 2020). "While no precise rule has emerged governing § 2 compactness," League of United Latin American Citizens (LULAC) v. Perry, 548 U.S. 399, 433 (2006), plaintiffs satisfy the first

Gingles precondition when their proposed majority-minority district is “consistent with traditional districting principles,” Davis, 139 F.3d at 1425.

These traditional districting principles include “maintaining communities of interest and traditional boundaries,” “geographical compactness, contiguity, and protection of incumbents. Thus, while Plaintiffs’ evidence regarding the geographical compactness of their proposed district does not alone establish compactness under § 2, that evidence, combined with their evidence that the district complies with other traditional redistricting principles, is directly relevant to determining whether the district is compact under § 2.” Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs, 950 F. Supp. 2d 1294, 1307 (N.D. Ga. 2013) (citations omitted), aff’d in part, rev’d in part on other grounds, 775 F.3d 1336 (11th Cir. 2015).

Plaintiffs’ Illustrative Plans must comply with the one person one vote requirement under the Equal Protection Clause. Fayette Cnty., 996 F. Supp. 2d at 1368.

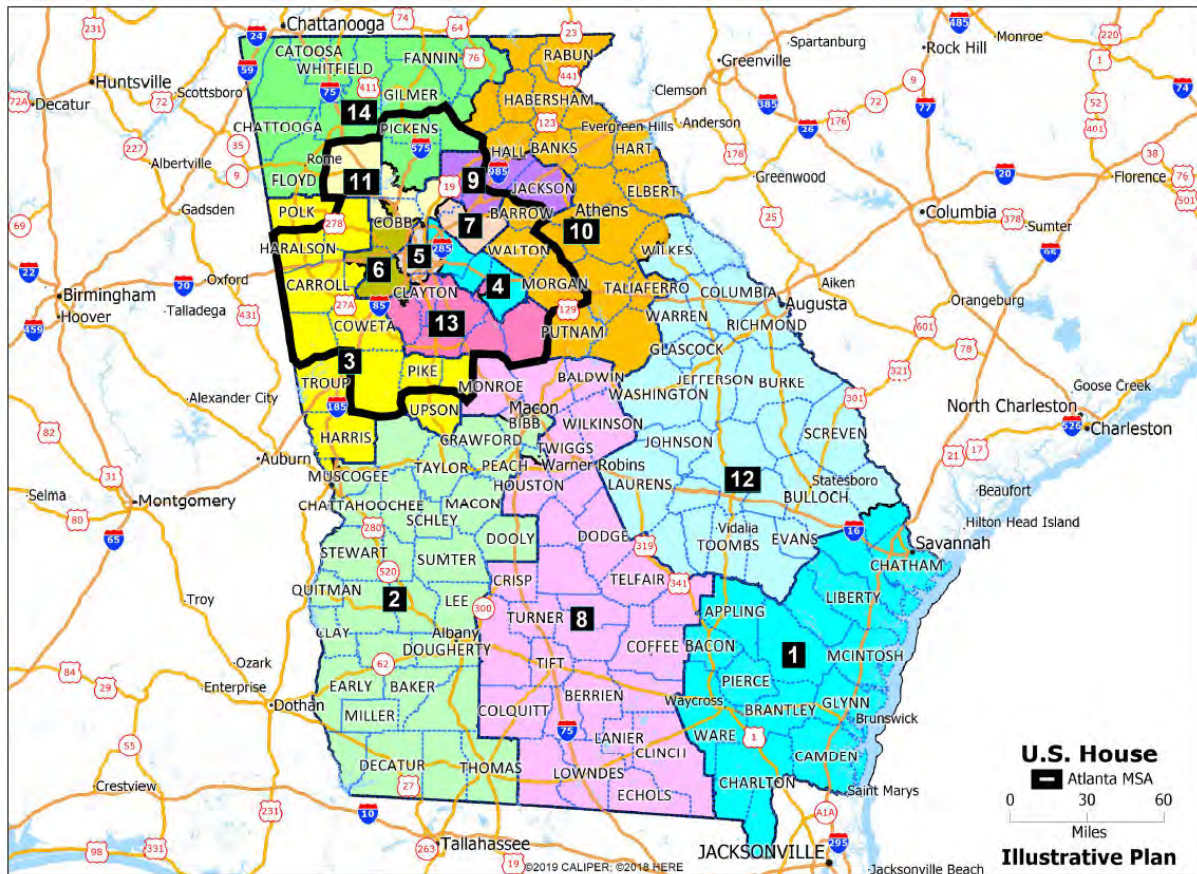
c) Pendergrass

The Court finds that the Pendergrass Plaintiffs have established that they are substantially likely to succeed on the merits of showing that it is possible to create an additional majority-minority congressional district in the western

Atlanta metropolitan area that complies with the relevant considerations under Gingles.

The Pendergrass Plaintiffs move for an order preliminarily enjoining Defendants from enforcing the boundaries of the congressional districts as drawn in the Georgia Congressional Redistricting Act of 2021, which they claim violates Section 2 by failing to include an additional congressional district in the western Atlanta metropolitan area in which Black voters would have the opportunity to elect their preferred candidates. Pendergrass Doc. No. [32], 2. In particular, the Pendergrass Plaintiffs contend that the new congressional map packs Black voters into the Thirteenth Congressional District—which has a BVAP over 66% and includes south Fulton, north Fayette, Douglas, and Cobb Counties—and cracks other Black voters among the more rural and predominately white Third, Eleventh, and Fourteenth Congressional Districts. Pendergrass Doc. No. [32-1], 4, 6–7. The Pendergrass Plaintiffs argue that increases in Georgia’s Black population over the last decade, along with concurrent decreases in the state’s white population, create an opportunity for an additional majority-minority congressional district that the State did not draw. See id. at 5, 9–10. Specifically, Plaintiffs contend that they can satisfy the first Gingles precondition by showing that an additional, compact majority-

minority district can be drawn in the western Atlanta metropolitan area. Id. at 9–10. Plaintiffs rely on the following illustrative plan by expert demographer William S. Cooper to demonstrate how such a district could be drawn.



GPX 1, at 65–66. With Mr. Cooper’s illustrative congressional plan, the Pendergrass Plaintiffs contend that they have drawn an illustrative Congressional District 6 – which includes parts of Cobb, Douglas, Fulton, and Fayette Counties – that is majority AP Black and thus would allow Black voters to elect their preferred candidates. Pendergrass Doc. No. [32-1], 10; GPX 1,

¶¶ 47–48 & fig.8. Moreover, Plaintiffs argue that Mr. Cooper’s illustrative congressional district is sufficiently compact and complies with other traditional redistricting principles such as population equality, contiguity, maintaining political boundaries and communities of interest, and avoiding pairing of incumbents. Pendergrass Doc. No. [32-1], 10.

Because the first Gingles precondition requires showings that the relevant minority population is “sufficiently large and geographically compact to constitute a majority in a single-member district,” LULAC, 548 U.S. at 425 (quoting De Grandy, 512 U.S. at 1006–07), the Court now turns to discussion of whether the Pendergrass Plaintiffs have made those showings with their proposed congressional plan.

(1) Numerosity

The first Gingles precondition requires a “numerosity” showing that “minorities make up more than 50 percent of the voting-age population in the relevant geographic area.” Bartlett v., 556 U.S. at 18. The Court finds that the Pendergrass Plaintiffs have established that the AP BVAP in the western Atlanta metropolitan area is sufficiently numerous to constitute a majority of the voting-age population in a new congressional district in the western Atlanta metropolitan area. Below, the Court will discuss relevant demographic

developments in Georgia and then turn to how those developments inform review of the enacted and illustrative congressional maps.

(a) **Demographic developments in Georgia**

The U.S. Census Bureau releases population and demographic data to the states after each census for use in redistricting. Pendergrass Stip. ¶ 24. The Census Bureau provided initial redistricting data to Georgia on August 12, 2021. Id. ¶ 25. This data shows that from 2010 to 2020, Georgia's population grew by over 1 million people to 10.71 million, up 10.6% from 2010. Id. ¶ 26; GPX 1, ¶ 13. Based upon Georgia's population, it maintained its fourteen seats in the U.S. House of Representatives. Pendergrass Stip. ¶ 27.

Georgia's population growth since 2010 can be attributed to increases in the state's overall minority population. GPX 1, ¶ 14 & fig.1. For example, from 2010 to 2020, Georgia's Black population increased by almost half a million people, up nearly 16% in that time. Pendergrass Stip. ¶ 28; GPX 1, ¶ 15. During that decade, 47.26% of the state's population gain was attributable to Black population growth. Pendergrass Stip. ¶ 29; GPX 1, ¶ 14 & fig.1. Indeed, Georgia's Black population, as a share of the overall statewide population, increased from 31.53% in 2010 to 33.03% in 2020. GPX 1, ¶ 16 & fig.1. And as a

matter of total population, AP Black Georgians comprise the largest minority population in the state (at 33.03%). Pendergrass Stip. ¶ 32.

Georgia's white population, however, decreased by 51,764 persons, or approximately 1%, from 2010 to 2020. Pendergrass Stip. ¶ 30; GPX 1, ¶ 15 & fig.1. As a result, while non-Hispanic white Georgians remain a majority of the state's population, it is by a slim margin—50.06%. GPX 1, ¶ 17.

Georgia's Black population has increased in absolute and percentage terms since 1990, from about 27% in 1990 to 33% in 2020. Pendergrass Stip. ¶ 31. In that time, the Black population has more than doubled: from 1.75 million to 3.54 million, an increase that is the equivalent of the populations of more than two congressional districts. GPX 1, ¶ 22 & fig.3. Over the same period, the non-Hispanic white population also increased, but at a slower rate: from 4.54 million to 5.36 million, amounting to an increase of about 18% over the three-decade period. GPX 1, ¶ 22 & fig.3. And the percentage of Georgia's population identifying as non-Hispanic white has dropped from about 70% to just over 50%. See Pendergrass Stip. ¶ 31; GPX 1, ¶ 21 & fig.3.

As of the 2020 census, Georgia has a total voting-age population of 8,220,274, of whom 2,607,986 (31.73%) are AP Black. Pendergrass Stip. ¶ 33;

GPX 1, ¶ 18 & fig.2. The total estimated citizen voting-age population in Georgia in 2019 was 33.8% AP Black. Pendergrass Stip. ¶ 34; GPX 1, ¶ 20.

The Atlanta Metropolitan Statistical Area (the “Atlanta MSA”) consists of the following twenty-nine counties: Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Morgan, Newton, Paulding, Pickens, Pike, Rockdale, Spalding, and Walton. Pendergrass Stip. ¶ 35; GPX 1, ¶ 12 n.3. The Atlanta MSA has driven Georgia’s population growth in recent decades, due in part to a large increase in the region’s Black population. See GPX 1, ¶ 24 & fig.4. Between 2010 and 2020, the overall population in the Atlanta MSA grew by 803,087 persons – greater than the population of a Georgia congressional district. See GPX 1, ¶ 29 & fig.5.¹² About half of that increase was attributable to the Atlanta MSA’s Black population growing by 409,927 persons (or 23.07%). GPX 1, ¶ 29 & fig.5.¹³ And looking at the period from 2000 to 2020, the Black population in the Atlanta

¹² According to the 2020 Census, the Atlanta MSA now has a total voting-age population of 4,654,322 persons. GPX 1, ¶ 30 & fig.6.

¹³ According to the 2020 Census, the Atlanta MSA’s voting-age population now includes 1,622,469 (34.86%) AP Black persons and 4,342,333 (52.1%) non-Hispanic white persons. GPX 1, ¶ 30 & fig.6.

MSA grew from 1,248,809 to 2,186,815 in 2020—or 938,006 persons.

Pendergrass Stip. ¶ 36.¹⁴

This increase in the Atlanta MSA’s Black population contrasts with the comparative decrease in the non-Hispanic white population in the same area. Under the 2000 Census, the population in the Atlanta MSA was 60.42% non-Hispanic white. GPX 1, ¶ 24 & fig.4. That share decreased to 50.78% in 2010 and then further to 43.71% in 2020. Id. In fact, between 2010 and 2020, the non-Hispanic white population in the Atlanta MSA decreased by 22,736 persons. Pendergrass Stip. ¶ 37; GPX 1, ¶ 24 & fig.4.

Demographic trends in another sub-group of counties provide further insight. The eleven core counties of the Atlanta Regional Commission (“ARC”) service area are Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, and Rockdale. Feb. 7, 2022, Morning Tr. 96:3–10. According to the 2020 Census, these ARC counties account for more than half (54.7%) of Georgia’s Black population. GPX 1, ¶ 27. When considering the

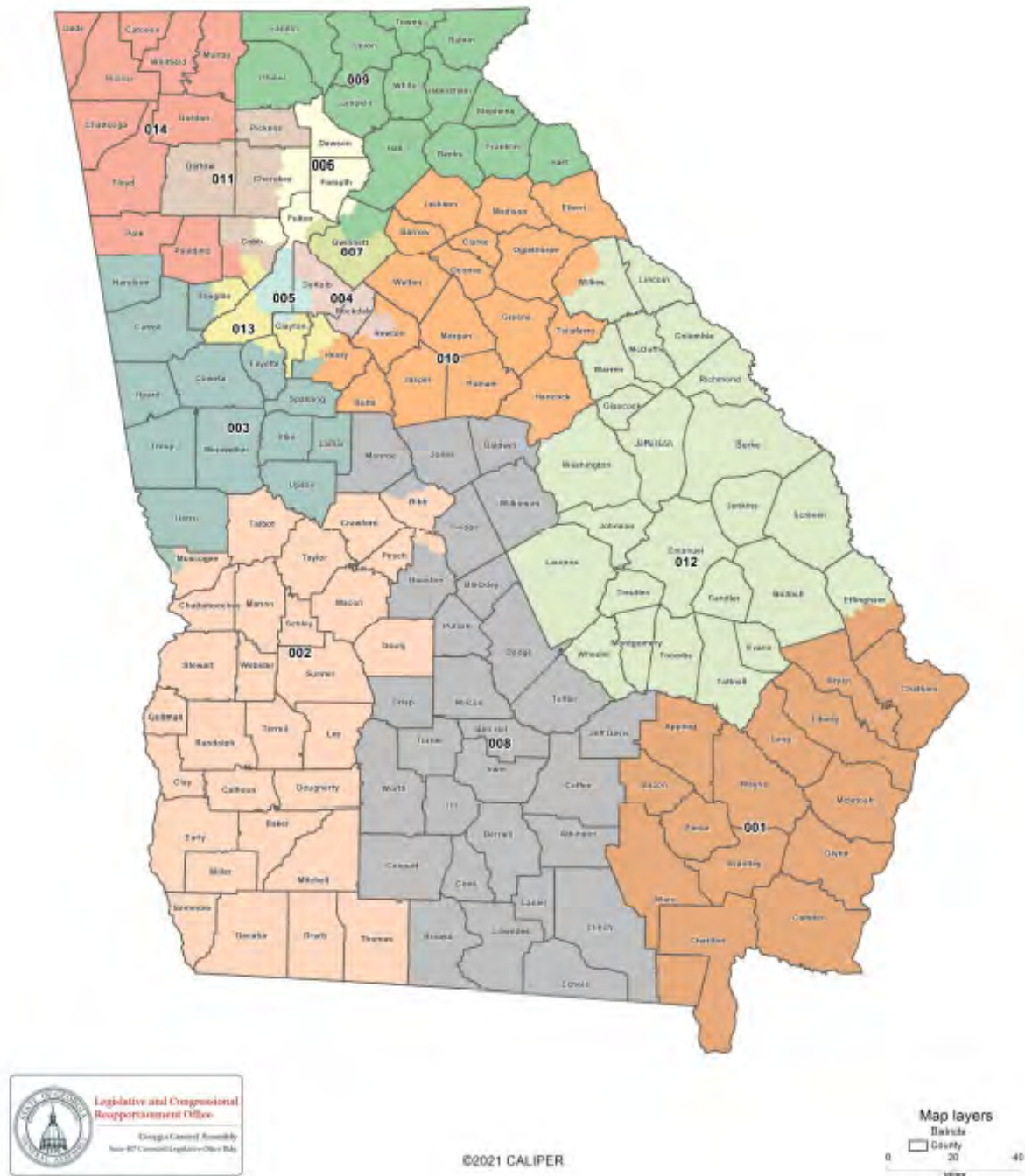
¹⁴ Charting the percentage share growth over the last two decades also illustrates the increases in the AP Black population in the Atlanta MSA: The AP Black population in the Atlanta MSA was 29.29% in 2000, which increased to 33.61% in 2010 and then further to 35.91% in 2020. Pendergrass Stip. ¶ 36.

entire Atlanta MSA (including the ARC counties), the Atlanta metropolitan area encompasses 61.81% of Georgia's Black population. Id.

And focusing more particularly on the area in which the illustrative District 6 is located, the 2020 Census shows that the combined Black population in Cobb, Fulton, Douglas, and Fayette Counties is 807,076 persons, which is more than necessary to constitute either an entire congressional district or a majority in two congressional districts. GPX 1, ¶ 40 & fig.7. More than half (53.27%) of the total population increase in these four counties since 2010 can be attributed to the increase in the counties' Black population. Id. ¶ 41.

(b) Georgia's 2021 congressional plan

Georgia's Enacted 2021 Congressional Plan contains two majority-minority districts using the AP BVAP metric—Districts 4 and 13. See Pendergrass Stip. ¶ 48. The Enacted Congressional Plan places Districts 3, 6, 11, 13, and 14 in the northwestern part of the state, including areas in the western portions of the Atlanta MSA.



GPX 1, at 55–56. The Enacted Congressional Plan reduces Congressional District 6’s¹⁵ AP BVAP from 14.6% under the prior congressional plan to 9.9%. Pendergrass Stip. ¶ 49; GPX 1, ¶ 38. Under the 2021 plan, Congressional District 13 has an AP BVAP of over 66%. Pendergrass Stip. ¶ 50. Under the Enacted Congressional Plan, Congressional Districts 3, 11, and 14 border Congressional District 13. Id. ¶ 51.

Mr. Cooper observed that “District 13 is packed with African-American voters. Under the 2021 plan it’s almost 65 percent, a little bit over 65 percent black voting age.” Feb. 7, 2022, Morning Tr. 45:4–6. Mr. Cooper concluded that “it would be very easy to unpack that population so that there are fewer African Americans living in the district but still a clear majority black voting age population district. And in so doing create an additional majority black district in western metro Atlanta that would include a little part of Fayette County and south Fulton County, . . . eastern Douglas County and central Southern Cobb County.” Id. at 45:7–14. Mr. Cooper further observed that “the fragmentation of the black population . . . is most evident in Cobb County. Cobb County has

¹⁵ The Court takes judicial notice that Congresswoman Lucy McBath, a Black woman, was elected to represent Congressional District 6 in 2018 and won reelection in 2020, even though the AP BVAP for the district was 14.6%.

been split four ways under the enacted plan As it now stands, the enacted plan takes population that is just a few minutes away from downtown Atlanta in western Cobb County and puts it in District 14, which goes all the way to the suburbs of Chattanooga.” Id. at 46:19–47:4.

(c) **The Pendergrass Plaintiffs’
illustrative congressional plan**

Analyzing the demographic trends discussed above, as well as the enacted congressional map, Mr. Cooper concludes that “[t]he Black population in metropolitan Atlanta is sufficiently numerous and geographically compact to allow for the creation of an additional compact majority-Black congressional district anchored in Cobb and Fulton Counties (District 6 in the Illustrative Plan).” GPX 1, ¶¶ 10, 42, 59. Mr. Cooper opines that this “additional congressional district can be merged into the enacted 2021 Plan without making changes to six of the 14 districts: CD 1, CD 2, CD 5, CD 7, CD 8, and CD 12 are unaffected.” Id. ¶ 11; see also id. ¶ 46 (“The result leaves intact six congressional districts in the enacted plan, modifying eight districts in the 2021 Plan to create an additional majority-Black district in and around Cobb and Fulton Counties.”); Feb. 7, 2022, Morning Tr. 51:6–20 (Mr. Cooper’s testimony about the unchanged districts).

Mr. Cooper drew an illustrative congressional plan that includes an additional majority-minority congressional district—illustrative Congressional District 6—in the western Atlanta metropolitan area. Pendergrass Stip. ¶ 52; GPX 1, ¶¶ 47–48 & fig.8. Mr. Cooper’s Illustrative Congressional District 6 has an AP BVAP of 50.23% and a non-Hispanic Black citizen voting-age population (“BCVAP”) of 50.69%. Pendergrass Stip. ¶ 53; GPX 1, ¶ 47.¹⁶ Mr. Cooper’s Illustrative Congressional Plan includes three total majority-minority districts using the any part BVAP metric and five total majority-minority districts using the non-Hispanic BCVAP metric. Pendergrass Stip. ¶ 55.¹⁷

Neither Mr. Morgan nor Ms. Wright disputes that Mr. Cooper’s Illustrative Congressional District 6 is a majority-minority district under both the AP BVAP and non-Hispanic BCVAP metrics. See DX 3, ¶ 9 (Mr. Morgan’s expert report noting that Mr. Cooper’s Illustrative Congressional District 6 has a “50.2% any-part Black voting age population”); DX 41, ¶ 29 (Ms. Wright’s expert report acknowledging that Mr. Cooper’s Illustrative Congressional

¹⁶ District 6 is below 50% on other racial metrics, including single-race BVAP and the percentage of registered voters who are Black. See DX 43. As stated above, however, this Court is relying on the AP Black metric.

¹⁷ As a result of the adjustments in the illustrative map, District 13 went from having a 66.75% BVAP to having a 51.40% BVAP, and District 4 went from having a 54.42% BVAP to a 52.40% BVAP. See GPX 2, ¶ 5 & fig.1.

District 6 is “over the 50% threshold on any part Black”).¹⁸ Both Mr. Morgan and Ms. Wright admitted during the hearing that Mr. Cooper’s illustrative Congressional District 6 has an AP BVAP of 50.23%. See Feb. 11, 2022, Morning Tr. 82:21–83:7 (Ms. Wright); Feb. 11, 2022, Afternoon Tr. 233:19–234:1 (Mr. Morgan). Although Ms. Wright claimed that Mr. Cooper’s illustrative Congressional District 6 “is below 50% Black on voter registration” (DX 41, ¶ 29), she admitted during the hearing that more than 8% of registered voters are of unknown race and that this qualifying information was not included in her expert report.¹⁹ See Feb. 11, 2022, Morning Tr. 71:10–78:12.

Notably, Mr. Cooper’s illustrative plan does not reduce the number of preexisting majority-minority districts in the enacted congressional plan. See GPX 1, ¶ 51; GPX 2, ¶ 5 & fig.1. Mr. Cooper testified that creating an additional majority-minority congressional district in the western Atlanta metropolitan

¹⁸ While Mr. Morgan notes that District 6 is “a *barely* majority Black district at 50.2%” AP BVAP (DX 3, ¶ 9 (emphasis added)), the question is whether the illustrative district is majority Black. Bartlett, 556 U.S. at 18. Because 50.2% is a majority, the Court finds that the numerosity requirement is met.

¹⁹ Ms. Wright’s report and testimony at trial referenced demographic statistics used by the Secretary of State’s Office. See DX 41, ¶¶ 10–12, 21, 27–29; Feb. 11, 2022, Morning Tr. 71:10–78:12. Because this information was not attached to Ms. Wright’s expert report, or submitted as an exhibit at trial, the Court requested that counsel for Defendants provide said statistics to the Court for review. Feb. 11, 2022, Morning Tr. 80:15–18. The Court reviewed the demographic statistics when preparing this Order.

area with the Black communities in Cobb, Douglas, Fulton, and Fayette Counties “was extremely easy to do” and “not a complicated plan drawing project.” Feb. 7, 2022, Morning Tr. 53:6–8. Mr. Cooper emphasized this point throughout the hearing. E.g., id. at 69:6–9 (stating that “it was extraordinarily easy to draw this additional majority black district in the western part of metro Atlanta” and that “[i]t basically just draws it[self]”); id. at 75:11–12 (Mr. Cooper’s testimony: “There are no complexities here like there might be in other states. This is just drop-dead obvious.”).

Based on the expert reports and testimony provided in this case, the Court concludes that Mr. Cooper’s illustrative congressional plan contains an additional majority-minority congressional district.

Based on the expert reports and testimony provided in this case, the Court concludes that Mr. Cooper’s Illustrative Congressional Plan contains an additional majority-Black congressional district. Thus, the Court finds that the Pendergrass Plaintiffs have satisfied the numerosity component of the first Gingles precondition.

(2) Geographic Compactness

To satisfy the first Gingles precondition, the Pendergrass Plaintiffs must also show that their proposed majority-Black congressional district is

sufficiently compact. This compactness requirement under Gingles requires a showing that it is “possible to design an electoral district[] consistent with traditional redistricting principles.” Davis, 139 F.3d at 1425.

The redistricting guidelines adopted by the Georgia General Assembly provide that those drawing new districts should account for or consider population equality, compactness, contiguity, respect for political subdivision boundaries and communities of interest, and compliance with Section 2 of the Voting Rights Act. See GPX 40. Mr. Cooper testified that his Illustrative Map adheres to these and other neutral districting criteria. See Feb. 7, 2022, Morning Tr. 48:16–50:21 (Mr. Cooper’s testimony describing traditional districting principles employed during his map-drawing process). Mr. Cooper explained that none of the traditional districting principles predominated when he drew his Illustrative Congressional Plan; instead, he “tried to balance them all” and “did not prioritize anything other than specifically meeting the one-person, one-vote zero population ideal district size.” Id. 50:22–51:2.

For the reasons discussed below, the Court finds that the Pendergrass Plaintiffs’ Illustrative Plan comports with traditional redistricting principles—including those enumerated in the General Assembly’s redistricting guidelines.

Thus, the Court finds that the Pendergrass Plaintiffs satisfy the remainder of the first Gingles precondition analysis.

(a) Population equality

First, an illustrative plan must comply with the one-person, one-vote principle. See Wright, 301 F. Supp. 3d at 1325–26; see also Reynolds, 377 U.S. at 577 (“[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as practicable.”).

Mr. Cooper’s expert report demonstrates that his Illustrative Plan contains minimal population deviation. See GPX 1 at 67–68; Feb. 7, 2022, Morning Tr. 55:12–18 (Mr. Cooper’s testifying that population equality is “reflected with perfection [in his illustrative map] because the districts are plus or minus one person”). Accordingly, the Court finds that Mr. Cooper’s Illustrative Congressional Map complies with the one-person, one-vote principle.

(b) Compactness

Second, as discussed in greater detail above, an illustrative plan must contain “reasonably compact” districts. See Bush v. Vera, 517 U.S. 952, 979 (1996). Mr. Cooper testified that “there is no bright line rule” for compactness,

“nor should there be” given that “so many factors [] enter into the equation” — including, in Georgia, the fact that “municipal boundaries in many [c]ounties [] are not exactly compact.” Feb. 7, 2022, Morning Tr. 60:14–24.

The parties’ experts evaluated the Enacted Congressional Plan and Mr. Cooper’s Illustrative Plan using the Reock and Polsby-Popper analyses, two commonly used measures of a district’s compactness. See GPX 1, ¶ 54 & nn.11–12 & fig.10; DX 1, ¶ 17 & chart 2; see also Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections, 835 F. Supp. 2d 563, 570 (N.D. Ill. 2011) (referring to “the Polsby-Popper measure and the Reock indicator” as “two widely acceptable tests to determine compactness scores”). The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. GPX 1, ¶ 54 & n.11. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. Id. The measure is always between 0 and 1, with 1 being the most compact. Id.; see also Feb. 7, 2022, Morning Tr. 59:21–60:4 (Mr. Cooper describing the Reock score as “just creating a number between zero and one to compare the area of a district with a circle drawn around the district, and so the higher you are towards one, the more compact the district would be under that measure”). The Polsby-Popper test,

on the other hand, computes the ratio of the district area to the area of a circle with the same perimeter. GPX 1, ¶ 54 n.12. The measure is always between 0 and 1, with 1 being the most compact. Id.; see also Feb. 7, 2022, Morning Tr. 60:5–13 (Mr. Cooper’s testimony describing the Polsby-Popper measure). In discussing these methods of measuring compactness scores, Defendants’ mapping expert Mr. Morgan stated that while he would not assert that a certain score would be a universally applicable threshold for compactness, the compactness scores generally “are usually useful in comparing one plan to another” and that “when you do a lot of comparisons, you can see some cases where things are considerably less compact than others.” Feb. 11, 2022, Afternoon Tr. 226:2–11.

Mr. Cooper reported that the mean Reock score for his Illustrative Plan is 0.40, compared to a mean score of 0.43 for the Enacted Plan, and that the mean Polsby-Popper score for this Illustrative Plan is 0.23, compared to 0.25 for the Enacted Plan. GPX 1, ¶ 54 & fig.10; see also id. at 78–83. Mr. Morgan confirmed these figures in his report. See DX 3, ¶ 17; see also Feb. 11, 2022, Afternoon Tr. 243:3–9. The following table included in Mr. Morgan’s report compares, on a district-by-district level for the eight congressional districts

changed in Mr. Cooper’s Illustrative Plan, the compactness measures of Mr. Cooper’s illustrative districts to those of the districts in the Enacted Map:

Proposed Remedial Districts /Adopted Districts	Adopted Plan Reock	Cooper Remedial Plan Reock	Adopted Plan Polsby-Popper	Cooper Remedial Polsby-Popper
Congress 003	0.46	0.40	0.28	0.25
Congress 004	0.31	0.29	0.25	0.21
Congress 006	0.42	0.38	0.20	0.16
Congress 009	0.38	0.40	0.25	0.32
Congress 010	0.56	0.40	0.28	0.18
Congress 011	0.48	0.40	0.21	0.16
Congress 013	0.38	0.42	0.16	0.25
Congress 014	0.43	0.48	0.37	0.34

DX 1, ¶ 17 & chart 2. Mr. Cooper testified that, “practically speaking, there is no difference” between compactness measures for the Illustrative and Enacted Congressional Plans. Feb. 7, 2022, Morning Tr. 61:4–15. Mr. Cooper also testified that the compactness measures for his Illustrative Congressional Plan are “[i]n the usual range. There is no problem with the compactness per se in either” the Enacted or Illustrative Congressional Plans. Id. at 61:16–20. Further, while Mr. Morgan stated that Mr. Cooper’s Illustrative Congressional Plan is “less compact overall” than the Enacted Plan (DX 3, ¶ 17), he did not opine that Mr. Cooper’s Illustrative Plan is not reasonably compact. Feb. 11, 2022,

Afternoon Tr. 243:19–244:1; see also id. at 228:3–16 (Mr. Morgan conceding that there is no minimum compactness threshold for districts under Georgia law).

Given the evidence discussed above, the Court finds that Mr. Cooper’s Illustrative Congressional Map has comparable compactness scores to Georgia’s enacted 2021 congressional plan. More specifically, after reviewing the compactness measures supplied by the expert reports in this case and listening to the expert testimony at the preliminary injunction hearing, the Court concludes that the districts in Mr. Cooper’s Illustrative Plan are reasonably compact for purposes of the first Gingles precondition analysis. And beyond recognizing that the numerical compactness measures indicate that the affected districts in the Illustrative Plan are sufficiently compact, the Court finds that the districts in the Illustrative Plan pass the “eyeball test” in that they appear from a visual review to be compact. See Ala. State Conf. of NAACP v. Alabama, No. 2:16-CV-731-WKW, 2020 WL 583803, at *20 (M.D. Ala. Feb. 5, 2020) (“District 1 is contiguous and also passes the eyeball test for geographical compactness.”); Comm. for a Fair & Balanced Map, 835 F. Supp. 2d at 571 (noting a district’s Polsby-Popper and Reock scores but also stating that the district “passe[d] muster under the ‘eyeball’ test for compactness”). Accordingly, the Court finds that Mr. Cooper’s Illustrative

Congressional Plan is consistent with the traditional districting principle of compactness.

(c) Contiguity

Third, an illustrative plan's district must be contiguous. See Davis, 139 F.3d at 1425. The parties do not dispute that Mr. Cooper's Illustrative Congressional Map contains contiguous districts. See Feb. 7, 2022, Morning Tr. 62:4-14 (Mr. Cooper's testimony confirming that his illustrative districts are contiguous).

(d) Preservation of political subdivisions

Fourth, an illustrative plan should consider the "preservation of significant political and geographic subdivisions." See Adamson, 876 F. Supp. 2d at 1353.

Mr. Cooper testified that he "attempted to avoid splitting counties where unnecessary and avoid splitting towns and municipalities." Feb. 7, 2022, Morning Tr. 55:19-56:22. However, he also noted that "to meet one-person, one-vote in the congressional plan, it is absolutely necessary to split some counties." Id. at 56:3-5. In those cases, Mr. Cooper "would try to split the county by precinct," though splitting precincts was also sometimes necessary to achieve population equality. Id. at 56:6-10. If splitting a precinct was

necessary, Mr. Cooper “would follow, if possible, a municipal boundary or an observable boundary like a road or waterway. And in some cases, [Mr. Cooper] generally follow[ed] observable boundaries, but also rel[ied] on a census bureau boundary that is established, known as a block group.” Id. at 56:11–19.

As Mr. Morgan notes, Mr. Cooper’s plan splits more political subdivisions than the Enacted Plan does. DX 3, ¶ 15. Overall, however, the Court finds that county, voting district (“VTD”),²⁰ and municipal splits are comparable between the Enacted Congressional Plan and Mr. Cooper’s Illustrative Plan. Although thirteen counties are split in Mr. Cooper’s Illustrative Plan (compared to twelve in the Enacted Plan), Mr. Cooper’s Illustrative Plan includes fewer unique county-district combinations than the Enacted Plan—fourteen compared to nineteen—indicating fewer splits overall. See GPX 1, ¶ 55 & fig.11; id. at 84–91; Feb. 7, 2022, Morning Tr. 56:20–57:21 (Mr. Cooper’s testimony distinguishing between number of counties that are split as opposed to number of splits total). Further, Mr. Cooper’s Illustrative

²⁰ The term “voting district” is “a generic term adopted by the Bureau of the Census to include the wide variety of small polling areas, such as election districts, precincts, or wards, that State and local governments create for the purpose of administering elections.” U.S. Census Bureau, <https://www2.census.gov/geo/pdfs/reference/GARM/Ch14GARM.pdf> (last visited February 27, 2022).

Congressional Plan splits fewer municipalities than the Enacted Plan: seventy-nine compared to ninety. See GPX 1, ¶ 55 & fig.11; id. at 92–97; Feb. 7, 2022, Morning Tr. 57:22–58:4 (Mr. Cooper’s testimony describing municipality splits). Mr. Cooper’s Illustrative Congressional Plan splits only five more VTDs than the Enacted Plan. See GPX 1, at 84–91; Feb. 7, 2022, Morning Tr. 58:5–59:3 (Mr. Cooper’s testimony describing VTD splits). And as compared to the Enacted Congressional Plan, in which Cobb County is divided among four congressional districts, Mr. Cooper’s Illustrative Plan divides Cobb County between only two congressional districts. Feb. 7, 2022, Morning Tr. 46:23–47:1, 53:9–22.

Based on the record, the Court finds that Mr. Cooper’s Illustrative Congressional Plan sufficiently respects political subdivision boundaries for purposes of the first Gingles precondition. While Mr. Cooper’s plan splits more political subdivisions than the Enacted Plan splits, the difference is small and not material. Further, the Court finds that Mr. Cooper provided convincing and permissible reasons for why he opted to split many of the political subdivisions he did split. E.g., Feb. 7, 2022, Morning Tr. 55:21–59:3, 83:2–20 (explaining that he had to split certain counties in order to comply with the one-person, one-

vote requirement). On balance, the Court finds that the Illustrative Plan adequately respects political subdivision boundaries.

(e) **Preservation of communities of interest**

Fifth, an illustrative map should seek to keep communities of interest together in the same districts. See LULAC, 548 U.S. at 432–33. The Supreme Court has indicated that communities of interest may form by commonalities in “socio-economic status, education, employment, health, and other characteristics.” See id. at 432 (citation omitted); see also Perez v. Abbott, No. SA-11-CV-360, 2017 WL 1406379, at *60 (W.D. Tex. Apr. 20, 2017) (recognizing communities of interest that shared “socioeconomic issues, poverty, lack of good jobs, and lack of access to health services and public hospitals”). “The recognition of nonracial communities of interest reflects the principle that a State may not assume from a group of voters’ race that they think alike, share the same political interests, and will prefer the same candidates at the polls.” LULAC, 548 U.S. at 432–33 (cleaned up). But the Supreme Court has also noted “evidence that in many cases, race correlates strongly with manifestations of community of interest (for example, shared broadcast and print media, public

transport infrastructure, and institutions such as schools and churches).” Bush, 517 U.S. at 964.²¹

With these principles in mind, the Court now turns to discuss whether the Pendergrass Plaintiffs’ Illustrative Map respects communities of interest. Because the relevant portions of the Enacted Map and the Pendergrass Plaintiffs’ Illustrative Map are in the western portion of the state, the Court focuses its discussion on those districts.

Referring to the Enacted Congressional District 14, Mr. Cooper testified, “I think you would be hard-pressed to find anything with relation to south Cobb County that would connect that part of District 14 to the remainder, particularly since District 14 extends way to the north. So it’s really – it’s really getting into an Appalachian Regional commission territory. It’s just not the same.” Feb. 7, 2022, Morning Tr. 47:5–15. When asked by the Court how he would describe southwest Cobb County, Mr. Cooper responded, “Suburban.” Id. at 47:16–18.

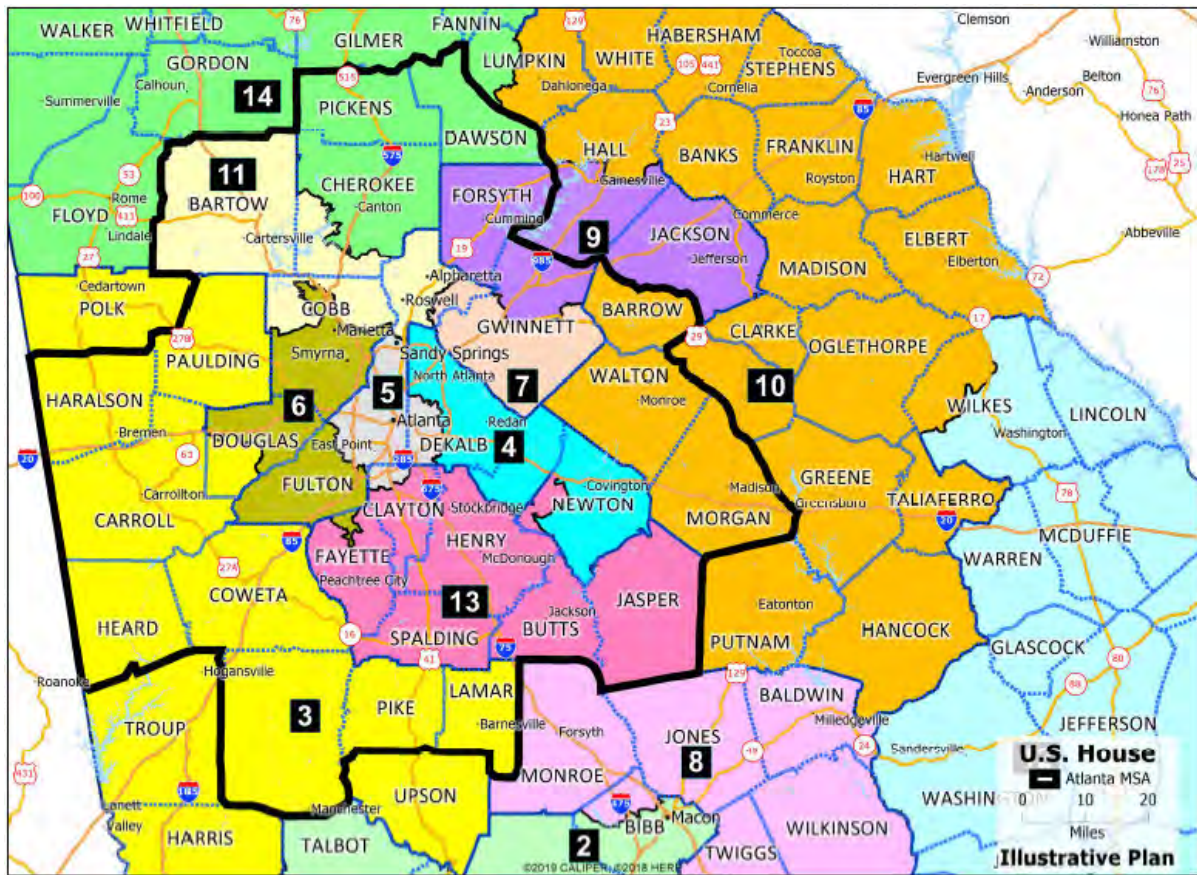
²¹ While Georgia’s redistricting guidelines provide that communities of interest should be considered when districts are being drawn, the guidelines do not define what constitutes a community of interest. See GPX 40, at 2.

Jason Carter, a former member of the State Senate and candidate for Governor of Georgia during the 2014 election, agreed that the treatment of Cobb County in the enacted congressional map does not serve a clear community of interest, noting that it “looks like . . . you are taking bits and pieces of Cobb County and you are sticking them in these districts that are very, very different from Cobb County.” Feb. 10, 2022, Afternoon Tr. 127:8–20. Mr. Carter explained that this “part of Cobb [County] is essentially Metro Atlanta. It’s a suburban part And if you look at [Chattooga] County or some of these others, we are talking about rural, mountain counties in essence that are not part of the Metro Atlanta area at all and [confront] very different sets of issue[s], it would seem to me.” Id. at 127:21–128:8. He further explained the difficulties that Cobb County residents would have in securing representation due to being included in more rural-reaching congressional districts: “[I]f you are in a part of that district that is, again, buried as an appendage, in a district that has a significant number of other interests, then you are not going to have the amount of responsiveness that you would otherwise have.” Id. at 132:1–15.

Ms. Wright described southwest Cobb County as “municipalized” and “developed.” Feb. 11, 2022, Morning Tr. 33:19–34:3. She also confirmed that this

area is “part of metro Atlanta.” Id. at 34:4–5. By contrast, she described Polk and Bartow Counties in northwest Georgia—which are connected with southwest Cobb County in the Enacted Congressional Plan—as “more rural counties.” Id. at 34:6–11.

Mr. Cooper explained that he looked at maps of Georgia’s regional commissions and metropolitan statistical areas to guide his preservation of communities of interest. Feb. 7, 2022, Morning Tr. 62:15–63:17; see also Feb. 11, 2022, Morning Tr. 90:3–91:12 (Ms. Wright’s testimony agreeing that a “community of interest is anything that unites people in an area and brings them together” and broadly defining communities of interest to include regions with shared commercial and economic interests). Mr. Cooper testified that he used these sources to derive communities with shared economic and transportation interests. Feb. 7, 2022, Morning Tr. 62:23–63:4. As depicted in his expert report, Mr. Cooper’s illustrative Congressional District 6 is comprised of pieces of four counties—Cobb, Douglas, Fulton, and Fayette—that are among the 11 core ARC counties:



GPX 1, ¶ 47 & fig.8. As Mr. Cooper testified, “these [c]ounties are all part of core Atlanta,” and the distances between them “are fairly small.” Feb. 7, 2022, Morning Tr. 92:23–25; see also id. at 96:22–25 (Mr. Cooper’s testimony characterizing 11 ARC counties as core Atlanta area). Mr. Cooper also testified that he was aware of the creation of at least four majority-Black Georgia State Senate districts in the western Atlanta metropolitan area under the newly enacted legislative maps. See GPX 2, ¶ 3; Feb. 7, 2022, Morning Tr. 103:4–14. He explained that “four Senate districts is one congressional, 14 times four is 56.

So that's why I was so confident at the outset that it was going to be likely that I could draw the additional majority black district in that part of the state." Feb. 7, 2022, Morning Tr. 103:15-22.

Commenting on Mr. Cooper's illustrative Congressional District 6, Mr. Carter testified, that it was "clearly" a "suburban district" in a "fast-growing" area of suburban Atlanta. Feb. 10, 2022, Afternoon Tr. 133:8-14. Mr. Carter noted that illustrative Congressional District 6 is an area within forty-five minutes of downtown Atlanta that confronts similar issues. See id. at 133:8-18. Mr. Carter described the interests that residents of the western Atlanta metropolitan area share, such as similar suburban school districts, transportation concerns ("the Atlanta traffic reports affect everybody's life in that part of West Cobb and it affects basically nobody's life in Gordon County"), and healthcare concerns. Id. at 128:9-129:11. Applying these shared concerns to Mr. Cooper's illustrative Congressional District 6, Mr. Carter testified that residents of these areas would have similar transportation, housing, and healthcare issues. Id. at 133:19-23. He further testified that Fulton, Cobb, and Douglas Counties are growing quickly "from a school district standpoint" and will "be in the kind of environments that are going to look familiar to each other." Id. at 133:23-134:2. Asked about shared infrastructure

concerns, Mr. Carter responded, “I think from an infrastructure standpoint, there is no doubt that the infrastructure needs here are really cohesive because you’ve got the traffic issues that are there And that also includes [] land use management [T]he Chattahoochee River runs through here and you are talking about drainage and land use and as these things are growing fast, the connectedness of this area is really real. So that infrastructure piece is another thing that links it together.” Id. at 134:3–18.

Based on the record, the Court finds that Mr. Cooper’s Illustrative Congressional Plan sufficiently respects communities of interest in the western Atlanta metropolitan area for purposes of the first Gingles precondition. Several witnesses testified that the areas constituting illustrative Congressional District 6 are developed and suburban in nature and generally face the same infrastructure, medical care, educational, and other critical needs. The Court finds that these needs, along with the relative geographic proximity given the compactness of the proposed district, combine to create a community of interest for Gingles purposes.

(f) **Core Retention**

Next, the Court discusses the preservation of existing district cores, which is not an enumerated districting principle adopted by the Georgia

General Assembly. See GPX 40. Mr. Morgan opined that while the 2021 Enacted Congressional Plan “largely maintains existing district cores” from the prior congressional plan, Mr. Cooper’s Illustrative Plan “makes drastic changes” to many of the districts from the prior plan. DX 3, ¶ 12 & chart 1. Mr. Cooper responds, however, that he could not avoid drawing illustrative districts with lower core retention scores than the districts in the Enacted Congressional Plan in light of his objective of satisfying the first Gingles precondition. See GPX 2, ¶ 4. As he explained in his expert report, “[c]ore retention is largely irrelevant when an election plan is challenged on the grounds that it violates Section 2[] of the VRA. The very nature of the challenge means that districts adjacent to the demonstrative majority-minority district must change, while adhering to traditional redistricting principles.” Id.

During his testimony at the hearing, Mr. Morgan conceded that illustrative plans are necessarily different from enacted plans. Feb. 11, 2022, Afternoon Tr. 214:1–3. The Court also notes that Mr. Cooper’s Illustrative Plan does not alter six of Georgia’s fourteen congressional districts. See GPX 1, ¶¶ 11, 46; Feb. 7, 2022, Morning Tr. 51:6–20 (Mr. Cooper’s testimony describing unchanged districts). As such, the Court finds that not only does Mr. Cooper’s Illustrative Congressional Plan comply with the traditional districting

principles and the General Assembly's guidelines, his plan also does not alter existing district cores in a manner that counsels against finding that it satisfies the first Gingles precondition.

(g) **Racial considerations**

Finally, the Court addresses whether Mr. Cooper subordinated traditional districting principles in favor of race-conscious considerations. A state cannot use race as the predominant factor motivating the decision to place a significant number of voters within or without a particular district, and the state is not allowed to subordinate other factors, such as compactness or respect for political subdivisions, to racial considerations. Wright, 301 F. Supp. 3d at 1325 (citations omitted). Thus, an illustrative plan should not subordinate traditional redistricting principles to racial considerations substantially more than is reasonably necessary to avoid liability under Section 2. See Davis, 139 F.3d at 1424.

Mr. Cooper was asked "to determine whether the African American population in Georgia is 'sufficiently large and geographically compact' to allow for the creation of an additional majority-Black congressional district in the Atlanta metropolitan area." GPX 1, ¶ 8 (footnotes omitted); see also Feb. 7, 2022, Morning Tr. 98:8-16. He testified that he was not asked to either "draw

as many majority black districts as possible” or “draw every conceivable way of drawing an additional majority black district.” Id. at 98:17–24. And Mr. Cooper testified that if he had found that a majority-Black district could not have been drawn, he would have reported that to counsel, as he has “done [] in other cases.” Id. at 98:25–99:24. Mr. Cooper testified that race “is something that one does consider as part of traditional redistricting principles” because “you have to be cognizant of race in order to develop a plan that respects communities of interest, as well as complying with the Voting Rights Act[,] because one of the key tenets of traditional redistricting principles is the importance of not diluting the minority vote.” Id. at 48:4–15. Mr. Cooper emphasized that he accounted for other considerations when he drew his illustrative map, including the traditional districting principles described above. See id. at 48:16–51:5. Although he “was aware of the racial demographics for most parts of the state,” race “certainly did not predominate.” Id. at 51:3–5; see also id. at 50:22–51:2 (testifying that no factor was a predominant factor in drawing the Illustrative Plan); 99:25–100:9 (Mr. Cooper’s testimony: “I looked at all of the factors that are part of the traditional redistricting principles and tried to balance them. So I tried to draw a compact district, a district that didn’t split very many political subdivisions,

and we [have] already seen that the plan that I've drawn splits fewer municipalities than the adopted [] plan. And I looked at other factors, . . . the various traditional redistricting factors. The idea was to balance those factors and show that a district could be created if it could be created."); id. at 101:25–102:13 (similar).

Although Ms. Wright opined that she “cannot explain the decision to take District 6 into Fayette County” in Mr. Cooper’s illustrative map (DX 41, ¶ 29), Mr. Cooper explained that “[t]o meet one-person one-vote requirements, one has to split Fayette County between District 13 and District 6 because if you put all of Fayette County in District 13, it would be overpopulated by . . . several thousand people.” Feb. 7, 2022, Morning Tr. 64:22–65:8. Mr. Cooper noted that “the northern part of Fayette County” is “a racially diverse area. That is not overwhelmingly black. It’s balanced to some part[s] of Cobb County where there is no racial majority.” Id. at 82:6–18.

Similarly, Ms. Wright suggested that “District 13 reaches into Newton County in an unusual way that cannot be explained by normal redistricting principles” (DX 41, ¶ 29), but Mr. Cooper again explained that this was done “to balance populations out” because including all of Newton County in Congressional District 4 would have made that district overpopulated. Feb. 7,

2022, Morning Tr. 66:11–67:1. Ms. Wright also stated that “District 6 specifically grabs Black voters near Acworth and Kennesaw State University to connect them with other Black voters in South Cobb, Douglas, and Fulton Counties” (DX 41, ¶ 29), but Mr. Cooper explained that this decision was also made “to ensure that District 6 met population equality.” Feb. 7, 2022, Morning Tr. 65:14–21. Mr. Cooper noted that the northern arm of his illustrative Congressional District 6 is not in “an area that is predominately black. It is a racially diverse area[.]” Id. at 65:21–66:2; see also id. at 84:4–7 (Mr. Cooper’s testimony: “I was not trying to maximize the black voting age population of District 6 by going into . . . Kennesaw and Acworth.”); id. at 85:18–86:4 (Mr. Cooper’s testimony: “I had to go in some direction and pick up fairly heavily populated areas, and I knew Kennesaw and Acworth were racially diverse so from a community of interest standpoint it made sense to include that with central Cobb County, which is also racially diverse, and southern Cobb County, which is more predominantly black.”); id. at 97:5–10 (Mr. Cooper’s testimony: “That was an area with relative racial diversity. I thought it would fit into a majority black district. But I was not trying to identify majority black blocks to put into District 6 from that area.”).

Indeed, when asked if “there [were] densely populated black areas in those [c]ounties that you didn’t include in your illustrative map,” Mr. Cooper confirmed that “there would be ways to enhance the black voting age population, not just in District 6 but elsewhere, by changing lines and perhaps splitting some additional [c]ounties.” Feb. 7, 2022, Morning Tr. 66:3–10; see also id. at 97:11–19 (Mr. Cooper’s testimony agreeing that he could have “done further changes to the plan that was adopted, perhaps, splitting an additional [c]ounty or something to find other areas to draw a majority black district”). In response to Ms. Wright’s suggestion that “[t]he divisions of Cobb, Fayette, and Newton Counties do not make sense as part of normal redistricting principles” and were made “in service of some kind of specific goal” (DX 41, ¶ 29), Mr. Cooper confirmed that he did not have a single specific goal in mind when drawing his Illustrative Congressional Map, explaining that he was asked “to determine whether or not an additional majority black district could be created, but that was not the goal per se. I had to also follow traditional redistricting principles and then make an assessment as to whether that one additional black district could be determined. I determined that it could be, but that was not my goal per se.” Feb. 7, 2022, Morning Tr. 68:5–20.

Given the record and the evidence discussed above, the Court finds that race did not predominate in the drawing of Mr. Cooper's Illustrative Congressional Plan. Specifically, the Court finds that Ms. Wright's criticisms of the Illustrative Plan are conclusory and lack analysis. For every unsupported conclusion she made that certain illustrative districts did not comply with traditional redistricting principles, Mr. Cooper offered detailed and readily understandable explanations for why he drew districts in the way he did and how his plan complies with traditional redistricting principles. Moreover, the Court finds that while Mr. Cooper was conscious of race when drawing the congressional districts, other redistricting principles were not subordinated.

(3) Conclusions of Law

Thus, based on the evidence presented, the Court finds that the Pendergrass Plaintiffs' Illustrative Plan demonstrates that the Black population in the western Atlanta metropolitan area is sufficiently geographically compact to constitute a voting-age majority in an additional congressional district. Moreover, the Court finds that the Illustrative Plan is consistent with traditional redistricting principles. Accordingly, the Court finds that the Pendergrass Plaintiffs have shown a substantial likelihood to succeed on the merits of the first Gingles precondition.

d) Grant and Alpha Phi Alpha

The Court finds that the Grant and Alpha Phi Alpha Plaintiffs have sufficiently established that they are substantially likely to succeed on the merits in showing that it is possible to create two additional State Senate Districts and two State House Districts in the Atlanta Metropolitan area and one additional State House District in southwestern Georgia under relevant Gingles considerations.

In addition, as indicated above, Plaintiffs in both the Grant and Alpha Phi Alpha cases allege that the State maps passed in SB 2EX and HB 1EX violate Section 2 of the Voting Rights Act. Both the Grant and Alpha Phi Alpha Plaintiffs allege that the Georgia legislature should have drawn two additional Senate Districts in the southern metropolitan Atlanta area and one additional Senate District in the Eastern Black belt area. Grant Doc. No. [1], ¶¶ 41-42; APA Doc. No. [1], ¶¶ 64-66. While the Illustrative Maps (drawn by redistricting experts, Mr. Esselstyn and Mr. Cooper) presented by the Grant and Alpha Phi Alpha Plaintiffs are not exact replicas, they largely overlap.²² Compare GPX 3,

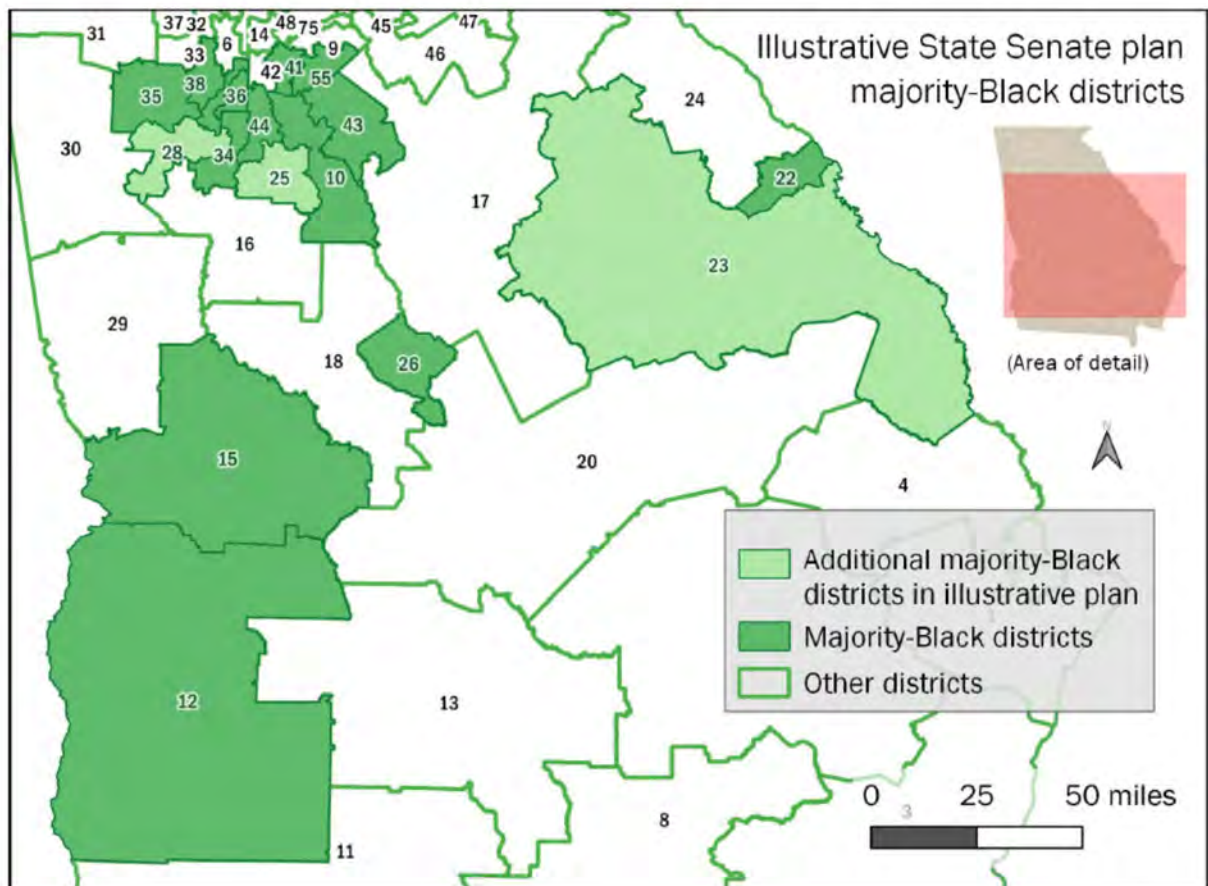
²² The Court recognizes that “there is more than one way to draw a district so that it can reasonably be described as meaningfully adhering to traditional principles, even if not to the same extent or degree as some other hypothetical district.” Chen v. City of Houston, 206 F.3d 502, 519 (5th Cir. 2000). And the remedial plan that the Court eventually implements if it finds Section 2 liability need not be one of the maps

¶ 26 & fig.6, with APAX 1, ¶ 79 & fig.17; compare GPX 3, ¶ 27 & fig.7, with APAX 1, ¶ 76 & fig.15; compare GPX 3, ¶ 41 & fig.12 with APAX 1, ¶ 112 & fig.28. The Court finds that both plans concern areas of Henry, Clayton, and Fayette Counties. Accordingly, because the Court found that Mr. Esselstyn's Illustrative Senate District 25 and 28 have a substantial likelihood of success on the merits as to the first Gingles precondition, the Court does not rule on the substantial likelihood of success of Mr. Cooper's Illustrative Senate Districts 17 and 28.

Compare GPX 3, ¶ 24 & fig.4

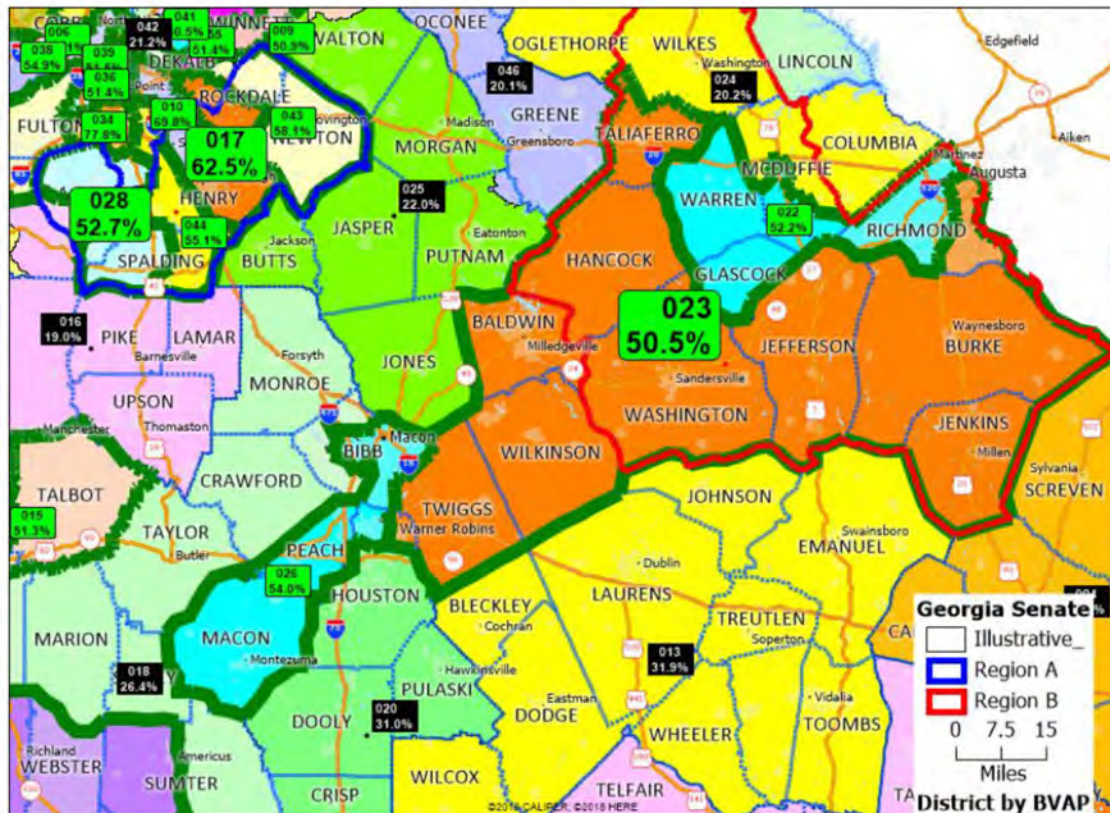
proposed by Plaintiffs. See Clark, 21 F.3d at 95-96 & n.2 ("[P]laintiffs' proposed district is not cast in stone. It was simply presented to demonstrate that a majority-black district is feasible in [the jurisdiction] . . . [T]he district court, of course, retains supervision over the final configuration of the districting plan.").

Figure 4: Map of majority-Black districts in the illustrative State Senate plan.



with, APAX 1, ¶ 71 & fig.14.

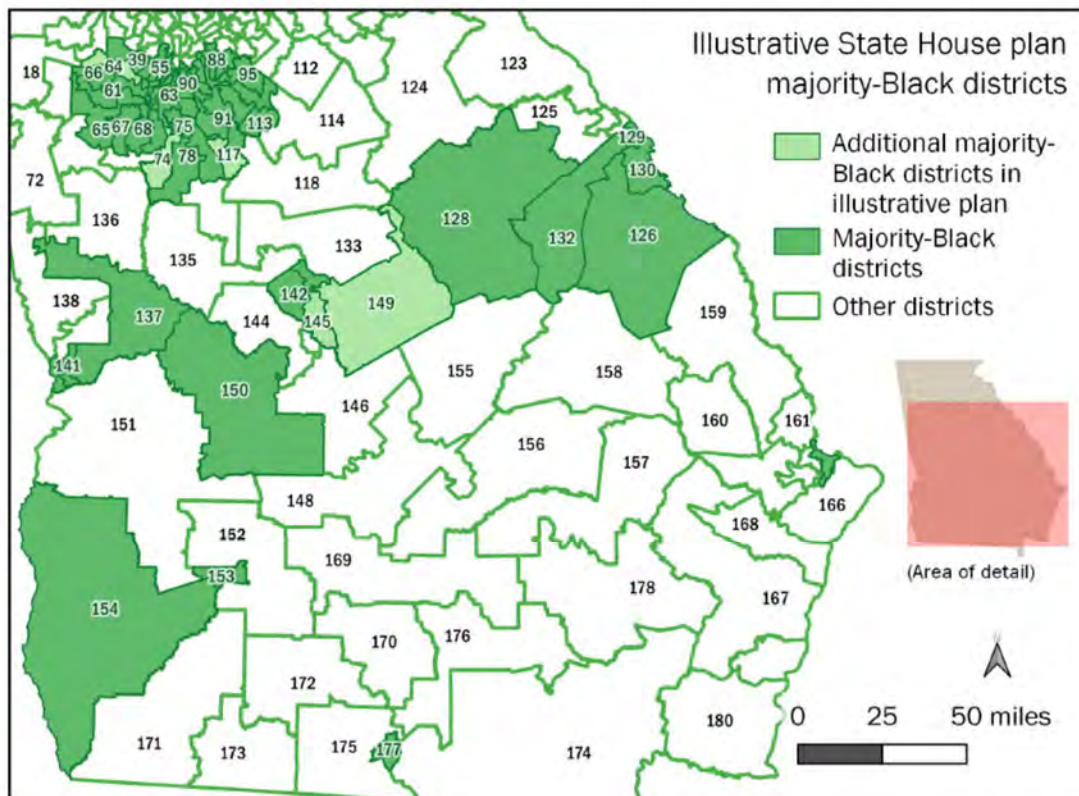
Figure 14



Additionally, both the Grant and Alpha Phi Alpha Plaintiffs allege that the Georgia legislature should have drawn five additional House Districts. The Grant Plaintiffs allege that two additional House Districts could be drawn in the southern Atlanta metropolitan area (Grant Doc. No. [1], ¶ 43), and the Alpha Phi Alpha Plaintiffs allege that three additional House Districts could be drawn in the southern Atlanta metropolitan area (APA Doc. No. [1], ¶¶ 70-72.). Mr. Cooper's Illustrative House Districts 74, 110, and 111 concern areas of

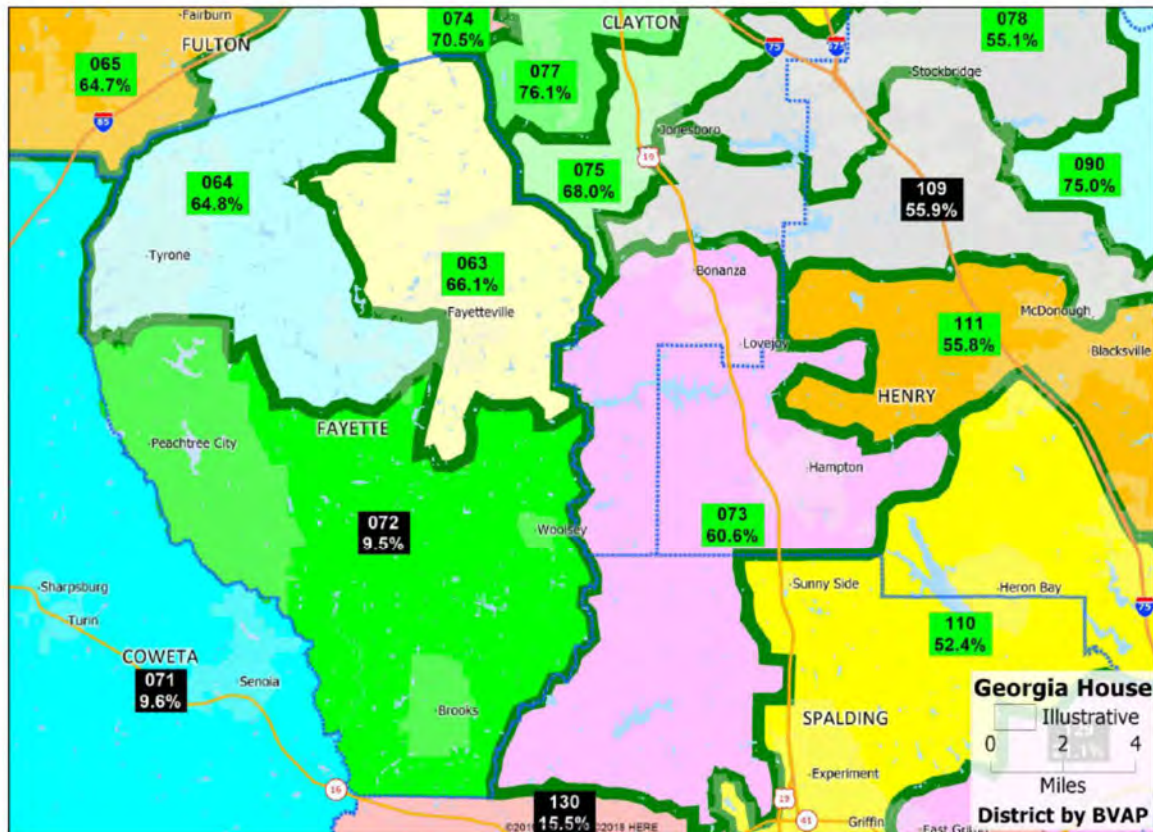
Henry, Fayette, and Clayton Counties. Mr. Esselstyn's Illustrative House Districts 74 and 117 also concern Henry, Fayette, Clayton, and Cowetta Counties. Accordingly, because the Court found that Mr. Esselstyn's Illustrative House District 74 and 117 have a substantial likelihood of success on the first Gingles precondition, the Court does not rule on the substantial likelihood of success of Mr. Cooper's Illustrative House Districts 73, 110, and 111.

Figure 10: Map of majority-Black districts in the illustrative House plan.



GPX 3, ¶ 39 & fig.10.

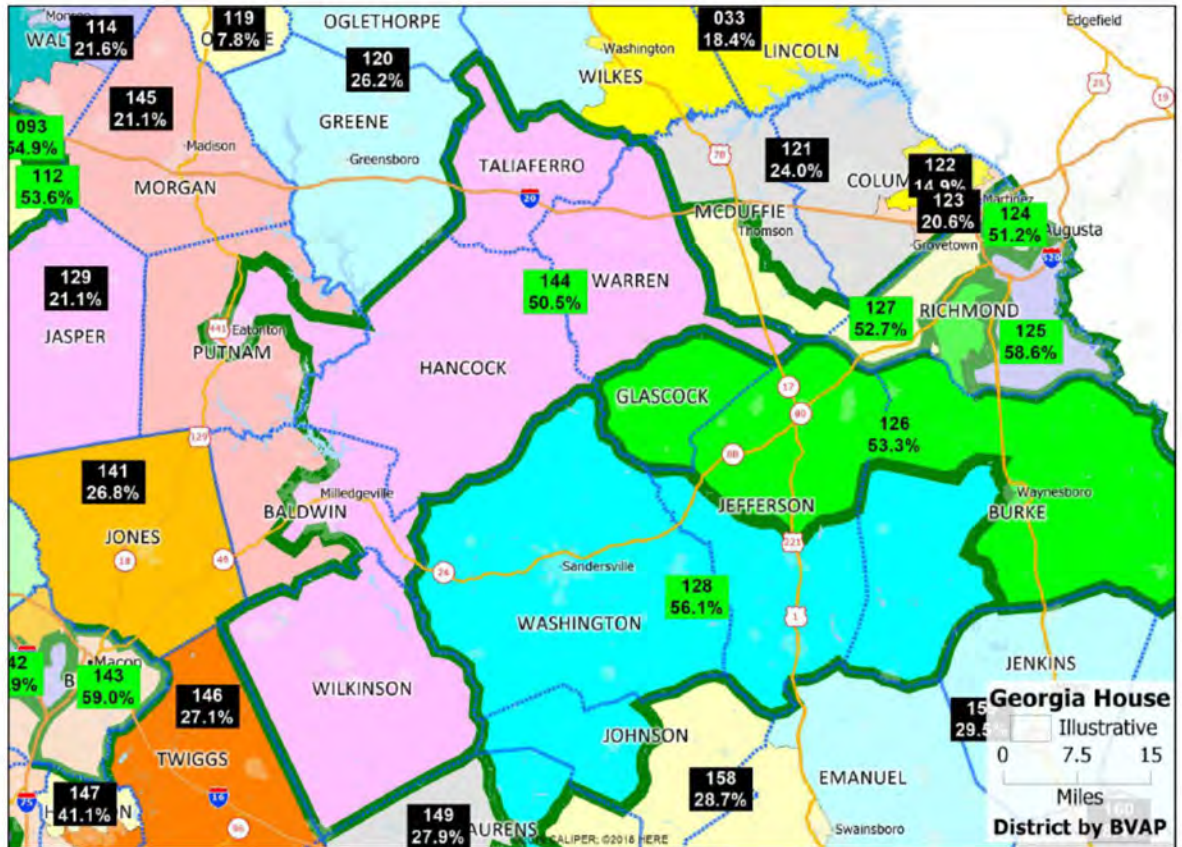
Figure 28: Illustrative Plan District 73 and Vicinity



APAX 1, ¶ 111 & fig.28.

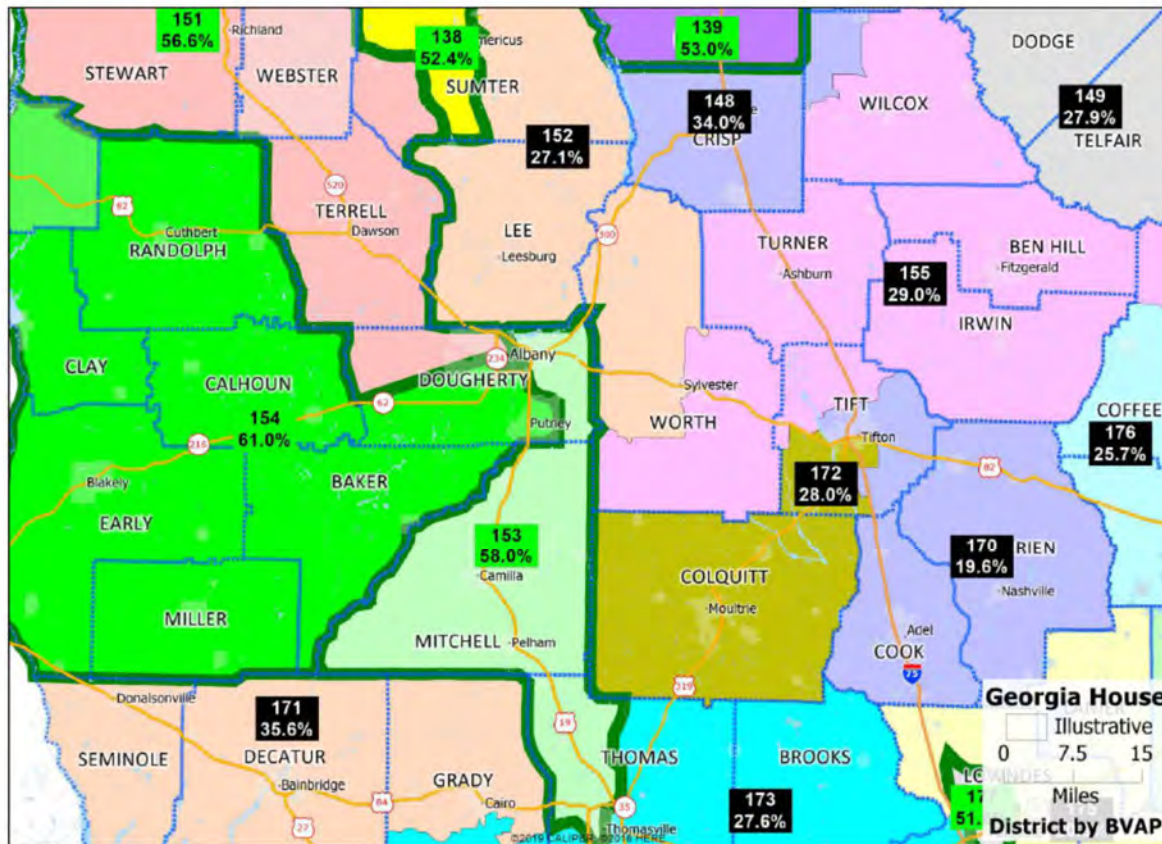
The Grant Plaintiffs' redistricting expert drew one additional House District in the western metropolitan Atlanta area and two additional House Districts in central Georgia, that are anchored in Bibb County. See GPX 3, ¶ 39 & fig.10. The Alpha Phi Alpha Plaintiffs' redistricting expert drew one additional House District in the Eastern Black Belt and one additional House District in Southwestern Georgia.

Figure 32: Illustrative Plan: District 144 and Vicinity



Id. ¶ 116 & fig.32.

Figure 34: Illustrative Plan: District 153 and vicinity



Id. ¶ 118 & fig.34.

To recap the prior ruling, at this stage, the Court finds that the Grant and Alpha Phi Alpha Plaintiffs have established a substantial likelihood of succeeding on the merits of their claim that SB 2EX and HB 1EX violate Section 2 of the Voting Rights Act because the Black population is sufficiently large and compact to create two additional Black-majority Senate Districts in the southern Atlanta metropolitan area, two additional House Districts in the

southern Atlanta metropolitan area, one additional House District in southwestern Georgia.²³

(1) *The Grant Plaintiffs are substantially likely to establish a Section 2 violation*

This Court finds that the Grant Plaintiffs have shown that they have a substantial likelihood of satisfying the first Gingles precondition with respect to two additional State Senate Districts and two additional State House Districts in the Atlanta metropolitan area.

(a) Senate Districts

i) *Numerosity*

As indicated above, on December 30, 2021, Governor Kemp signed into law State Senate Maps. The Georgia State Senate map consists of 56 districts. GPX 3, ¶ 20; Feb. 9, 2022, Afternoon Tr. 169:13–14. The 2014 Georgia State Senate plan contained 13 majority-Black districts using the AP BVAP metric

²³ At this stage and without further discovery, the Court does not find that the Grant and Alpha Phi Alpha Plaintiffs have established that they have a substantial likelihood of succeeding on the merits of their claims that a third State Senate District should have been drawn in the Eastern Black Belt or that additional House Districts should have been drawn in the western Atlanta metropolitan area, central Georgia, or in the Eastern Black Belt. Because the burden of proving substantial likelihood of success for a preliminary injunction is a “high threshold,” this in no way predetermines whether Plaintiffs can prove that Section 2 requires the creation of an additional Senate District in the Eastern Black Belt, or additional House Districts in central Georgia and in the Eastern Black Belt. See Louisiana v. Envir. Soc., Inc. v. Coleman, 524 F.2d 930, 931 (5th Cir. 1975).

when the 2020 Census data was applied. Grant Stip. ¶ 30. The Enacted State Senate Map contains 14 majority-Black districts using the AP BVAP metric. Grant Stip. ¶ 56; GPX 3, ¶ 21; Feb. 9, 2022, Afternoon Tr. 169:8–12. Ten of those districts are in the Atlanta metropolitan area and four are in the Black Belt. GPX 3, ¶ 21 & fig.3.

Redistricting expert, Mr. Esselstyn, drew two illustrative Senate Districts in the Atlanta metropolitan area, which are labeled Esselstyn Illustrative State Senate District 25 and Illustrative State Senate District 28. Just about half of Georgia’s Black population lives in six counties in the Atlanta MSA. GPX 3, ¶ 17. Those six counties, listed in order of Black population, are Fulton, DeKalb, Gwinnett, Cobb, Clayton, and Henry. Id. Under the 2000 Census, the population in the 29-county Atlanta MSA was 29.29% AP Black, increasing to 33.61% in 2010, and increasing further to 35.91% in 2020. Since 2000, the Black population in the Atlanta MSA has grown from 1,248,809 to 2,186,815 in 2020. Grant Stip. ¶ 44.

Mr. Esselstyn’s Illustrative State Senate District 25 is an additional majority-Black State Senate district in the southeastern Atlanta metropolitan area and is composed of portions of Clayton and Henry Counties. Grant Stip. ¶ 64; GPX 3, ¶ 26 & fig.6; Feb. 9, 2022, Afternoon Tr. 171:17–23, 228:10–13.

Mr. Esselstyn’s Illustrative State Senate District 25 has an AP BVAP over 50%.

Grant Stip. ¶ 65; GPX 3, ¶ 24 & tbl.1; Feb. 9, 2022, Afternoon Tr. 171:24–172:8.

Mr. Esselstyn’s Illustrative State Senate District 28 is an additional majority-Black State Senate district in the southwestern Atlanta metropolitan area and is composed of portions of Clayton, Coweta, Fayette, and Fulton Counties. Grant Stip. ¶ 66; GPX 3, ¶ 27 & fig.7; Feb. 9, 2022, Afternoon Tr. 172:11–17. Mr. Esselstyn’s Illustrative State Senate District 28 has an AP BVAP over 50%. Grant Stip. ¶ 67; GPX 3, ¶ 24 & tbl.1; Feb. 9, 2022, Afternoon Tr. 172:18–20.

Table 1: Illustrative Senate plan majority-Black districts with BVAP percentages

District	BVAP%	District	BVAP%	District	BVAP%
10	61.10%	26	52.84%	39	60.21%
12	57.97%	28	57.28%	41	62.61%
15	54.00%	34	60.19%	43	58.52%
22	50.84%	35	54.05%	44	71.52%
23	50.43%	36	51.34%	55	65.97%
25	58.93%	38	66.36%		

Grant Stip. ¶ 60; GPX 3, ¶ 24 & tbl.1; Feb. 9, 2022, Afternoon Tr. 169:20–22.

Mr. Morgan and Ms. Wright do not dispute that Mr. Esselstyn's Illustrative State Senate District 25 and Mr. Esselstyn's Illustrative State Senate District 28 both have AP BVAPs over 50%. See DX 2, ¶ 11 (Mr. Morgan's expert report confirming that Mr. Esselstyn's illustrative State Senate plan contains 17 majority-Black districts); Feb. 11, 2022, Afternoon Tr. 191:21-25 (Mr. Morgan's testimony agreeing that Mr. Esselstyn's illustrative State Senate plan includes three additional majority-Black districts); DX 41, ¶ 20 (Ms. Wright's expert report noting that "[t]he Esselstyn Senate plan also adds majority-Black districts above the adopted Senate plan when using the any-part Black voting age population Census metric"); Feb. 11, 2022, Morning Tr. 78:13-22, 80:23-81:24 (Ms. Wright's testimony acknowledging that AP BVAPs of Mr. Esselstyn's additional majority-Black State Senate districts exceed 50%).

Mr. Morgan's expert report included a chart demonstrating that Mr. Esselstyn's illustrative State Senate plan contains three fewer districts with AP BVAPs above 65% compared to the Enacted Plan.

Chart 1. Number of Majority-Black Senate Districts.

Majority-Black Senate Districts			
% AP Black VAP	2021 Adopted Plan	Proposed Democratic Plan	Esselstyn Remedial Plan
Over 75%	0	1	0
70% to 75%	3	2	1
65% to 70%	3	3	2
60% to 65%	3	1	4
55% to 60%	3	3	4
52% to 55%	1	3	3
50% to 52%	1	2	3
Total # Districts	14	15	17

DX 2, ¶ 10 & chart 1.

As Mr. Esselstyn explained in his supplemental expert report, “[o]ne reason that the Enacted Plans have fewer majority-Black districts than the Illustrative Plans is that more Black voters were unnecessarily concentrated into certain Metro Atlanta districts in the Enacted Plans. By unpacking these districts, the Illustrative Plans contain fewer packed districts—and, consequently, additional majority-Black districts.” GPX 4, ¶ 4.

Defendants argue that Senate District 25 is not sufficiently numerous to form an additional majority-Black district. Defendants point out that in

Mr. Esselstyn's Illustrative State Senate District 25, the district is 56.51% single-race Black voting age population and only 52.71% Black voter registration. DX 46. However, this argument fails. First, courts use the AP Black demographics, not single-race black demographics to determine whether the Black community is sufficiently numerous. Because this Court must decide a case that involves claims about Georgia's Black population's effective exercise of the electoral franchise, this Court relies on the AP Black metric.

Second, the Supreme Court held that "a party asserting [Section] 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent." Bartlett, 556 U.S. at 19–20. As stated above, the single-race Black population exceeds 50% of the voting age population of Mr. Esselstyn's Illustrative State Senate District 25. Additionally, the percentage of Black registered voters exceeds 50%. Accordingly, the Mr. Esselstyn's Illustrative State Senate District 25 is sufficiently numerous for an additional majority-minority district.

Based on the expert reports and testimony provided in this case, the Court concludes that Mr. Esselstyn's Illustrative State Senate plan contains two additional majority-Black districts in the metropolitan Atlanta area.

ii) Geographic compactness

Mr. Esselstyn states that his Illustrative State Senate Plan “was drawn to comply with and balance” the principles enumerated in the 2021-2022 Senate Reapportionment Committee Guidelines. GPX 3, ¶ 29. The guidelines are as follows:

1. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
2. All plans adopted by the committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
3. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
4. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous
5. No multi-member districts shall be drawn on any legislative redistricting plan.
6. The Committee should consider:
 - a. The boundaries of counties and precincts;
 - b. Compactness; and
 - c. Communities of interest.
7. Efforts should be made to avoid unnecessary pairing of incumbents.

8. The identifying of these criteria is not intended to limit the consideration of other principles or factors that the Committee deems appropriate.

GPX 39, at 3.

Mr. Esselstyn explained in his supplemental expert report and during his testimony at the hearing, applying these traditional districting principles often required balancing. See GPX 4, ¶ 14. As he described the process,

It's a balancing act. So . . . often the criteria will be [in tension] with each other. It may be that you are trying to just follow precinct lines and not split . . . precincts, but the precincts have funny shapes. So that means you either are going to end up with a less compact shape that doesn't split precincts or you could split a precinct and end up with a more compact shape. And some of the county shapes are highly irregular as well. So sometime[s] you can have a decision about splitting counties as well. So that's the example of where there's no one clear right answer and I'm trying to sort of find the best balance that I can.

Feb. 9, 2022, Afternoon Tr. 157:14–25.

(a) Population equality

Mr. Esselstyn's Illustrative State Senate Maps are not malapportioned and comply with the one-person, one-vote principle. See Wright, 301 F. Supp. 3d at 1325–26; see also Reynolds, 377 U.S. at 577 (“[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct

districts, in both houses of its legislature, as nearly of equal population as practicable.”).

Mr. Esselstyn’s expert report demonstrates that his Illustrative State Senate Plan contains minimal population deviation. In both the Enacted and Illustrative State Senate Plans, most district populations are within $\pm 1\%$ of the ideal, and a small minority are between ± 1 and 2% . None has a deviation of more than 2% . For the Enacted Plan, the relative average deviation is 0.53% , and for the Illustrative Plan, the relative average deviation is 0.68% . GPX 3, ¶ 30; see also id. at 49–52, 54–55 (Mr. Esselstyn’s expert report listing population statistics for enacted and illustrative State Senate maps); id. at 66 (similar); Feb. 9, 2022, Afternoon Tr. 158:4–22, 176:20–177:5, 188:4–12 (Mr. Esselstyn’s testimony describing compliance with population equality). Mr. Esselstyn conceded that his illustrative Senate Plan had higher population deviations than the Enacted State Senate Map. Feb. 9, 2022, Afternoon Tr. 205:8–14. Mr. Esselstyn’s population deviations are within the limits allowed by the Equal Protection Clause.

[M]inor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case . . . under the Fourteenth Amendments. . . . Our decisions have established, as a general matter, that an apportionment plan with a

maximum population deviation under 10% falls within this category of minor deviations.

Brown v. Thomson, 462 U.S. 825, 842 (1983) (quoting Reynolds, 377 U.S. at 745) (quotation marks omitted). Thus, the Court finds that Mr. Esselstyn's Illustrative Senate Plan complies with population equality.

(b) Compactness

Mr. Esselstyn's Illustrative State Senate Plan has comparable compactness scores to the Enacted State Senate Map. Mr. Esselstyn reported the average compactness scores for both the Enacted Plans and his illustrative legislative plans using five measures—Reock,²⁴ Schwartzberg,²⁵ Polsby-

²⁴ The Court discussed Reock and Polsby-Popper in the Pendergrass section of this Order; however, considering the Order's length, the Court deems it proper to readdress these measures for the reader. The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. GPX 3, at 63.

²⁵ The Schwartzberg test is a perimeter-based measure that compares a simplified version of each district to a circle, which is considered to be the most compact shape possible. For each district, the Schwartzberg test computes the ratio of the perimeter of the simplified version of the district to the perimeter of a circle with the same area as the original district. This measure is usually greater than or equal to 1, with 1 being the most compact. GPX 3, at 63.

Popper,²⁶ Area/Convex Hull,²⁷ and Number of Cut Edges.²⁸ GPX 3, ¶¶ 31, 46 & tbls. 2, 5; see also Feb. 9, 2022, Afternoon Tr. 158:23–160:1 (Mr. Esselstyn’s testimony describing common measures of compactness).

Mr. Esselstyn concluded that the average compactness measures for the Enacted State Senate Map and his Illustrative Plan “are almost identical, if not identical.” GPX 3, ¶ 31 & tbl.2; see also *id.* at 66–79 (Mr. Esselstyn’s expert report providing detailed compactness measures for enacted and illustrative State Senate maps); Feb. 9, 2022, Afternoon Tr. 160:2–10, 177:6–19, 188:13–17 (Mr. Esselstyn’s testimony describing compliance with compactness principle); Feb. 11, 2022, Afternoon Tr. 223:23–224:3 (Mr. Morgan’s testimony confirming

²⁶ The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi \text{Area} / (\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact. GPX 3, at 63.

²⁷ The Area/Convex Hull test computes the ratio the district area to the area of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact. GPX 3, at 63.

²⁸ The Cut Edges test counts the number of edges removed (“cut”) from the adjacency (dual) graph of the base layer to define the districting plan. The adjacency graph is defined by creating a node for each base layer area. An edge is added between two nodes if the two corresponding base layer areas are adjacent – which is to say, they share a common linear boundary. If such a boundary forms part of the district boundary, then its corresponding edge is cut by the plan. The measure is a single number for the plan. A smaller number implies a more compact plan. GPX 3, at 63–64; see also Feb. 9, 2022, Afternoon Tr. 236:2–16 (Mr. Esselstyn’s testimony describing Cut Edges measurement).

that overall compactness scores of Mr. Esselstyn’s illustrative State Senate map and enacted map are similar).

Mr. Esselstyn reported those measures as follows:

Table 2: Compactness measures for enacted and illustrative State Senate plans.

	Reock (average)	Schwartzberg (average)	Polsby- Popper (average)	Area/Convex Hull (average)	Number of Cut Edges
Enacted	0.42	1.75	0.29	0.76	11,005
Illustrative	0.41	1.76	0.29	0.75	10,998

GPX 3, ¶ 31 & tbl.2.

In his expert report, Mr. Morgan, confirmed the accuracy of Mr. Esselstyn’s compactness statistics without suggesting that Mr. Esselstyn’s Illustrative Maps fail to comply with this districting principle. See DX 2, ¶¶ 23-24 & chart 5. Moreover, his report demonstrated that most of the additional majority-Black districts in Mr. Esselstyn’s Illustrative Plans outperform their precursors in the Enacted Plans according to the Polsby-Popper compactness measure, with Senate District 25 performing better according to that measure and the Reock measure:

Chart 5. Compactness score summary

New Black-Majority District	Adopted Plan Reock	Esselstyn Remedial Plan Reock	Adopted Plan Polsby-Popper	Esselstyn Remedial Plan Polsby-Popper
Senate 23	0.37	0.34	0.16	0.17
Senate 25	0.39	0.57	0.24	0.34
Senate 28	0.45	0.38	0.25	0.19
House 64	0.37	0.22	0.36	0.22
House 74	0.50	0.30	0.25	0.19
House 117	0.41	0.40	0.28	0.33
House 145	0.38	0.34	0.19	0.21
House 149	0.32	0.42	0.22	0.23

Id.

Defendants maintained a line of questioning at the preliminary injunction hearing in an effort to show that the Reock and Schwartzberg scores of the 2021 adopted state Senate plan are more compact on average than Mr. Esselstyn’s illustrative state Senate plan. Feb. 9, 2022, Afternoon Tr. 235:10–25. The evidence showed that several districts on the Esselstyn remedial Senate plan are far less compact than the 2021 adopted state Senate plan. DX 2, ¶ 24. However, the Enacted State Senate Map and Mr. Esselstyn’s Illustrative Senate Map have identical Polsby-Popper scores (0.29) and Mr. Esselstyn’s Illustrative Senate Map has seven fewer cut edges than the Enacted State Senate Map. Second, under the Reock, Schwartzberg and Area/Convex Hull tests the Illustrative Plan is one-one-hundredth of a point

less compact than the enacted State Plan. Accordingly, the Court does not find that Mr. Esselstyn's illustrative legislative maps are not sufficiently compact.

Looking at the challenged districts specifically, the Court finds Mr. Esselstyn's Illustrative State Senate District 25 is more compact than the Enacted State Plan. Mr. Esselstyn's Illustrative State Senate District 25 has a Reock score of 0.57 and Polsby-Popper score of 0.34 and the Enacted State Senate District 25 has a Reock score of 0.39 and a Polsby-Popper score of 0.24. See DX 2, ¶¶ 23-24 & chart 5. The Enacted State Senate District 28 is slightly more compact than Mr. Esselstyn's Illustrative State Senate District 28. Mr. Esselstyn's Illustrative State Senate District 28 has a Reock score of 0.38 and a Polsby-Popper score of 0.19 and the Enacted State Senate District 28 has a Reock score of 0.45 and a Polsby-Popper score of 0.19. Id. The Court finds that Mr. Esselstyn's Illustrative State Senate District 25 is sufficiently compact and more compact than Enacted State Senate District 25.

The Court also finds that Mr. Esselstyn's Illustrative State Senate District 28 is sufficiently compact. The Court does not find that the difference of six-hundredths of a point in the Polsby-Popper score and seven-hundredths of a point difference in the Reock scores makes Mr. Esselstyn's Illustrative State Senate District 28 not compact. Thus, the Court finds that Mr. Esselstyn's

Illustrative State Senate District 25 and Mr. Esselstyn's Illustrative State Senate District 28 are sufficiently compact and satisfy the first Gingles precondition.

(c) Contiguity

Mr. Esselstyn's Illustrative Senate Districts are contiguous. There is no factual dispute on this issue. See Feb. 9, 2022, Afternoon Tr. 160:11-13 (Mr. Esselstyn's testimony confirming that his illustrative districts are contiguous).

(d) Preservation of political subdivisions

Mr. Esselstyn's Illustrative Senate Plan preserves political subdivisions. Mr. Esselstyn testified that it was "not always possible" to preserve political subdivisions because, for example, "a typical precinct size is in the neighborhood typically around a few thousand people," and "[s]o often to get the best shape . . . , it's often practical to divide precincts." Feb. 9, 2022, Afternoon Tr. 160:20-161:1-8. Mr. Esselstyn concluded that "[w]hile the creation of three additional majority-Black State Senate districts involved the division of additional counties and VTDs, the differences are marginal." GPX 3, ¶¶ 32-33 & tbl.3; see also id. at 80-91 (Mr. Esselstyn's expert report providing political subdivision splits for enacted and illustrative State Senate maps); Feb. 9, 2022, Afternoon Tr. 161:9-11 (Mr. Esselstyn's testimony stating that "the

numbers of divided counties and precincts in the Illustrative Plans are similar, slightly higher than those for the Enacted Plans”); id. at 177:20–25, 188:18–24 (Mr. Esselstyn’s testimony describing preservation of political subdivisions). He reported the splits in the enacted and illustrative State Senate maps as follows:

Table 3: Political subdivision splits for enacted and illustrative State Senate Plans

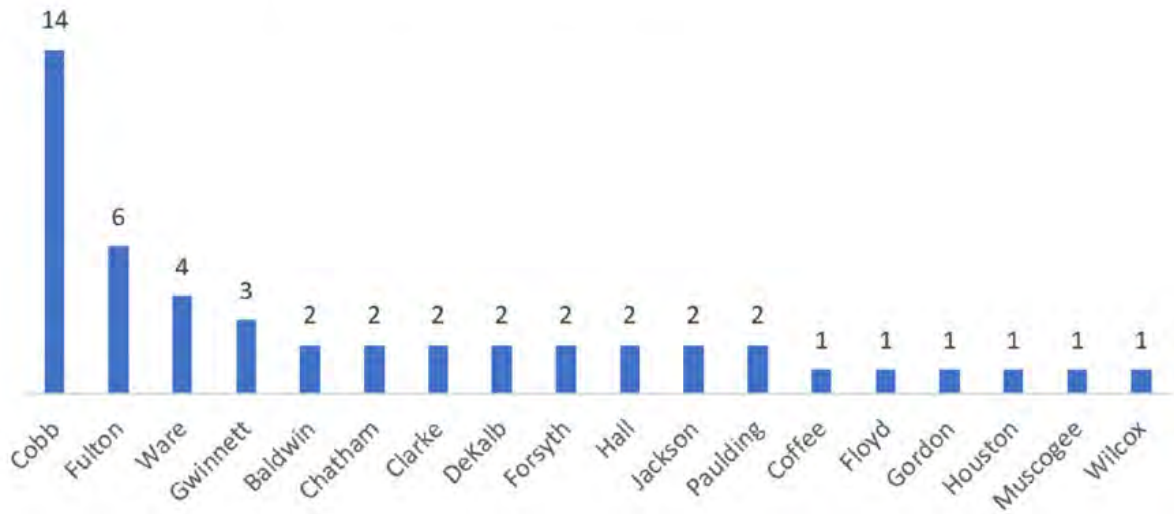
	Intact Counties	Split Counties	Split VTDs
Enacted	130	29	47
Illustrative	125	34	49

GPX 3, ¶¶ 32–33 & tbl.3.

Out of 2,698 VTDs statewide, only 49 are split in Mr. Esselstyn’s illustrative State Senate plan, and in only 18 of Georgia’s 159 counties. Grant Doc. No. [61-1], ¶ 3 & fig.1; Feb. 9, 2022, Afternoon Tr. 163:17–20, 166:5–9. The 2021 Enacted State Senate Map divides fewer precincts than Mr. Esselstyn’s Illustrative State Senate Maps. Feb. 9, 2022, Afternoon Tr. 205:23–25, 236:25–237:1. However, some of the VTD splits in Mr. Esselstyn’s Illustrative State Senate Maps are inherited from the Enacted State Senate map because Mr. Esselstyn’s illustrative map leaves a majority of districts untouched. Id. at 164:23–165:4. Mr. Esselstyn’s second supplemental report included a

histogram depicting the VTD splits in his illustrative State Senate plan by county.

Figure 1: VTD splits in illustrative State Senate plan by County



Grant Doc. No. [61-1], ¶ 3 & fig.1. Thus, the Court finds that Mr. Esselstyn's Illustrative State Senate Map complies with the traditional redistricting principle of keeping political subdivisions together; even though, Mr. Esselstyn's Illustrative State Senate Maps has two more split VTDs than the Enacted State Senate Map.

Mr. Esselstyn's illustrative Senate plan splits thirty-four counties, which is five more than the 2021 adopted state Senate plan. Grant Stip. ¶¶ 58, 75; Feb. 9, 2022, Afternoon Tr. 203:18-21; DX 2, ¶ 21. However, the number of county splits in Mr. Esselstyn's Illustrative State Senate Map is lower than the

number of such splits in the legislative plans used in the most recent elections (which is to say, Georgia’s 2014 State Senate plans).

Table 1: Number of split counties in various plans.¹

	Illustrative	Adopted 2014/2015
State Senate	34	38
House	70	73

GPX 4, ¶ 11 & tbl.1; Feb. 9, 2022, Afternoon Tr. 178:1–5, 188:25–189:4. Defendants’ expert Mr. Morgan’s report confirmed Mr. Esselstyn’s statistics for political subdivision splits without opining that Mr. Esselstyn’s illustrative maps fail to comply with this districting principle. See DX 2, ¶¶ 20–22; see also Feb. 11, 2022, Afternoon Tr. 220:15–221:20 (Mr. Morgan’s testimony confirming Mr. Esselstyn’s reported figures and conceding that his expert report offers no opinion on issue of split geographies). Thus, the Court finds that Mr. Esselstyn’s Illustrative State Senate Maps comply with the traditional redistricting principle of maintaining existing political subdivisions.

(e) **Preservation of communities of interest**

The Court finds that Mr. Esselstyn’s Illustrative State Senate Maps preserve communities of interest. Mr. Esselstyn testified regarding his definition of a community of interest:

[C]ommunity of interest could be something as large as the Black Belt. As large as Metro Atlanta. Can span multiple counties. And . . . it could also be as small as a neighborhood. So it can be an area that is large or larger geographically but the basic idea is you are looking at areas that have a shared characteristics or where the people have a shared interest.

Feb. 9, 2022, Afternoon Tr. 167:1–11. Although sometimes such communities “can be delineated on [a] map” — such as municipalities, college campuses, or military bases — at other times “they don’t have clearly defined boundaries.” Id. at 167:18–168:9; see also Feb. 11, 2022, Morning Tr. 90:5–91:12 (Ms. Wright’s testimony broadly defining communities of interest). Mr. Esselstyn testified that in drawing his illustrative maps, he sought to preserve communities of interest where possible. Feb. 9, 2022, Afternoon Tr. 168:13–16. This does not necessarily mean that each illustrative district is homogenous; as Mr. Esselstyn explained, “I don’t believe that the communities of interest principle[] requires every two communities in a given district to have commonalities. I don’t think that’s what the principle stands for. . . . [M]y focus on communities of interest is trying to keep them intact, when possible.” Feb. 9, 2022, Afternoon Tr. 221:1–222:11. Accordingly, the absence of “some shared characteristic” does not necessarily indicate “a failure to meet the communities of interest criteria or any other [] traditional redistricting principle.” Id. at 222:12–17.

With respect to Mr. Esselstyn's Illustrative State Senate District 25, Defendants' expert Ms. Wright conceded that "District 25 is at least more compact," but concluded that Mr. Esselstyn's Illustrative State Senate District 25 has the effect of dividing communities of interest in Mr. Esselstyn's Senate District 10. DX 41, ¶ 23; Feb. 11, 2022, Morning Tr. 48:20–49:4. Mr. Esselstyn's Illustrative Senate District 10 stretches from Stonecrest in DeKalb County to Butts County. Id. The Court finds that even if Mr. Esselstyn's Illustrative Senate District 10 divides communities of interest, that does not necessarily mean that Mr. Esselstyn's Illustrative State Senate District 25 does not respect traditional redistricting principles. See Wright, 301 F. Supp. 3d at 1326 (finding that plaintiffs successfully proved violation of Section 2 of the VRA, even though the "illustrative plan [was] [] far from perfect"). Given that Mr. Esselstyn's Illustrative Senate District 10 does not represent a challenged district, and Ms. Wright testified that Mr. Esselstyn's Senate District 25 is "at least more compact," (Feb. 11, 2022, Morning Tr. 48:20–49:4), the Court finds that Mr. Esselstyn's Senate District 25 respects communities of interest.

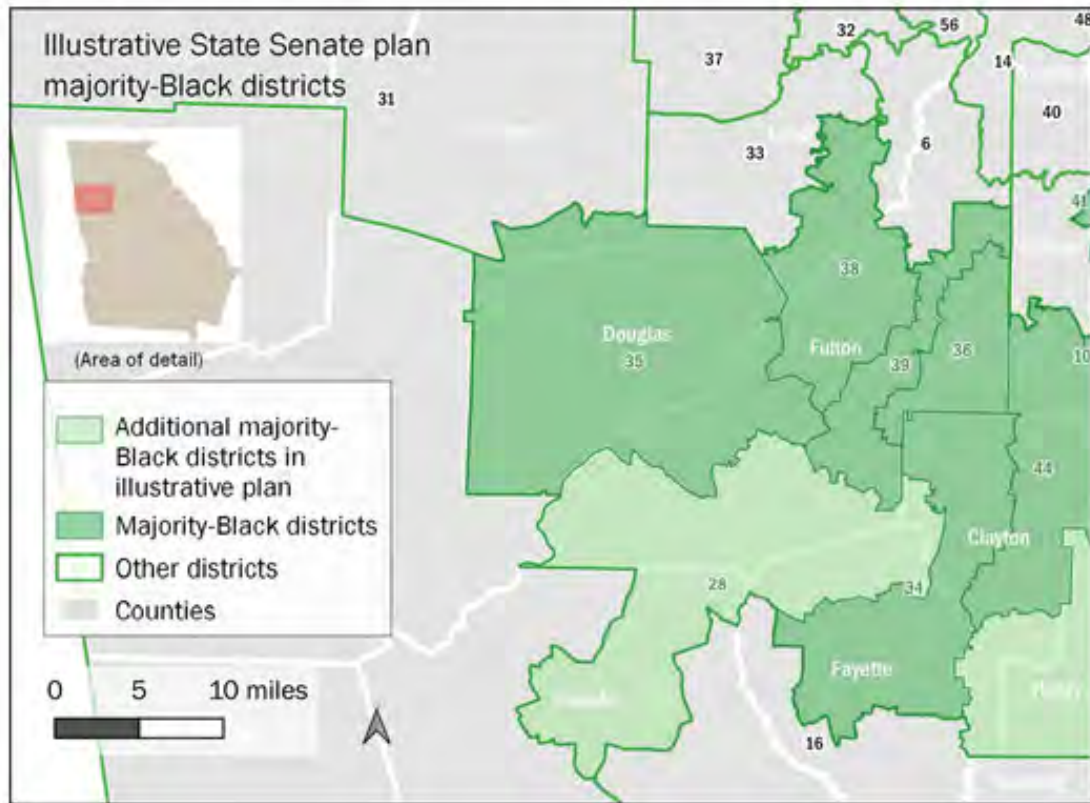
Jason Carter, a former member of the State Senate and candidate for Governor of Georgia during the 2014 election, testified that Mr. Esselstyn's Illustrative State Senate District 25

includes virtually all of Henry County in a single district . . . [which] helps in some context for sure [I]f there were really differing aspects in Henry County that needed to be divided, up that would be one thing but . . . Henry County is a fast-growing, multi-racial community that . . . would seem like [] the kind of place that can be kept together . . . if you can make it coherent, it would seem that that would be great.

Feb. 10, 2022, Afternoon Tr. 138:9-139:6. Thus, the Court finds that Mr. Esselstyn's Illustrative State Senate District 25 respects communities of interest.

With respect to Mr. Esselstyn's Illustrative Senate District 28, Defendants argued it connects pieces of the following counties to create a district that is majority-Black: Clayton, Coweta, Fayette, and Fulton. See Feb. 9, 2022, Afternoon Tr. 229:4-7. To create this district, Mr. Esselstyn has to double the traditional number of Senate districts in Clayton County from two to four and cut into Coweta County to reach a sizeable Black population in Newnan. DX 41, ¶ 22; Feb. 9, 2022, Afternoon Tr. 229:23-230:16. Unlike the Democratic Senate plan and 2021 adopted state Senate plan that kept Coweta County whole, Mr. Esselstyn's Senate District 28 splits Coweta County three ways. DX 13; DX 10; Feb. 9, 2022, Afternoon Tr. 231:8-17. Mr. Esselstyn's Illustrative Senate District 28 from his report is reproduced below.

Figure 7: Map of western Metro Atlanta area of illustrative plan with majority-Black State Senate districts indicated.



GPX 3, ¶ 27 & fig.7.

Mr. Carter described the communities of interest contained in Mr. Esselstyn’s Illustrative Senate District 28 as follows: “[T]hat is . . . to me, a cohesive community and . . . Newnan certainly has more in common with that part of South Fulton than it does with . . . Franklin, Georgia, because of the issues that it confronts from an infrastructure standpoint and [] other issues[.]” Feb. 10, 2022, Afternoon Tr. 139:18–140:19. Despite the additional county splits, Mr. Esselstyn’s Illustrative Senate District 28 “goes right around the Airport,

285. 85 corridors that are . . . those suburban south side areas.” Id. at 140:10–12.

Thus, Mr. Esselstyn’s Illustrative Senate District 28 respects communities of interest.

(f) Incumbent protection

Defendants point out that Mr. Esselstyn’s Illustrative State Senate Map pairs incumbents Marty Harbin (R) and Valencia Seay (D) into one district; while, the Enacted State Senate Map pairs no incumbents who are running for reelection. DX 1, ¶ 15. During the hearing, Mr. Esselstyn testified that “I was not able to find a publicly-available authoritative source . . . for incumbent address data . . . [s]o, as a result I did not have that data and so I did not take it into account.” Feb. 9, 2022, Afternoon Tr. 223:16–18. Despite not having this information, Mr. Esselstyn’s Illustrative State Senate Maps only create one incumbent pairing. The Court finds that Mr. Esselstyn’s Illustrative State Senate Map complies with the traditional redistricting principle of protecting incumbents.

(g) Core retention

The Court finds that Mr. Esselstyn’s Illustrative State Senate Map retains the core of the Enacted State Senate Map. As an initial note, preservation of existing district cores was not an enumerated districting principle adopted by

the General Assembly. See GPX 39; 40. However, in terms of implementing a remedial map, the Court takes core retention into consideration.

Mr. Esselstyn's Illustrative State Senate Plan changes 22 of the 56 2021 Enacted State Senate districts in the process of creating three additional majority-Black districts. DX 2, ¶ 19. Mr. Esselstyn explained in his supplemental expert report, "One of the guiding principles in the creation of my Illustrative Plans was to keep changes to a minimum while adhering to other neutral criteria [W]hile the illustrative plans are—intentionally—a departure from the enacted plans, most of the plans' districts remain intact." GPX 4, ¶ 9; see Feb. 9, 2022, Afternoon Tr. 267:20–268:4 (Mr. Esselstyn's testimony: "One of the other considerations for me was not trying to make more changes that I have to.").

The Court finds that Mr. Esselstyn's Illustrative State Senate Maps do not change over 60% of the Enacted State Senate Map. The Court notes that "[m]odifying one district necessarily requires changes to districts adjacent to the original modification, and harmonizing those changes with traditional redistricting criteria (such as population equality and intactness of counties) often inescapably results in cascading changes to other surrounding districts."

GPX 4, ¶ 9. Accordingly, the Court finds that Mr. Esselstyn's Illustrative State Senate Map respects the principle of core retention.

(h) Racial considerations

Defendants argued that Mr. Esselstyn's Illustrative Senate Maps must fail because they were predominately drawn for racial considerations. The Court is not persuaded by this argument. Both the Supreme Court's and Eleventh Circuit's "precedents require [Section 2] plaintiffs to show that it would be possible to design an electoral district, consistent with traditional districting principles, in which minority voters could successfully elect a minority candidate." Davis, 139 F.3d at 1425. "[I]ntentional creation of a majority-minority district necessarily requires consideration of race." Fayette Cnty., 118 F. Supp. 3d at 1345. Therefore, "[t]o penalize [plaintiffs] . . . for attempting to make the very showing that Gingles [and its progeny] demand would be to make it impossible, as a matter of law, for any plaintiff to bring a successful Section [2] action." Davis, 139 F.3d at 1425. Consideration of race accordingly does not mean that an illustrative plan must be subjected to strict scrutiny or any other heightened bar beyond the question of whether traditional districting principles were employed. Consistent with this understanding, the Eleventh Circuit, and every other circuit to address this

issue, has rejected attempts to graft the constitutional standard that applies to racial gerrymandering by the State onto the first Gingles precondition vote dilution analysis. See Davis, 139 F.3d at 1417–18; see also, e.g., Bone Shirt, 461 F.3d at 1019; Clark, 88 F.3d at 1406–07; Sanchez v. Colorado, 97 F.3d 1303, 1327 (10th Cir. 1996); Cane v. Worcester Cnty., 35 F.3d 921, 926 n.6 (4th Cir. 1994); Bridgeport Coal. for Fair Representation v. City of Bridgeport, 26 F.3d 271, 278 (2d Cir. 1995), vacated on other grounds sub nom. City of Bridgeport v. Bridgeport Coal. for Fair Representation, 512 U.S. 1283 (1994).

Mr. Esselstyn explained that he was asked “to determine whether there are areas in the State of Georgia where the Black population is ‘sufficiently large and geographically compact’ to enable the creation of additional majority-Black legislative districts relative to the number of such districts provided in the enacted State Senate and State House of Representatives redistricting plans from 2021.” GPX 3, ¶ 8 (footnote omitted); see also Feb. 9, 2022, Afternoon Tr. 150:11–19, 202:15–29 (Mr. Esselstyn’s testimony confirming what he was asked to do in this case). Mr. Esselstyn testified that he was not asked to maximize the number of majority-Black districts in the State Senate or House map. Feb. 9, 2022, Afternoon Tr. 150:23–25. Mr. Esselstyn also testified that it

was necessary for him to consider race as part of his analysis because, under Section 2,

the key metric is whether a district has a majority of the Any Part Black population. So that means it has to be over 50 percent. And that means looking at a column of numbers in order to determine, to assess whether a district has that characteristic. You have to look at the numbers that measure the percentage of the population is Black.

Id. at 155:15–156:2. When asked by the Court whether race was the controlling issue when drawing his illustrative House District 149, Mr. Esselstyn responded, “There’s not one predominant consideration I’m trying to see if something can be satisfied while considering all the other traditional principles and the principles adopted by the General Assembly.” Feb. 9, 2022, Afternoon Tr. 254:1–255:18. Mr. Esselstyn emphasized that he took other considerations into account as well when drawing his Illustrative Plans, including population equality, compliance with the federal and state constitutions, contiguity, and other traditional districting principles. Id. at 156:10–157:9; see also id. at 275:2–11 (Mr. Esselstyn’s testimony explaining that, when drawing illustrative districts, “I’m not looking at any one race of voters I’m always looking [at] a multitude of considerations”).

Defendants' expert, Ms. Wright, opined that Mr. Esselstyn's Illustrative Senate District 25 and 28 were drawn predominately with racial considerations, "District 25 . . . strategically connects pieces of south Clayton with Henry apparently in service of a racial goal" (DX 41, ¶ 23) and "District 28 . . . splits Clayton County into four districts in a manner that make [sic] no geographical sense apart from a racial goal." Id. ¶ 22. Without more, the Court is unable to uphold Ms. Wright's assessment. Mr. Esselstyn testified that he used various metrics including but not limited to population size, communities of interest, and political subdivisions, in addition to race when he drew his Illustrative State Senate Maps. Accordingly, the Court does not find that race predominated the drawing of Mr. Esselstyn's Illustrative State Senate Districts 25 and 28.

The Court finds that Mr. Esselstyn's Illustrative State Senate Districts 25 and 28 contain Black population that are sufficiently numerous and compact, as to create two additional districts that comply with traditional redistricting principles. Accordingly, the Court finds that the Grant Plaintiffs have a substantial likelihood of success in proving that Mr. Esselstyn's Illustrative State Senate Districts 25 and 28 satisfy the first Gingles precondition.

(b) Esselstyn House Districts

i) *Numerosity*

As stated above, on December 30, 2021, Governor Kemp signed the Enacted State House Map into law. The Georgia House of Representatives map consists of 180 districts. GPX 3, ¶ 35; Feb. 9, 2022, Afternoon Tr. 178:10–12. The 2015 Georgia House of Representatives plan contained 47 majority-Black districts using the AP BVAP metric when the 2020 Census data was applied. Grant Stip. ¶ 31. The enacted House plan contains 49 majority-Black districts using the AP BVAP metric. Grant Stip. ¶ 57; GPX 3, ¶ 36; Feb. 9, 2022, Afternoon Tr. 178:17–19. Thirty-four of those districts are in the Atlanta metropolitan area, 13 are in the Black Belt, and two small districts are within Chatham County (anchored in Savannah) and Lowndes County (anchored in Valdosta) in the southeastern part of the state. GPX 3, ¶ 36 & fig.9.

Mr. Esselstyn also drew two additional majority-Black House Districts in the metropolitan Atlanta area: Illustrative State House District 74 and Illustrative State House District 117. As stated above, the AP Black population in the Atlanta MSA increased from 29.29% in 2000 to 33.61% in 2010 and to 35.91% in 2020. Grant Stip. ¶ 44. And half of Georgia’s Black population live in Fulton, DeKalb, Gwinnett, Cobb, Clayton, and Henry counties. GPX 3, ¶ 17.

Mr. Esselstyn drew two additional majority-Black House districts in the southern Atlanta metropolitan area (Mr. Esselstyn's Illustrative State House District 74 and Mr. Esselstyn's Illustrative State House District 117) are composed of portions of Clayton, Fayette, and Henry Counties. Grant Stip. ¶ 70; GPX 3, ¶ 41 & fig.12; Feb. 9, 2022, Afternoon Tr. 185:12–18. Mr. Esselstyn's illustrative House Districts 74 and 117 have AP BVAPs over 50%. Grant Stip. ¶ 71; GPX 3, ¶ 39 & tbl.4; Feb. 9, 2022, Afternoon Tr. 185:23–186:5.

Table 4: Illustrative House plan majority-Black districts with BVAP percentages

District	BVAP%	District	BVAP%	District	BVAP%	District	BVAP%
38	54.23%	69	62.73%	91	60.01%	137	52.13%
39	55.29%	74	53.94%	92	68.79%	140	57.63%
55	55.38%	75	66.89%	93	65.36%	141	57.46%
58	63.04%	76	67.23%	94	69.04%	142	50.14%
59	70.09%	77	76.13%	95	67.15%	143	50.64%
60	63.88%	78	51.03%	113	59.53%	145	50.38%
61	64.87%	79	71.59%	115	53.77%	149	50.02%
62	72.26%	84	73.66%	116	51.95%	150	53.56%
63	69.33%	85	62.71%	117	51.56%	153	67.95%
64	50.24%	86	75.05%	126	54.47%	154	54.82%
65	55.32%	87	73.08%	128	50.40%	165	50.33%
66	50.64%	88	63.35%	129	54.87%	177	53.88%
67	58.92%	89	62.54%	130	59.91%		
68	55.75%	90	58.49%	132	52.34%		

Grant Stip. ¶ 61; GPX 3, ¶ 39 & tbl.4.

Mr. Morgan and Ms. Wright do not dispute that Mr. Esselstyn's Illustrative State House District 74 and Mr. Esselstyn's Illustrative State House

District 117 have AP BVAPs over 50%. See DX 2, ¶ 13 (confirming that Mr. Esselstyn's illustrative House plan contains 54 majority-Black districts); DX 41, ¶ 24 (Ms. Wright's expert report noting that "[t]he Esselstyn House plan adds majority-Black districts above the adopted House plan when using the any-part Black voting age population Census metric"); Feb. 11, 2022, Morning Tr. 81:25–82:16 (Ms. Wright's testimony acknowledging that AP BVAPs of Mr. Esselstyn's additional majority-Black House districts exceed 50%).

Mr. Morgan's expert report includes a chart demonstrating that Mr. Esselstyn's illustrative House plan contains three fewer districts with AP BVAPs above 65% compared to the Enacted Plan.

Chart 2. Number of Majority-Black House Districts

Majority-Black House Districts			
% AP Black VAP	2021 Adopted Plan	Proposed Democratic Plan	Esselstyn Remedial Plan
Over 75%	2	6	2
70% to 75%	9	7	5
65% to 70%	7	7	8
60% to 65%	8	3	8
55% to 60%	11	9	10
52% to 55%	10	10	10
50% to 52%	2	3	11
Total # Districts	49	45	54

DX 2, ¶ 12 & chart 2. As Mr. Esselstyn explained in his supplemental expert report, “[o]ne reason that the enacted plans have fewer majority-Black districts than the illustrative plans is that more Black voters were unnecessarily concentrated into certain Metro Atlanta districts in the enacted plans. By unpacking these districts, the illustrative plans contain fewer packed districts – and, consequently, additional majority-Black districts.” GPX 4, ¶ 4.

Although Ms. Wright asserts that Mr. Esselstyn’s illustrative House Districts 64, 74, and 117 are “below 50% Black on voter registration” (DX 41, ¶¶ 27–28), she admitted during the hearing that more than 8% of registered

voters are of unknown race and that this qualifying information was not included in her expert report. Feb. 11, 2022, Morning Tr. 71:10–78:12.²⁹

Based on the expert reports and testimony provided in this case, the Court concludes that Mr. Esselstyn’s illustrative House plan contains two additional majority-Black districts.

ii) Geographic Compactness

Mr. Esselstyn states that his illustrative State House Map “was drawn to comply with and balance” the principles enumerated in the 2021-2022 House Reapportionment Committee Guidelines, discussed supra. GPX 3, ¶ 44; 40, 3.

As stated above, Mr. Esselstyn explained in his supplemental expert report and during his testimony at the hearing, applying these traditional districting principles often required balancing. See GPX 4, ¶ 14. As he described the process,

It’s a balancing act. So . . . often the criteria will be [in tension] with each other. It may be that you are trying to just follow precinct lines and not split . . . precincts, but the precincts have funny shapes. So that means you either are going to end up with a less compact shape that doesn’t split precincts or you could split a precinct and end up with a more compact shape. And some of the county shapes are highly irregular as well. So sometime[s] you can have a decision about

²⁹ See supra n.19.

splitting counties as well. So that's the example of where there's no one clear answer and I'm trying to sort of find the best balance that I can.

Feb. 9, 2022, Afternoon Tr. 157:14–25.

Mr. Esselstyn's Illustrative House Districts 74 and 117 are consistent with traditional redistricting principles of compactness.

(a) Population equality

Mr. Esselstyn's Illustrative State House Map is not malapportioned and complies with the one-person, one-vote principle. See Wright, 301 F. Supp. 3d at 1325–26; see also Reynolds, 377 U.S. at 577 (“[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as practicable.”). Mr. Esselstyn's expert report demonstrates that his Illustrative State House Map contains minimal population deviation.

In both the Enacted and Illustrative House plans, most district populations are within $\pm 1\%$ of the ideal, and a small minority are between ± 1 and 2%. None has a deviation of more than 2%. For the Enacted Plan, the relative average deviation is 0.61%, and for the Illustrative Plan, the relative average deviation is 0.64%. GPX 3, ¶ 45; see also id. at 97–106, 108–13 (Mr. Esselstyn's expert report listing population statistics for enacted and

illustrative House maps); id. at 121 (similar); Feb. 9, 2022, Afternoon Tr. 158:4–22, 176:20–177:5, 188:4–12 (Mr. Esselstyn’s testimony describing compliance with population equality).

Mr. Esselstyn conceded that his illustrative House plan has higher deviations than the 2021 adopted House plan. Feb. 9, 2022, Afternoon Tr. 205:8–14. Mr. Esselstyn’s population deviations are within the limits allowed by the Equal Protection Clause. See Brown, 462 U.S. at 842 (quoting Reynolds, 377 U.S. at 745). Thus, the Court finds that Mr. Esselstyn’s Illustrative Senate Plan complies with population equality.

(b) Compactness

Mr. Esselstyn’s Illustrative State House Plan has comparable compactness scores to HB 1EX. Using the same compactness measures as for the Illustrative Senate plans, Mr. Esselstyn concluded that the average compactness measures for the enacted House plan and his illustrative plan “are almost identical, if not identical.” GPX 3, ¶ 46 & tbl.5; see also id. at 121–52 (Mr. Esselstyn’s expert report providing detailed compactness measures for enacted and illustrative House maps); Feb. 9, 2022, Afternoon Tr. 160:2–10 (Mr. Esselstyn’s testimony describing compliance with compactness principle); Feb. 11, 2022, Afternoon Tr. 224:4–7 (Mr. Morgan’s testimony confirming that

overall compactness scores of Mr. Esselstyn’s illustrative House map and enacted map are similar). Mr. Esselstyn reported those measures as follows:

Table 5: Compactness measures for enacted and illustrative House plans.

	Reock (average)	Schwartzberg (average)	Polsby- Popper (average)	Area/Convex Hull (average)	Number of Cut Edges
Enacted	0.39	1.80	0.28	0.72	22,020
Illustrative	0.39	1.82	0.28	0.72	22,475

GPX 3, ¶ 46 & tbl.5.

Looking at average compactness scores, Mr. Esselstyn’s Illustrative House plan has identical Reock, Polsby-Popper and Area/Convex Hull scores as the State’s enacted plan, and it is two-hundredths of a point less compact under the Schwartzberg method. GPX 3, ¶ 46 & tbl.5. In his expert report, Mr. Morgan confirmed the accuracy of Mr. Esselstyn’s compactness statistics without suggesting that Mr. Esselstyn’s illustrative maps are not sufficiently compact. See DX 2, ¶¶ 23–24 & chart 5.

Chart 5. Compactness score summary

New Black-Majority District	Adopted Plan Reock	Esselstyn Remedial Plan Reock	Adopted Plan Polsby-Popper	Esselstyn Remedial Plan Polsby-Popper
Senate 23	0.37	0.34	0.16	0.17
Senate 25	0.39	0.57	0.24	0.34
Senate 28	0.45	0.38	0.25	0.19
House 64	0.37	0.22	0.36	0.22
House 74	0.50	0.30	0.25	0.19
House 117	0.41	0.40	0.28	0.33
House 145	0.38	0.34	0.19	0.21
House 149	0.32	0.42	0.22	0.23

Looking at the Schwartzberg and Cut Edges scores, the 2021 adopted state House plan is more compact on average than Mr. Esselstyn’s illustrative state House plan. See Feb. 9, 2022, Afternoon Tr. 264:24–265:7. Of the twenty-six districts changed on Mr. Esselstyn’s illustrative state House plan, sixteen are less compact on the Reock measurement and fifteen are less compact on the Polsby-Popper measurement. DX 2, ¶ 24. This evidence, however, does not persuade the Court that Mr. Esselstyn’s Illustrative House Map is not sufficiently compact. First, the Enacted State House Map and Mr. Esselstyn’s Illustrative House Map have identical compactness scores in three out of the five compactness measures. See GPX 3, ¶ 46 & tbl.5. Second, the Enacted State House Map is only two-hundredths of a point more compact than Mr. Esselstyn’s Illustrative Map and has only 455 fewer cut edges. Id. The Court

does not find that these minor deviations render Mr. Esselstyn's Illustrative House Map non-compact. Accordingly, the Court does not find that Mr. Esselstyn's Illustrative House Map is not sufficiently compact.

Looking at the challenged districts specifically, the Court finds Mr. Esselstyn's Illustrative State House District 74 is less compact than the Enacted State House District 74. Whereas Mr. Esselstyn's Illustrative State House District 74 has a Reock score of 0.30 and Polsby-Popper score of 0.19, the Enacted State House District 74 has a Reock score of 0.50 and a Polsby-Popper score of 0.25. See DX 2, chart 5. Also, although Enacted State House District 117 is slightly more compact than Mr. Esselstyn's Illustrative State House District 117 under the Reock measure, it is less compact under the Polsby-Popper measure. Id. Specifically, Mr. Esselstyn's Illustrative State House District 117 has a Reock score of 0.40 and a Polsby-Popper score of 0.33 and the Enacted State Senate District 28 has a Reock score of 0.41 and a Polsby-Popper score of 0.28. Id.

After reviewing the data above, the Court finds that Mr. Esselstyn's Illustrative State House Districts 74 and 117 are sufficiently compact. The Court does not find that the difference of one-hundredths of a point in the Reock score makes Mr. Esselstyn's Illustrative State House District 117 not compact,

especially given that the Mr. Esselstyn's Illustrative State House District 117 Polsby-Popper score is five-hundredths of a point higher than the Enacted State House District 117. The Court also finds that Mr. Esselstyn's Illustrative State House District 74 is sufficiently compact. Although Mr. Esselstyn's Illustrative State House District 74 has a Reock score that is a twentieth of a point less compact than the Enacted State House District 74 and six-hundredths of a point less compact under Polsby-Popper, Mr. Morgan acknowledged that there is no minimum compactness threshold for districts under Georgia law. See Feb. 11, 2022, Afternoon Tr. 228:3–16. Thus, the Court finds that Mr. Esselstyn's Illustrative State House Districts 74 and 117 are sufficiently compact and satisfy the first Gingles precondition.

(c) Contiguity

Mr. Esselstyn's Illustrative House Districts 74 and 117 are contiguous. There is no factual dispute on this issue. See Feb. 9, 2022, Afternoon Tr. 160:11–13 (Mr. Esselstyn's testimony confirming that his illustrative districts are contiguous).

(d) Preservation of political subdivisions

Mr. Esselstyn's Illustrative House Plan preserves political subdivisions. Mr. Esselstyn testified that it was “not always possible” to preserve political

subdivisions because, for example, “the ideal population for a House district is around 60,000 people, and there are going to be counties that have way more than 60,000 people. So you are going to have to divide that county up into multiple districts.” Feb. 9, 2022, Afternoon Tr. 160:14–25. Similarly, “a typical precinct size is in the neighborhood typically around a few thousand people,” and “[s]o often to get the best shape . . . it’s often practical to divide precincts.” Id. at 161:1–8. Mr. Esselstyn concluded that “[w]hile the creation of five additional majority-Black House districts involved the division of one additional county and a handful of VTDs, the differences are marginal.” GPX 3, ¶¶ 47–48 & tbl.6; see also id. at 153–85 (Mr. Esselstyn’s expert report providing political subdivision splits for enacted and illustrative House maps); Feb. 9, 2022, Afternoon Tr. 161:9–11 (Mr. Esselstyn’s testimony stating that “the numbers of divided counties and precincts in the illustrative plans are similar, slightly higher than those for the enacted plans”). He reported the splits in the enacted and illustrative House maps as follows:

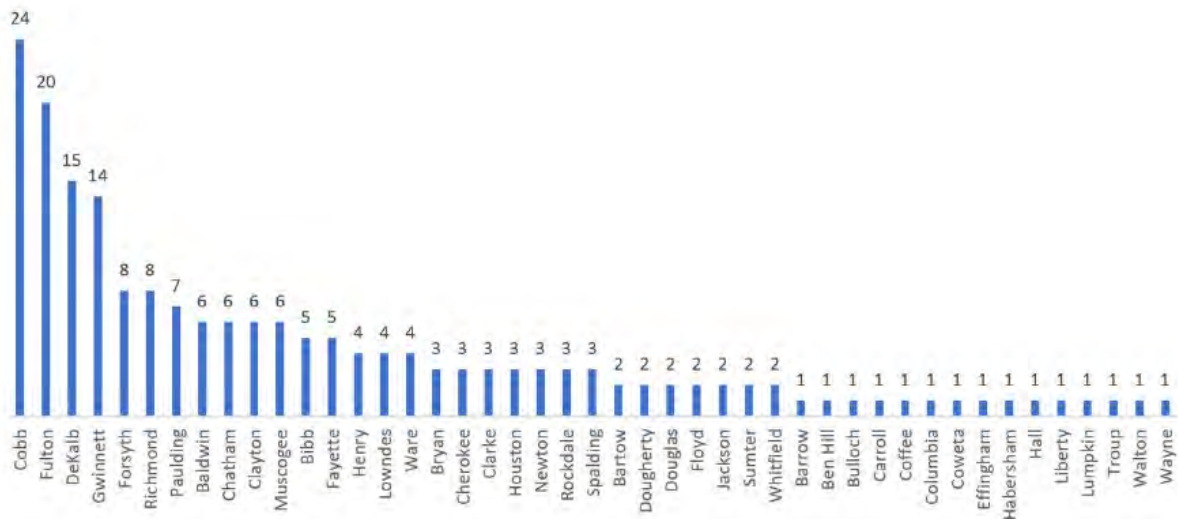
Table 6: Political subdivision splits for enacted and illustrative House plans.

	Intact Counties	Split Counties	Split VTDs
Enacted	90	69	185
Illustrative	89	70	192

GPX 3, ¶¶ 47–48 & tbl.6.

Out of 2,698 VTDs statewide, only 192 are split in Mr. Esselstyn’s illustrative House plan, and in only 45 of Georgia’s 159 counties. Grant Doc. No. [61-1], ¶ 4 & fig.2; Feb. 9, 2022, Afternoon Tr. 164:13–17, 166:4–11. Some of these VTD splits are inherited from the enacted House map because Mr. Esselstyn’s illustrative map leaves a vast majority of districts untouched. Feb. 9, 2022, Afternoon Tr. 164:22–165:6. Mr. Esselstyn’s second supplemental report included a histogram depicting the VTD splits in his illustrative House plan by county:

Figure 2: VTD splits in illustrative State House plan by County



Grant Doc. No. [61-1], ¶ 4 & fig.2.

After reviewing this data, the Court finds that although Mr. Esselstyn’s Illustrative State House Maps has seven more split VTDs than the Enacted State

Senate Map, it still complies with the traditional redistricting principle of keeping political subdivisions together. Thus, the Court finds fact that Mr. Esselstyn's Illustrative State House Maps satisfy this factor.

Mr. Esselstyn's illustrative House plan splits 70 counties, which is one more than the 2021 enacted state House plan. Grant Stip. ¶¶ 59, 76; Feb. 9, 2022, Afternoon Tr. 267:4-7; DX 2, ¶ 22. However, the number of county splits in Mr. Esselstyn's illustrative State Senate and House plans are lower than the number of such splits in the legislative plans used in the most recent elections (namely, Georgia's 2014 State Senate and 2015 House plans). GPX 4, ¶ 11 & tbl.1; Feb. 9, 2022, Afternoon Tr. 178:1-5, 188:25-189:4.

Mr. Morgan confirmed Mr. Esselstyn's statistics for political subdivision splits without opining that Mr. Esselstyn's illustrative maps fail to comply with this districting principle. See DX 2, ¶¶ 20-22; see also Feb. 11, 2022, Afternoon Tr. 220:15-221:20 (Mr. Morgan's testimony confirming Mr. Esselstyn's reported figures and conceding that his expert report offers no opinion on issue of split geographies). After reviewing the data above, the Court finds that Mr. Esselstyn's Illustrative State House Maps comply with the traditional redistricting principle of maintaining existing political subdivisions.

(e) Preservation of
communities of interest

The Court finds that Mr. Esselstyn's Illustrative State House Maps preserve communities of interest. Mr. Esselstyn testified regarding his definition of a community of interest: "[C]ommunity of interest could be something as large as the Black Belt. As large as Metro Atlanta. Can span multiple counties. And . . . it could also be as small as a neighborhood. So it can be an area that is large or larger geographically but the basic idea is you are looking at areas that have a shared characteristic[] or where the people have a shared interest." Feb. 9, 2022, Afternoon Tr. 167:1-11. Although sometimes such communities "can be delineated on a map"—such as municipalities, college campuses, or military bases—at other times "they don't have clearly defined boundaries." Id. at 167:18-168:9; see also Feb. 11, 2022, Morning Tr. 90:3-91:12 (Ms. Wright's testimony broadly defining communities of interest). Mr. Esselstyn testified that in drawing his illustrative maps, he sought to preserve communities of interest where possible. Feb. 9, 2022, Afternoon Tr. 168:13-16. This does not necessarily mean that each illustrative district is homogenous; as Mr. Esselstyn explained, "I don't believe that the communities of interest principle[] requires every two communities in a given district to have commonalities. I don't think that's what the principle stands for. . . . [M]y focus

on communities of interest is trying to keep them intact, when possible.” Id. at 221:1–222:11. Accordingly, the absence of “some shared characteristic” does not necessarily indicate “a failure to meet the communities of interest criteria or any other [] traditional redistricting principle.” Id. at 222:12–17.

Defendants’ expert Ms. Wright did not testify or provide any expert opinion about whether Mr. Esselstyn’s Illustrative House Districts 74 and 117 respected communities of interest.³⁰ When asked by Defendants’ counsel whether the composition of his illustrative House District 74 was “to achieve the goal of majority status in [that] district,” Mr. Esselstyn responded, “No. . . . [T]here are always multiple goals,” such as preserving the community of Irondale, ensuring that Fayetteville was kept intact in the illustrative map, and being “relatively consistent with what it is in the enacted plan” in terms of preexisting district boundaries. Feb. 9, 2022, Afternoon Tr. 246:16–247:5. Ms. Wright, in rebuttal testified that Irondale was not an incorporated city in

³⁰ Ms. Wright’s expert report states that “Districts 74 and 117 suffer from the same problems I outlined above regarding Cooper House District 73 and 110” (DX 41, ¶ 27); however, the Court is unable to determine exactly what problems Mr. Esselstyn’s House Districts 74 and 117 suffer from. While Mr. Esselstyn’s Illustrative House Districts 74 and 117 overlaps with Mr. Cooper’s Illustrative House Districts 73 and 110, the districts are not identical and have boundaries that affect different communities. Thus, the Court will not apply Ms. Wright’s opinions about Mr. Cooper’s Illustrative House District 73 and 110 to Mr. Esselstyn’s Illustrative House Districts 74 and 117.

Georgia. Feb. 11, 2022, Morning Tr. 51:18–52:2. Even though Irondale is not an incorporated municipality, it does not mean that it is not a community of interest. Accordingly, the Court finds that Mr. Esselstyn’s Illustrative House Districts 74 and 117 adhere to the traditional redistricting principle of maintaining communities of interest.

(f) **Incumbent protection**

Mr. Morgan states in his report that Mr. Esselstyn’s illustrative state House plan pairs eight sets of incumbents (16 total) who are running for reelection, whereas the Enacted State House map pairs only four sets of incumbents (eight total) who are running for reelection. DX 2, ¶¶ 17–18 & chart 4.

Chart 4. House incumbent pairings

Incumbent Pairings	Adopted House Plan	Esselstyn House Plan
Pairing #1	Rebecca Mitchell -D Shelly Hutchison -D	Mike Glanton -D Demetrius Douglas -D
Pairing #2	Gerald Green -R Winifred Dukes -D	Rebecca Mitchell -D Shelly Hutchison -D
Pairing #3	James Burchett -R Dominic LaRiccica -R	El-Mahdi Holly -D Regina Lewis-Ward -D
Pairing #4	Danny Mathis – R Robert Pruitt - R	Miriam Paris -D Dale Washburn -R
Pairing #5		Robert Dickey -R Shaw Blackmon -R
Pairing #6		Noel Williams – R Robert Pruitt - R
Pairing #7		Gerald Green -R Winifred Dukes -D
Pairing #8		James Burchett -R Dominic LaRiccica -R
Total incumbents Paired	8	16

DX 2, ¶ 18 & chart 4.

During the hearing, Mr. Esselstyn testified that “I was not able to find a publicly-available authoritative source . . . for incumbent address data . . . [s]o, as a result, I did not have that data and so I did not take it into account.” Feb. 9, 2022, Afternoon Tr. 223:16–22. Indeed, the Court finds it notable that Mr. Esselstyn’s Illustrative State House Map creates only eight incumbent pairings even though Mr. Esselstyn had no address information regarding

incumbents. Further, three of the incumbent pairings are unchanged from the Enacted State House Map (Rebecca Mitchell and Shelly Hutchinson; Gerald Green and Winifred Dukes; James Burchett and Dominic LaRicca). DX 2, ¶ 18 & chart 4. Additionally, while Robert Pruitt is paired against Danny Mathis in the enacted plan, Robert Pruitt is paired against Noel Williams in Mr. Esselstyn's Illustrative House Maps—in both pairings, both incumbents are Republicans. Id.

With respect to Mr. Esselstyn's Illustrative House Districts 74 and 117, six-incumbents are paired against one another, two more than the Enacted House Plan. Two of the incumbent pairings (Miriam Paris and Dale Washburn; and Shaw Blackmon and Robert Dickey) are not impacted by Mr. Esselstyn's Illustrative House Districts 74 and 117. Rep. Paris currently represents House District 142 in Bibb County and Rep. Washburn represents House District 141 in Bibb and Monroe Counties. Rep. Blackmon represents House District 146 in Houston County and Rep. Dickey represents House District 140 in Houston, Bibb, Monroe and Peach Counties. Georgia General Assembly House of Representatives, <https://www.legis.ga.gov/members/house> (last visited Feb.

28, 2022).³¹ Thus, Mr. Esselstyn's Illustrative House Districts 74 and 117 creates six incumbent pairings, two more than the Enacted State House Map. The Court finds that Mr. Esselstyn's Illustrative State House Map complies with the traditional redistricting principle of protecting incumbents.

(g) Core retention

The Court finds that Mr. Esselstyn's Illustrative State House Map retains the core of the Enacted State House Map. As an initial note, preservation of existing district cores was not an enumerated districting principle adopted by the General Assembly. See GPX 40. However, if the Court were to implement a remedial map, the Court would consider core retention. Thus, the Court has considered this issue and finds as follows:

Mr. Esselstyn's illustrative state House plan changes 26 of the 180 2021 adopted House districts in the process of creating five additional majority-minority districts. DX 2, ¶ 19. Mr. Esselstyn explained in his supplemental expert report that "[o]ne of the guiding principles in the creation of my illustrative plans was to keep changes to a minimum while adhering to other neutral criteria While the illustrative plans are—intentionally—a

³¹ The Court takes judicial notice of the names of the members of the House of Representative for the Georgia General Assembly and the districts that those members serve. Fed. R. Evid. 201(b).

departure from the enacted plans, most of the plans' districts remain intact." GPX 4, ¶ 9; see also Feb. 9, 2022, Afternoon Tr. 267:20–268:4 (Mr. Esselstyn's testimony: "One of the other considerations for me was not trying to make more changes [than] I have to.").

The Court finds that in Mr. Esselstyn's Illustrative House Map, "86% of the districts are unchanged from the enacted House plan." GPX 4, ¶ 9. The Court notes that "[m]odifying one district necessarily requires changes to districts adjacent to the original modification, and harmonizing those changes with traditional redistricting criteria (such as population equality and intactness of counties) often inescapably results in cascading changes to other surrounding districts." Id. Accordingly, the Court finds that Mr. Esselstyn's Illustrative State House Map respects the principle of core retention.

(h) Racial considerations

Defendants argue that Mr. Esselstyn's Illustrative House Maps still must fail because they were drawn predominately for racial considerations. The Court is not persuaded by this argument. Both the U.S. Supreme Court's and Eleventh Circuit's "precedents require [Section 2] plaintiffs to show that it would be possible to design an electoral district, consistent with traditional districting principles, in which minority voters could successfully elect a

minority candidate.” Davis, 139 F.3d at 1425. “[I]ntentional creation of a majority-minority district necessarily requires consideration of race.” Fayette Cnty., 118 F. Supp. 3d at 1345. Therefore, “[t]o penalize [plaintiffs] . . . for attempting to make the very showing that Gingles, Nipper, 39 F.3d 1494, and [Southern Christian Leadership Conference v. Sessions, 56 F.3d 1281 (11th Cir. 1995),] demand would be to make it impossible, as a matter of law, for any plaintiff to bring a successful Section Two action.” Davis, 139 F.3d at 1425.

Mr. Esselstyn explained that he was asked “to determine whether there are areas in the State of Georgia where the Black population is ‘sufficiently large and geographically compact’ to enable the creation of additional majority-Black legislative districts relative to the number of such districts provided in the enacted State Senate and State House of Representatives redistricting plans from 2021.” GPX 3, ¶ 8 (footnote omitted); see also Feb. 9, 2022, Afternoon Tr. 150:11–19 (Mr. Esselstyn’s testimony confirming what he was asked to do in this case). Mr. Esselstyn testified that he was not asked to maximize the number of majority-Black districts in the State Senate or House map. Feb. 9, 2022, Afternoon Tr. 150:23–25. Mr. Esselstyn also testified that it was necessary for him to consider race as part of his analysis because, under Section 2, “the key metric is whether a district has a majority of the Any Part Black population. So

that means it has to be over 50 percent. And that means looking at a column of numbers in order to determine, to assess whether a district has that characteristic. You have to look at the numbers that measure the percentage of the population is Black.” Id. at 155:15–156:2.

When asked by the Court whether race was the “controlling question” when drawing his illustrative House District 149, Mr. Esselstyn responded that he did not have “one predominant consideration. . . . [he was] trying to see if something can be satisfied while considering all the other traditional principles and the principles adopted by the General Assembly.” Feb. 9, 2022, Afternoon Tr. 254:1–255:18. Mr. Esselstyn emphasized that he took other considerations into account as well when drawing his illustrative plans, including population equality, compliance with the federal and state constitutions, contiguity, and other traditional districting principles. Id. at 156:10–157:9; see also id. at 275:2–11 (Mr. Esselstyn’s testimony explaining that, when drawing illustrative districts, “I’m not looking at any one race of voters. . . . I’m always looking [at] a multitude of considerations”).

Defendants’ expert Ms. Wright opined that Mr. Esselstyn’s Illustrative House District 117 was drawn predominately with racial considerations: “It is also unusual that District 116 follows the interstate except to take a single

precinct across the interstate that likely has racial implications for District 117.”

DX 41, ¶ 27. The Court does not agree with Ms. Wright’s assessment. As stated above, Mr. Esselstyn testified that he used various metrics including but not limited to population size, communities of interest, and political subdivisions, in addition to race, when he drew his Illustrative State House Maps. Accordingly, the Court does not find that race predominated the drawing of Mr. Esselstyn’s Illustrative State House Districts 74 and 117.

The Court finds that Mr. Esselstyn’s Illustrative State House Districts 74 and 117 contain Black populations that are sufficiently numerous and compact to create two districts that comply with traditional redistricting principles. Accordingly, the Court finds that the Grant Plaintiffs have a substantial likelihood of success in proving that Mr. Esselstyn’s Illustrative State House Districts 74 and 117 satisfy the first Gingles precondition.

(2) *The Alpha Phi Alpha Plaintiffs are substantially likely to establish a Section 2 violation.*³²

(a) Cooper's Illustrative House District 153

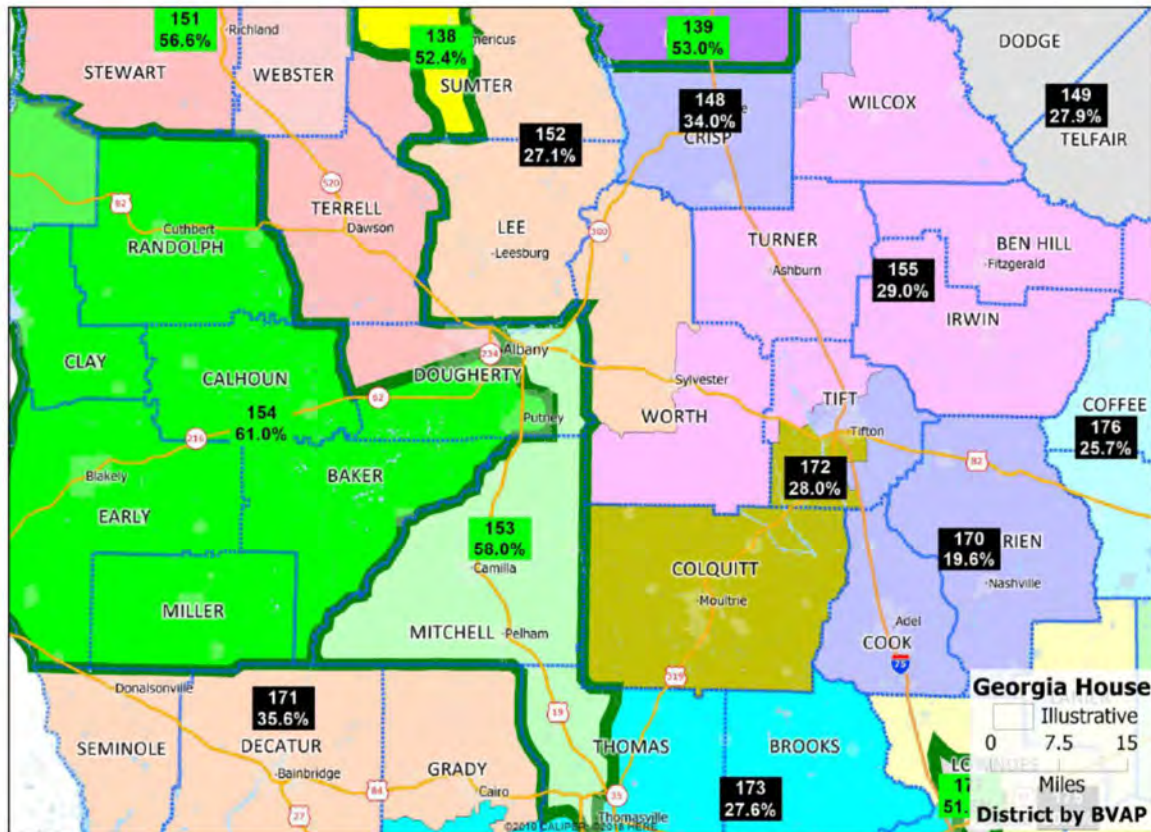
This Court finds that the Alpha Phi Alpha Plaintiffs have shown that they have a substantial likelihood of satisfying the first Gingles precondition with respect to an additional majority-minority district in southwest Georgia.

i) *Numerosity*

Mr. Cooper drew one illustrative House District in southeastern Georgia. Mr. Cooper's Illustrative House District 153 is in the area South of Albany, including Dougherty, Mitchell, and Thomas Counties. APAX 1, ¶ 118 & fig.34. Mr. Cooper's Illustrative State House District 153 includes all of Mitchell County, and parts of Dougherty and Thomas Counties. Id.

³² In closing arguments, the court asked counsel for Alpha Phi Alpha whether the Alpha Phi Alpha Plaintiffs would be "upset if [the Court] just totally disregarded Mr. Cooper['s] maps on the Senate?" Feb. 14, 2022, Morning Tr. 81:25-82:1. In response, counsel stated "[n]ot at all, your Honor. They draw districts in exactly – pretty much the same areas of the State and at the end of the day, remedy the same violation based on the exact same population growth, based on the exact same concentration of Black voting strengths in different parts of the Black Belt." Id. 82:2-7. Accordingly, the Court formally incorporates its findings for the Grant Plaintiffs into its findings for the Alpha Phi Alpha Plaintiffs.

Figure 34: Illustrative Plan: District 153 and vicinity



APAX 1, ¶ 117 & fig.34.

In 1990, Non-Hispanic whites constituted about half of the overall population in the Senate District 12 region. See APAX 1, ¶ 55 & fig.9. By 2020, Non-Hispanic whites comprised only about one-third of the population. See id. Over the same period, the Black population grew in absolute terms from 102,728 to 115,621, representing just under half the population in 1990, but 60.6% of the population by 2020. See id. From 2000 to 2020, the proportion of

the AP Black population in the southwest Georgia counties comprising Senate District 12 grew, representing just over half the population in 2000 at 55.33%, but 60.6% of the population by 2020. APA Stip. ¶ 109. In the area where Enacted Senate District 12 was drawn with a majority-Black population, only two of the three House districts in the Enacted House Plan are majority Black. See id. ¶ 110. This fact, combined with the increase in the proportion of the Black population in that area over the last decade, indicates that an additional Black-majority House district can very likely be drawn in the area of Southwest Georgia covered by Enacted Senate District 12. Feb. 7, 2022, Afternoon Tr. 123:6–19, 124:8–16; see also APAX 1, ¶ 117 & fig.34; id. ¶ 118 & fig.35. Mr. Cooper’s Illustrative House District 153 has an AP BVAP of 57.96%. APAX 1, at 293. Neither of Defendants’ experts disputes that Mr. Cooper’s Illustrative House District 153 has an AP BVAP greater than 50%. Accordingly, the Court finds that the Black population in Mr. Cooper’s Illustrative State House District 153 is sufficiently numerous to constitute an additional Black-majority house district.

ii) Geographic compactness

Mr. Cooper reported that his plans “comply with traditional redistricting principles, including population equality, compactness, contiguity, respect for

communities of interest, and the non-dilution of minority voting strength.”

APAX 1, ¶ 8. Mr. Cooper testified that he attempted to balance all these principles and that no one principle predominated over the others. See Feb. 7, 2022, Afternoon Tr. 140:2–7 (“I tried to balance [all the traditional redistricting principles]. I was aware of them all and I tried to achieve plans that were fair and balanced.”).

(a) Population equality

Mr. Cooper’s Illustrative House District 153 is not malapportioned, and it complies with the one-person, one-vote principle. “[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as practicable.” Reynolds, 377 U.S. at 577. Mr. Cooper’s report states that the population deviation for his Illustrative House District 153 is 1.35% (APAX 1, at 293) and the enacted House District 153 has a population deviation of 0.36% (id. at 282). Mr. Cooper also testified that his Illustrative House Map overall had a deviation of $\pm 1.5\%$. Feb. 7, 2022, Afternoon Tr. 169:1–2. Mr. Cooper’s population deviations are within the limits allowed by the Equal Protection Clause.

[M]inor deviations from mathematical equality among state legislative districts are insufficient to make out a prima facie case . . . under the Fourteenth Amendment Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations.

Brown v. Thomson, 462 U.S. 835, 842 (1983) (quotations and citations omitted).

Thus, the Court finds that Mr. Cooper's Illustrative House District 153 complies with population equality.

(b) Compactness

Mr. Cooper's Illustrative House District 153 has a comparable compactness score to the Enacted State House Map. Mr. Cooper reported that his Illustrative House Map has an average Reock score of 0.39 and an average Polsby-Popper score of 0.27. APAX 1, ¶¶ 122–123 & fig.36. In comparison, the Enacted State House Map has an average Reock score of 0.39 and an average Polsby-Popper score of 0.28. Id. In other words, Mr. Cooper's Illustrative House Map has an identical Reock score as the enacted House Map and is one one-hundredth of a point less compact under Polsby-Popper. Id.

Figure 36

**Compactness Scores – Illustrative House Plan vs 2014 Benchmark
and 2021 House Plans**

	Reock			Polsby-Popper	
	Mean	Low		Mean	Low
Illustrative House Plan	.39	.16		.27	.11
2014 Benchmark House Plan	.39	.13		.27	.09
2021 House Plan	.39	.12		.28	.10

Id.

Defendants’ expert Mr. Morgan reports that Mr. Cooper’s Illustrative House District 153 has a Reock score of 0.28 and a Polsby-Popper score of 0.19. DX 1, ¶ 24 & chart 5. In comparison, the Enacted State House District 153 has a Reock score of 0.30 and a Polsby-Popper score of 0.30. Id.

Chart 5. Compactness score summary

New Majority-Black District	Adopted Plan Reock	Cooper Plan Reock	Adopted Plan Polsby-Popper	Cooper Plan Polsby-Popper
Senate 6	0.41	0.43	0.24	0.23
Senate 9	0.24	0.33	0.21	0.21
Senate 17	0.35	0.37	0.17	0.18
Senate 23	0.37	0.35	0.16	0.16
Senate 28	0.45	0.49	0.25	0.22
House 73	0.28	0.44	0.20	0.20
House 110	0.36	0.44	0.33	0.24
House 111	0.33	0.30	0.29	0.23
House 144	0.51	0.31	0.32	0.16
House 153	0.30	0.28	0.30	0.19

Id.

The Court finds that Mr. Cooper's Illustrative House District 153 is sufficiently compact. Mr. Cooper's Illustrative House District 153 has a Reock score only two-hundredths of a point less compact than the Enacted State House District 153. Additionally, the Court does not find that the difference in nine-hundredths of a point difference in the Polsby-Popper scores makes Mr. Cooper's Illustrative House District 153 not compact. Thus, the Court finds that Mr. Cooper's Illustrative House District 153 is sufficiently compact to satisfy the first Gingles precondition.

(c) Contiguity

Mr. Cooper's Illustrative House District 153 is contiguous. There is no factual dispute on this issue. See Feb. 7, 2022, Afternoon Tr. 133:8-13 (Mr. Cooper testimony confirming that he used Maptitude when drawing to alert him to whether his districts were contiguous).

(d) Preservation of political subdivisions

Mr. Cooper's Illustrative State House District 153 preserves political subdivisions. Mr. Cooper reported that "[t]he illustrative plans are drawn to follow, to the extent possible, county and VTD boundaries. Where counties are split to comply with one-person one-vote requirements or to avoid pairing

incumbents, [he] ha[s] generally used whole 2020 Census VTDs as sub-county components.” APAX 1, ¶ 9 (footnote omitted). Mr. Cooper also stated that “[w]here VTDs are split, [he] ha[s] followed census block boundaries that are aligned with roads, natural features, census block groups, or municipal boundaries.” Id.

Mr. Cooper’s Illustrative House Plan as a whole, splits four more counties than the Enacted State House Map and splits 83 more VTDs than the Enacted House Plan. APAX 1, ¶ 124 & fig.37. The Court notes that Mr. Cooper based his Illustrative House Plan on the 2015 Benchmark House Plan, not the Enacted State House Map, because Mr. Cooper began drawing his maps before the Georgia Assembly passed the Enacted State House Map. See Feb. 7, 2022, Afternoon Tr. 239:25–240:5.

Figure 37

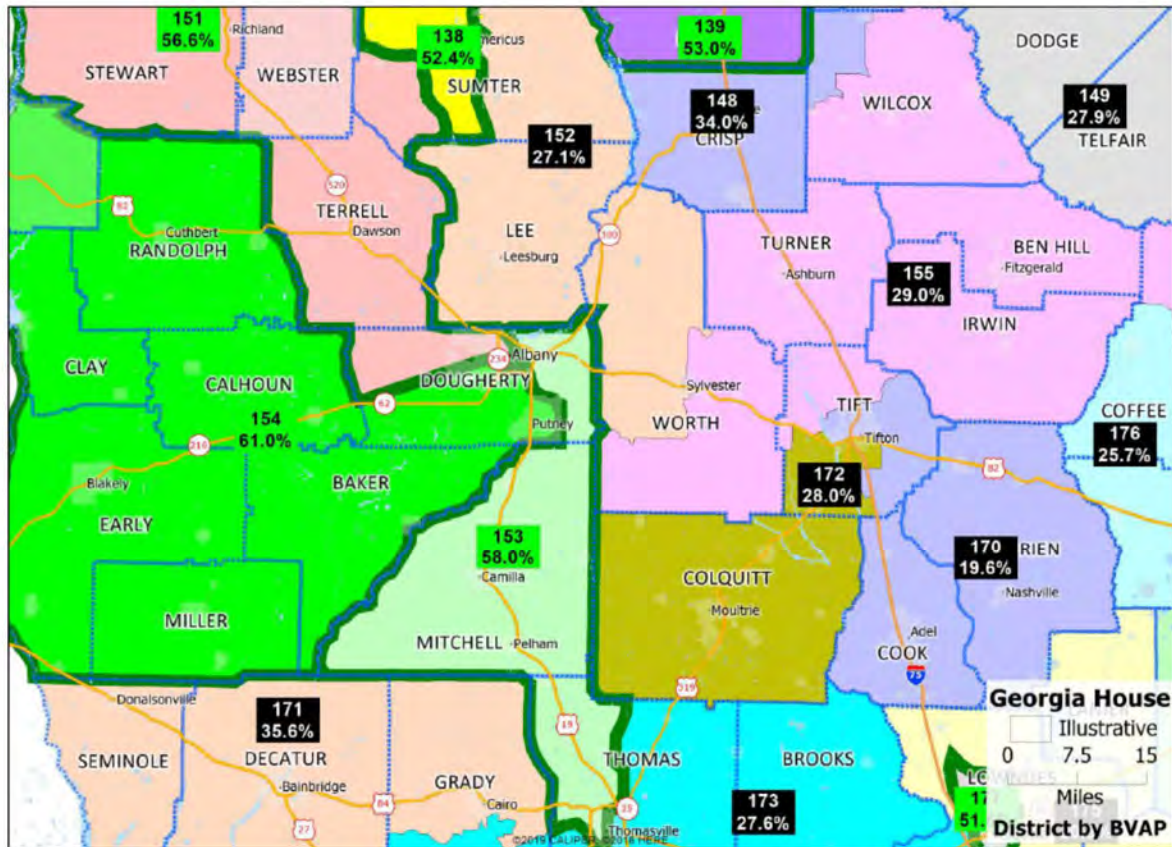
County and VTD Splits – Illustrative Plan vs 2006 and 2015 Plans

	County Splits (Populated)	Unique County- District Combinations	2020 VTD Splits (Populated)
Illustrative House Plan	74	206	262
2015 Benchmark House Plan	73	215	232
2021 House Plan	70	211	179

APAX 1, ¶ 124 & fig.37.

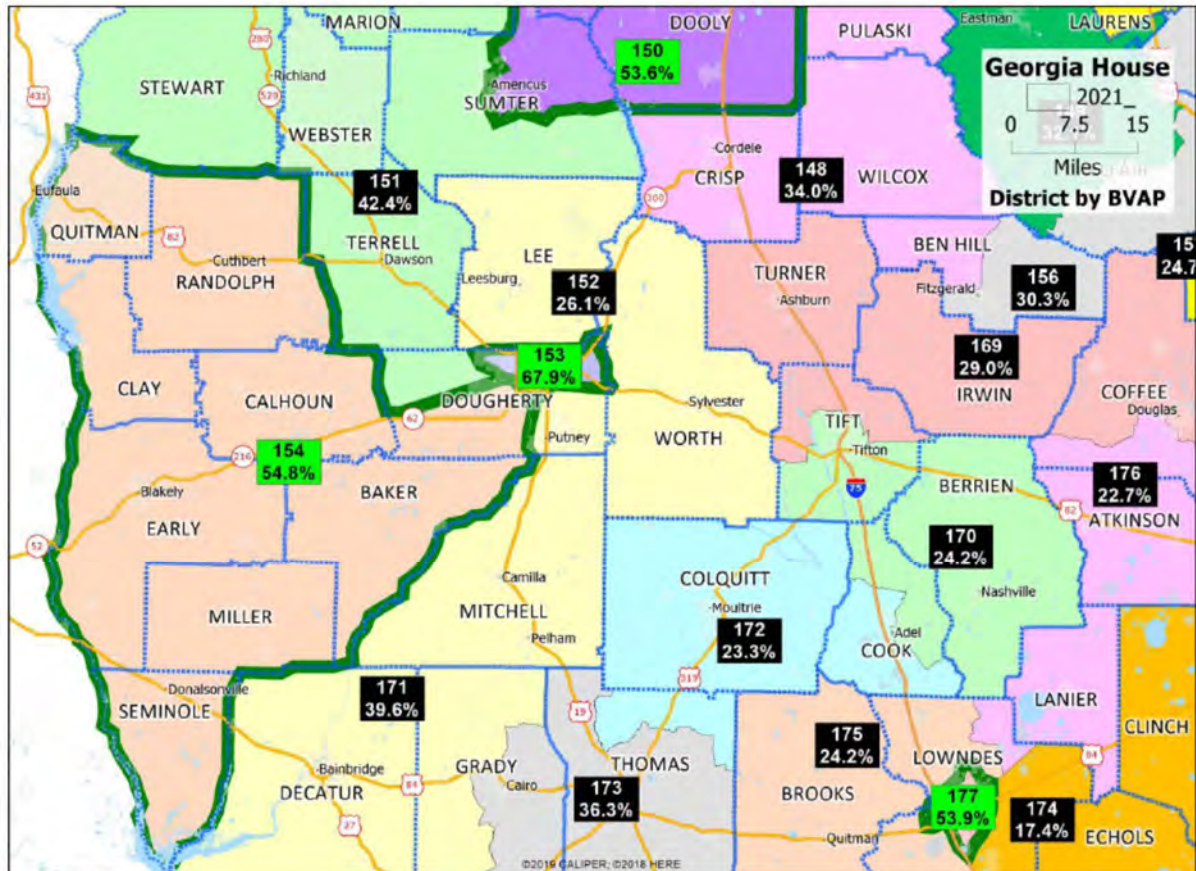
With respect to Mr. Cooper's Illustrative House District 153, Mr. Cooper testifies that his Illustrative House District 153 includes "part of Dougherty County, Albany, [] all of Mitchell and part of Thomas into Thomasville, following the main route there from Albany to Thomasville." Feb. 7, 2022, Afternoon Tr. 159:10-14. Defendants noted that Mr. Cooper's Illustrative State House District 153 has the effect that no district is wholly within Dougherty County on the illustrative plan. See id. at 217:2-10. Upon review, however, the Court notes that Dougherty County is split four ways in the Enacted State Plan and only three ways Mr. Cooper's Illustrative State House Plan. Compare APAX 1, at ¶ 117 & fig.34,

Figure 34: *Illustrative Plan: District 153 and vicinity*



with *id.* at ¶ 118 & fig.35.

Figure 35: 2021 Plan: District 151, 153, 171 and Vicinity



In Mr. Cooper's Illustrative State House Plan, Dougherty County is split among Illustrative Districts 151, 153, and 154. *Id.* at 60 fig.34. In the Enacted State House Map, on the other hand, Dougherty County is split between Districts 153, 154, 155 and 171. *Id.* at 61 fig.35. Although District 153 is wholly within Dougherty County in the Enacted State House Map, Mr. Cooper's Illustrative State House Map splits Dougherty County three not four times. Accordingly, the Court does not find that Mr. Cooper's Illustrative House

District 153 does not respect political boundaries simply because there is not one district that is wholly within Dougherty County. The Court finds that Mr. Cooper adhered to respecting political subdivisions when he drew his Illustrative House District 153.

(e) Preservation of
communities of interest

The Court finds that Mr. Cooper's Illustrative House District 153 preserves communities of interest. Mr. Cooper testified that "there is a clear transportation route along the Highway 19." Feb. 7, 2022, Afternoon Tr. 160:19–23. Additionally, Mr. Cooper stated that "the Southwest Georgia Regional Commission includes Thomas, and extends all the way out to the Albany area. So it's in the same Regional Commission and it's connected by a major highway that's featured in the Georgia tourist volume I think that you can get at rest stops." Id. at 161:3–8. Thus, Mr. Cooper opined, "[t]here are clear connections between Albany and Thomasville." Id. at 161:8–9. Defendants' expert Ms. Wright, however, testified that Albany and Thomasville are "communities that would not typically be combined together 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." Feb. 11, 2022, Morning Tr. 44:22–45:2. The Court is not convinced by this assessment. After all, Ms. Wright also testified

that a community of interest is “kind of in the eye of the beholder.” Id. at 91:11–12. The Court finds that there is a major roadway that connects the two towns, and the regional commission lists Albany and Thomasville as part of the same region. Feb. 7, 2022, Afternoon Tr. 160:19–23; 161:3–8. Accordingly, the Court finds that Mr. Cooper’s Illustrative State House District 153 contains communities of common interest.

(f) Incumbent protection

Mr. Cooper’s Illustrative State House District 153 does not pair any incumbents. Mr. Morgan criticized Mr. Cooper’s Illustrative State House Plan because it paired 26 total incumbents as opposed to the Enacted State House Map, which paired eight incumbents. DX 1, ¶ 18. Mr. Cooper responded explaining that he used a publicly available database when he drew his Illustrative State House Plan, which had different information than the “incumbent databases used by the Georgia General Assembly during the redistricting process” that Mr. Morgan used. APAX 2, ¶¶ 3–4. Mr. Cooper testified that after he received the information that Mr. Morgan had access to, he was able to sharply reduce the number of incumbent pairings in three or four hours. Feb. 7, 2022, Afternoon Tr. 138:14–140:1. Mr. Cooper was ultimately

able to reduce the number of incumbent pairings significantly. See APAX 2, ¶¶ 3-14.

Of the incumbent pairings that Mr. Morgan identified, only incumbents Winifred Dukes and Gerald Greene currently represent a district that is impacted by Mr. Cooper's Illustrative House District 153.

Chart 4. House incumbent pairings

Incumbent Pairings	Adopted House Plan	Cooper House Plan
Pairing #1	Rebecca Mitchell -D Shelly Hutchison -D	Matthew Gambill -R Mitchell Scoggins -R
Pairing #2	Gerald Green -R Winifred Dukes -D	Trey Kelley -R Tyler Smith -R
Pairing #3	James Burchett -R Dominic LaRiccica -R	Matt Dubnik -R Emory Dunahoo -R
Pairing #4	Danny Mathis - R Robert Pruitt - R	Angelika Kausche -D Sam Park -D
Pairing #5		Regina Lewis-Ward -D Angela Moore -D
Pairing #6		Billy Mitchell -D Doreen Carter -D
Pairing #7		Mike Cheokas -R Debbie Butler -D
Pairing #8		Rick Williams -R Dave Belton -R
Pairing #9		Noel Williams -R Shaw Blackmon -R
Pairing #10		Robert Pruitt -R Matt Hatchett -R
Pairing #11		Gerald Greene -R Winifred Dukes -D
Pairing #12		Ron Stephens -R Carl Guillard -D
Pairing #13		Darlene Taylor -R John LaHood -R
Total incumbents Paired	8	26

DX 1, ¶ 17 & chart 4.; See Georgia General Assembly House of Representatives, <https://www.legis.ga.gov/members/house> (last visited Feb. 28, 2022). Rep. Dukes represents House District 154, which includes part of Albany. Id. This

pairing, however, exists in both the Enacted State House Plan and Mr. Cooper's Illustrative State House Plan. DX 1, ¶ 17 & chart 4. The Court thus finds that Mr. Cooper's Illustrative State House District 153 protects incumbents because no incumbents are paired in this district.

(g) Core retention

Defendants argue that Mr. Cooper's Illustrative House Plan does not retain the core of the Enacted State House Map. As an initial note, preservation of existing district cores was not an enumerated districting principle adopted by the General Assembly. See GPX 40. However, if the Court were to implement a remedial map, the Court would consider core retention. Thus, the Court has considered this issue and finds as follows:

The Court finds that Mr. Cooper's Illustrative State House Maps and the enacted House Maps overlap by 61.4%. Although, Mr. Morgan found that only enacted House District 003 was unchanged in Mr. Cooper's Illustrative House Plan (DX 1, ¶ 19), Mr. Cooper found that there is a total 61.4% overlap between Mr. Cooper's Illustrative State House Plan and the Enacted State House Map (APAX 2, ¶ 16). Mr. Morgan testified that he only opined on whether the districts between Mr. Cooper's Illustrative State House Plan and the Enacted State House Map were exactly the same. Feb. 14, 2022, Morning Tr. 13:23-14:1.

However, Mr. Morgan did not contest that Mr. Cooper's Illustrative State House Plan and the Enacted State House Map overlapped by 61.4%. Id. at 14:13–20. Accordingly, the Court finds that Mr. Cooper's Illustrative House Plan maintains more than half of the Enacted State House Map.

(h) Racial considerations

Defendants also argue that Mr. Cooper's Illustrative State House Maps still must fail because they were drawn predominately for racial considerations. The Court is not persuaded by this argument. Both the U.S. Supreme Court's and Eleventh Circuit's "precedents require [Section 2] plaintiffs to show that it would be possible to design an electoral district, consistent with traditional districting principles, in which minority voters could successfully elect a minority candidate." Davis, 139 F.3d at 1425. "[I]ntentional creation of a majority-minority district necessarily requires consideration of race." Fayette Cnty., 118 F. Supp. 3d at 1345. Therefore, "[t]o penalize [plaintiffs] . . . for attempting to make the very showing that Gingles [and its progeny] demand would be to make it impossible, as a matter of law, for any plaintiff to bring a successful Section Two action." Davis, 139 F.3d at 1425.

Mr. Cooper explained that he was "aware of race as traditional redistricting principles suggest one should be." Feb. 7, 2022, Afternoon Tr.

135:17–18. Mr. Cooper explained that considering race was required to comply with the Voting Rights Act, which is federal law. Id. at 135:17–21. Mr. Cooper testified that he did not aim to draw any minimum number of Black-majority districts in his analysis. Id. at 135:22–136:3. When asked by the State whether his goal “really was to create an additional majority Black district in the creation of [his] House and Senate Plans,” he answered that his goal “was to determine whether or not additional majority Black districts could be created. So there was no goal per se.” Id. at 164:16–21. Mr. Cooper repeatedly testified that he balanced all redistricting principles and stated that no one principle predominated. E.g., id. at 140:3–7, 230:17–25.

Ms. Wright testified that Mr. Cooper’s Illustrative House District 153 contained “communities that would not typically be combined together. So [she is] not sure what the reason would be unless there was another particular goal in mind to draw that.” Feb. 11, 2022, Morning Tr. 44:22–25. The Court does not agree with Ms. Wright’s assessment. Mr. Cooper testified that his Illustrative House District 153 is connected by “a clear transportation route along Highway 19” (Feb. 7, 2022, Afternoon Tr. 160:22–23) and is in within the same regional commission (id. at 161:3–8). Mr. Cooper also testified that he took into account a district’s population size, political subdivisions and

incumbent pairings, in addition to race. Accordingly, the Court does not find that race predominated the drawing of Mr. Cooper's Illustrative State House District 153.

The Court finds that Mr. Cooper's Illustrative House District 153 contains Black population that is sufficiently numerous and compact, as to create an additional district that complies with traditional redistricting principles. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have a substantial likelihood of success in proving that Mr. Cooper's Illustrative House District 153 satisfies the first Gingles precondition.

(3) Conclusions of Law

Thus, based upon the evidence presented, the Court finds that the Grant and Alpha Phi Alpha Plaintiffs have sufficiently established that they are substantially likely to succeed on the merits of satisfying the first Gingles precondition because it is possible to create two additional State Senate Districts (Mr. Esselstyn's Illustrative Senate Districts 25 and 28) and two State House Districts in the Atlanta Metropolitan area (Mr. Esselstyn's Illustrative House Districts 74 and 117) and one additional State House District in southwestern Georgia (Mr. Cooper's Illustrative House District 153).

2. *The Second Gingles Precondition: Political Cohesion*

The second Gingles element is that “the minority group . . . show that it is politically cohesive.” 478 U.S. at 50. This involves an assessment of the extent to which elections in the jurisdiction are affected by racial polarization:

[T]he question whether a given district experiences legally significant racially polarized voting requires discrete inquiries into minority and white voting practices. A showing that a significant number of minority group members usually vote for the same candidates is one way of proving the political cohesiveness necessary to a vote dilution claim, and, consequently, establishes minority bloc voting within the context of § 2.

Id. at 56 (citations omitted).

All the parties agree that there is an extremely large degree of racial polarization in Georgia elections. However, they starkly disagree about the causes of that polarization and whether those causes are relevant to the second Gingles precondition.

a) *The parties’ arguments*

(1) *Defendants*

Defendants contend, in short, that the polarization is caused by partisan factors rather than “the race of the candidate” Black voters vote for. APA Doc. No. [120], ¶ 285. Because white voters cohesively support Republican

candidates and Black voters cohesively support Democratic candidates without regard to whether the candidate is Black or white, Defendants attribute the polarization to partisanship. Id. ¶¶ 286–287. In doing so, Defendants assert that the extreme level of polarization is really partisan rather than racial. Id. Because the vote dilution must be “on account of race or color” to violate Section 2, Defendants argue that the Court must determine whether some other factor is the cause. See id. ¶ 430. As a result, Defendants argue that Plaintiffs cannot show that “electoral losses are ‘on account of race or color’ and not partisan voting patterns.” Id. 430 (citing 52 U.S.C. § 10301(a); Solomon, 221 F. 3d at 1225 (en banc); LULAC, 999 F. 2d at 854 (en banc)).

(2) Plaintiffs

In contrast, all three sets of Plaintiffs contend that the reasons *why* Black Georgia voters and white Georgia voters overwhelmingly support opposing candidates is irrelevant to Section 2’s effects-based inquiry. The evidence compellingly demonstrates acute polarization by race and, Plaintiffs assert, what causes Georgia voters to vote that way is not relevant to the second Gingles Precondition or the second Senate Factor. They argue they are not required “to prove [that] racism determines the voting choices of the white electorate in order to succeed in a voting rights case.” Pendergrass Doc. No.

[87], ¶ 351 (citing Askew v. City of Rome, 127 F.3d 1355, 1382 (11th Cir. 1997); Fayette Cnty., 950 F. Supp. 2d at 1321 n.29); see also APA Doc. No. 121, ¶ 665 (similar); Grant Doc. No. [82], ¶ 381 (same).

(3) Conclusions of law

The Court concludes as a matter of law that, to satisfy the second Gingles precondition, Plaintiffs need not prove the causes of racial polarization, just its existence. The plurality opinion in Gingles concluded that, “[f]or purposes of § 2, the legal concept of racially polarized voting incorporates neither causation nor intent. *It means simply that the race of voters correlates with the selection of a certain candidate or candidates; that is, it refers to the situation where different races (or minority language groups) vote in blocs for different candidates.*” Gingles, 478 U.S. at 62 (emphasis added). Thus, four Supreme Court justices concluded that the existence of political polarization does not negate Plaintiffs’ ability to establish the second Gingles precondition by showing the extent of racial-bloc voting. Id.; see also Chisom v. Roemer, 501 U.S. 380, 404 (1991) (emphasizing that “Congress made clear that a violation of § 2 could be established by proof of discriminatory results alone”).

The weight that should be placed on the extent of such polarization—and any link to partisanship—must necessarily be part of the totality-of-the-

circumstances analysis under the second Senate Factor. Gingles, 478 U.S. at 37 (identifying extent of racial polarization in elections under second Senate Factor); Solomon, 899 F.2d at 1015 (Kravitch, J., specially concurring) (same). However, such evidence must again be considered in light of the admonition in Gingles's plurality opinion that

[i]t is the *difference* between the choices made by blacks and whites—not the reasons for that difference—that results in blacks having less opportunity than whites to elect their preferred representatives. Consequently, we conclude that under the “results test” of § 2, only the correlation between race of voter and selection of certain candidates, not the causes of the correlation, matters.

....

[W]e would hold that the legal concept of racially polarized voting, as it relates to claims of vote dilution, refers only to the existence of a correlation between the race of voters and the selection of certain candidates. Plaintiffs need not prove causation or intent in order to prove a prima facie case of racial bloc voting and defendants may not rebut that case with evidence of causation or intent.

478 U.S. at 63, 74 (emphasis in original).

As discussed above, applying the standard advocated by Defendants would undermine the congressional intent behind the 1982 amendments to the VRA—namely, to focus on the *results* of the challenged practices. Id. at 35–36;

see also Marengo Cnty. Comm’n, 731 F.2d at 1567. Congress wanted to avoid “unnecessarily divisive [litigation] involv[ing] charges of racism on the part of individual officials or entire communities.” S. Rep. No. 97-417, pt. 1, at 36 (1982); see also Solomon, 899 F.2d at 1016 n.3 (Kravitch, J., specially concurring) (explaining that this theory “would involve litigating the issue of whether or not the community as a whole was motivated by racism, a divisive inquiry that Congress sought to avoid by instituting the results test”). As the Eleventh Circuit long ago made clear, “[t]he surest indication of race-conscious politics is a pattern of racially polarized voting.” Marengo Cnty. Comm’n, 731 F.2d at 1567.

Here, each set of Plaintiffs has more than satisfied its burden to show political cohesion among Black voters in the relevant regions and districts.

b) The existence of political cohesion

(1) Pendergrass

(a) Plaintiffs’ Expert: Dr. Maxwell Palmer³³

The Pendergrass Plaintiffs proffered Dr. Maxwell Palmer as their racially polarized voting expert. Feb. 10, 2022, Morning Tr. 44:17–20, 47:8–19.

³³ To the extent Dr. Palmer provided evidence related to other issues or Plaintiffs, the following discussion is necessarily applicable to those matters as well.

i) Qualification

Dr. Palmer received his undergraduate degree in mathematics, and government and legal study from Bowdoin College in Maine; he holds a Ph.D. in political science from Harvard University. Feb. 10, 2022, Morning Tr. 45:14–18. He is currently a tenured associate professor of political science at Boston University. Id. at 45:21–25. He teaches classes on American politics and political methodology, including data science and formal theory. Id. at 46:1–5. Among his principle areas of research are voting rights. Id. at 46:6–8.

Dr. Palmer has previously served as an expert witness in numerous redistricting cases, conducting racially polarization analyses in each; he has never been rejected as such an expert. Feb. 10, 2022, Morning Tr. 46:9–24; GPX 5, ¶ 3 & 22–31. He has also served as an expert for the Virginia Independent Redistricting Commission. Feb. 10, 2022, Morning Tr. 47:3–7; GPX 5, at 29.

Defendants did not object to Dr. Palmer being qualified as an expert in redistricting and data analysis, and the Court so qualified him. Feb. 10, 2022, Morning Tr. 47:15–19. The Court found Dr. Palmer’s testimony to be credible and his analyses to be methodologically sound. The Court notes that Dr. Palmer’s findings are consistent with the Alpha Phi Alpha Plaintiffs’ expert

Dr. Handley. See infra (III.A.2.(b)(3)(a)(ii)). It credits that testimony and the reliability of Dr. Palmer's conclusions.

During Dr. Palmer's live testimony, the Court carefully observed his demeanor, particularly as he was cross-examined for the first time about his work on this case. He consistently defended his work with careful and deliberate explanations of the cases for his opinions. When Defense counsel questioned his methodology, and particularly the reason behind not using primary data, Dr. Palmer provided measured and thoughtful responses. The Court observed no internal inconsistencies in his testimony, no appropriate question that he could not or would not answer, and no reason to question the veracity of his testimony. The Court finds that his methods and conclusions are highly reliable, and ultimately that his work as an expert on the second and third Gingles preconditions is helpful to the Court.

ii) Analysis

Dr. Palmer was tasked with offering an expert opinion on the extent to which voting is racially polarized in each of the Congressional Districts 3, 11, 13, and 14 of the Enacted Maps, as well as the region covered by those districts. Pendergrass Stip. ¶ 56; GPX 5, ¶ 9; Feb. 10, 2022, Morning Tr. 52:5-16. Dr. Palmer found strong evidence of such voting in every area he examined.

Feb. 10, 2022, Morning Tr. 48:3–6. In other words, Dr. Palmer found that Black and white voters consistently support different candidates. GPX 5, ¶ 6.

To assess polarization, Dr. Palmer employed a statistical method called Ecological Inference (“EI”) to derive estimates of the percentages of Black and white voters in elections conducted in the relevant Congressional Districts in 31 statewide elections held between 2012 and 2021. GPX 5, ¶¶ 10, 12; Feb. 10, 2022, Morning Tr. 49:19–50:1, 51:16–19. He described EI as a “statistical procedure . . . that estimates group-level preferences based on aggregate data.” GPX 5, ¶ 12. His EI analysis relied on precinct-level election results and voter turnout by race, as compiled by the State of Georgia. GPX 5, ¶ 10; Feb. 10, 2022, Morning Tr. 51:20–52:3.

First, Dr. Palmer examined each racial group’s support for each candidate to determine if members of the group voted cohesively in support of a single candidate in each election. GPX 5, ¶ 13. If a significant majority of the group supported a single candidate, he then identified that candidate as the group’s candidate of choice. Id. Dr. Palmer next compared the preferences of white voters to the preferences of Black voters. Id. In every election he examined, across the relevant region and in each Congressional District from the Enacted Maps, Dr. Palmer found that Black voters had clearly identifiable

candidates of choice. GPX 5, ¶¶ 15, 17–18, & figs. 2–4, 6; Feb. 10, 2022, Morning Tr. 52:17–54:19. For elections from 2012 through 2021, Black voters on average supported their preferred candidates with an estimated vote share of 98.5%. GPX 5, ¶¶ 6, 14–15 & figs. 2–3, tbl.1.

(b) **Defendants’ Expert: Dr. John Alford**³⁴

Defendants proffered Dr. John Alford as their expert on the issue of racial polarization. Feb. 11, 2022, Afternoon Tr. 140:17–22. Plaintiffs did not object to Dr. Alford being so qualified, and the Court so qualified him. *Id.* at 140:23–141:4.

i) Qualification

Dr. Alford is a tenured professor of Political Science at Rice University. DX 42, Ex. 1, at 1; Feb. 11, 2022, Afternoon Tr. 140:1–4. He holds a Master’s in Public Administration from the University of Houston and a Ph.D. in Political Science from the University of Iowa. DX 42, Ex. 1, at 1; Feb. 11, 2022, Afternoon Tr. 139:18–25. He has taught graduate and undergraduate level courses on various subjects, including redistricting, elections, and political representation. DX 42, 2. Dr. Alford has authored numerous scholarly articles and presented

³⁴ Since Dr. Alford was Defendants’ expert in each of the three cases on multiple issues, the following discussion applies to those matters as well.

papers at various conferences and consortia. DX 42, Ex. 1, at 1–8. He has previously been qualified as an expert witness on racial polarization in cases involving Section 2 claims. Id. at 140:13–18. However, Dr. Alford has never published a paper on racially polarized voting or any peer-reviewed articles using EI; and, he has never written about Section 2 of the Voting Rights Act in an academic publication. See Feb. 11, 2022, Afternoon Tr. 160:8–16.

While the Court found Dr. Alford to be credible, his conclusions were not reached through methodologically sound means and were therefore speculative and unreliable. Other courts have come to similar conclusions. See Lopez v. Abbott, 339 F. Supp. 3d 589, 610 (S.D. Tex. 2018) (crediting Dr. Handley’s testimony over Dr. Alford’s because “Dr. Alford’s testimony . . . focused on issues other than the ethnicity of the voters and their preferred candidates – which are the issues relevant to bloc voting”); Texas v. U.S., 887 F. Supp. 2d 133, 146–47 (D.D.C. 2012) (critiquing Dr. Alford’s approach because he used an analysis that “lies outside accepted academic norms among redistricting experts,” and instead relying heavily on Dr. Handley’s testimony), vacated on other grounds, 570 U.S. 928 (2013).

ii) Analysis

Dr. Alford was tasked with responding to Dr. Palmer's expert report and providing expert opinions about the nature of the polarized voting in Georgia. DX 42; Feb. 11, 2022, Afternoon Tr. 140:5-12. Dr. Alford assumed that Dr. Palmer's EI analysis of existence of racially polarized voting was sound because he knows from his own past work that Dr. Palmer is competent at performing such analyses. Feb. 11, 2022, Afternoon Tr. 143:14-21. However, he raised concerns that Dr. Palmer's results were more attributable to partisanship than race. See DX 42, at 6.

The Court cannot credit this testimony. Dr. Alford admitted on cross-examination that he did not identify any errors that would affect Dr. Palmer's analysis or conclusions. Feb. 11, 2022, Afternoon Tr. 153:3-7. The basis for his testimony was only Dr. Alford's conclusion that Black voters overwhelmingly prefer Democratic candidates and white voters overwhelmingly support Republican candidates. Feb. 11, 2022, Afternoon Tr. 171:8-16; DX 42, at 5. But Dr. Alford did not perform his own analyses of voter behavior, and he testified that it is not possible to separate partisan polarization from racial polarization based on Dr. Palmer's analysis. DX 42; Feb. 11, 2022, Afternoon Tr. 143:4-10. In fact, there is no evidentiary support in the record for Dr. Alford's treatment of

race and partisanship as separate and distinct factors affecting voter behavior. Nor is there any evidence—aside from Dr. Alford’s speculation—that partisanship is the cause of the racial polarization identified by Dr. Palmer. DX 42, at 3–4. Dr. Alford himself acknowledged that polarization can reflect both race *and* partisanship, and that “it’s possible for political affiliation to be motivated by race.” Feb. 11, 2022, Afternoon Tr. 171:8–16. All this undermines Dr. Alford’s insistence that partisanship rather than race is the cause of the polarization. In any event, and as discussed above, the cause of the polarization is not relevant to the second Gingles precondition.

Other courts have discounted Dr. Alford’s testimony for similar reasons. *See, e.g., NAACP, Spring Valley Branch v. E. Ramapo Cent. Sch. Dist.*, 462 F. Supp. 3d 368, 381 (S.D.N.Y. 2020) (“[Dr. Alford’s] testimony, while sincere, did not reflect current established scholarship and methods of analysis of racially polarized voting and voting estimates.”), *aff’d sub nom. Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2d Cir. 2021); *Flores v. Town of Islip*, 382 F. Supp. 3d 197, 233 (E.D.N.Y. 2019) (“Dr. Alford maintains that at least 80% of the white majority in Islip must vote against the Hispanic-preferred candidate for the white bloc vote to be sufficient. . . . This theory has no foundation in the applicable caselaw.”); *Lopez v. Abbott*, 339 F. Supp. 3d 589, 610 (S.D. Tex. 2018)

("At this juncture, the Court is only concerned with whether there is a pattern of white bloc voting that consistently defeats minority-preferred candidates. That analysis requires a determination that the different groups prefer different candidates, as they do. It does not require a determination of why particular candidates are preferred by the two groups."); Patino v. City of Pasadena, 230 F. Supp. 3d 667, 709–13 (S.D. Tex. 2017) (finding in favor of the plaintiffs as to Gingles' second and third prongs, contrary to Dr. Alford's testimony on behalf of the defendant jurisdiction), stay denied pending appeal, 667 F. App'x 950 (5th Cir. 2017) (per curiam); Montes v. City of Yakima, 40 F. Supp. 3d 1377, 1401–07 (E.D. Wash. 2014) (finding the same and stating that Dr. Alford's testimony did "not defeat a finding of Latino voter cohesion"); Benavidez v. Irving Indep. Sch. Dist., No. 3:13–CV–0087–D, 2014 WL 4055366, at *11–13 (N.D. Tex. Aug. 15, 2014) (same); Fabela v. City of Farmers Branch, No. 3:10–CV–1425–D, 2012 WL 3135545, at *8–13 (N.D. Tex. Aug. 2, 2012) (same); Texas v. United States, 887 F. Supp. 2d 133, 181 (D.D.C. 2012) ("[T]he fact that a number of Anglo voters share the same political party as minority voters does not remove those minority voters from the protections of the VRA. The statute makes clear that this Court must focus on whether minorities are able to elect the candidate of their choice, no matter the political party that may benefit."),

vacated on other grounds, 570 U.S. 928 (2013); Benavidez v. City of Irving, 638 F. Supp. 2d 709, 722–25, 731–32 (N.D. Tex. 2009) (finding in favor of the plaintiffs as to Gingles’ second and third prongs, contrary to Dr. Alford’s testimony on behalf of the defendant jurisdiction); see also Feb. 11, 2022, Afternoon Tr. 172:17–20 (agreeing that other courts have rejected his testimony before “[i]n the sense of deciding to go in a different direction than what I thought the facts of the case suggested”).

(c) **Conclusions of Law**

The Court concludes that the Pendergrass Plaintiffs have satisfied their burden to establish that Black voters in Georgia (at least for those regions examined) are politically cohesive. Gingles, 478 U.S. at 49. “Bloc voting by blacks tends to prove that the black community is politically cohesive, that is, it shows that blacks prefer certain candidates whom they could elect in a single-member, black majority district.” Id. at 68. Dr. Palmer’s analysis clearly demonstrate high levels of such cohesiveness, both across the congressional focus area and in the individual districts that comprise it. Neither Dr. Alford’s testimony nor his expert report undermines this conclusion.

This finding is also consistent with previous findings of political cohesion among Black Georgians. See, e.g., Wright, 301 F. Supp. 3d at 1313

(noting that, in ten elections for Sumter County Board of Education with Black candidates, “the overwhelming majority of African Americans voted for the same candidate”); Wright, 979 F.3d at 1306 (noting “the high levels of racially polarized voting” in Sumter County).

(2) Grant

The Grant Plaintiffs also proffered Dr. Palmer as their racially polarized voting expert. Feb. 10, 2022, Morning Tr. 44:17–20, 47:8–11. Defendants again proffered Dr. Alford. Except with regard to the specific areas and districts analyzed by Dr. Palmer for the Grant case, (which are discussed further below), the discussion concerning the existence of political cohesion in Pendergrass applies equally here. The Court likewise finds that the Grant Plaintiffs have met their burden to establish the second Gingles precondition.

(a) Dr. Palmer’s analysis

In Grant, Dr. Palmer was tasked with offering an expert opinion on the extent to which voting is racially polarized in five different “focus areas” based on the Georgia General Assembly House and Senate Enacted Maps. Grant Stip. ¶ 77; Feb. 10, 2022, Morning Tr. 60:1–13; GPX 6, ¶ 9. The focus areas cover those regions where Plaintiffs’ illustrative majority-minority districts are located. GPX 6, ¶ 9. For the Georgia House, Dr. Palmer examined regions he described

as the Black Belt (covering Enacted Map House Districts 133, 142, 143, 145, 147, and 149), Southern Atlanta (Enacted Map House Districts 69, 74, 75, 78, 115, and 117), and Western Atlanta (Enacted Map House Districts 61 and 64). GPX 6, ¶ 10. For the Georgia Senate, Dr. Palmer looked at the Black Belt (Enacted Map Senate Districts 22, 23, 24, 25, and 26) and Southern Atlanta (Enacted Map Senate Districts 10, 16, 17, 25, 28, 34, 35, 39, and 44). GPX 6, ¶ 11.

The analysis Dr. Palmer performed was the same type of EI as that in Pendergrass (GPX 6, ¶¶ 14-16; Feb. 10, 2022, Morning Tr. 59:12-25, 60:18-21), and the results were similar: Black voters in the relevant regions supported their preferred candidate with at least 95.2% of the vote. GPX 6, ¶ 17 & fig.2, tbl.1. Each of the House districts Dr. Palmer examined also exhibited a high degree of polarization. Id. ¶ 18 & fig.3. For the Senate districts, 12 of the 14 showed racial polarization. Id.³⁵

(3) Alpha Phi Alpha

The Alpha Plaintiffs proffered Dr. Lisa Handley as an expert in racial polarization analysis and the analysis of minority vote dilution and

³⁵ For the two districts where Dr. Palmer concluded there was not consistent evidence of racially polarized voting, he noted the following: “Voting is generally not polarized in Senate District 39. In Senate District 44, White voters do not have a clear candidate of choice in 18 of the 31 elections, and majorities of White voters opposed the Black-preferred candidate in 13 elections.” GPX 6, ¶ 18 & fig.3.

redistricting. Feb. 10, 2022, Morning Tr. 76:13, 81:8–10. Defendants proffered Dr. Alford. Accordingly, except with regard to the specific areas and districts analyzed by Dr. Handley for the Alpha Phi Alpha case, the discussion concerning the existence of political cohesion in Pendergrass applies here, too.

(a) Plaintiffs' Expert:
Dr. Lisa Handley

i) *Qualification*

Dr. Handley holds a Ph.D. in Political Science from The George Washington University. Feb. 10, 2022, Morning Tr. 78:22–79:4; APAX 3, at 47. She has over thirty years of experience in the areas of redistricting and voting rights, and has provided election assistance to numerous countries including to various post-conflict countries through the United Nations. Feb. 10, 2022, Morning Tr. 79:5–18; APAX 3, at 47. She has taught political science courses at both the graduate and undergraduate level at several universities. APAX 3, at 47. She has authored numerous scholarly works concerning redistricting and minority vote dilution, including her dissertation. Feb. 10, 2022, Morning Tr. 79:22–80:4; APAX 3, at 50–52.

Dr. Handley has served as an expert in “scores” of redistricting and voting rights cases, including on behalf of jurisdictions defending against Section 2 cases. Feb. 10, 2022, Morning Tr. 80:5–12, 102:23–103:6; APAX 3, at 46.

In those cases, she generally analyzes voting patterns by race and ethnicity. Feb. 10, 2022, Morning Tr. 80:13–19. As an expert, she has also numerous times performed analyses of racial-bloc voting and evaluations of whether proposed districts provide minorities with the opportunity to elect candidates of their choice. Feb. 10, 2022, Morning Tr. 80:20–81:7. She has routinely been qualified as an expert in cases where she used the same methodology she employed here. Feb. 10, 2022, Morning Tr. 84:25–85:4; APA Doc. No. [118-2], ¶ 4.

Defendants did not object to Dr. Handley being qualified as an expert in the analysis of racial polarization and minority vote dilution and redistricting, and the Court so qualified her. Feb. 10, 2022, Morning Tr. 81:14–17. The Court found Dr. Handley’s testimony to be credible and her analyses to be sound. At the live hearing, the Court carefully observed Dr. Handley’s demeanor, particularly as she was cross-examined for the first time about his work on this case. She consistently defended his work with careful and deliberate explanations of the cases for his opinions. When Defense counsel questioned her about her methodology particularly the reason behind not using confidence intervals, Dr. Palmer provided measured and thoughtful responses. The Court observed no internal inconsistencies in her testimony, no appropriate question that he could not or would not answer, and no reason to question the veracity

of her testimony. Thus, the Court credits that testimony and the reliability of Dr. Handley's conclusions.

ii) Analysis

Dr. Handley was tasked with conducting an analysis of voting patterns by race in several regions of Georgia to determine whether there is racially polarized voting there. APAX 3, at 2. She concluded that an election was racially polarized where, according to her EI analysis, "the outcome would be different if the election were held only among black voters compared to only among white voters." Feb. 10, 2022, Morning Tr. 83:13–14. In all six regions that Dr. Handley examined, Black voters were cohesive in supporting their preferred candidates. APAX 3, at 23.

Dr. Handley analyzed voting patterns by race in the six regions that are the focus of the Alpha Phi Alpha case, specifically: the Eastern Atlanta Metro Region, the Southern Atlanta Metro Region, East Central Georgia with Augusta, the Southeastern Atlanta Metro Region, Central Georgia, and Southwest Georgia. APAX 3, at 2; Feb. 10, 2022, Morning Tr. 83:7–8. Dr. Handley's analysis employed three commonly used statistical methods that have been widely accepted by courts in voting rights cases: homogeneous precinct analysis, ecological regression, and "King's EI." Feb. 10, 2022, Morning

Tr. 83:21–23, 84:3–24, 85:12–25; APAX 3, at 3–5; APA Doc. No. [118-2], ¶ 4. Dr. Handley has employed King’s EI in numerous cases, and courts have routinely accepted her use of that methodology to assess racially polarized voting. APA Doc. No. [118-2], ¶ 4; Feb. 10, 2022, Morning Tr. 84:20–85:4. She uses homogeneous precinct analysis and ecological regression to check the estimates produced by EI. Feb. 10, 2022, Morning Tr. 84:2–19. She has used all three techniques in previous cases. Id. at 83:19–85:4.

Although Dr. Alford claimed that Dr. Handley should have used a version of EI called “RxC,” Dr. Handley credibly explained why her use of King’s EI here was appropriate. Dr. Handley testified that she uses EI RxC analysis in only two situations: (1) when “estimating the voting patterns of more than two racial/ethnic groups”; or (2) when she lacks data showing “turnout by race,” and she “instead must rely on voting age population by race to estimate voting patterns.” APA Doc. No. [118-2], ¶¶ 1–2. Because neither was present here, she concluded that King’s EI was an appropriate methodology. Id.

(a) **Statewide general elections**

Dr. Handley estimated of the percentage of Black and white voters in the six regions in statewide general elections for U.S. Senate, Governor,

Commissioner of Insurance, and School Superintendent. Feb. 10, 2022, Morning Tr. 86:1-7; APAX 3, at 5-6; APA Doc. No. [118-1]. All but two of those elections involved Black and white candidates—i.e., they were biracial elections. APAX 3, at 6, 8-11; Feb. 10, 2022, Morning Tr. 91:8-17. According to Dr. Handley, biracial elections are the most probative for measuring racial polarization. Feb. 10, 2022, Morning Tr. 86:16-20. Courts generally have agreed. See Feb. 11, 2022, Afternoon Tr. 170:25-171:7. Dr. Handley also analyzed the 2020 U.S. Senate general election and 2021 U.S. Senate runoff election with Jon Ossoff, in part because Black candidates ran in the primary. Feb. 10, 2022, Morning Tr. 86:23-87:3.

The racial polarization was stark in every statewide general election that Dr. Handley analyzed, with the vast majority of Black voters supporting one candidate and the vast majority of white voters supporting the other candidate. Feb. 10, 2022, Morning Tr. 90:18-20, 91:6-25, 101:20-23; APA Doc. No. [118-1]. The Black-voter preferred candidates in these races typically received more than 98% of Black voters' support. APA Doc. No. [118-1].

(b) State legislative elections

Dr. Handley also looked at 26 State legislative elections in the relevant regions. Feb. 10, 2022, Morning Tr. 86:1-7, 91:12-17; APAX 4, at 5, 7-10. She

found starkly racially polarized voting here, too. Feb. 10, 2022, Morning Tr. 91:8-25; APAX 4, at 5, 7-10. She analyzed recent biracial elections in General Assembly districts wholly contained within or overlapping with the additional majority-Black districts drawn by Plaintiffs' expert demographer. Feb. 10, 2022, Morning Tr. 91:8-17; APAX 3, at 8-11. There were eight such State senate contests, and 18 such State house contests. APAX 3, at 8-11. All these elections were racially polarized, with Black candidates receiving a minuscule share of the white vote and the overwhelming support of Black voters. Feb. 10, 2022, Morning Tr. 91:8-25; APAX 4, at 5, 7-10. Indeed, in all but one of the 26 contests, over 95% of Black voters supported the same candidate. APAX 4, at 5, 7-10.

(c) Primaries

In addition to analyzing statewide elections, Dr. Handley applied her EI analysis to statewide Democratic primaries for Governor, Lieutenant Governor, Commissioner of Insurance, School Superintendent, and Commissioner of Labor. APAX 3, at 5-6; APA Doc. No. [118-1]; Feb. 10, 2022, Morning Tr. 86:3-4. Although Dr. Handley acknowledged that polarized voting is "somewhat less stark in the primaries" and in a few instances the support of Black and white voters for the same candidate is close (Feb. 10, 2022, Morning Tr. 101:3-23), the majority of primaries she analyzed across all six

regions still demonstrated evidence of racially polarized voting (Feb. 10, 2022, Morning Tr. 100:13–16; APAX 4, at 2–3). The only regular exceptions were the two recent Democratic primaries in which Black voters supported white candidates (Jon Ossoff in the 2020 primary for U.S. Senate and Jim Barksdale in his bid for the Democratic nomination for U.S. Senate in 2016). APAX 3, at 8, 23.

Specifically, Dr. Handley found that in all six regions, at least 62.5% of the eight primaries she analyzed showed evidence of racial polarization. APAX 4, at 2–3. For example, in the 2018 Democratic primary for Lieutenant Governor, the white candidate received an average of more than 83% of the white vote in these areas, and the Black candidate received an average of nearly 60% of the Black vote. See APA Doc. No. [118-1], 3–13. Similarly, in the 2018 Democratic primary for the Commissioner of Insurance, the white candidate received on average more than 60% of the white vote, and the Black candidate received on average more than 78% of the Black vote. See APA Doc. No. [118-1], 3–13.

This evidence of racial polarization in primary elections is particularly compelling here because it undermines Defendants’ contention that the polarization is the result of partisan factors. By definition, partisan affiliation

cannot explain polarized election outcomes in primary contests, where Democrats are necessarily running against other Democrats.

**(b) Defendants' Expert:
Dr. Alford**

As an expert witness, Dr. Alford has used all three statistical methods employed by Dr. Handley here. Feb. 11, 2022, Afternoon Tr. 168:21-24. He agrees that King's EI is "the gold standard for experts in this field doing a racially-polarized voting analysis." Id. at 163:20-23. Dr. Alford did, however, voice some concern that the type of ecological inference analysis Dr. Handley employed was not really "King's EI" but instead an "iterative version of it" that lacks "an appropriate test of statistical significance." Id. at 165:13-15. Dr. Handley later clarified that she did use King's EI to produce her results, and she ran the analysis more than once (i.e., "iteratively"). APA Doc. No. [118-2], ¶ 1. Dr. Handley has used, and courts have accepted and relied on, this exact method of EI in numerous prior minority vote dilution cases. Feb. 10, 2022, Morning Tr. 84:25-85:4; APA Doc. No. [118-2], ¶ 4.

Dr. Alford did agree with Dr. Handley's assessment that statewide general elections involving Black and white candidates are the most probative for measuring racial polarization. Feb. 11, 2022, Afternoon Tr. 170:25-171:7. And he did not dispute Dr. Handley's conclusions there is a high degree of

racial polarization in the election contests she analyzed, testifying that in general elections in Georgia, Black voters are “very cohesive.” Id. at 154:15–17; DX 42, at 6. He concluded the same of white voters. Feb. 11, 2022, Afternoon Tr. 154:18–19; DX 42, at 6. Dr. Alford also found Dr. Handley’s conclusions and those of Dr. Palmer were “entirely compatible with each other,” and that both showed polarized voting. Feb. 11, 2022, Afternoon Tr. 142:9–13, 145:21. Dr. Alford said that “[i]t would be hard to get a difference more stark” than the voting patterns of Black and white voters reflected in the analyses of Drs. Handley and Palmer. Id. at 154:20–22.

Moreover, Dr. Alford did not testify to anything contradicting Dr. Handley’s assessment that there was evidence of racially polarized voting in Democratic primaries in the six regions she evaluated. In fact, in a previous case in which he was an expert witness, “Dr. Alford testified that an analysis of primary elections is preferable to general elections because primary elections are nonpartisan and cannot be influenced by the partisanship factor.” Perez v. Pasadena Indep. Sch. Dist., 958 F. Supp. 1196, 1225 (S.D. Tex. 1997), aff’d, 165 F.3d 368 (5th Cir. 1999); accord Feb. 11, 2022, Afternoon Tr. 171:17–172:16 (Dr. Alford testifying that partisanship cannot explain racial polarization in

nonpartisan elections such as primaries). This undermines Dr. Alford's speculation that partisanship explains the polarization better than race.

(c) **Conclusions of Law**

As with Dr. Alford's critiques of Dr. Palmer's analyses, the Court finds the criticisms of Dr. Handley's work unpersuasive. For the same reasons as stated with regard to the Pendergrass Plaintiffs, the Alpha Phi Alpha Plaintiffs have satisfied their burden to establish that, for the regions and elections Dr. Handley examined, Black voters in Georgia are politically cohesive. Gingles, 478 U.S. at 49.

3. ***The Third Gingles Precondition: Bloc Voting***

The third Gingles precondition requires that the minority group be able to demonstrate that "the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority's preferred candidate." Gingles, 478 U.S. at 51 (citations omitted). In Gingles, the Supreme Court treated the terms "racial bloc" and "racial polarization" as interchangeable. Id. at 53 n.21. Thus, the third precondition involves the same evaluation as to the voting preferences of the majority group as that the second precondition does for the minority group: "[I]n general, a white bloc vote that normally will defeat

the combined strength of minority support plus white ‘crossover’ votes rises to the level of legally significant white bloc voting.” Id. at 56 (citations omitted).

a) **Pendergrass**

In addition to his work concerning political cohesion, Dr. Palmer also testified about racial-bloc voting. He employed the same methods described above, and the Court incorporates that discussion here by reference.³⁶ Dr. Palmer’s analysis shows that white voters in the regions he examined vote sufficiently as a bloc to defeat Black voters’ candidates of choice except in majority-Black districts. Feb. 10, 2022, Morning Tr. 48:9–13; GPX 5, ¶ 7.

Overall, Dr. Palmer found “strong evidence of racially polarized voting” as a whole and in each individual congressional district he examined. Feb. 10, 2022, Morning Tr. 48:3–8; GPX 5, ¶¶ 6, 18. White voters had clearly identifiable candidates of choice in each election. GPX 5, ¶¶ 16–17 & figs. 2–4. From 2012 to 2021, white voters were highly cohesive in opposing the Black candidate of choice in every election. On average, Dr. Palmer found that white voters supported Black-preferred candidates with an average of just 11.5% of the vote.

³⁶ See supra Sections III(A)(2)(b)(1)(a), (2)(a).

See id. ¶ 16. White voters, however, on average supported their preferred candidates with an estimated vote-share of 88.5%. See id.

As a result of this racially polarized voting in the regions Dr. Palmer examined, candidates preferred by Black voters have generally been unable to win elections outside of majority-Black districts. Feb. 10, 2022, Morning Tr. 48:9–13. Excluding the existing majority-Black Congressional District 13, Black-preferred candidates were defeated by white-bloc voting in all 31 elections Dr. Palmer examined. GPX 5, ¶ 21. Dr. Alford did not dispute Dr. Palmer’s conclusions about racial-bloc voting. Feb. 11, 2022, Afternoon Tr. 159:7–11.

Dr. Palmer also assessed the anticipated performance of Plaintiffs’ Illustrative Congressional District 6. Feb. 10, 2022, Morning Tr. 47:21–48:2. Dr. Palmer concluded that this proposed district would permit the Black voters there to elect candidates of their choice with an average of 66.7% of the vote. Id. at 48:5–8, 58:13–59:1; GPX 5, ¶¶ 8, 22–23. Dr. Alford did not contest this conclusion. Dr. Palmer’s analysis of the illustrative district also weighs in favor of the feasibility of the Pendergrass Plaintiffs’ proposed remedy.

For these reasons and those explained above,³⁷ the Court credits Dr. Palmer's analysis and testimony, and concludes that the Pendergrass Plaintiffs have satisfied their burden under the third Gingles precondition.

b) Grant

Dr. Palmer testified similarly concerning the regions he examined in Grant. In the areas as a whole and in each legislative district, Dr. Palmer concluded that white voters had clearly identifiable candidates of choice for every election he analyzed. Feb. 10, 2022, Morning Tr. 60:22–25; GPX 6, ¶ 17 & figs. 2–3, tbl.1. In elections from 2012 to 2021, white voters were highly cohesive in voting in opposition to the Black voters' candidate of choice. On average, Dr. Palmer found that white voters supported Black-preferred candidates with a maximum of just 17.7% of the vote. GPX 6, ¶ 17. That is, white voters on average supported their preferred candidates with an estimated vote share of 82.3%. Id.

Dr. Palmer also concluded that, as a result of this racially polarized voting, candidates preferred by Black voters in the regions he examined have generally been unable to win elections outside of majority-Black districts. GPX

³⁷ See supra Sections III(A)(2)(b)(1)(a), (2)(a).

6, ¶ 20. He testified that “Black-preferred candidates win almost every election in the Black-majority districts, but lose almost every election in the non Black-majority districts.” Id.

Using returns from 31 statewide elections, Dr. Palmer analyzed the illustrative State House and Senate districts drawn by Esselstyn. GPX 6, ¶ 22 & fig.5, tbl.10. He found that in “Senate Districts 23, 25, and 28, the Black-preferred candidate won a larger share of the vote in all 31 statewide elections. In House District 117, the Black-preferred candidate won all 19 elections since 2018.” Id. ¶ 22. He also confirmed that that changes Esselstyn made to the majority-Black districts in the Enacted Maps would not change the ability of candidates preferred by Black voters to win there. Feb. 10, 2022, Morning Tr. 65:1–4.

For these reasons and those explained above,³⁸ the Court credits Dr. Palmer’s analysis and testimony, and concludes that the Grant Plaintiffs have satisfied their burden under the third Gingles precondition.

³⁸ See supra Sections III(A)(2)(b)(1)(a), (2)(a).

c) Alpha Phi Alpha

The Alpha Phi Alpha Plaintiffs' expert, Dr. Handley, also provided evidence about racial-bloc voting. She performed the same type of analysis for racial-bloc voting as she did for political cohesion, looking at voting patterns by race in the six identified regions. APAX 3, at 2. For every general election she analyzed, Dr. Handley found that white voters voted as a bloc against the preferred candidates of Black voters. Id. at 8; APAX 4, at 5, 7-10; APA Doc. No. [118-1]; Feb. 10, 2022, Morning Tr. 90:18-20, 91:22-25, 101:20-23. She concluded that, as a result of the stark racial polarization, candidates preferred by Black voters were consistently unable to win elections and will likely continue to be unable to win elections outside of majority-Black districts. Feb. 10, 2022, Morning Tr. 95:24-96:3; APAX 3, at 8-9.

Specifically, Dr. Handley found that the candidate of choice for Black voters on average secured the support of less than 5% of white voters in State Senate races and less than 9.5% of white voters in State House races. APAX 3, at 8; APAX 4, at 5, 7-10. As a result, blocs of white voters in the regions Dr. Handley examined were able to consistently defeat the candidates preferred by Black voters in state legislative general elections, except where the districts were majority Black. Feb. 10, 2022, Morning Tr. 95:21-96:3; APA Doc.

No. [118-1]. Based on this “starkly” racially polarized voting, Dr. Handley concluded that the ability of Black voters to elect candidates of their choice to the Georgia General Assembly is substantially impeded unless majority-minority districts are drawn to provide Black voters with such opportunities. Feb. 10, 2022, Morning Tr. 82:16–83:4, 95:9–96:3, 99:12–18; APAX 3, at 12.

Dr. Handley also evaluated whether Black voters had the opportunity to elect candidates of their choice under the illustrative districts drawn by Cooper compared with the Enacted Maps. Feb. 10, 2022, Morning Tr. 81:21–25; APAX 3, at 7–8. She used recompiled election results with official data from 2016, 2018, and 2020 statewide election contests and 2020 Census data, to determine whether Black voters have an opportunity to elect their candidates of choice. Feb. 10, 2022, Morning Tr. 92:18–93:3, 93:7–9; APAX 3, at 2–4. Recompiled elections analysis has been accepted by courts and used by special masters specifically for the purpose of evaluating whether a proposed majority-minority district will provide Black voters with the opportunity to elect their candidates of choice. Feb. 10, 2022, Morning Tr. 92:1–93:17.

To do so, Dr. Handley calculated a “General Election” effectiveness score (“GE Score”), which averaged the vote-share of candidates of choice for Black voters in five prior statewide elections in each of the districts in the illustrative

maps and the Enacted Maps for the regions of focus. Feb. 10, 2022, Morning Tr. 92:18–93:3, 93:7–9; APAX 3, at 12. The GE Scores show that, on average, the candidates preferred by Black voters receive less than 50% of the vote outside of districts that are majority-Black and were thus likely to be defeated. Feb. 10, 2022, Morning Tr. 97:4–99:11; APAX 3, at 12–23. Based on her analysis, Dr. Handley concluded that the illustrative maps provide “at least one additional black opportunity district compared to the enacted plan” in the regions she analyzed. Feb. 10, 2022, Morning Tr. 83:2–4; APAX 3, at 12–20. This means that, for each of the proposed majority-Black districts, candidates of choice for Black voters would have received more than 50% of the total vote, providing Black voters with an opportunity they would not otherwise have had to elect those candidates. APAX 3, at 22–23.

For example, in and around Illustrative House District 153, white voters consistently joined together to defeat Black voters’ candidates of choice. Feb. 10, 2022, Morning Tr. 95:21–96:3; APA Doc. No. [118-1]. As House District 173 was constituted before the Enacted Maps were adopted, its area overlapped with illustrative House District 153. In elections in District 173 in 2016 and 2020, candidates preferred by Black voters garnered more than 96% of Black votes but were defeated because of white racial-bloc voting, with white voters’

candidates of choice securing more than 90% of the white vote. APAX 4, at 8, 10.

Accordingly, and for the reasons explained above,³⁹ the Court credits Dr. Handley's analysis and testimony and concludes that the Alpha Phi Alpha Plaintiffs have satisfied their burden under the third Gingles precondition.

4. *The Senate Factors*

As indicated above, to determine whether vote dilution is occurring, "a court must assess the impact of the contested structure or practice on minority electoral opportunities on the basis of objective factors. The Senate Report [from the 1982 Amendments to the VRA] specifies factors which typically may be relevant to a § 2 claim[.]" Gingles, 478 U.S. at 44. The Court now reviews the relevant Senate factors.

a) Senate Factor One: Georgia has a history of official, voting-related discrimination.

It cannot be disputed that Black Georgians have experienced franchise-related discrimination. "African-Americans have in the past been subject to legal and cultural segregation in Georgia[.]" Cofield v. City of LaGrange, 969 F. Supp. 749, 767 (N.D. Ga. 1997). "Black residents did not enjoy the right to

³⁹ See supra Section III(A)(2)(b)(3)(a).

vote until Reconstruction.” Id. “Moreover, early in this century, Georgia passed a constitutional amendment establishing a literacy test, poll tax, property ownership requirement, and a good-character test for voting.” Id. “This act was accurately called the ‘Disfranchisement Act.’ Such devices that limited black participation in elections continued into the 1950s.” Id.

This Court recently took judicial notice of the fact that “prior to the 1990s, Georgia had a long sad history of racist policies in a number of areas including voting.” Fair Fight Action, Inc. v. Raffensperger, No. 1:18-CV-5391-SCJ, slip op. at 41 (N.D. Ga. Nov. 15, 2021) (hereinafter, “Fair Fight”) (order denying defendants’ motion for summary judgment). As this Court has described, “Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.” Fayette Cnty., 950 F. Supp. 2d at 1314; see also Wright, 301 F. Supp. 3d at 1310 (“Georgia’s history of discrimination has been rehashed so many times that the Court can all but take judicial notice thereof.” (citation and internal quotation marks omitted)).

The Pendergrass and Grant Plaintiffs detailed this sad history through the report and testimony of their expert witness, Dr. Orville Vernon Burton. See GPX 7; Feb. 10, 2022, Morning Tr. 4:11–43:22. Dr. Burton is a professor of history at Clemson University who earned his undergraduate degree from Furman University and Ph.D. in American History from Princeton University. GPX 7, at 4. He was retained “to analyze the history of voting-related discrimination in Georgia and to contextualize and put in historical perspective such discrimination.” Id. at 2. His report describes the many decades of efforts to minimize the influence of minority – and specifically Black – voters. See id. at 2–3; 7–54. This historical review spans from the Reconstruction era to the present day. Id. at 9–54. Most of his analysis relates to discrimination that occurred prior to the 1980s. See id. at 9–38. Dr. Burton expounded on his report when he testified remotely by videoconference at the hearing, where he was qualified as an expert on the history of race discrimination and voting. Feb. 10, 2022, Morning Tr. 7:6–11. The Court has reviewed Dr. Burton’s report and closely observed his testimony. The Court finds Dr. Burton to be highly credible. His historical analysis was thorough and methodologically sound. Further, the Court finds Dr. Burton’s conclusions to be reliable.

Dr. Burton opined on the extensive history of discrimination against Black voters in Georgia and concluded that throughout the State's history, "voting rights have followed a pattern where after periods of increased nonwhite voter registration and turnout, the state has passed legislation, and often used extralegal means, to disenfranchise minority voters." GPX 7, at 8. This discrimination included years of physical violence and intimidation (id. at 12-15, 22), as well as official barriers such as poll taxes and legislation that had the effect of disenfranchising most Black voters (e.g., id. at 15-20). The Court need not belabor this issue—as stated above, this history is well-documented in the relevant caselaw. The Court finds that Plaintiffs have shown that Black Georgians have historically experienced franchise-related discrimination.

During the hearing, Defendants seemingly attempted to cast aside this history as long past and therefore less relevant. See, e.g., Feb. 10, 2022, Morning Tr. 25:16-26:13 (emphasizing how much of Dr. Burton's report concerns pre-1980 matters). Of course, whether some of the history Dr. Burton discussed is decades or centuries old does not diminish the importance of those events and trends under this Senate Factor, which specifically requires the Court to consider the *history* of official discrimination in Georgia. And it is not a novel concept that a history of discrimination can have present-day ramifications. See

Marengo Cnty. Comm’n, 731 F.2d at 1567; Wright, 301 F. Supp. at 1319 (quoting Marengo Cnty. Comm’n).

Accordingly, the Court finds that Plaintiffs have demonstrated the history of voting-related discrimination in Georgia. The first Senate Factor thus weighs decisively in Plaintiffs’ favor.

b) Senate Factor Two: Georgia voters are racially polarized.

“The second Senate Factor focuses on ‘the extent to which voting in the elections of the State or political subdivision is racially polarized.’” Wright, 979 F.3d at 1305 (quoting LULAC, 548 U.S. at 426). “This ‘factor will ordinarily be the keystone of a dilution case.’” Id. (quoting Marengo Cnty. Comm’n, 731 F.2d at 1566).

Plaintiffs’ experts, Dr. Palmer and Dr. Handley, provided clear evidence through their reports and hearing testimony that Black and white Georgians consistently support different candidates. Defendants’ expert, Dr. Alford, did not contest this point—in fact, he agreed with it. See Feb. 11, 2022, Afternoon Tr. 153:15–154:22. Moreover, Dr. Alford’s observations about the relationship between race and partisanship—namely, that Black voters overwhelmingly support Democratic candidates and that white voters overwhelmingly support Republican candidates (see Feb. 11, 2022, Afternoon Tr. 171:8–16)—are

irrelevant because the fact remains that voters are racially polarized, as Plaintiffs have shown. In short, the Court's analysis on the second and third Gingles preconditions controls here.⁴⁰ The second Senate Factor thus weighs in Plaintiffs' favor.

c) **Senate Factor Three: Georgia's voting practices enhance the opportunity for discrimination.**

Senate Factor Three "considers 'the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting.'" Wright, 979 F.3d at 1295 (quoting Gingles, 478 U.S. at 44-45).

For this Senate Factor, the Court returns to Dr. Burton's expert report and testimony. Dr. Burton opined that throughout much of the twentieth century, Georgia deliberately malapportioned its legislative and congressional districts to dilute the votes of Black Georgians, citing as examples past congressional districts in and near Atlanta that were severely malapportioned. See GPX 7, at 29-30; Feb. 10, 2022, Morning Tr. 12:7-18. Dr. Burton also opined that Georgia's history is marked by electoral schemes that have enhanced the opportunity for

⁴⁰ See supra Sections III.A.2. and III.A.3.

discrimination against Black voters, such as shifts from voting by district to at-large voting and staggered voting. See GPX 7, at 34–36. Dr. Burton also opined that similar efforts have persisted to today. See id. at 44–53. Because Plaintiffs have shown there has been a history of voting practices or procedures in Georgia that have enhanced the opportunity for discrimination against Black voters, the Court finds that this factor weighs in Plaintiffs’ favor.

d) **Senate Factor Four: Georgia has no history of candidate slating for legislative elections.**

It is undisputed that Georgia uses no slating process for its legislative or congressional elections. As a result, this factor is irrelevant to these cases.

e) **Senate Factor Five: Georgia’s discrimination has produced significant socioeconomic disparities that impair Black Georgians’ participation in the political process.**

The Eleventh Circuit has “recognized in binding precedent that ‘disproportionate educational, employment, income level, and living conditions arising from past discrimination tend to depress minority political participation.’” Wright, 979 F.3d at 1294 (quoting Marengo Cnty. Comm’n, 731 F.2d at 1568). “Where these conditions are shown, and where the level of black participation is depressed, plaintiffs need not prove any further causal nexus between their disparate socio-economic status and the depressed level of

political participation.” Id. (quoting Marengo Cnty., 731 F.2d at 1568–69); United States v. Dallas Cnty. Comm’n, 739 F.2d 1529, 1537 (11th Cir. 1984) (“Once lower socio-economic status of [B]lacks has been shown, there is no need to show the causal link of this lower status on political participation.”)).

Here, Plaintiffs have offered unrebutted evidence that Black Georgians suffer socioeconomic hardships stemming from centuries-long racial discrimination, and that those hardships impede their ability to fully participate in the political process. To that end, the Court accepts the analysis and conclusions of Plaintiffs’ expert, Dr. Loren Collingwood. Dr. Collingwood, a professor of political science at the University of New Mexico, has published extensively on matters of election administration and racially polarized voting. See GPX 11, at 2. Dr. Collingwood analyzed data from the American Community Survey (“ACS”), as well as voter-turnout data from the Georgia Secretary of State’s office. Id. at 3. From this data, he concluded that Black Georgians are disadvantaged socioeconomically relative to non-Hispanic white Georgians by several measures. Id. at 3–6.

For example, the unemployment rate among Black Georgians (8.7%) is nearly double that of white Georgians (4.4%). Id. at 4; Pendergrass Stip. ¶ 58. White households in Georgia are twice as likely as Black households to

(1) report an annual income above \$100,000 and (2) not to live below the poverty line. GPX 11, at 4; Pendergrass Stip. ¶¶ 59–60. Black Georgians are less likely than white Georgians to have received a high school diploma or a bachelor’s degree or higher. GPX 11, at 4; Pendergrass Stip. ¶¶ 62–63. And statistics indicate that Black Georgians also experience disparities in medical care. See, e.g., GPX 11, at 4 (stating that Black Georgians are more likely than white Georgians to lack health insurance).⁴¹

These disparities have extended to the political arena. Historically and today, the number of Black legislators serving in the Georgia General Assembly has trailed the number of white legislators, and Georgia has never had a Black governor. See Pendergrass Stip. ¶¶ 64–65. Generally, Black Georgians have voted at significantly lower rates than white Georgians, and there is evidence that Black Georgians have been less engaged in political activities such as attending political meetings and donating to political campaigns. See GPX 11, at 6–23.

⁴¹ This Court recently credited similar evidence that “twice as many Black Georgians as white Georgians live below the poverty line; the unemployment rate for Black Georgians is double that of white Georgians; Black Georgians are less likely to attain a high school or college degree; and Black Georgians die of cancer, heart disease and diabetes at a higher rate than white Georgians.” Fair Fight, slip op. at 44 (citations omitted).

After careful review of Dr. Collingwood's report, the Court accepts Dr. Collingwood as qualified to opine as an expert on demographics and political science. The Court finds Dr. Collingwood to be credible, his analysis methodologically sound, and his conclusions reliable. The Court credits Dr. Collingwood's opinions and conclusions, which support a finding that Black Georgians bear the effects of discrimination in such areas as education, employment, and health, which hinder their ability to participate effectively in the political process. Specifically, the Court is persuaded by Dr. Collingwood's opinion that many of the socioeconomic disparities discussed above have been a cause of lower political participation among Black Georgians. See id. at 6.

To be sure, Senator Raphael Warnock was recently elected as the first Black Georgian to serve Georgia in the U.S. Senate. Pendergrass Stip. ¶ 66. And while Defendants have highlighted the record-breaking turnout of Black voters in the 2020 election as an indication that Blacks are no longer hindered from participating in the political process (see Feb. 10, 2022, Afternoon Tr. 198:18–24), the Court finds that it is still important to consider the pre-2020 level of Black political participation for purposes of this Senate Factor. Put another way, the Court finds that one recent example of increased Black voter turnout does

not erase the evidence that Black individuals have for years participated less in the political process in Georgia.

Accordingly, the Court finds that Plaintiffs' evidence on this factor weighs in favor of a finding of vote dilution.

f) **Senate Factor Six: Both overt and subtle racial appeals are prevalent in Georgia's political campaigns.**

This factor "asks whether political campaigns in the area are characterized by subtle or overt racial appeals." Wright, 979 F.3d at 1296 (quoting Gingles, 478 U.S. at 45).

This Court recently credited evidence of racial appeals in recent Georgia elections. Fair Fight, slip op. at 44–46. In addition, Plaintiffs have submitted substantial evidence that overt and subtle racial appeals remain common in Georgia politics. To start, Dr. Burton's report provides a historical backdrop for this issue, discussing early, post-Civil War racial appeals in Georgia politics. GPX 7, at 9–20. And at the hearing, Dr. Burton related this history to the modern era, testifying that contemporary racial appeals in Georgia stem from the political realignment that followed Democrats' support for civil rights legislation in the 1960s and that saw white Georgians overwhelmingly switch to the Republican Party. Feb. 10, 2022, Morning Tr. 20:13–22:8. Dr. Burton

explained that during this transition, Republican politicians courted conservative constituents with race-based appeals, including what Dr. Burton deemed to be implicitly racist language and terms such as the “Welfare queen” and “strapping young buck.” Id.; GPX 8, at 3–6. Dr. Burton further opined that such coded racial appeals have continued to this day, with conservative political discourse constantly focused on matters such as poverty, “criminal corruption,” and immigration. Feb. 10, 2022, Morning Tr. 21:25–22:8, 30:20–32:13.

For this Senate Factor, Plaintiffs also relied on the report and testimony of Dr. Adrienne Jones, a political science professor at Morehouse College in Atlanta, who has expertise in the history of racial discrimination in voting. See APAX 5, at 3. The Court has reviewed Dr. Jones’s report and listened to her testify during the hearing. The Court finds her to be credible, and the Court accepts her as qualified to opine as an expert on political science. Feb. 10, 2022, Afternoon Tr. 172:3–10. In her report and in her testimony, Dr. Jones opined that explicit and subtle racial appeals have been used in political campaign strategies in Georgia. E.g., APAX 5, at 25–29; see also Feb. 10, 2022, Afternoon Tr. 176:2–183:4 (discussing what Dr. Jones determines to be racial appeals in recent campaigns, which has included the darkening of Black candidates’ skin

color in advertisements to create what Dr. Jones opines to be a “dark menacing” image). Dr. Jones concludes that these and similar instances of race-based messaging in recent Georgia campaigns and election cycles show that racial appeals continue to play an important role in Georgia political campaigns. APAX 5, at 25–29.

After careful review and consideration, the Court finds that Plaintiffs have presented sufficient evidence for this factor to weigh in their favor. The Court is unable to uphold Defendants’ suggestion that appeals to racism by “unsuccessful candidates” do not weigh toward this Senate Factor or the totality of the circumstances. As this Court has previously explained, “this factor does not require that racially polarized statements be made by successful candidates. The factor simply asks whether campaigns include racial appeals.” Fair Fight, slip op. at 45–46 (citing Gingles, 478 U.S. at 37).

g) **Senate Factor Seven: Black candidates in Georgia are underrepresented in office and rarely succeed outside of majority-minority districts.**

This factor “focuses on ‘the extent to which members of the minority group have been elected to public office in the jurisdiction.’” Wright, 979 F.3d at 1295 (quoting LULAC, 548 U.S. at 426). “If members of the minority group have not been elected to public office, it is of course evidence of vote dilution.”

Marengo Cnty. Comm’n, 731 F.2d at 1571. As discussed above under Senate Factor Five, Plaintiffs’ evidence demonstrates that Black Georgians have been and continue to be underrepresented in statewide elected offices and rarely succeed in local elections outside of majority-minority districts. Further, the Court notes that Dr. Burton discussed how Black Georgians historically have been underrepresented politically – comparatively few Black individuals have held statewide positions, and Black candidates tend to have struggled even at the county level unless they were in majority-minority districts. See GPX 7, at 32–38, 53–54. Based on the evidence presented, the Court finds that this factor thus weighs in Plaintiffs’ favor.

h) Senate Factor Eight: Georgia is not responsive to its Black residents.

“The authors of the Senate Report apparently contemplated that unresponsiveness would be relevant only if the plaintiff chose to make it so, and that although a showing of unresponsiveness might have some probative value a showing of responsiveness would have very little.” Marengo Cnty. Comm’n, 731 F.2d at 1572 (footnote omitted). As discussed above, Dr. Collingwood’s expert report shows significant socioeconomic disparities between Black and white Georgians, which Dr. Collingwood opines contribute to the lower rates at which Black Georgians engage in the political process and

elect their preferred candidates. See GPX 11, at 16–19. Moreover, political science professor Dr. Traci Burch was offered as an expert in political behavior, barriers to voting, and political participation. See APAX 6, at 3. She explained that disparities, such as the ones Dr. Collingwood identified, are often caused by public policies and demonstrate a lack of responsiveness by public officials to the needs of Black Georgians, which in turn leaves those Black Georgians dissatisfied with their elected representatives and the quality of the local services they receive. See id. at 28. While the Court does not find that this evidence causes this factor to weigh heavily in Plaintiffs’ favor, it still weighs in their favor.

i) **Senate Factor Nine: The justifications for the enacted redistricting maps are tenuous.**

Defendants have offered no justification for the General Assembly’s failure to draw additional majority-Black legislative districts in the areas at issue in the pending cases. And Mr. Esselstyn’s and Mr. Cooper’s illustrative maps demonstrate that it is possible to create such maps while respecting traditional redistricting principles—just as the Voting Rights Act requires.

This factor thus weighs in Plaintiffs’ favor.

5. *Conclusions of Law*

As is clear from this discussion, the Court finds that Plaintiffs have satisfied each of the Gingles preconditions for at least some of the Illustrative Districts at issue. Further, all the applicable Senate Factors weigh in Plaintiffs' favor. The Court therefore concludes that the Pendergrass Plaintiffs have satisfied their burden to show a substantial likelihood of success as to Illustrative Congressional District 6. The Grant Plaintiffs have shown a substantial likelihood of success as to Illustrative State Senate Districts 25 and 28, and Illustrative State House Districts 74 and 177. The Alpha Phi Alpha Plaintiffs have shown a likelihood of success as to Illustrative State House District 153. This does not mean that the other proposed districts cannot ultimately succeed, only that Plaintiffs have not met their burden as to those districts at this preliminary injunction stage.

B. Irreparable Injury

The Eleventh Circuit has explained that an injury is irreparable "if it cannot be undone through monetary remedies." Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987) (citation omitted). It has also been held that "[a]bridgement or dilution of a right so fundamental as the right to vote constitutes irreparable injury." Cardona v. Oakland Unified Sch. Dist., 785

F. Supp. 837, 840 (N.D. Cal. 1992); see also League of Women Voters of N.C. v. North Carolina, 769 F.3d 224, 247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.”) (citations omitted).

In view of this Court’s finding, supra, that there is a substantial likelihood the Enacted Plans violate Section 2 of the Voting Rights Act,⁴² this Court further finds that Plaintiffs have met their burden of persuasion of establishing that the resulting threatened injury of having to vote under those plans cannot be undone through any form of monetary or post-election relief as to the 2022 election cycle only. See League of Women Voters, 769 F.3d at 247 (“[O]nce the election occurs, there can be no do-over and no redress.”).

C. Balancing of the Equities and Public Interest

“The last two requirements for a preliminary injunction involve a balancing of the equities between the parties and the public.” Florida v. Dep’t of Health & Hum. Servs., 19 F.4th 1271, 1293 (11th Cir. 2021). “Where the government is the party opposing the preliminary injunction, its interest and harm—the third and fourth elements—merge with the public interest.” Id.

⁴² See generally supra Section III.A.

(citation omitted). All Defendants in each of the cases at issue were named in their official capacities as governmental actors and oppose the preliminary injunction. Therefore, the Court will address the third and fourth preliminary injunction factors together in a merged format in accordance with applicable authority. See Swain v. Junior, 961 F.3d 1276, 1293 (11th Cir. 2020) (indicating that the balance of the equities and public interest factors “‘merge’ when, as here, ‘the Government is the opposing party’”) (quoting Nken v. Holder, 556 U.S. 418, 435 (2009)).

Thus, the Court proceeds with its findings of fact and conclusions of law as to the issue of whether the threatened injuries to Plaintiffs outweigh the harm that the preliminary injunction would cause Defendants and the public.

1. Findings of Fact

At the preliminary injunction hearing, this Court heard extensive evidence about Georgia’s election timelines and machinery, as well as evidence on the potential effects of issuing a preliminary injunction related to the upcoming 2022 election cycle. The Court heard from multiple witnesses in this regard. The Court found the expert witness testimony of Lynn Bailey, the former director of the Richmond County Board of Elections, who has decades of experience as a county election official, particularly credible.

More specifically, the evidence at the hearing showed that the election timeline is tight in a normal year, but it is even more challenging this year because of the delayed release of the 2020 Census data and an earlier-than-usual general primary, currently scheduled for May 24, 2022. DX 38, ¶ 8; Feb. 9, 2022, Morning Tr. 8:21–9:2. The General Election is scheduled to be held on November 8, 2022. DX 4, Ex. 1, at 1.

In addition, the election calendar generally works backwards from the date for an election. DX 38, ¶ 12. The earliest day a candidate could circulate a nominating petition for the 2022 General Election was January 13, 2022. See O.C.G.A. § 21-2-170(e). The deadline for calling special elections to be held in conjunction with the May 2022 primary and the deadline for setting polling places outside the boundaries of a precinct was February 23, 2022. DX 38, ¶¶ 13–14; Feb. 9, 2022, Morning Tr. 118:6–12. Qualifying for the May 2022 primary is set to begin on March 7, 2022. DX 4, ¶ 6; see also O.C.G.A. § 21-2-153(c)(1)(A). County registrars can begin mailing absentee ballots on April 5, 2022. DX 4, ¶ 14. Absentee ballots for overseas voters must be mailed by April 9, 2022. Feb. 8, 2022, Afternoon Tr. 88:4–8; see also O.C.G.A. § 21-2-384(a)(2). The early voting period for the May 2022 primary election begins on May 2, 2022. DX 4, Ex. 1, at 2. The primary election is scheduled to be held on May 24,

2022. Id. at 1.⁴³ The primary election runoff is scheduled for June 21, 2022. Id. The General Election is scheduled to be held on November 8, 2022. Id.

Before the Georgia Secretary of State's office can create ballots for use in the primary election, county elections officials must allocate voters to their correct districts by updating street segments in Georgia's voter registration database – the 2022 process has already begun as of the date of this Order. DX 4, ¶¶ 6–7; Feb. 9, 2022, Morning Tr. 41:24–42:10. More specifically, county election officials have to update each individual street segment manually to update district numbers for voters on that street segment. Feb. 9, 2022, Morning Tr. 17:5–18:9, 32:1–25. During this process, county election officials engage in a manual review of maps to identify where each street segment is located on the new district plans. Id. at 20:14–21:9, 81:7–20; DX 38, ¶ 9. Once a county has entered the data-entry/redistricting module, the county registrar is prevented from engaging in normal activity in the voter registration system, such as adding new voters. Feb. 9, 2022, Morning Tr. 20:4–11; DX 7, at 31.

⁴³ A number of Georgia election officials requested a change in the primary election schedule in the summer of 2021; however, the General Assembly did not make that change during the special session, as had been requested. Feb. 9, 2022, Morning Tr. 54:1–23. Without the schedule change, election officials proceeded to plan for the election by contacting polling places and taking other steps based on the established election calendar. Id. at 57:6–25.

Defendants' representative witness from the Secretary of State's office, Michael Barnes, stated in his declaration that "[c]ounty registrars generally need several weeks to complete the reallocation process for voters in their particular counties." DX 4, ¶ 16.⁴⁴ There was also evidence that it took Fulton County four weeks to update its street segments. Feb. 9, 2022, Morning Tr. 83:12-19.⁴⁵

After counties complete updating their street segments, the next step is to request precinct cards from the voter-registration system to notify voters about their new districts. DX 7, at 49. Also, after county registrars complete the process of updating all the street segments in a county with new district numbers, the Center for Election Systems of the Office of the Secretary of State begins the manual process of creating ballot combinations for use in the

⁴⁴ The Secretary of State set a February 18, 2022, non-statutory deadline for all county registrars to complete their updates to the voter-registration database with new district information. DX 4, ¶ 15; DX 38, ¶ 12; Feb. 8, 2022, Afternoon Tr. 73:20-74:1.

⁴⁵ Plaintiffs' demographer/map expert, Mr. Esselstyn also provided testimony about the feasibility of implementing his maps/plans. However, that testimony was based on his belief that Georgia's voter-registration system allowed the mass assignment of all voters in a single precinct to a particular district. Feb. 8, 2022, Afternoon Tr. 123:15-124:16. Mr. Esselstyn was mistaken on that point, as several county election officials attested, and thus his testimony on the feasibility of relief does not assist the Court.

election. DX 4, ¶¶ 8-9, 11; DX 38, ¶ 12; Feb. 8, 2022, Afternoon Tr. 68:3-23.⁴⁶ Ballot combinations account for every possible combination of political districts in the State and include all races from United States Congress down to county commission and school board. Feb. 8, 2022, Afternoon Tr. 67:11-68:2; Feb. 9, 2022, Morning Tr. 105:4-24. There is at least one ballot combination per precinct, so the total is more than 2,000 ballot combinations or styles in the state of Georgia. Feb. 8, 2022, Afternoon Tr. 67:24-68:2; DX 4, ¶ 9. According to Elections Director Michael Barnes, the Center for Election Systems has already started building election projects for use in the 2022 primary election for counties that already know their districts. Feb. 8, 2022, Afternoon Tr. 70:4-7.

Once qualifying occurs, the Center for Election Systems adds candidate names to the relevant contests and begins preparing proofing packages to send to counties. DX 4, ¶ 12; Feb. 8, 2022, Afternoon Tr. 70:8-71:2. County election officials then proof those drafts, identify errors, and return the drafts to the Center for Election Systems to make corrections to the databases. Feb. 8, 2022, Afternoon Tr. 71:3-6; DX 38, ¶¶ 15, 16. The Center for Election Systems then

⁴⁶ State officials cannot build ballot combinations until after county registrars have entered all updated information into the voter-registration database. Feb. 9, 2022, Morning Tr. 92:16-19.

makes those corrections, generates a revised proofing package, and creates print files for absentee ballots and final project files for programming the voting machines. Feb. 8, 2022, Afternoon Tr. 71:7–23. This entire process occurs for all 159 counties between the close of qualifying on March 11 and the deadline for sending ballots for overseas voters on April 9. Id. at 71:24–72:4, 86:23–88:8.

The upcoming primary is the first time the State of Georgia has built ballot combinations for the Dominion ballot-marking voting system after redistricting. Id. at 72:8–20. In addition, extra election projects have to be built this year because of the addition of ranked-choice voting for overseas and military voters. Id. If all the ballot combinations are not ready by qualifying, then no ballot proofing can occur because the Center for Elections Systems cannot generate a proofing package without both the ballot combinations and candidate information. Id. at 72:21–73:19.

There was also evidence presented at the hearing about various remedial/injunctive relief options, such as changing the qualifying date without changing the election date, and changing both the qualifying and election dates. The evidence revealed that if the qualifying dates for the primary elections are moved without moving the May 24, 2022, election date, the work of the Center for Election Systems and counties becomes incredibly

compressed, risking the accuracy of the election. Id. 74:13–75:16. In essence, delaying qualifying without delaying the primary would limit the time election officials have to engage in the quality-assurance checks necessary to ensure the election is accurate. Feb. 9, 2022, Morning Tr. 8:13–9:15. In addition, without candidate names after qualifying, no ballot proofs can be completed, meaning that the Center for Election Systems cannot send proofing packages and counties cannot begin proofing ballots. Feb. 8, 2022, Afternoon Tr. 75:17–76:7. There was also testimony that reduced time for proofing ballots can lead to errors in information that could result in less voter confidence in the election system. Id. at 102:8–103:15.

The evidence also showed that delaying qualifying without delaying the primary while also imposing new district lines would require election officials to simultaneously input new district information while conducting other tasks related to elections, reducing the opportunity to check for errors. DX 38, ¶ 21.

The evidence from Ms. Bailey concerning changing the election date was clear: there could be “massive upheaval.” DX 38, ¶ 19. She testified that there could be problems with the polling places as some counties have already secured their polling locations for the May 2022 primary. Feb. 9, 2022, Morning Tr. 94:15–19, 111:20–25, 119:3–5. In addition, election officials have already

scheduled poll workers and poll-worker training around the existing election calendar for the May primary. Id. at 121:7–10. And voters are already being notified of their districts and polling locations for the May primary election. Id. at 10:13–11:11.

The testimony also showed that facilities used as polling locations have other events on their calendars this year. Id. at 9:16–24, 27:15–23; DX 38, ¶¶ 19–20. For example, churches have often scheduled Vacation Bible School around the planned election dates and may not be available as polling locations if the date of the election were to change. Feb. 9, 2022, Morning Tr. 68:5–19, 119:3–18. In addition, finding new polling facilities is challenging not only because of scheduling but also because of the electrical power needs of Georgia’s voting machines. Id. at 73:17–74:5, 75:15–20.⁴⁷

Furthermore, when the 2020 primary elections were delayed during the pandemic, county officials in Fulton County lost access to polling locations. Id. at 95:10–24. The resulting loss of access meant voters were combined in voting

⁴⁷ The Court recognizes that Plaintiffs’ witness, Bishop Reginald Johnson, offered 520 African Methodist Episcopal churches as polling places. Feb. 9, 2022, Afternoon Tr. 131:24–132:21. However, it was not clearly established that all 520 of these churches would meet the power requirements for the Dominion voting machines and other polling location requirements.

locations. Id. at 95:1–96:17. Voters in Fulton County (a number of whom were of color) waited in line for hours during the June 9, 2020, primary at locations where polling places had to be combined. Id. at 96:18–97:22. There was also testimony that voter confidence can be adversely affected by long lines and that moving polling locations causes confusion for voters. Id. at 98:9–23; Feb. 9, 2022, Afternoon Tr. 144:21–23.⁴⁸

Additionally, there was testimony of the “whiplash” effect that could occur if the primary election date were changed by this Court and then that order were stayed by an appellate court. On this, the testimony from Ms. Bailey was clear that there would be chaos and confusion for local election officials and voters. Feb. 9, 2022, Morning Tr. 12:22–13:3; DX 38, ¶ 19.

2. *Conclusions of Law*

This Court must weigh the threatened injury to Plaintiffs (discussed above) and the public interests of the State of Georgia.

⁴⁸ Another potential concern with awarding remedial relief in these cases is the fact that the recent change in Georgia law from nine-week runoffs to four-week runoffs is currently being challenged in three of the consolidated cases challenging provisions of SB 202, which regulates various election processes and activities. New Georgia Project v. Raffensperger, Sixth District AME v. Raffensperger, and Concerned Black Clergy v. Raffensperger, Consolidated Case No. 1:21-mi-55555-JPB (N.D. Ga.).

The State of Georgia has significant interests “in conducting an efficient election [and] maintaining order,” because “[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.” New Ga. Project v. Raffensperger, 976 F.3d 1278, 1284 (11th Cir. 2020) (quoting Purcell, 549 U.S. at 4).

The Court finds that the public interest of the State of Georgia would be significantly undermined by altering the election calendar and unwinding the electoral process at this point.

More specifically, the evidence at the preliminary injunction hearing showed that elections are complex and election calendars are finely calibrated processes, and significant upheaval and voter confusion can result if changes are made late in the process. With candidate qualifying for the State of Georgia set to begin in six days, any change now would be considered late in the process. Applying the Purcell principle, the United States Supreme Court “has also repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election.” Republican Nat’l Comm. v. Democratic Nat’l Comm., 140 S. Ct. 1205, 1207 (2020) (citing, inter alia, Purcell, 549 U.S. at 1).

And while “it would be the unusual case in which a court would be justified in not taking appropriate action to [e]nsure that no further elections are conducted under the invalid plan,” the United States Supreme Court has recognized that “under certain circumstances, such as where an impending election is imminent and a State’s election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid.” Reynolds, 377 U.S. at 585. Here, in considering the “proximity of a forthcoming election and the mechanics and complexities of state election laws, and . . . general equitable principles,” the Court is of the opinion that it would not be proper to enjoin the 2022 election cycle for which the election machinery is already in progress. Id.

More specifically, the evidence at the preliminary injunction hearing showed that moving the date for qualifying without moving the date of the primary election risks the accuracy of the primary because of the required timelines for building ballot combinations, proofing draft ballots, and preparing ballots for printing by the deadline for overseas and military voters. Likewise, moving the primary election date would upend months of planning by local election officials. Multiple county election officials testified that they

already selected polling places for all election dates in 2022 and changing those dates could entail having to locate new polling places on short notice. Fulton County's experience in June 2020 showed that consolidating polling places at the last minute can lead to long lines for voters (including voters of color). And several witnesses testified to the voter confusion that would occur if last-minute changes were required. There is also the potential for "whiplash" if orders of this Court and subsequent rulings of appellate courts resulted in different conclusions. Such events could create even more voter confusion and loss of confidence in the election system. See Purcell, 549 U.S. at 4-5 ("Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls."). In essence, the sum of the testimony of the election officials presented at the preliminary injunction hearing was that changes in the 2022 election calendar at this point would result in significant cost, confusion, and hardship.

Further, under applicable law, this Court would be required to first give the Georgia General Assembly the opportunity to draw new district plans based on this Court's findings. Cf. Wise v. Lipscomb, 437 U.S. 535, 540 (1978) ("When a federal court declares an existing apportionment scheme unconstitutional, it is therefore, appropriate, whenever practicable, to afford a

reasonable opportunity for the legislature to meet constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan.”).⁴⁹ Even if this election process were to continue through a court-drawn redistricting plan, at least one former special master recommends “[a]llowing one month for the drawing of a plan and an additional month for hearings and potential modifications to it [in order to] build in enough of a cushion so that all concerned can proceed in a nonfrenzied fashion.” Nathaniel Persily, When Judges Carve Democracies: A Primer on Court-Drawn Redistricting Plans, 73 Geo. Wash. L. Rev. 1131, 1148 (2005). This is because “[a] quick plan . . . is not necessarily a good plan.” Id. at 1147.⁵⁰

Ultimately, voters are not well served “by a chaotic, last-minute reordering of [] districts. It is best for candidates and voters to know significantly in advance of the [qualifying] period who may run where.” Favors

⁴⁹ While constitutionality of the apportionment scheme is not at issue in these three cases, the Supreme Court’s ruling in Wise is still analogous.

⁵⁰ The Court notes that the evidence at the preliminary injunction hearing showed that the General Assembly’s process of drawing redistricting maps for 2021 took “a couple of months” even though the legislation for the maps was introduced, considered, and passed in a matter of days. Feb. 11, 2022, Morning Tr. 59:3-17; 114:9-15.

v. Cuomo, 881 F. Supp. 2d 356, 371 (E.D.N.Y. 2012) (three-judge court) (citing Diaz v. Silver, 932 F. Supp. 462, 466–68 (E.D.N.Y. 1996) (three-judge court)).

While not precedential, as indicated above, the Court is also aware of the Supreme Court’s ruling on Alabama’s motion to stay the three-judge court’s injunction in Merrill v. Milligan. APA Doc. No. [97]; Grant Doc. No. [59]; Pendergrass Doc. No. [65].⁵¹ Given the similarity of the claims in these three cases on the one hand and the Alabama cases on the other hand (i.e., they are Section 2 cases seeking at least one additional majority-minority district), and the timeline (i.e., both sets of cases involve a May 24 primary election), it would be unwise, irresponsible, and against common sense for this Court not to take note of Milligan, which essentially allowed Alabama’s May 24, 2022, primary election to go forward despite a three-judge court’s preliminary injunction ruling that the plaintiffs had a likelihood of success on the merits of their Section 2 claims. See Upham v. Seamon, 456 U.S. 37, 44 (1982) (noting that the Supreme Court has “authorized District Courts to order or to permit elections

⁵¹ The Court also recognizes that the stay issued by the Supreme Court did not change the law in this Circuit. Cf. Schwab v. Sec’y, Dep’t of Corr., 507 F.3d 1297, 1298 (11th Cir. 2007) (“The district court’s action in granting the stay is contrary to the unequivocal law of this circuit that . . . grants of certiorari do not themselves change the law . . .”).

to be held pursuant to apportionment plans that do not in all respects measure up to the legal requirements, even constitutional requirements”).

Numerous other lower courts have also permitted elections to proceed when the state’s election machinery was already in progress, even after a finding that the districts were unlawful. See Wright v. Sumter Cnty. Bd. of Elections & Registration, No. 1:14-CV-42 (WLS), 2018 WL 7365178, at *3 (Mar. 30, 2018), objections overruled, 2018 WL 7365179 (Apr. 11, 2018), and modified, 2018 WL 7366461 (M.D. Ga. June 21, 2018); see also Covington, 316 F.R.D. 117.

While this Court proceeded with these three important cases as quickly as practicable in light of the complicated issues involved, the “greatest public interest must attach to adjudicating these claims fairly – and correctly.” Favors, 881 F. Supp. 2d at 371. Given the massively complex factual issues combined with the timeline of candidate qualifying set to begin in days, it would not serve the public interest or the candidates, poll workers, and voters to enjoin use of the Enacted Plans and begin the process of putting new plans in their place for the 2022 election cycle.

After review of the evidence and briefing submitted by the parties, this Court concludes that due to the mechanics of State election requirements, there is insufficient time to effectuate remedial relief for purposes of the 2022 election

cycle. The Court is unable to disregard the Purcell principle given the progress of Georgia's election machinery toward the 2022 election. The merged balancing of the harms and public interest factors weigh against injunctive relief at this time.

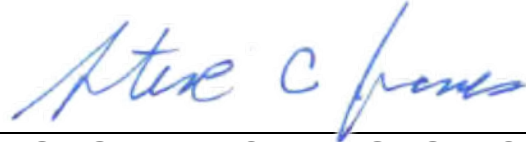
IV. CONCLUSION

For the foregoing reasons, the Court **DENIES** the pending Motions for Preliminary Injunctions in each of the above-stated cases. Doc. Nos. [26], [39], 1:21-cv-5337; Doc. No. [32], 1:21-cv-5339; Doc. No. [19], 1:22-cv-122.⁵² Having determined that a preliminary injunction should not issue, the Court cautions that this is an interim, non-final ruling that should not be viewed as an indication of how the Court will ultimately rule on the merits at trial.

Under the specific circumstances of this case, the Court finds that proceeding with the Enacted Maps for the 2022 election cycle is the right decision. But it is a difficult decision. And it is a decision the Court did not make lightly.

⁵² While the option of halting all proceedings to await a future ruling by the United States Supreme Court was briefly mentioned at the preliminary injunction hearing, in the absence of a formal motion and full briefing, the Court declines to halt these proceedings. To this regard, each of the above-stated cases shall proceed on the same discovery tracks previously set for the three-judge court redistricting cases pending in the Northern District of Georgia. The Court will issue formal scheduling orders at a later date.

IT IS SO ORDERED this 28th day of February, 2022.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME III OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

	Docket/Tab #
 <u>Volume I</u>	
District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89
 <u>Volume II</u>	
Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
 <u>Volume III</u>	
Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286
 <u>Volume IV</u>	
Opinion and Memorandum of Decision (pp. 191–434).....	286
 <u>Volume V</u>	
Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

120

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State;
WILLIAM S. DUFFEY, JR., in his official
capacity as chair of the State Election
Board; MATTHEW MASHBURN, in his
official capacity as a member of the State
Election Board; SARA TINDALL
GHAZAL, in her official capacity as a
member of the State Election Board;
EDWARD LINDSEY, in his official
capacity as a member of the State Election
Board; and JANICE W. JOHNSTON, in
her official capacity as a member of the
State Election Board,

Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

AMENDED COMPLAINT

1. Plaintiffs bring this action to challenge the Georgia General Assembly's congressional redistricting plan, the Georgia Congressional

Redistricting Act of 2021 (“SB 2EX”), on the ground that it violates Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301.

2. In undertaking the latest round of congressional redistricting following the 2020 decennial census, the General Assembly has diluted the growing electoral strength of the state’s communities of color. Faced with Georgia’s changing demographics, the General Assembly has ensured that the growth of the state’s Black population will not translate to increased political influence at the federal level.

3. The 2020 census data make clear that minority voters in Georgia are sufficiently numerous and geographically compact to form a majority of eligible voters—which is to say, a majority of the voting age population¹—in multiple congressional districts throughout the state, including an additional majority-Black

¹ The phrases “majority of eligible voters” and “majority of the voting age population” have been used by courts interchangeably when discussing the threshold requirements of a vote-dilution claim under Section 2 of the Voting Rights Act. *Compare, e.g., Bone Shirt v. Hazeltine*, 461 F.3d 1011, 1019 (8th Cir. 2006) (“[T]he first *Gingles* precondition . . . ‘requires only a simple *majority of eligible voters* in a single-member district.’” (emphasis added) (quoting *Dickinson v. Ind. State Election Bd.*, 933 F.2d 497, 503 (7th Cir. 1991))), with *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009) (plurality op.) (“[T]he majority-minority rule relies on an objective, numerical test: Do minorities make up *more than 50 percent of the voting-age population* in the relevant geographic area?” (emphasis added)). The phrase “majority of eligible voters” when used in this Complaint shall also refer to the “majority of the voting age population.”

district in the western Atlanta metropolitan area. This additional majority-Black district can be drawn without reducing the total number of districts in the region and statewide in which Black voters have the opportunity to elect candidates of their choice.

4. Rather than draw this additional congressional district to allow Georgians of color the opportunity to elect their preferred candidates, the General Assembly instead chose to “pack” some Black voters in the Atlanta metropolitan area and “crack” other Black voters among rural-reaching, predominantly white districts.

5. Section 2 of the Voting Rights Act prohibits this result and requires the General Assembly to draw an additional congressional district in which Black voters have the opportunity to elect their candidate of choice.

6. By failing to create this district, the General Assembly’s response to Georgia’s changing demographics has had the effect of diluting minority voting strength in the state.

7. Accordingly, Plaintiffs seek an order (i) declaring that SB 2EX violates Section 2 of the Voting Rights Act; (ii) enjoining Defendants from conducting future elections under SB 2EX; (iii) requiring adoption of a valid plan for new

congressional districts in Georgia that comports with Section 2 of the Voting Rights Act; and (iv) providing any and such additional relief as is appropriate.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1357.

9. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper under 28 U.S.C. § 1391(b) because “a substantial part of the events or omissions giving rise to the claim occurred” in this district.

PARTIES

11. Plaintiff Coakley Pendergrass is a Black citizen of the United States and the State of Georgia. The Rev. Pendergrass is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Eleventh Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. The Rev. Pendergrass resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to

elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like the Rev. Pendergrass and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

12. Plaintiff Triana Arnold James is a Black citizen of the United States and the State of Georgia. Ms. James is a registered voter and intends to vote in future congressional elections. She is a resident of Douglas County and located in the Third Congressional District under the enacted plan, where she is unable to elect candidates of her choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in her community. Ms. James resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Ms. James and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

13. Plaintiff Elliott Hennington is a Black citizen of the United States and the State of Georgia. Mr. Hennington is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect

candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Hennington resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Hennington and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

14. Plaintiff Robert Richards is a Black citizen of the United States and the State of Georgia. Mr. Richards is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Richards resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of

Black voters like Mr. Richards and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

15. Plaintiff Jens Rueckert is a Black citizen of the United States and the State of Georgia. Mr. Rueckert is a registered voter and intends to vote in future congressional elections. He is a resident of Cobb County and located in the Fourteenth Congressional District under the enacted plan, where he is unable to elect candidates of his choice to the U.S. House of Representatives despite strong electoral support for those candidates from other Black voters in his community. Mr. Rueckert resides in a region where the Black community is sufficiently large and geographically compact to constitute a majority of eligible voters in a newly drawn congressional district in which Black voters would have the opportunity to elect their preferred candidates. The enacted redistricting plan dilutes the voting power of Black voters like Mr. Rueckert and denies them an equal opportunity to elect candidates of their choice to the U.S. House of Representatives.

16. Plaintiff Ojuan Glaze is a Black citizen of the United States and the State of Georgia. Mr. Glaze is a registered voter and intends to vote in future congressional elections. He is a resident of Douglas County and located in the Thirteenth Congressional District under the enacted plan. The Thirteenth Congressional District is a district in which Black voters like Mr. Glaze are packed,

preventing the creation of an additional majority-Black district as required by the Voting Rights Act.

17. Defendant Brad Raffensperger is the Georgia Secretary of State and is named in his official capacity. Secretary Raffensperger is Georgia’s chief election official and is responsible for administering the state’s elections and implementing election laws and regulations, including Georgia’s congressional plan. *See* O.C.G.A. § 21-2-50; Ga. Comp. R. & Regs. 590-1-1-.01–.02 (specifying, among other things, that Secretary of State’s office must provide “maps of Congressional, State Senatorial and House Districts” when requested). Secretary Raffensperger is also an ex officio non-voting member of the State Election Board, which is responsible for “formulat[ing], adopt[ing], and promulgat[ing] such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” O.C.G.A. §§ 21-2-30(d), -31(2).

18. Defendant Judge William S. Duffey, Jr. is the Chair of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

19. Defendant Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

20. Defendant Matthew Mashburn is a member of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

21. Defendant Edward Lindsey is a member of the State Election Board and is named in his official capacity. In this role, he must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

22. Defendant Dr. Janice Johnston is a member of the State Election Board and is named in her official capacity. In this role, she must “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” *Id.* § 21-2-31(2).

LEGAL BACKGROUND

23. Section 2 of the Voting Rights Act prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the

United States to vote on account of race or color.” 52 U.S.C. § 10301(a). Thus, in addition to prohibiting practices that deny the exercise of the right to vote, Section 2 prohibits vote dilution.

24. A violation of Section 2 is established if “it is shown that the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by members of a [minority group] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b).

25. Such a violation might be achieved by “cracking” or “packing” minority voters. To illustrate, the dilution of Black voting strength “may be caused by the dispersal of blacks into districts in which they constitute an ineffective minority of voters”—cracking—“or from the concentration of blacks into districts where they constitute an excessive majority”—packing. *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

26. In *Thornburg v. Gingles*, the U.S. Supreme Court identified three necessary preconditions for a claim of vote dilution under Section 2: (i) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; (ii) the minority group must be “politically

cohesive”; and (iii) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Id.* at 50–51.

27. Once all three preconditions are established, Section 2 directs courts to consider whether, “based on the totality of circumstances,” members of a racial minority “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. § 10301(b).

28. The Senate Report on the 1982 amendments to the Voting Rights Act identified several nonexclusive factors that courts should consider when determining if, under the totality of circumstances in a jurisdiction, the operation of the challenged electoral device results in a violation of Section 2. *See Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1288–89 (11th Cir. 2020). These “Senate Factors” include:

- a. the history of official voting-related discrimination in the state or political subdivision;
- b. the extent to which voting in the elections of the state or political subdivision is racially polarized;
- c. the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for

discrimination against the minority group, such as unusually large election districts, majority-vote requirements, or prohibitions against bullet-voting;

d. the exclusion of members of the minority group from candidate-slating processes;

e. the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;

f. the use of overt or subtle racial appeals in political campaigns;
and

g. the extent to which members of the minority group have been elected to public office in the jurisdiction.

29. The Senate Report itself and the cases interpreting it have made clear that “there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other.” *United States v. Marengo Cnty. Comm’n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); *see also id.* at 1566 (“The statute explicitly calls for a ‘totality-of-the-circumstances’ approach and the Senate Report indicates that no particular factor is an indispensable element of a dilution claim.”).

FACTUAL BACKGROUND

The 2020 Census

30. Between 2010 and 2020, Georgia's population increased by more than 1 million people. As a result of this population growth, the state will retain 14 seats in the U.S. House of Representatives.

31. The population growth during this period is entirely attributable to the increase in Georgia's minority population. The 2020 census results indicate that Georgia's Black population grew by over 15 percent and now comprises 33 percent of Georgia's total population. Meanwhile, Georgia's white population *decreased* by 4 percent over the past decade. In total, Georgia's minority population now comprises just under 50 percent of the state's total population.

The 2021 Congressional Redistricting Plan

32. In enacting Georgia's new congressional map, the Republican-controlled General Assembly diluted the political power of the state's minority voters.

33. On November 22, 2021, the General Assembly passed SB 2EX, which adopted a new congressional redistricting plan that revised existing congressional district boundaries. Republican Governor Brian Kemp signed SB 2EX into law on December 30, 2021.

34. Democratic and minority legislators were largely excluded from the redistricting process and repeatedly decried the lack of transparency. Moreover, lawmakers and activists from across the political spectrum questioned the speed with which the General Assembly undertook its redistricting efforts, observing that the haste resulted in unnecessary divisions of communities and municipalities.

35. Rather than create an additional congressional district in the western Atlanta metropolitan area in which Georgia's growing Black population would have the opportunity to elect candidates of its choice, the General Assembly did just the opposite: it packed and cracked Georgia's Black voters to dilute their influence.

36. SB 2EX packs Black voters into the Atlanta metropolitan area, particularly into the new Thirteenth Congressional District, which includes significant Black populations in south Fulton, Douglas, and Cobb Counties. The remaining Black communities in Douglas and Cobb Counties are cracked among the new Third, Sixth, Eleventh, and Fourteenth Congressional Districts—predominantly white districts that stretch into the rural reaches of western and northern Georgia.

37. This combination of cracking and packing dilutes the political power of Black voters in the Atlanta metropolitan area. The General Assembly could have instead created an additional, compact congressional district in which Black voters, including Plaintiffs, comprise a majority of eligible voters and have the opportunity

to elect their preferred candidates, as required by Section 2 of the Voting Rights Act. Significantly, this could have been done without reducing the number of other districts in which Black voters have the opportunity to elect candidates of their choice.

38. Unless enjoined, SB 2EX will deny Black voters an equal opportunity to elect candidates of their choice.

39. The relevant factors and considerations readily require the creation of an additional majority-Black district under Section 2.

Racial Polarization

40. This Court has recognized that “voting in Georgia is highly racially polarized.” *Ga. State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357, 1360 (N.D. Ga. 2018) (three-judge panel).

41. “Districts with large black populations are likely to vote Democratic.” *Id.* Indeed, during competitive statewide elections over the past decade—from the 2012 presidential election through the 2021 U.S. Senate runoff elections—an average of 97 percent of Black Georgians supported Democratic candidates.

42. White voters, by striking contrast, overwhelmingly vote Republican. An average of only 13 percent of white Georgians supported Democratic candidates in competitive statewide elections over the past decade.

43. Georgia's white majority usually votes as a bloc to defeat minority voters' candidates of choice, including in the areas where Plaintiffs live and the Black population could be united to create a new majority-Black district.

History of Discrimination

44. Georgia's past discrimination against its Black citizens, including its numerous attempts to deny Black voters an equal opportunity to participate in the political process, is extensive and well documented. This prejudice is not confined to history books; the legacy of discrimination manifests itself today in state and local elections marked by racial appeals and undertones. And the consequences of the state's historic discrimination persist to this day as well, as Black Georgians continue to experience socioeconomic hardship and marginalization.

45. This history dates back to the post-Civil War era, when Black Georgians first gained the right to vote and voted in their first election in April 1868. Soon after this historic election, a *quarter* of the state's Black legislators were either jailed, threatened, beaten, or killed. In 1871, the General Assembly passed a resolution that expelled 25 Black representatives and three senators but permitted the four mixed-race members who did not "look" Black to keep their seats. The General Assembly's resolution was based on the theory that Black Georgians' right

of suffrage did not give them the right to hold office, and that they were thus “ineligible” to serve under Georgia’s post-Civil War state constitution.

46. After being denied the right to hold office, Black Georgians who attempted to vote also encountered intense and frequently violent opposition. The Ku Klux Klan and other white mobs engaged in a campaign of political terrorism aimed at deterring Black political participation. Their reigns of terror in Georgia included, for instance, attacking a Black political rally in Mitchell County in 1868, killing and wounding many of the participants; warning the Black residents of Wrightsville that “blood would flow” if they exercised their right to vote in an upcoming election; and attacking and beating a Black man in his own home to prevent him from voting in an upcoming congressional election.

47. In the General Assembly, fierce resistance to Black voting rights led to more discriminatory legislation. In 1871, Georgia became the first state to enact a poll tax. At the state’s 1877 constitutional convention, the General Assembly made the poll tax permanent and cumulative, requiring citizens to pay all back taxes before being permitted to vote. The poll tax reduced turnout among Black voters in Georgia by half and has been described as the single most effective disenfranchisement law ever enacted. The poll tax was not abolished until 1945—after it had been in effect for almost 75 years.

48. After the repeal of the poll tax in 1945, voter registration among Black Georgians significantly increased. However, as a result of the state's purposeful voter suppression tactics, not a *single* Black lawmaker served in the General Assembly between 1908 and 1962.

49. Georgia's history of voter discrimination is far from ancient history. As recently as 1962, 17 municipalities and 48 counties in Georgia required segregated polling places. When the U.S. Department of Justice filed suit to end this practice, a local Macon leader declared that the federal government was ruining "every vestige of the local government."

50. Other means of disenfranchising Georgia's Black citizens followed. The state adopted virtually every one of the "traditional" methods to obstruct the exercise of the franchise by Black voters, including literacy and understanding tests, strict residency requirements, onerous registration procedures, voter challenges and purges, the deliberate slowing down of voting by election officials so that Black voters would be left waiting in line when the polls closed, and the adoption of "white primaries."

51. Attempts to minimize Black political influence in Georgia have also tainted redistricting efforts. During the 1981 congressional redistricting process, in opposing a bill that would maintain a majority-Black district, Joe Mack Wilson—a

Democratic state representative and chair of the House Reapportionment Committee—openly used racial epithets to describe the district: following a meeting with officials of the U.S. Department of Justice, he complained that “the Justice Department is trying to make us draw [n*****] districts and I don’t want to draw [n*****] districts.” Speaker of the House Tom Murphy objected to creating a district where a Black representative would certainly be elected and refused to appoint any Black lawmakers to the conference committee, fearing that they would support a plan to allow Black voters to elect a candidate of their choice. Several senators also expressed concern about being perceived as supporting a majority-Black congressional district.

52. Indeed, federal courts have invalidated Georgia’s redistricting plans for voting rights violations numerous times. In *Georgia v. United States*, the U.S. Supreme Court affirmed a three-judge panel’s decision that Georgia’s 1972 reapportionment plan violated Section 5 of the Voting Rights Act, at least in part because it diluted the Black vote in an Atlanta-based congressional district in order to ensure the election of a white candidate. *See* 411 U.S. 526, 541 (1973); *see also* *Busbee v. Smith*, 549 F. Supp. 494, 517 (D.D.C. 1982) (three-judge panel) (denying preclearance based on evidence that Georgia’s redistricting plan was product of purposeful discrimination in violation of Voting Rights Act), *aff’d*, 459 U.S. 1166

(1983); *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004) (per curiam) (three-judge panel) (invalidating state legislative plans that reduced number of majority-minority districts).

53. Due to its lengthy history of discrimination against racial minorities, Georgia became a “covered jurisdiction” under Section 5 of the Voting Rights Act upon its enactment in 1965, meaning that any changes to Georgia’s election practices or procedures (including the enactment of new redistricting plans) were prohibited until either the U.S. Department of Justice or a federal court determined that the change did not result in backsliding, or “retrogression,” of minority voting rights.

54. Accordingly, between 1965 and 2013—at which time the U.S. Supreme Court effectively barred enforcement of the Section 5 preclearance requirement in *Shelby County v. Holder*, 570 U.S. 529 (2013)—Georgia received more than 170 preclearance objection letters from the U.S. Department of Justice.

55. Georgia’s history of racial discrimination in voting, here only briefly recounted, has been thoroughly documented by historians and scholars. Indeed, “[t]he history of the state[’s] segregation practice and laws at all levels has been rehashed so many times that the Court can all but take judicial notice thereof.” *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994); *see also*, e.g., *Fair Fight Action, Inc. v. Raffensperger*, No. 1:18-CV-5391-SCJ, slip op. at 41

(N.D. Ga. Nov. 15, 2021), ECF No. 636 (taking judicial notice of fact that “prior to the 1990s, Georgia had a long sad history of racist policies in a number of areas including voting”).

56. Ultimately, as this Court has noted, “Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013) (quoting *Brooks*, 848 F. Supp. at 1560), *aff’d in part, rev’d in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015).

Use of Racial Appeals in Political Campaigns

57. In addition to Georgia’s history of discrimination against minorities in voting, political campaigns in the state have often relied on both overt and subtle racial appeals—both historically *and* during recent elections.

58. In 2016, Tom Worthan, former Republican Chair of the Douglas County Board of Commissioners, was caught on video making racist comments aimed at discrediting his Black opponent, Romona Jackson-Jones, and a Black candidate for sheriff, Tim Pounds. During the recorded conversation with a Douglas County voter, Worthan asked, “[D]o you know of another government that’s more

black that's successful? They bankrupt you." Worthan also stated, in reference to Pounds, "I'd be afraid he'd put his black brothers in positions that maybe they're not qualified to be in."

59. In the 2017 special election for Georgia's Sixth Congressional District—a majority-white district that had over the previous three decades been represented by white Republicans Newt Gingrich, Johnny Isakson, and Tom Price—the husband of the eventual Republican victor, Karen Handel, shared an image over social media that urged voters to "[f]ree the black slaves from the Democratic plantation." The image also stated, "Criticizing black kids for obeying the law, studying in school, and being ambitious as 'acting white' is a trick the Democrats play on Black people to keep them poor, ignorant and dependent." The image was then shared widely by local and national media outlets.

60. During that same election, Jere Wood—the Republican Mayor of Roswell, Georgia's eighth-largest city—insinuated that voters in the Sixth Congressional District would not vote for Democratic candidate Jon Ossoff because he has an "ethnic-sounding" name. When describing voters in that district, Wood said, "If you just say 'Ossoff,' some folks are gonna think, 'Is he Muslim? Is he

Lebanese? Is he Indian?’ It’s an ethnic-sounding name, even though he may be a white guy, from Scotland or wherever.”²

61. On a separate occasion, State Senator Fran Millar alluded to the fact that the Sixth Congressional District was gerrymandered in such a way that it would not support candidate Ossoff—specifically, because he was formerly an aide to a Black member of Congress. State Senator Millar said, “I’ll be very blunt. These lines were not drawn to get Hank Johnson’s protégé to be my representative. And you didn’t hear that. They were not drawn for that purpose, OK? They were not drawn for that purpose.”

62. Earlier in 2017, Tommy Hunter, a member of the board of commissioners in Gwinnett County—the second-most populous county in the state—called the late Black Congressman John Lewis a “racist pig” and suggested that his reelection to the U.S. House of Representatives was “illegitimate” because he represented a majority-minority district.

² In actuality, now-U.S. Senator Ossoff’s paternal forebears were Ashkenazi Jewish immigrants who fled pogroms during the early 20th century. See Etan Nechin, *Jon Ossoff Tells Haaretz How His Jewish Upbringing Taught Him to Fight for Justice*, Haaretz (Dec. 20, 2020), <https://www.haaretz.com/us-news/.premium-jon-ossoff-tells-haaretz-how-his-jewish-upbringing-taught-him-to-fight-for-justice-1.9386302>.

63. Racist robocalls targeted the Democratic candidate for governor in 2018, referring to Stacey Abrams as “Negress Stacey Abrams” and “a poor man’s Aunt Jemima.” The Republican candidate, now-Governor Kemp, posted a statement on Twitter on the eve of the election alleging that the Black Panther Party supported Ms. Abrams’s candidacy.

64. Governor Kemp also ran a controversial television advertisement during the primary campaign asserting that he owned “a big truck, just in case [he] need[s] to round up criminal illegals and take ‘em home [him]self.”

65. The 2020 campaigns for Georgia’s two U.S. Senate seats were also rife with racial appeals. In one race, Republican incumbent Kelly Loeffler ran a paid advertisement on Facebook that artificially darkened the skin of her Democratic opponent, now-Senator Raphael Warnock. In the other race, Republican incumbent David Perdue ran an advertisement against Democratic nominee Ossoff that employed a classic anti-Semitic trope by artificially enlarging now-Senator Ossoff’s nose.

66. Senator Perdue later mispronounced and mocked the pronunciation of then-Senator Kamala Harris’s first name during a campaign rally, even though the two had been colleagues in the Senate since 2017.

67. Racial appeals were apparent during local elections in Fulton County even within the last few weeks. City council candidates in Johns Creek and Sandy Springs pointed to Atlanta crime and protests that turned violent to try to sway voters, publicly urging residents to vote for them or risk seeing their cities become home to chaos and lawlessness. *The Atlanta Journal-Constitution* quoted Emory University political scientist Dr. Andra Gillespie, who explained that although the term “law and order” is racially neutral, the issue becomes infused with present-day cultural meaning and thoughts about crime and violence and thus carries racial undertones.

68. These are just a few—and, indeed, only among the more recent—examples of the types of racially charged political campaigns that have tainted elections in Georgia throughout the state’s history.

Ongoing Effects of Georgia’s History of Discrimination

69. State-sponsored segregation under Georgia’s Jim Crow laws permeated all aspects of daily life and relegated Black citizens to second-class status. State lawmakers segregated everything from public schools to hospitals and graveyards. Black Georgians were also precluded from sitting on juries, which effectively denied Black litigants equal justice under the law. Moreover, Black Georgians were excluded from the most desirable manufacturing jobs, which limited their

employment opportunities to primarily unskilled, low-paying labor. And in times of economic hardship, Black employees were the first to lose their jobs.

70. Decades of Jim Crow and other forms of state-sponsored discrimination—followed by continued segregation of public facilities well into the latter half of the 20th century, in defiance of federal law—resulted in persistent socioeconomic disparities between Black and white Georgians. These disparities hinder the ability of Black voters to participate effectively in the political process.

71. Black Georgians, for instance, have higher poverty rates than white Georgians. According to the U.S. Census Bureau’s 2019 American Community Survey (“ACS”) 1-Year Estimate, 18.8 percent of Black Georgians have lived below the poverty line in the past 12 months, compared to 9 percent of white Georgians.

72. Relatedly, Black Georgians have lower per capita incomes than white Georgians. The 2019 ACS 1-Year Estimate shows that white Georgians had an average per capita income of \$40,348 over the past 12 months, compared to \$23,748 for Black Georgians.

73. Black Georgians also have lower homeownership rates than white Georgians. The 2019 ACS 1-Year Estimate shows that 52.6 percent of Black Georgians live in renter-occupied housing, compared to 24.9 percent of white Georgians. And Black Georgians also spend a higher percentage of their income on

rent than white Georgians. The 2019 ACS 1-Year Estimate shows that in Georgia, the percent of income spent on rent is a staggering 54.9 percent for Black Georgians, compared to 40.6 percent for white Georgians.

74. Black Georgians also have lower levels of educational attainment than their white counterparts and are less likely to earn degrees. According to the 2019 ACS 1-Year Estimate, only 25 percent of Black Georgians have obtained a bachelor's degree or higher, compared to 37 percent of white Georgians.

75. These disparities impose hurdles to voter participation including working multiple jobs, working during polling place hours, lack of access to childcare, lack of access to transportation, and higher rates of illness and disability. All of these hurdles make it more difficult for poor and low-income voters to participate effectively in the political process.

CAUSES OF ACTION

COUNT I:

SB 2EX Violates Section 2 of the Voting Rights Act

76. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

77. Section 2 of the Voting Rights Act prohibits the enforcement of any “standard, practice, or procedure” that “results in a denial or abridgement of the right

of any citizen of the United States to vote on account of race or color, or” membership in a language minority group. 52 U.S.C. § 10301(a).

78. Georgia’s congressional district boundaries, as currently drawn, crack and pack minority populations with the effect of diluting their voting strength, in violation of Section 2 of the Voting Rights Act.

79. Black Georgians in the northwestern and western Atlanta metropolitan area are sufficiently numerous and geographically compact to constitute a majority of eligible voters in an additional congressional district, without reducing the number of minority-opportunity districts already included in the enacted map.

80. Under Section 2 of the Voting Rights Act, the General Assembly was required to create an additional congressional district in which Black voters in this area would have the opportunity to elect their candidates of choice.

81. Black voters in Georgia, including in and around this area, are politically cohesive. Elections in this area reveal a clear pattern of racially polarized voting that allows blocs of white voters usually to defeat Black voters’ preferred candidates.

82. The totality of the circumstances establishes that the enacted congressional map has the effect of denying Black voters an equal opportunity to

participate in the political process and elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

83. By engaging in the acts and omissions alleged herein, Defendants have acted and continue to act to deny Plaintiffs' rights guaranteed by Section 2 of the Voting Rights Act. Defendants will continue to violate those rights absent relief granted by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

- A. Declare that SB 2EX violates Section 2 of the Voting Rights Act;
- B. Enjoin Defendants, as well as their agents and successors in office, from enforcing or giving any effect to the boundaries of the congressional districts as drawn in SB 2EX, including an injunction barring Defendants from conducting any further congressional elections under the enacted map;
- C. Hold hearings, consider briefing and evidence, and otherwise take actions necessary to order the adoption of a valid congressional redistricting plan that includes an additional congressional district in the western Atlanta metropolitan area in which Black voters have the opportunity to elect their preferred candidates, as required by Section 2 of the Voting

Rights Act, without reducing the number of minority-opportunity districts currently drawn in SB 2EX;

D. Grant such other or further relief the Court deems appropriate, including but not limited to an award of Plaintiffs' attorneys' fees and reasonable costs.

Dated: October 28, 2022

By: **Adam M. Sparks**

Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
KREVOLIN & HORST, LLC
One Atlantic Center
1201 West Peachtree Street, NW,
Suite 3250
Atlanta, Georgia 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
Email: JLewis@khlawfirm.com
Email: Sparks@khlawfirm.com

Kevin J. Hamilton*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101
Phone: (206) 359-8000
Facsimile: (206) 359-9000
Email: KHamilton@perkinscoie.com

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
Makeba Rutahindurwa*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: AKhanna@elias.law
Email: JHawley@elias.law
Email: MRutahindurwa@elias.law

Daniel C. Osher*
Christina A. Ford*
Graham W. White*
Michael B. Jones
Georgia Bar No. 721264
ELIAS LAW GROUP LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: DOsher@elias.law
Email: CFord@elias.law
Email: GWhite@elias.law
Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **AMENDED COMPLAINT** has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: October 28, 2022

Adam M. Sparks

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: October 28, 2022

Adam M. Sparks

Counsel for Plaintiffs

122

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

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

DEFENDANTS' ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Defendants Brad Raffensperger, in his official capacity as Secretary of the State of Georgia; William S. Duffey, Jr., in his official capacity as the Chair of the State Election Board; and Sara Tindall Ghazal, Janice Johnston, Edward Lindsey, and Matthew Mashburn, in their official capacities as members of the State Election Board (collectively, the “Defendants”), answer Plaintiffs’ Amended Complaint [Doc. 120] (the “Amended Complaint”) as follows:

FIRST AFFIRMATIVE DEFENSE

The allegations in Plaintiffs’ Amended Complaint fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred for failure to name necessary and indispensable parties.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs lack constitutional standing to bring this action.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs lack statutory standing to bring this action.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' federal claims against Defendants are barred by the Eleventh Amendment to the United States Constitution.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by sovereign immunity.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Section 2 of the Voting Rights Act provides no provide right of action.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they should be heard by a three-judge panel.

NINTH AFFIRMATIVE EFENSE

Defendants deny that Plaintiffs have been subjected to the deprivation of any right, privilege, or immunity under the Constitution or laws of the United States.

TENTH AFFIRMATIVE DEFENSE

Defendants reserve the right to amend their defenses and to add additional ones, including lack of subject matter jurisdiction based on the mootness or ripeness doctrines, as further information becomes available in discovery.

Defendants answer the specific numbered paragraphs of Plaintiffs' Amended Complaint as follows:

1. Paragraph 1 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.
2. Defendants deny the allegations set forth in Paragraph 2 of the Amended Complaint.
3. Defendants deny the allegations set forth in Paragraph 3 of the Amended Complaint.

4. Defendants deny the allegations set forth in Paragraph 4 of the Amended Complaint.

5. Paragraph 5 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

6. Defendants deny the allegations set forth in Paragraph 6 of the Amended Complaint.

7. Paragraph 7 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied and Defendants further deny that Plaintiffs are entitled to any relief.

8. Defendants admit that this Court has federal-question jurisdiction for claims arising under the Voting Rights Act. Defendants deny the remaining allegations set forth in Paragraph 8 of the Amended Complaint.

9. Defendants deny the allegations set forth in Paragraph 9 of the Amended Complaint.

10. Defendants admit the allegations set forth in Paragraph 10 of the Amended Complaint.

11. The allegations in Paragraph 11 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

12. The allegations in Paragraph 12 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

13. The allegations in Paragraph 13 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

14. The allegations in Paragraph 14 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

15. The allegations in Paragraph 15 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

16. The allegations in Paragraph 16 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

17. Defendants admit that Secretary Raffensperger is the Secretary of State of Georgia and that the Secretary of State is designated by statute as the chief election official. Defendants further admit that the Secretary has responsibilities under law related to elections. Defendants deny the remaining allegations contained in Paragraph 17 of the Amended Complaint.

18. Defendants admit that William S. Duffey, Jr. is the Chair of the State Election Board and is named in his official capacity. Defendants further admit that the duties of members of the State Election Board are set forth in

statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations set forth in Paragraph 18 of the Amended Complaint

19. Defendants admit that Sara Tindall Ghazal is a member of the State Election Board and is named in her official capacity. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 19 of the Amended Complaint.

20. Defendants admit that Matthew Mashburn is a member of the State Election Board and is named in his official capacity. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 20 of the Amended Complaint.

21. Defendants admit that Edward Lindsey is a member of the State Election Board and is named in his official capacity. Defendants further

admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 21 of the Amended Complaint.

22. Defendants admit that Dr. Janice Johnston is a member of the State Election Board and is named in her official capacity. Defendants further admit that the duties of members of the State Election Board are set forth in statute and refer the Court to the cited authority for a full and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny the remaining allegations contained in Paragraph 22 of the Amended Complaint.

23. Paragraph 23 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

24. Paragraph 24 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

25. Paragraph 25 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

26. Paragraph 26 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

27. Paragraph 27 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

28. Paragraph 28 of the Amended Complaint and its subparagraphs set forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

29. Paragraph 29 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. The remaining allegations in this Paragraph are denied.

30. Defendants admit the allegations set forth in Paragraph 30 of the Amended Complaint.

31. Defendant admits that, as a percentage of the electorate, the white percentage has decreased and the percentage of voters of color has

increased over the last ten years. The remaining allegations in Paragraph 31 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

32. Defendants deny the allegations set forth in Paragraph 32 of the Amended Complaint.

33. Defendants admit the allegations set forth in Paragraph 33 of the Amended Complaint.

34. Defendants deny the allegations set forth in Paragraph 34 of the Amended Complaint.

35. Defendants deny the allegations set forth in Paragraph 35 of the Amended Complaint.

36. Defendants deny the allegations set forth in Paragraph 36 of the Amended Complaint.

37. Defendants deny the allegations set forth in Paragraph 37 of the Amended Complaint.

38. Defendants deny the allegations set forth in Paragraph 38 of the Amended Complaint.

39. Defendants deny the allegations set forth in Paragraph 39 of the Amended Complaint.

40. Paragraph 40 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same. Defendants admit that Black and white voters in Georgia vote in blocs and prefer different candidates. The remaining allegations in this Paragraph are denied.

41. Defendants admit that a substantial majority of Black voters in Georgia prefer Democrat candidates. Defendants deny the remaining allegations set forth in Paragraph 41 of the Amended Complaint.

42. Defendants admit that a majority of white voters in Georgia have voted for Republican candidates in the recent past. Defendants deny the remaining allegations set forth in Paragraph 42 of the Amended Complaint.

43. Defendants admit that Black and white voters in Georgia usually vote in blocs and prefer different candidates. Defendants deny the remaining allegations set forth in Paragraph 43 of the Amended Complaint.

44. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. Defendant denies the remaining allegations set forth in Paragraph 44 of the Amended Complaint.

45. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 45 of the Amended Complaint set forth legal conclusions to which

no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

46. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 46 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

47. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 47 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

48. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 48 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

49. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 49 of the Amended Complaint set forth legal conclusions to which

no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

50. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 50 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

51. Defendants admit that Democratic representatives in the 1981 redistricting process sought to minimize Black political influence in Georgia. The remaining allegations of Paragraph 51 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

52. Defendants admit that plans drawn when Democrats controlled Georgia government were objected to in 1971, 1981, 1991, and 2001 and that redistricting plans drawn when Democrats controlled Georgia government were rejected as unconstitutional in 2004. The remaining allegations of Paragraph 52 of the Amended Complaint set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

53. Defendants admit that, prior to 2013, Georgia was a covered jurisdiction under Section 4 of the Voting Rights Act and was required to seek

preclearance of election laws prior to enforcement. The remaining allegations in Paragraph 53 set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

54. Defendants admit that, prior to 2013, Georgia was a covered jurisdiction under Section 4 of the Voting Rights Act and was required to seek preclearance of election laws prior to enforcement. The remaining allegations in Paragraph 54 set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

55. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 55 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

56. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 56 of the Amended Complaint set forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

57. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 57 of the Amended Complaint set forth legal conclusions to which

no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

58. The allegations in Paragraph 58 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

59. The allegations in Paragraph 59 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

60. The allegations in Paragraph 60 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

61. The allegations in Paragraph 61 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

62. The allegations in Paragraph 62 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

63. The allegations in Paragraph 63 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

64. The allegations in Paragraph 64 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

65. The allegations in Paragraph 65 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

66. The allegations in Paragraph 66 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

67. The allegations in Paragraph 67 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

68. The allegations in Paragraph 68 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

69. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 69 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

70. Defendants admit that Georgia has a past history of state-sanctioned discrimination against Black voters. The remaining allegations of Paragraph 70 of the Amended Complaint set forth legal conclusions to which no response is required or are beyond the scope of Defendants' knowledge and, therefore, Defendants deny the same.

71. The allegations in Paragraph 71 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

72. The allegations in Paragraph 72 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

73. The allegations in Paragraph 73 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

74. The allegations in Paragraph 74 of the Amended Complaint are outside Defendants' knowledge and are therefore denied on that basis.

75. Defendants deny the allegations set forth in Paragraph 75 of the Amended Complaint.

76. Defendants incorporate their responses to Paragraphs 1 through 75 as if fully set forth herein.

77. Paragraph 77 of the Amended Complaint sets forth legal conclusions to which no response is required and, therefore, Defendants deny the same.

78. Defendants deny the allegations set forth in Paragraph 78 of the Amended Complaint.

79. Defendants deny the allegations set forth in Paragraph 79 of the Amended Complaint.

80. Defendants deny the allegations set forth in Paragraph 80 of the Amended Complaint.

81. Defendants deny the allegations set forth in Paragraph 81 of the Amended Complaint.

82. Defendants deny the allegations set forth in Paragraph 82 of the Amended Complaint.

83. Defendants deny the allegations set forth in Paragraph 83 of the Amended Complaint.

Prayer for Relief

Defendants deny that Plaintiffs are entitled to any relief they seek. Defendants further deny every allegation in the Amended Complaint not specifically admitted in this Answer.

Respectfully submitted this 14th day of November, 2022.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
Charlene McGowan
Assistant Attorney General
Georgia Bar No. 697316
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Frank B. Strickland
Georgia Bar No. 678600

fstrickland@taylorenghish.com

Bryan F. Jacoutot

Georgia Bar No. 668272

bjacoutot@taylorenghish.com

Taylor English Duma LLP

1600 Parkwood Circle

Suite 200

Atlanta, Georgia 30339

(678) 336-7249

Counsel for Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing DEFENDANTS' ANSWER TO PLAINTIFFS' AMENDED COMPLAINT has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
Bryan P. Tyson

286

(Pages 1–190)

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

**ALPHA PHI ALPHA FRATERNITY
INC., et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of Georgia,
Defendant.**

**COAKLEY PENDERGRASS et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER et al.,
Defendants.**

**ANNIE LOIS GRANT et al.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER et al.,
Defendants.**

CIVIL ACTION FILE

No. 1:21-CV-05337-SCJ

CIVIL ACTION FILE

No. 1:21-CV-05339-SCJ

CIVIL ACTION FILE

No. 1:22-CV-00122-SCJ

**OPINION AND MEMORANDUM
OF DECISION**

TABLE OF CONTENTS

OPINION AND MEMORANDUM OF DECISION	8
I. FINDINGS OF FACT	10
A. PROCEDURAL HISTORY	13
1. Initial Filings	13
2. Preliminary Injunction.....	15
3. Discovery and Summary Judgment	18
4. Trial.....	19
5. Post-Trial Proceedings.....	21
B. THE NAMED PARTIES.....	21
1. Alpha Phi Alpha Plaintiffs	21
a) Alpha Phi Alpha Fraternity, Inc.	21
b) Sixth District African Methodist Episcopal Church	22
c) Individually-named Plaintiffs in the APA case.....	23
2. Pendergrass Plaintiffs	23
3. Grant Plaintiffs.....	24
4. Defendants.....	26
a) Brad Raffensperger.....	26
b) The State Election Board	27
C. HISTORY OF RACE AND VOTING IN GEORGIA.....	30
D. GEORGIA’S CHANGING DEMOGRAPHICS	32
1. Georgia’s Total Population	32
2. Metro Atlanta.....	34
3. The Black Belt.....	37
a) Eastern Black Belt Region	38
b) Metro-Macon Region.....	39
c) Southwestern Georgia Region	40
E. GEORGIA 2021 ENACTED PLANS.....	40
1. The 2021 Redistricting Process	40
a) Legislative activities	40

b)	Map drawing process.....	44
2.	Enacted Plan Statistics	47
a)	Congressional Plan	47
(1)	2012 Congressional plan	47
(2)	Enacted Congressional Plan	50
b)	State Senate Plan	52
c)	State House Plan	56
F.	ILLUSTRATIVE PLANS	61
1.	Credibility Determinations	61
a)	Mr. William S. Cooper	61
b)	Mr. Blakeman B. Esselstyn	65
c)	Mr. John B. Morgan	67
d)	Dr. Maxwell Palmer.....	72
e)	Dr. Lisa Handley	73
f)	Dr. John Alford.....	76
2.	Illustrative Congressional Plan	78
a)	First <i>Gingles</i> Precondition	78
(1)	Mr. Cooper's process in drawing the maps	78
(2)	Illustrative Congressional Plan	81
b)	Second and Third <i>Gingles</i> Preconditions.....	93
3.	Cooper Legislative Plans	95
a)	Mr. Cooper's process in drawing the maps	95
b)	Cooper Senate Plan.....	98
(1)	Empirical measures.....	99
(2)	Core retention	104
(3)	Incumbent pairing.....	105
(4)	Racial considerations	105
c)	Cooper House Plan.....	107
(1)	Empirical measures.....	108
(2)	Core retention	113

(3) Incumbent pairings.....	114
(4) Racial considerations	114
4. Esselstyn Legislative Plans.....	115
a) Mr. Esselstyn’s map drawing process	115
b) Esselstyn Senate Plan	117
(1) Empirical measures.....	118
(2) Core retention	126
(3) Incumbent Pairings.....	127
(4) Racial Considerations	128
c) Esselstyn House Plan	132
(1) Empirical measures.....	133
(2) Core retention	141
(3) Incumbent Pairings.....	141
(4) Racial Considerations	142
G. SECOND AND THIRD <i>GINGLES</i> PRECONDITIONS	142
1. Pendergrass: Dr. Palmer’s methodology	142
2. Alpha Phi Alpha: Dr. Handley’s methodology	145
3. Grant: Dr. Palmer’s methodology	151
H. GEORGIA’S HISTORY OF VOTING AND RECENT ELECTORAL DEVELOPMENTS.....	155
1. Credibility Determinations	155
a) Dr. Orville Vernon Burton.....	156
b) Dr. Loren Collingwood	158
c) Dr. Adrienne Jones	159
d) Dr. Traci Burch.....	161
e) Dr. Jason Morgan Ward	163
2. Analysis.....	164
II. CONCLUSIONS OF LAW.....	164
A. JURISDICTIONAL CONSIDERATIONS.....	164
1. Constitutional Standing.....	165
a) Claims by the Sixth District AME	166
b) Claims against the SEB.....	168

2.	Statutory Standing.....	170
B.	LEGAL STANDARDS.....	171
1.	First Gingles Precondition.....	171
2.	Second and Third Gingles Precondition	172
3.	Totality of the Circumstances: Senate Factors.....	172
C.	CONGRESSIONAL DISTRICT.....	173
1.	First Gingles Precondition.....	173
a)	Numerosity	174
b)	Compactness.....	179
2.	Second Gingles Precondition.....	201
3.	Third Gingles Precondition.....	205
4.	Totality of the Circumstances	209
a)	Totality of circumstances inquiry	210
b)	Senate Factor One and Three	213
c)	Senate Factor Two.....	233
d)	Senate Factor Five	242
e)	Senate Factor Six	250
f)	Senate Factor Seven	252
g)	Senate Factor Eights	258
h)	Senate Factor Nine	260
i)	Proportionality	262
j)	Demographic Changes	270
5.	Conclusions of Law	272
D.	LEGISLATIVE DISTRICTS	274
1.	First Gingles Precondition.....	275
a)	Racial predominance	275
b)	Metro Atlanta region.....	277
(1)	Alpha Phi Alpha.....	277
(2)	Grant	309
c)	Eastern Black Belt region	346
(1)	Alpha Phi Alpha.....	346

(2) Grant: Esselstyn SD-23	364
d) Macon-Bibb region	375
(1) Alpha Phi Alpha: Cooper HD-145	375
(2) Grant	382
e) Southwest Georgia region	396
(1) Alpha Phi Alpha: Cooper HD-171	396
2. Second Gingles Precondition	408
a) Alpha Phi Alpha	408
b) Grant	413
3. Third Gingles Precondition	417
a) Alpha Phi Alpha	417
b) Grant	420
4. Totality of the Circumstances	426
a) Alpha Phi Alpha	429
(1) Totality of circumstances inquiry	429
(2) Senate Factors One and Three	430
(3) Senate Factor Two	451
(4) Senate Factor Five	458
(5) Senate Factor Six	465
(6) Senate Factor Seven	467
(7) Senate Factor Eight	472
(8) Senate Factor Nine	475
(9) Proportionality	477
(10) Conclusions of law	480
b) Grant	482
(1) Totality of circumstances inquiry	482
(2) Senate Factor Two	486
(3) Senate Factor Nine	489
(4) Proportionality	491
(5) Conclusions of Law	492
E. INJUNCTION FACTORS	493

1.	Irreparable Harm and Inadequate Remedies at Law	494
2.	Balance of Hardships and Public Interest	495
F.	AFFIRMATIVE DEFENSES	500
1.	Eleventh Amendment Immunity and Sovereign Immunity	501
2.	Section 2 Private Right of Action	506
3.	28 U.S.C. § 2284: Three-Judge Court.....	507
4.	Section 2's Constitutionality	508
G.	REMEDY	508
III.	CONCLUSION	511

OPINION AND MEMORANDUM OF DECISION

The right to vote “is regarded as a fundamental political right, because [it is] preservative of all rights.” Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886).

The voting rights act has proven the most successful civil rights statute in the history of the nation because it has reflected the overwhelming consensus in this nation that the most fundamental civil right of all citizens-- the right to vote-- must be preserved at whatever cost and through whatever commitment required of the federal government.

S. REP. 97-417, 111, 1982 U.S.C.C.A.N. 177, 282. This past summer, Chief Justice Roberts confirmed that “the essence of a § 2 claim . . . [is] where an electoral structure operates to minimize or cancel out minority voters’ ability to elect their preferred candidates. Such a risk is greatest where minority and majority voters consistently prefer different candidates and where minority voters are submerged in a majority voting population that regularly defeat[s] their choices.” Allen v. Milligan, 599 U.S. 1, 17–18 (2023) (citing Thornburg v. Gingles, 478 U.S. at 30, 47–49 (1986)) (cleaned up).

In the three cases before the Court,¹ each set of Plaintiffs argues that their voting rights have been violated by the redistricting plans recently adopted by the State of Georgia in the wake of the 2020 Census. The Court thus approaches these cases “with caution, bearing in mind that these circumstances involve ‘one of the most fundamental rights of . . . citizens: the right to vote.’” Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs, 775 F.3d 1336, 1345 (11th Cir. 2015) (citations omitted).

After conducting a thorough and sifting review of the evidence in this case, the Court finds that the State of Georgia violated the Voting Rights Act when it enacted its congressional and legislative maps. The Court commends Georgia for the great strides that it has made to increase the political opportunities of Black voters in the 58 years since the passage of the Voting Rights Act of 1965. Despite these great gains, the Court determines that in certain areas of the State, the political process is not equally open to Black voters. For example, in the past

¹ In the interest of judicial economy, and to avoid confusion, the Court issues a single order that will be filed by the Clerk in each of the above-stated cases. Although the Court issues a single order, the Court has evaluated the merits of each case independently and reached its conclusions as follows.

decade, all of Georgia's population growth was attributable to the minority population, however, the number of majority-Black congressional and legislative districts remained the same.² In light of this fact and in conjunction with all of the evidence and testimony in this case, the Court determines that Georgia's congressional and legislative maps violate Section 2 of the Voting Rights Act and enjoins their use in any future elections.

I. FINDINGS OF FACT

Having considered the evidence at trial, the Parties' presentations (pursuant to Federal Rule of Civil Procedure 52(c)), and closing arguments, this Court makes the following findings of fact.³

² This finding in no way requires that the number of majority-Black congressional or legislative district be proportionate to the Black population.

³ The Court has used the term "findings of fact" for simplicity's sake, but the Court notes that some of the foregoing findings are also conclusions of law. Similarly, the "conclusions of law" section contains some findings of fact.

The Court divides its discussion of the factual findings into four parts. First, the Court explains the procedural history of the three cases and describes the named Parties. Second, the Court considers the history of race and voting in Georgia and its changing demographics. Third, the Court explains its findings of fact about the creation of the 2021 congressional, Senate, and House districting plans based on the testimony and evidence introduced at a coordinated trial of these actions. Fourth, the Court sets forth its findings regarding the Illustrative Plans.

For reference, the following citations are used for support for each of the findings below:

Citation ⁴	Document Type
<u>APA</u> Doc. No. []	Docket entry from <u>Alpha Phi Alpha</u>
<u>Grant</u> Doc. No. []	Docket entry from <u>Grant</u>
<u>Pendergrass</u> Doc. No. []	Docket entry from <u>Pendergrass</u>

⁴ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

Tr.	Transcript of the trial hearing held September 5-14, 2023 in all three cases. ⁵
PI Tr.	<u>APA</u> Doc. Nos. [106]-[117]; <u>Pendergrass</u> Doc. Nos. [73]-[85]; <u>Grant</u> Doc. Nos. [68]-[79]
DX	Defendants' Exhibits
APAX	<u>Alpha Phi Alpha</u> Plaintiffs' Exhibits
GX	<u>Grant</u> Plaintiffs' Exhibits
PX	<u>Pendergrass</u> Plaintiffs' Exhibits
JX	Joint Exhibits
Stip.	Stipulations filed at <u>APA</u> Doc. No. [280], Attach. E.; <u>Grant</u> Doc. No. [243], Attach. E.; <u>Pendergrass</u> Doc. No. [231], Attach. E.
Jud. Not.	Court's Order taking judicial notice at <u>APA</u> Doc. No. [284], <u>Grant</u> Doc. No. [246], <u>Pendergrass</u> Doc. No. [234]

⁵ The Court cites to the Official Certified Hearing Transcript for the Trial provided by the court reporter. This transcript has not yet been filed on the docket.

A. Procedural History

1. *Initial Filings*

On December 30, 2021, Plaintiffs in the Alpha Phi Alpha case filed their Complaint against Brad Raffensperger, in his official capacity as Secretary of State of Georgia. APA Doc. No. [1]. On that same date, Plaintiffs in the Pendergrass case filed their Complaint against Raffensperger and the members of the State Election Board (the “SEB”). Pendergrass Doc. No. [1]. On January 11, 2022, Plaintiffs in the Grant case filed their Complaint against Raffensperger and the SEB. Grant Doc. No. [1]. All three Complaints alleged violations of Section 2 of the Voting Rights Act, as amended 52 U.S.C. § 10301.

On January 7, 2022, Plaintiffs in Alpha Phi Alpha Plaintiffs filed their Motion for a Preliminary Injunction. APA Doc. Nos. [26], [39]. ⁶ Pendergrass Plaintiffs filed their Motion for a Preliminary Injunction on January 12, 2022 (Pendergrass Doc. No. [32]) and the following day, the Grant Plaintiffs filed their Motion for Preliminary Injunction (Grant Doc. No. [19]).

⁶ Alpha Phi Alpha Plaintiffs filed a *renewed* Motion for Preliminary Injunction on January 13, 2023. Doc. No. [39].

On January 14, 2022, Defendant Raffensperger filed his Motion to Dismiss the Alpha Phi Alpha Complaint (APA Doc. No. [43]) and Defendants Raffensperger and the State Election Board members filed their Motions to Dismiss the Pendergrass and Grant Complaints (Pendergrass Doc. No. [38], Grant Doc. No. [23]). Defendants' motions primarily advanced two arguments: (1) Section 2 did not create a private right of action, therefore, Plaintiffs could not bring their claims and (2) 28 U.S.C. § 2284(a) required the Alpha Phi Alpha and Grant Plaintiffs' claims be heard by a three-judge court. Id. The Parties then briefed the Motions to Dismiss and for Preliminary Injunction on an expedited basis (APA Doc. Nos. [45]–[47], [58], [59], Pendergrass Doc. Nos. [39], [40], [44], [45], Grant Doc. Nos. [24]–[25], [35], [37]).

The Court denied Defendants' Motions to Dismiss. APA Doc. No. [65], Pendergrass Doc. No. [50], Grant Doc. No. [43]. The Court concluded that the text of Section 2284 does not require a plaintiff to request a three-judge court for purely statutory challenges to the apportionment of congressional districts and statewide legislative bodies. Id. The Court further concluded that Plaintiffs could assert their claims because, for the past forty-five years, the Supreme Court and

lower courts have allowed private individuals to assert challenges under Section 2 of the Voting Rights Act. Id.

2. Preliminary Injunction

After denying the motions to dismiss, in February 2022, the Court convened a coordinated hearing on the motions for preliminary injunction. APA Doc. No. [127], Pendergrass Doc. No. [90], Grant Doc. No. [84].

On the first day of the preliminary injunction hearing, the United States Supreme Court granted the State of Alabama's motion to stay a three-judge district court's order granting a preliminary injunction in favor of a challenge to Alabama's congressional map under Section 2. Merrill v. Milligan, 142 S. Ct. 879 (2022). The Supreme Court then accepted certiorari and placed the case on its October 2022 term calendar. Id. Justice Kavanaugh, joined by Justice Alito, wrote separately to concur in the stay. See generally id. at 879–82. In his concurrence, Justice Kavanaugh first emphasized that the stay was not a ruling on the merits, but followed Supreme Court election-law precedent that established that federal courts generally “should not enjoin state election laws in the period close to an election.” Id. at 879 (citing Purcell v. Gonzalez, 549 U.S. 1 (2006)) (per curiam)).

The Court allowed the Parties in the cases *sub judice* to submit briefing and oral argument on the effect of the Milligan stay order. APA Doc. Nos. [97], [127]–[131], Pendergrass Doc. Nos. [65], [91]–[95], Grant Doc. Nos. [59], [85]–[89]. The Court thereafter decided to proceed with the preliminary injunction hearing. Over the course of the six-day preliminary injunction hearing—February 7 through February 14, 2022—the Court admitted various pieces of evidence and heard testimony from a variety of expert and fact witnesses. Id.

On February 28, 2022, the Court issued its Preliminary Injunction Order. The Court found a substantial likelihood of success on the merits in that additional majority-Black districts should have been drawn. The General Assembly should have drawn an additional majority-Black congressional district in the west-metro Atlanta (Pendergrass Plaintiffs); two additional majority-Black State Senate districts in south-metro Atlanta (Grant); two additional majority-Black State House districts in the south-metro Atlanta (Grant), and one additional majority-Black State House district in southwestern Georgia (Alpha Phi Alpha). Alpha Phi Alpha Fraternity, Inc. v. Raffensperger, 587 F. Supp. 3d 1222, 1243–320

(N.D. Ga. 2022).⁷ In light of the Supreme Court’s decision to stay the Milligan case, the Court ultimately denied the preliminary injunction finding that the balance of harms and public interest weighed against granting the injunction. Id. at 1321–27. Specifically, the Court found based upon the evidence presented that “the public interest of the State of Georgia would be significantly undermined by altering the election calendar and unwinding the electoral process” as of the date of its ruling. Id. at 1324.

Pursuant to Federal Rule of Civil Procedure 65(a)(2), certain evidence that was received on the preliminary injunction motions (in a format admissible at trial) has become a part of the trial record.

⁷ The Court did not find it necessary to rule on the substantial likelihood of success as to the Alpha Phi Alpha Plaintiffs’ Illustrative Senate Districts 17 and 28 and Illustrative House Districts 73, 110, and 111. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1267–68. The Court also did “not find that the Grant and Alpha Phi Alpha Plaintiffs ha[d] established that they have a substantial likelihood of succeeding on the merits of their claims that a third State Senate District should have been drawn in the Eastern Black Belt or that additional House Districts should have been drawn in the western Atlanta metropolitan area, central Georgia, or in the Eastern Black Belt.” Id. at 1271 n.23.

3. Discovery and Summary Judgment

Following the preliminary injunction hearing, all Plaintiffs amended their complaints and engaged in a nine-month discovery period. APA Doc. Nos. [133], [141], Pendergrass Doc. Nos. [96], [120], Grant Doc. No. [90], [96]. Following discovery, Defendants filed Motions for Summary Judgment in all three cases. APA Doc. No. [230], Pendergrass Doc. No. [175], Grant Doc. No. [190]. The Pendergrass and Grant Plaintiffs also filed Motions for Summary Judgment. Pendergrass Doc. No. [173], Grant Doc. No. [189]. On May 18, 2023, the Court heard argument on the pending motions. APA Doc. No. [260], Pendergrass Doc. No. [209], Grant Doc. No. [224]. At the conclusion of the hearing, the Court informed the Parties that it would not rule on the motions for summary judgment until after the Supreme Court issued its opinion for the Allen case.

On June 8, 2023, the Supreme Court issued a 5-4 decision in Allen, 599 U.S. 1, affirming the three-judge court's Grant of the preliminary injunction.⁸ Chief

⁸ The procedural history for the Allen case shows that the case name changed from Merrill v. Milligan to Allen v. Milligan based upon the expiration of the term of Alabama's Secretary of State and the swearing in of the successor.

Justice Roberts, writing for the majority, upheld the existing three-part framework developed in Gingles, 478 U.S. at 30 and found under a clear error review that the three-judge district court did not err in finding a substantial likelihood of success on a Section 2 violation. Id.⁹

Following the Supreme Court's Allen decision, the Parties provided supplemental briefing. APA Doc. Nos. [263], [264], Pendergrass Doc. Nos. [212], [214], Grant Doc. Nos. [227], [228]. The Court then denied all pending motions for summary judgment. APA Doc. No. [268], Pendergrass Doc. No. [215], Grant Doc. No. [229]. In all three cases, the Court found that issues of fact and credibility remained on all three Gingles preconditions as well as the totality of the circumstances. Id.

4. Trial

The Parties then proceeded to trial on the merits of Plaintiffs' claims and Defendants' affirmative defenses. Although the Court did not consolidate the three cases, at the trial, the Court heard all three cases at once (utilizing

⁹ For a thorough discussion of the Supreme Court's Allen decision, see APA Doc. No. [268].

coordinated hearing procedures). For the sake of clarity, the Court required the Parties to clearly state on the Record which testimony and which pieces of evidence were attributed to which case. APA Doc. No. [286], Pendergrass Doc. No. [236], Grant Doc. No. [248]. Over the course of the eight-day trial – spanning from September 5, 2023 through September 14, 2023 – the Court heard from 20 live witnesses and accepted testimony from 22 witnesses via deposition (APA Doc. No. [292], Pendergrass Doc. No. [243], Grant Doc. No. [254]).

At the conclusion of all three Plaintiffs’ presentations of evidence, Defendants moved for Judgment on Partial Findings of Fact pursuant to Federal Rule of Civil Procedure 52(c). APA Doc. No. [305], Pendergrass Doc. No. [255], Grant Doc. No. [264]. The Court verbally denied the motion. APA Doc. No. [306], Pendergrass Doc. No. [257], Grant Doc. No. [266]. Defendants then proceeded to present their case-in-chief. The Court heard closing arguments and took the matter under advisement. APA Doc. No. [308], Pendergrass Doc. No. [259], Grant Doc. No. [268].

5. Post-Trial Proceedings

Following the trial, all Parties submitted proposed findings of fact and conclusions of law for the Court's consideration. APA Doc. Nos. [317], [318], Pendergrass Doc. Nos. [268], [269], Grant Doc. Nos. [277], [278].¹⁰ The Court has adopted and rejected portions of the Parties' submissions.

B. The Named Parties

1. Alpha Phi Alpha Plaintiffs

a) Alpha Phi Alpha Fraternity, Inc.

Alpha Phi Alpha Fraternity, Inc. is the first intercollegiate Greek-letter fraternity established for Black men. Stip. ¶ 51. Alpha Phi Alpha has programs to raise political awareness, register voters, and empower Black communities. Stip. ¶ 53. Alpha Phi Alpha has thousands of members throughout Georgia. Stip. ¶ 52.

¹⁰ Under the Local Rules, counsel are "directed to submit a statement of proposed Findings of Fact and Conclusions of Law in nonjury cases." LR 16.4(B)(25), NDGa. The Court does not view these proposals as evidence or post-trial briefs. To the extent that any Party raised an argument in their Proposed Findings of Fact and Conclusions of Law that was not raised in the Pretrial Order or at trial, that argument will be disregarded.

Under the Enacted Legislative Plans, Alpha Phi Alpha has members who live in State Senate Districts 16, 17, and 23 and State House Districts 74, 114, 117, 128, 133, 134, 145, 171, and 173. Id. Harry Mays is a member of Alpha Phi Alpha Fraternity, Inc. Doc. No. [94], at 2 ¶ 4; Stip. ¶ 54. Mr. Mays resides in House District 117 under the State’s 2021 House Plan, and under Plaintiffs’ illustrative maps would reside in a new majority-Black House District. Id. ¶¶ 55–56.

b) Sixth District African Methodist Episcopal Church

The Sixth District of the African Methodist Episcopal Church (“Sixth District AME”) is a nonprofit religious organization. Stip. ¶ 57. The Sixth District AME is one of twenty districts of the AME Church and covers all of Georgia. Stip. ¶ 58. One of its core tenets is encouraging and supporting civic participation among its members through voter registration, transporting churchgoers to the polls, hosting “Get Out the Vote” efforts, and providing food, water and encouragement to people waiting in lines at the polls. Stip. ¶ 62.

Under the Enacted Legislative Plans, member-churches of the Sixth District AME are located in State Senate Districts 16, 17, and 23 and State House Districts 74, 114, 117, 128, 133, 134, 145, 171, and 173. Stip. ¶ 61. Plaintiff Phil S. Brown is a

member of the Lofton Circuit AME Church in Wrens, Georgia, and Plaintiff Janice Stewart is a member of the Saint Peter AME Church in Camilla, Georgia. Stip. ¶¶ 63–64.

c) Individually-named Plaintiffs in the APA case

Eric T. Woods is a Black resident of Tyrone, Georgia. Stip. ¶¶ 65, 66. Under the Enacted Legislative Plans, Mr. Woods is a registered voter in State Senate District 16. Stip. ¶¶ 67, 68. Katie Bailey Glenn is a Black resident of McDonough, Georgia. Stip. ¶¶ 70, 71. Under the Enacted Legislative Plans, Ms. Bailey is a registered voter in State Senate District 17. Stip. ¶¶ 72, 73. Phil S. Brown is a Black resident of Wrens, Georgia. Stip. ¶¶ 75, 76. Under the Enacted Legislative Plans, Mr. Brown is a registered voter in State Senate District 23. Stip. ¶¶ 77, 78. Janice Stewart is a Black resident of Thomasville, Georgia. Stip. ¶¶ 80, 81. Under the Enacted Legislative Plans, Ms. Stewart is a registered voter in State House District 173. Stip. ¶¶ 82, 83.

2. Pendergrass Plaintiffs

Coakley Pendergrass is a Black resident of Cobb County, Georgia. Stip. ¶¶ 1, 2. Under the Enacted Congressional Plan, Mr. Coakley is a registered voter in Congressional District 11. Stip. ¶ 3. Triana Arnold is a Black resident of

Douglas County, Georgia. Stip. ¶¶ 4, 5. Under the Enacted Congressional Plan, Ms. Arnold is a registered voter in Congressional District 3. Stip. ¶ 6. Elliott Hennington is a Black resident of Cobb County, Georgia. Stip. ¶¶ 7, 8. Under the Enacted Congressional Plan, Mr. Hennington is a registered voter in Congressional District 14. Stip. ¶ 9. Robert Richards is a Black resident of Cobb County, Georgia. Stip. ¶¶ 10, 11. Under the Enacted Congressional Plan, he is a registered voter in Congressional District 14. Stip. ¶ 12. Jens Rueckert is a Black resident of Cobb County, Georgia. Stip. ¶¶ 13, 14. Under the Enacted Congressional Plan, Mr. Rueckert is a registered voter in Congressional District 14. Stip. ¶ 15. Ojuan Glaze is a Black resident of Douglas County, Georgia. Stip. ¶¶ 16, 17. Under the Enacted Congressional Plan, Mr. Glaze is a registered voter in Congressional District 13. Stip. ¶ 18.

3. Grant Plaintiffs

Annie Lois Grant is a Black resident of Union Point, Georgia. Stip. ¶¶ 19, 20. Under the Enacted Legislative Plans, Ms. Grant is a registered voter in State Senate District 24 and State House District 124. Stip. ¶ 20. Quentin T. Howell is a Black resident of Milledgeville, Georgia. Stip. ¶¶ 21, 22. Under the Enacted

Legislative Plans, Mr. Howell is a registered voter in State Senate District 25 and State House District 133. Stip. ¶ 23. Elroy Tolbert is a Black resident of Macon, Georgia. Stip. ¶¶ 24, 25. Under the Enacted Legislative Plans, Mr. Tolbert is a registered voter in State Senate District 18 and State House District 144. Stip. ¶ 26. Triana Arnold James is a Black resident of Villa Rica, Georgia. Stip. ¶¶ 27, 28. Under the Enacted Legislative Plans, Ms. James is a registered voter in State Senate District 30 and State House District 64. Stip. ¶ 29. Eunice Sykes is a Black resident of Locust Grove, Georgia. Stip. ¶¶ 30, 31. Under the Enacted Legislative Plans, Ms. Sykes is a registered voter in State Senate District 25 and State House District 117. Stip. ¶ 33. Elbert Solomon is a Black resident of Griffin, Georgia. Stip. ¶¶ 33, 34. Under the Enacted Legislative Plans, Mr. Solomon is a registered voter in State Senate District 16 and State House District 117. Stip. ¶ 35.

Dexter Wimbish is a Black resident of Griffin, Georgia. Stip. ¶¶ 36, 37. Under the Enacted Legislative Plans, Mr. Wimbish is a registered voter in State Senate District 16 and State House District 74. Stip. ¶ 38. Garrett Reynolds is a Black resident of Tyrone, Georgia. Stip. ¶¶ 39, 40. Under the Enacted Legislative Plans, Mr. Reynolds is a registered voter in State Senate District 16 and State

House District 68. Stip. ¶ 41. Jacqueline Faye Arbuthnot is a Black resident of Powder Springs, Georgia. Stip. ¶¶ 42, 43. Under the Enacted Legislative Plans, Ms. Arbuthnot is a registered voter in State Senate District 31 and State House District 64. Stip. ¶ 44. Jacquelyn Bush is a Black resident of Fayetteville, Georgia. Stip. ¶¶ 45, 46. Under the Enacted Legislative Plans, Ms. Bush is a registered voter in State Senate District 16 and State House District 74. Stip. ¶ 47. Mary Nell Conner is a Black resident of Henry County, Georgia. Stip. ¶¶ 48, 49. Under the Enacted Legislative Plans, Ms. Conner is a registered voter in State Senate District 25 and State House District 117. Stip. ¶ 50.

4. Defendants

a) Brad Raffensperger

Brad Raffensperger is the Georgia Secretary of State. Stip. ¶ 85. The Secretary of State is a constitutional officer elected by Georgia voters every four years. Ga. Const. Art. 5, § 3, par. 1. Under Georgia law, the Secretary of State is required:

- (1) [t]o determine the forms of nomination petitions, ballots, and other forms;
-

(6) [t]o receive from the superintendent the returns of primaries and elections and to canvass and compute the votes cast for candidates and upon questions;

....

(13) [t]o prepare and furnish information for citizens on voter registration and voting; and

....

(15) [t]o develop, program, building, and review ballots for use by counties and municipalities on voting systems in use in the state.

O.C.G.A. § 21-2-50(a).

b) The State Election Board¹¹

The State Election Board (“SEB”) was created by legislation codified in the Georgia’s Election Code, O.C.G.A. § 21-2-30(a). It consists of five members, including a representative of each of the two major political parties. Id. § 21-2-

¹¹ The Court notes for the record that Defendant Raffensperger is sued in his official capacity in all three lawsuits, the members of the SEB are sued in their official capacities in Pendergrass and Grant. As will be discussed below, the Court finds that the Pendergrass and Grant Plaintiffs did not introduce any evidence about the SEB’s ability to redress their injuries or that the injury is traceable to it. Thus, the Court ultimately finds that the Pendergrass and Grant Plaintiffs lack standing to sue the SEB. See Section II(A)(1)(b) *infra*. However, throughout this Opinion and Memorandum, the Court will collectively refer to all Defendants, even though the SEB is ultimately dismissed and was not sued by the Alpha Phi Alpha Plaintiffs. However, any relief will be directed to Secretary of State Raffensperger.

30(c). Sarah Tindall Ghazal, Janice Johnston, Edward Lindsey, and Matthew Mashburn serve as members of the SEB. Stip. ¶¶ 86–89.¹²

Under Georgia law, moreover, the SEB has a statutory duty to “formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections.” O.C.G.A. § 21-2-31(2). Georgia law also tasks the SEB with “investigat[ing] or authoriz[ing] the Secretary of State to investigate, when necessary or advisable[,] the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney” *Id.* § 21-2-31(5). Furthermore, the SEB is “vested with the power to issue orders, after the completion of appropriate proceedings, directing compliance with [the Election

¹² Defendants have filed a notice indicating that on September 1, 2023, the Honorable William S. Duffey, Jr., stepped down as a chair of the State Election Board. Pendergrass Doc. No. [270], Grant Doc. No. [279]. Because Duffey was sued in his official capacity, this resignation does not abate the action, but does lead to Duffey being terminated as a named-party under the applicable rules of civil procedure. See Fed. R. Civ. P. 21; 25(d).

Code] or prohibiting the actual or threatened commission of any conduct constituting a violation” Id. § 21-2-33.1(a).

Additionally, Georgia law tasks the SEB with oversight authority over the counties. See O.C.G.A. § 21-2-31(1) (“It shall be the duty of the [SEB] . . . [t]o promulgate rules and regulations so as to obtain uniformity in the practices and proceedings of superintendents, registrars, deputy registrars, poll officers, and other officials, as well as the legality and purity in all primaries and elections[.]”); id. at § 21-2-31(2) (“[t]o formulate, adopt, and promulgate such rules and regulations, consistent with law, as will be conducive to the fair, legal, and orderly conduct of primaries and elections”); id. at § 21-2-31(5) (“[t]o investigate, or authorize the Secretary of State to investigate, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution.”).

C. History of Race and Voting in Georgia

In 1965, Congress passed the Voting Rights Act (“VRA”). While the VRA has been amended several times, as originally adopted, Section 2 prohibited practices that denied or abridged the right to vote “on account of” race or color. See Allen, 599 U.S. at 11 n.1 (citing 42 U.S.C. § 1973 (1970 ed.)).

The Act was amended in 1982. Id. at 11. Section 4 of the VRA (the “coverage formula”) determined which jurisdictions were “covered” and were required to submit new voting procedures or practices for prior approval (“preclearance”) by the Department of Justice or a district court panel of three judges, pursuant to Section 5. See James D. Wascher, Recognizing the 50th Anniversary of the Voting Rights Act, Fed. Law., May 2015, at 41 (hereinafter, “Wascher”). The VRA thus “employed extraordinary measures to address an extraordinary problem.” Shelby Cnty. v. Holder, 570 U.S. 529, 534 (2013). Georgia was a covered jurisdiction because in the 1960s and early 1970s, the whole state had low voter registration or turnout and maintained tests or devices as prerequisites to voting (i.e., poll taxes, literacy tests, and grandfathering rules). Id. at 536–37 (28 C.F.R. pt. 51, App. (2012)).

During Georgia's last redistricting cycle in 2011, which was subject to preclearance under Section 5 of the Voting Rights Act, the Department of Justice ("DOJ") precleared Georgia's proposed State Senate, State House, and Congressional Plans. See Jud. Not.¹³

Following those determinations, in 2013, the Supreme Court held that the coverage formula was no longer constitutional because it had not been reformulated since 1975. Shelby Cnty., 570 U.S. at 538, 556–57. As a result, the State of Georgia is no longer a covered jurisdiction and is no longer required to send district plans or any proposed voting practices or procedural changes to the DOJ for preclearance. The 2020 redistricting cycle is the first in which Georgia was not required to seek preclearance before adopting its new congressional and legislative plans.

¹³ The precleared plans were utilized in the 2012 election and will hereinafter be referred to as the "2012 Plans."

D. Georgia's Changing Demographics

1. *Georgia's Total Population*

Between 2000 and 2010, Georgia's population increased by a little over 1.5 million people (from 8,186,453 to 9,687,653), which marked a population growth rate of 18.34%. PX 1, fig.3. The growth of the minority population accounted for approximately 14.85% of this growth rate, the Any-Part Black ("AP Black")¹⁴ population alone accounted for 8.07%, and the white population accounted for approximately 3.48% of Georgia's growth rate. Id. During this time, the minority population increased by 1,215,941 people and had a growth rate of 34.66%. PX 1, fig.3. The AP Black population increased by 660,673 people and had a growth rate of 27.60%. Id. Meanwhile, Georgia's white population grew by 285,259 people and had a growth rate of 5.56%. Id. Following the 2010 Census, as a result of population growth, Georgia was apportioned a 14th Congressional

¹⁴ "AP Black" is defined as the combined total of all persons who are single-race Black and persons who are two or more races and one of them is Black. Stip. ¶ 95. "[I]t is proper to look at *all* individuals who identify themselves as [B]lack" in their census responses, even if they "self-identify as both [B]lack and a member of another minority group," because the inquiry involved is "an examination of only one minority group's effective exercise of the electoral franchise." Georgia v. Ashcroft, 539 U.S. 461, 473 n.1 (2003).

District. Stip. ¶ 94. During this time, the growth of the minority population outpaced the white population by approximately 6 times and the Black population outpaced the white population by approximately 5 times.

In 2020, the United States Census Bureau conducted the 2020 Census. The Census results were provided to Georgia on August 21, 2021. Stip. ¶ 92. Between 2010 and 2020 Georgia's total population increased by over a million people to 10,711,908, which marked a population growth rate of 10.57%. Id. ¶ 93; PX 1, fig.3; Tr. 718:4-6. The growth of the minority population accounted for approximately 11.11% of this growth rate, the AP Black population alone accounted for 5.00%, and the white population accounted for approximately -0.53% of Georgia's growth rate. Id. Meaning, all of Georgia's population growth during the past decade is attributable to the growth of the minority population. PX 1 ¶ 14, fig.1, Tr. 718:7-15. During this time, the minority population increased by 1,076,019 people and had a growth rate of 25.18%. PX 1, fig.3. The AP Black population increased by 484,048 people and had a growth rate of 15.85%. Id. Meanwhile, Georgia's white population decreased by 51,764 people and had a negative growth rate of -0.9%. Id. Over the past two decades, Georgia's Black and

minority populations continued to have a double-digit rate of growth; whereas, in the last decade, the white population has begun to decline in Georgia.

In total numbers, Georgia's AP Black population increased by 484,048 people since 2010. Stip. ¶ 95; PX 1 ¶ 14, fig.3. Between 2010 and 2020 the AP Black population accounted for 47.26% of Georgia's total population growth. Stip. ¶¶ 96, 102; PX 1 ¶ 14 & fig.1. And the proportion of the AP Black population overall increased from 31.53% to 33.03% over the same period. Stip. ¶ 102; PX 1 ¶ 16. Meanwhile, Georgia's single-race white population decreased by 51,764 people and makes up 50.06% of Georgia's population, which is a razor thin majority of Georgia's population. Stip. ¶¶ 99, 102. Georgia's minority population now totals 49.94%. PX 1 ¶ 14 & fig.1.

2. Metro Atlanta

The Atlanta Metropolitan Statistical Area ("Atlanta MSA")¹⁵ had a population growth of 803,087 persons between 2010 and 2020, which accounts

¹⁵ The Atlanta MSA consists of the following 29 counties: Barrow, Bartow, Butts, Carroll, Cherokee, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Haralson, Heard, Henry, Jasper, Lamar, Meriwether, Morgan, Newton,

for approximately 78.41% of Georgia's total population growth. Stip. ¶ 107; PX . 1 ¶ 14 & fig.1; id. ¶ 30 & fig.5. The AP Black population accounted for 409,927 of those persons, which amounts to 51.04% of the population growth in Atlanta and 40.02% of Georgia's population growth. Id. The AP Black population is 35.91% of the Atlanta MSA, which was an increase from 33.61% in 2010. Stip. ¶ 108. The AP Black population accounts for 34.86% of the Atlanta MSA's total voting age population. Stip. ¶ 110.

According to the 2020 Census, the Atlanta MSA has a total voting-age population of 4,654,322 persons, of whom 1,622,469 (34.86%) are AP Black. Stip. ¶ 110. The non-Hispanic white voting-age population is 4,342,333 (52.1%). PX 1 ¶ 31 & fig.6. And, the 11 ARC counties account for more than half (54.7%) of the statewide Black population. PX 1 ¶ 28.

Based on the 2020 Census, the combined Black population in Cobb, Fulton, Douglas, and Fayette Counties is 807,076 persons, more than necessary to

Paulding, Pickens, Pike, Rockdale, Spalding, and Walton. Stip. ¶ 106. The Atlanta Regional Commission ("ARC") is comprised of 11 core counties within the Atlanta MSA: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, and Rockdale. Stip. ¶ 111.

constitute an entirely AP Black congressional district¹⁶ – or a majority in two congressional districts. PX 1 ¶ 42 & fig.8. The population is 100,000 people more than needed to constitute an entirely AP Black Senate district¹⁷ in this area, and nearly 5 entirely AP Black House Districts.¹⁸ More than half (53.27%) of the total population increase in these four counties since 2010 can be attributed to the increase in the Black population. PX 1 ¶ 43.

The southeastern metro-Atlanta area has experienced similar growth patterns. In 2000, 18.51% of the population in the five-county Fayette-Spalding-Henry-Rockdale-Newton area was Black. Stip. ¶ 114; APAX 1, 25 & fig.7. By 2010, the Black population in that area more than doubled to reach 36.70% of the overall population, then grew to 46.57% in 2020. Id. Between 2000 and 2020, the Black population in this five-county South Metro Atlanta area quadrupled, from 74,249 to 294,914. Stip. ¶ 115. This area is now plurality Black. APAX 1, 25 & fig.7. Fayette and Spalding Counties have seen Black population increases of 54.5%

¹⁶ The ideal population size of a congressional district is 765,136 people. Stip. ¶ 197.

¹⁷ The ideal population size for a Senate district is 191,284 people. Stip. ¶ 277

¹⁸ The ideal population size for a House district is 59,511 people. Stip. ¶ 278.

and 18.7%, respectively, since 2010. APAX 1, at 40 ¶ 97. Henry County's Black population has increased by 39.3% in the last decade, and Henry County is now plurality Black. Id. ¶ 102. As Mr. Cooper explained, in the 1990s, Henry County was not even "10 percent Black" but the county has "change[d] over time." Tr. 116:17-18.

Meanwhile, under the 2000 Census, the population in the 29-county Atlanta MSA was 60.42% non-Hispanic white, decreased to 50.78% in 2010, and decreased further to 43.71% in 2020. PX 1 ¶ 25 & fig.4. Between 2010 and 2020, the non-Hispanic white population in the Atlanta MSA decreased by 22,736 persons. Stip. ¶ 112; PX 1 ¶ 25 & fig.4; Tr. 721:19-23.

3. The Black Belt

The Black Belt refers to an area that runs across the southeastern United States. Stip. ¶ 118. The Black Belt, is in part, characterized by significant Black populations and a shared history of antebellum slavery and plantation agriculture. Id. Georgia's portion of the Black Belt runs across the middle of the State between Augusta and Southwest Georgia. Stip. ¶ 119. Unlike, the Atlanta MSA, it is not comprised of a specific set of whole counties.

a) Eastern Black Belt Region

The Georgia Department of Community Affairs (“GDCA”) has prepared regional commission maps, including of the Central Savannah River Area region. APAX 1, 13 ¶ 26; id. at 118-119, Ex. F. The Central Savannah River Area Counties include: Jenkins, Burke, Richmond, Jefferson, McDuffie, Wilkes, Taliaferro, Glascock, Warren, Washington, and Hancock. Ten of these 11 contiguous counties – excluding Glascock – are identified as part of Georgia’s Black Belt by the Georgia Budget and Policy Institute. APAX 1, 13-14 ¶ 27; DX 22, at 20-25; Stip. ¶¶ 120-123. Mr. Cooper defined this set of 11 counties as part of the “Eastern Black Belt.” APAX 1 ¶ 24. These same counties are consistent with Mr. Esselstyn’s understanding of the eastern portion of the Black Belt. GX 1 ¶ 19 & fig.1.

According to Mr. Cooper’s analysis, between 2000 and 2020, the total population in the Eastern Black Belt has remained relatively constant. APAX 1 ¶ 58 & fig.8. And, at least 40% of these eleven counties are AP Black and over the past two decades, their share of the population increased from 50.66% to 54.62%. Stip. ¶¶ 120, 122. Meanwhile, the white population decreased from 45.61% to

38.17% of the population over the same period. Stip. ¶ 123. In other words, the Black population in this area has become more concentrated over time, and now comprises a majority.

b) Metro-Macon Region

Metropolitan Macon is a seven-county region in Middle Georgia defined by the combined Metropolitan Statistical Areas (“MSAs”) of Macon-Bibb and Warner Robins. Stip. ¶ 124; APAX 1, at 15–16 ¶ 33. The Macon-Bibb MSA includes the counties of Twiggs, Macon-Bibb, Jones, Monroe, and Crawford. Stip. ¶ 124; APAX 1, at 16 n.14. The adjacent Warner Robins MSA encompasses Houston and Peach Counties. Stip. ¶ 124; APAX 1, 16 n.14. Three of the Macon-area counties are “identified as part of Georgia’s Black Belt” — Macon, Bibb, Peach, and Twiggs, encompassing about 59% of the Black population (177,269) in the seven-county region. APAX 1, 29; GX 1 ¶ 19 & fig.1. Between 2000 and 2020, the AP Black population increased from 36.89% to 41.67% of the Macon MSA. Stip. ¶ 126. Meanwhile, the white population decreased from 59.40% to 49.10% of the Macon MSA. Stip. ¶ 127.

c) Southwestern Georgia Region

The relevant counties in southwest Georgia include: Sumpter, Webster, Stewart, Quitman, Clay, Randolph, Terrell, Calhoun, Dougherty, Early, Baker, and Mitchell. Stip. ¶¶ 128–132. Twelve of the thirteen counties in Senate District 12—all but Miller County—are identified by the Georgia Budget and Policy Institute as Black Belt counties. APAX 1, 15 ¶ 32; DX 22, at 20–25. At least 40% of this region is AP Black, and all but Miller County is at least 40% AP Black. Stip. ¶ 128. Between 2000 and 2020, the population decreased in this area from 214,686 to 190,819 (11.12%). Stip. ¶ 130. While the AP Black and white populations have decreased over the past two decades, the share of the AP Black population increased from 55.33% to 60.6%, and the white population decreased from 42.36% to 33.83%. Stip. ¶¶ 131, 132.

E. Georgia 2021 Enacted Plans

1. *The 2021 Redistricting Process*

a) Legislative activities

In the wake of the COVID-19 pandemic, the Georgia General Assembly underwent the constitutionally required process of redistricting. Article One, Section 2, Clause 3 of the United States Constitution provides:

“Representatives . . . shall be apportioned among the several States which may be included within the Union, according to their respective Numbers The actual Enumeration shall be made . . . every [] Term of ten Years, in such Manner as they shall by Law direct.” U.S. Const. art. I, §2, cl. 3.

In 2021 and prior to the public release of the redistricting plans, the House Legislative and Congressional Reapportionment and Senate Reapportionment and Redistricting Committees adopted guidelines. Stip. ¶¶ 134, 135. The general principles for drafting plans for the House Legislative and Congressional Reapportionment Committee are as follows:

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.
2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.
6. No multi-member districts shall be drawn on any legislative redistricting plan.
7. The Committee should consider:
 - a. The boundaries of counties and precincts;
 - b. Compactness; and
 - c. Communities of interest.
8. Efforts should be made to avoid the unnecessary pairing of incumbents.
9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

Stip. ¶ 134; JX 2, 3. The general principles for drafting plans for the Senate Reapportionment and Redistricting Committee are as follows:

III. REDISTRICTING PLANS

A. GENERAL PRINCIPLES FOR DRAFTING PLANS

1. Each congressional district should be drawn with a total population of plus or minus one person from the ideal district size.
2. Each legislative district of the General Assembly should be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.
3. All plans adopted by the Committee will comply with Section 2 of the Voting Rights Act of 1965, as amended.
4. All plans adopted by the Committee will comply with the United States and Georgia Constitutions.
5. Districts shall be composed of contiguous geography. Districts that connect on a single point are not contiguous.
6. No multi-member districts shall be drawn on any legislative redistricting plan.
7. The Committee should consider:
 - a. The boundaries of counties and precincts;
 - b. Compactness; and
 - c. Communities of interest.
8. Efforts should be made to avoid the unnecessary pairing of incumbents.
9. The identifying of these criteria is not intended to limit the consideration of any other principles or factors that the Committee deems appropriate.

Stip. ¶ 135; JX 1, 3.

The redistricting process consisted of the following actions. Beginning on June 15, 2021 and between June and July of 2021, the Georgia General Assembly held nine in-person and two virtual joint public hearing committees on redistricting. Stip. ¶ 136. The joint redistricting committee released educational videos about the redistricting process. Stip. ¶ 137. The Georgia General Assembly created an online portal and received 1,000 comments from voters in 86 counties. Stip. ¶ 138.

On August 21, 2021, the Census Bureau released its detailed population data gathered from its 2020 canvassing efforts. Stip. ¶ 140. On August 30, 2021, the General Assembly's joint redistricting committees held a meeting with interest groups. Stip. ¶ 141. The National Conference of State Legislatures, American Civil Liberties Union of Georgia, Common Cause, Fair Districts GA, the Democratic Party of Georgia, and Asian-Americans Advancing Justice-Atlanta presented at the August 30, 2021 joint meeting. Stip. ¶ 142.

b) Map drawing process

Gina Wright, the Executive Director of the Georgia General Assembly's Office of Legislative and Congressional Reapportionment, testified at trial that

she drew Georgia's redistricting plans for Congress, State Senate, and State House in 2021. Tr. 1605:14-16. As a fact witness, the Court found Ms. Wright to be highly credible in her knowledge about Georgia's map drawing process. The Court also found Ms. Wright's testimony about various areas of the state to be credible and reliable.

Ms. Wright testified that generally she began drafting the new legislative plans by using blank maps, rather than starting from the existing plans. Tr. 1622:11-17; 1642:7-14. She then put the ideal population size, using the Census population, into the blank map. Tr. 1622:11-13. At times, she layered the new maps with the former map to see if she retained core districts. Tr. 1607:8-1621:18-22. Ms. Wright used the eyeball test and did not look at compactness scores when she drew the congressional and legislative districts. Tr. 1610:3-1611:12.

Once she drew the blind map, she gave the map to the chairmen of the House Legislative and Congressional Reapportionment and Senate Reapportionment and Redistricting Committees. Tr. 1623:4-6. Ms. Wright then made adjustments as requested by Senator Kennedy, chairman of the Senate

Reapportionment and Redistricting Committee, Representative Bonnie Rich, a former member of the House Reapportionment and Redistricting Committee, and other members, if requested. Tr. 1626:10–1627:1; 1641: 24–1642:1. Ms. Wright also incorporated the information she received from the public hearings when drawing the plans. Tr. 1627:2–13.

The Congressional map was drawn in a slightly different manner. Instead of starting with a blank map, Ms. Wright testified that the chairman asked her to draw a benchmark map that had a more specific framework than the State legislative plans. Tr. 1666:5–11. There was no testimony or further explanation about the specific framework that was requested to go into the benchmark map.

The Proposed 2021 Senate and House Plans were first released on November 2, 2021. Stip. ¶ 143. Following their release, the joint redistricting committees received public comment on the proposed maps. Stip. ¶ 146. On November 3, 2021, the General Assembly convened a special session, in part, to consider the proposed Senate and House Plans. Stip. ¶ 144. The House and Senate redistricting committees held multiple meetings during the special session. Stip. ¶ 145. During this time, the House and Senate redistricting committees

received public comment on the draft plans during their committee meetings.

Stip. ¶ 146.

On November 12, 2021, the General Assembly passed the 2021 Senate and House Plans (SB 1EX and HB 1EX, respectively) (collectively, the “Enacted Legislative Plans,” individually, the “Enacted Senate Plan” and “Enacted House Plan”). Stip. ¶ 147. On November 22, 2021, the General Assembly passed the 2021 Congressional Redistricting Plan (the “Enacted Congressional Plan”). Stip. ¶ 148. No Democratic members of the General Assembly or Black representatives voted in favor of the 2021 Enacted Congressional, Enacted Senate, or Enacted House Plans (collectively “the Enacted Plans”). Stip. ¶¶ 150, 151. On December 30, 2021, Governor Kemp signed the Enacted Plans into law. Stip. ¶ 149. The Enacted Plans were used in the 2022 Elections. Stip. ¶ 152.

2. Enacted Plan Statistics

a) Congressional Plan

(1) 2012 Congressional plan

The 2012 Congressional Plan was precleared under Section 5 of the VRA by the DOJ. See Jud. Not.; see also Attorney General Press Release, <https://law.georgia.gov/press-releases/2011-12-23/justice-approves-georgias->

redistricting-plans; Charles Bullock, The History of Redistricting in Georgia, 52 Ga. L. Rev. 1057, 1097–98 (Summer 2018).

Pursuant to the population increase shown in the 2010 Census results, for the first time, Georgia was apportioned an additional seat in the U.S. House of Representatives, making Georgia’s U.S. House of Representative delegation a total of 14 members. See United States Census Bureau, Historical Apportionment Data (1910-2020), <https://www.census.gov/data/tables/time-series/dec/apportionment-data-text.html> (last visited Sept. 15, 2023).¹⁹

The 2012 Congressional Plan contained four districts where the AP Black Voting Age Population (“AP BVAP”) was in the majority. Stip. ¶ 160. Three of those districts were located within the Atlanta MSA. Stip. ¶ 162. The 2012 Congressional Plan split 16 counties. Stip. ¶ 165. The average Reock Score²⁰ for

¹⁹ The Court takes judicial notice of the Decennial Census data. See United States v. Phillips, 287 F.3d 1053, 1055 n.1 (11th Cir. 2002) (citing Hollis v. Davis, 941 F.2d 1471, 1474 (11th Cir. 1991) and Moore v. Comfed Savings Bank, 908 F.2d 834, 841 n.4 (11th Cir. 1990)) (taking judicial notice of the United States Census Bureau’s 1990 census figures); Grant Doc. No. [229], at 9 n.10 (taking judicial notice of 2020 U.S. Census figures).

²⁰ “The Reock test is an area-based measure that compares each district to a circle, which

the 2012 Congressional Plan is 0.45 and the average Polsby-Popper Score²¹ is 0.26.

Stip. ¶ 168; PX 1, Ex. L-2.

District ²²	2012 Congressional Plan Reock Score	2012 Congressional Plan Polsby-Popper Score
1	0.40	0.23
*2	0.44	0.31
3	0.55	0.28
*4	0.54	0.27
*5	0.52	0.37
6	0.49	0.27
7	0.45	0.26
8	0.33	0.16
9	0.36	0.30
10	0.52	0.27
11	0.50	0.28
12	0.41	0.19
*13	0.38	0.16
14	0.45	0.31
Mean	0.45	0.26
Max:	0.55	0.37
Min:	0.33	0.16

is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact.” Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1275 n.24 (citation omitted).

²¹ “The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi\text{Area}/(\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact.” Id. at 1275 n.26.

²² The asterisk (*) denotes a majority AP Black district. Stip. ¶¶ 166, 167; Pendergrass Doc. Nos. [174-1], 61; [174-2], 25, 69.

(2) *Enacted Congressional Plan*

Pursuant to the 2020 Census, Georgia was apportioned 14 seats in the U.S. House of Representatives. Stip. ¶ 94. A colored version of the Enacted Congressional Plan was introduced into evidence at trial and is below.



PX 1, Ex. G.

The Enacted Congressional Plan contains four districts where the non-Hispanic Department of Justice Black citizen voting age population (“NH DOJ BCVAP”) ²³ is in the majority—CD-2 (50.001%), CD-4 (58.46%), CD-5 (52.35%), and CD-13 (67.05%). Stip. ¶ 161; PX 1 ¶ 53 & fig.11. The AP BVAP, however, only exceeds 50% in 2 districts CD-4 (54.54%) and CD-13 (66.75%). The AP BVAP of CD-2 is 49.29% and CD-5 is 49.60%. PX 1, Ex. K-1. All but one of those districts is contained in the Atlanta MSA. Stip. ¶ 166; PX 1, Ex. J-2. The Enacted Congressional Plan splits 15 counties. Stip. ¶ 164. It also split 46 VTDs.²⁴ PX 1 ¶ 81. The average Reock Score for the 2021 Congressional Plan is 0.44 and the average Polsby-Popper Score is 0.27. Stip. ¶ 168; PX 1, Ex. L-3.

A table that shows the Reock and Polsby score comparisons is as follows:

²³ The “NH DOJ Black CVAP” category includes voting age citizens who are either NH single-race Black or NH Black and White. An “Any Part Black CVAP” category that would include Black Hispanics cannot be calculated from the 5-Year ACS Census Bureau Special Tabulation.” PX 1 ¶ 57 n.10.

²⁴ “‘VTD’ is a Census Bureau term meaning ‘voting tabulation district.’ VTDs generally correspond to precincts.” PX 1 ¶ 11 n.4.

District ²⁵	2021 Congressional Plan Reock Score	2021 Congressional Plan Polsby- Popper Score
1	0.46	0.29
*2	0.46	0.27
3	0.46	0.28
*4	0.31	0.25
*5	0.51	0.32
6	0.42	0.20
7	0.50	0.39
8	0.34	0.21
9	0.38	0.25
10	0.56	0.28
11	0.48	0.21
12	0.50	0.28
*13	0.38	0.16
14	0.43	0.37
Mean	0.44	0.27
Max:	0.56	0.39
Min:	0.31	0.16

PX 1, Ex. L-3.

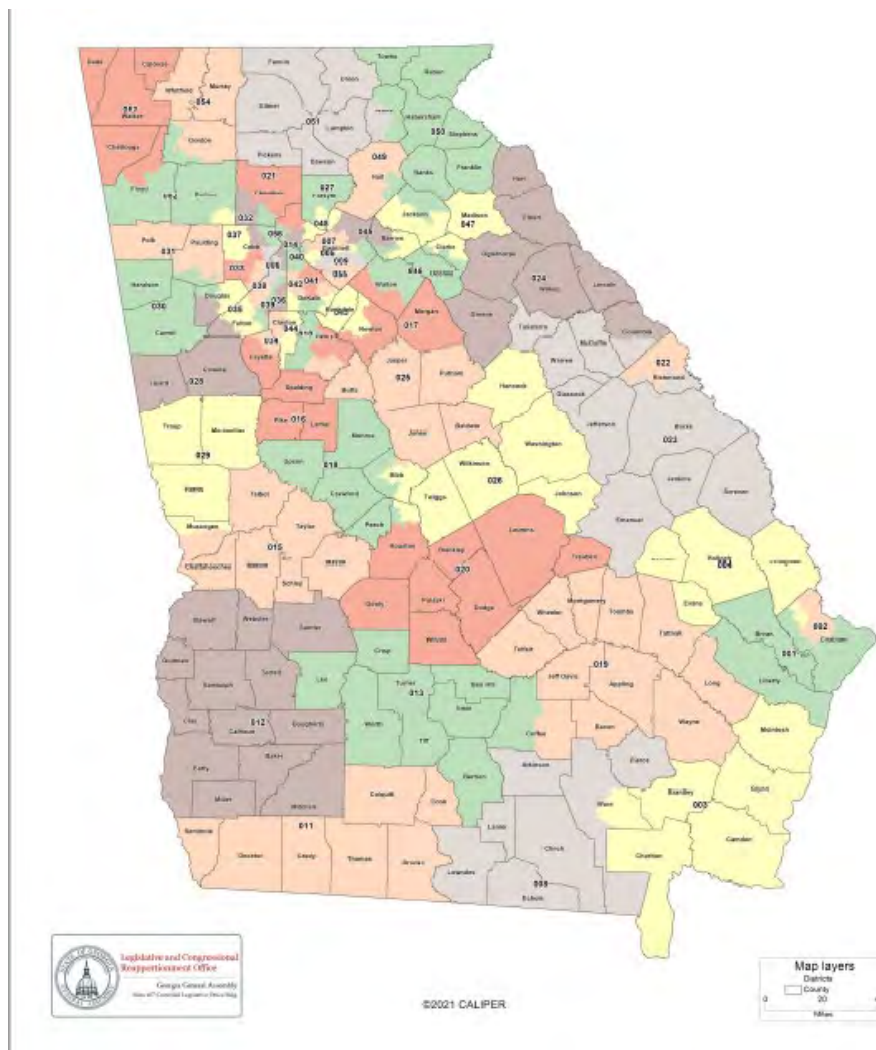
b) State Senate Plan

Under Georgia law, “[t]here shall be 56 members of the Senate. The General Assembly shall by general law divide the state into 56 Senate districts

²⁵ The asterisk (*) denotes a majority AP Black district.

which shall be composed of a portion of a county or counties or a combination thereof and shall be represented by one Senator elected only by the electors of such district.” O.C.G.A. § 28-2-2; see also Ga. Const. art. III, § 2, ¶ I. The ideal population for a Senate district in 191,284 people. Stip. ¶ 277.

Below is the Enacted Senate Plan:



APAX 1, Ex. L.

Under the Enacted Senate Plan, the greatest population deviation is $\pm 1.03\%$. Id. The average population deviation is 0.53% . Id. The Enacted Senate Plan split 29 counties. APAX 1 ¶ 116; fig.21. It also split 40 VTDs. Id. The Enacted Senate Plan did not pair any incumbents who were running for reelection. Stip. ¶ 175.

The Enacted Senate Plan contains 14 Senate districts where the ABVAP is the majority of the population, ten of the districts are fully within the Atlanta MSA. Stip. ¶¶ 176, 186; APAX 1, Ex. M-1. This is a reduction of one majority-Black district in the Senate Plan as a whole. Stip. ¶¶ 173, 177 (indicating that the 2014 Senate Plan contained 15 majority-Black Senate Districts with 10 wholly within the Atlanta MSA). The following is a Table depicting the majority AP Black districts and the percentage of the districts that is AP BVAP.

District	% AP BVAP
10	71.46
12	57.97
15	54.00
22	56.50
26	56.99
34	69.54
35	71.90
36	51.34
38	65.30
39	60.70
41	62.61
43	64.33
44	71.34
55	65.97

APAX 1, M-1.

The Enacted Senate Plan has an average Reock score of 0.43 and Polsby-Popper Score of 0.27. Stip. 189; APAX 1, Ex. S-2. The maximum and minimum Reock scores are 0.68 and 0.14. Id. The maximum and minimum Polsby-Popper scores are 0.62 and 0.11. Id. The compactness scores for the majority-Black districts are as follows:

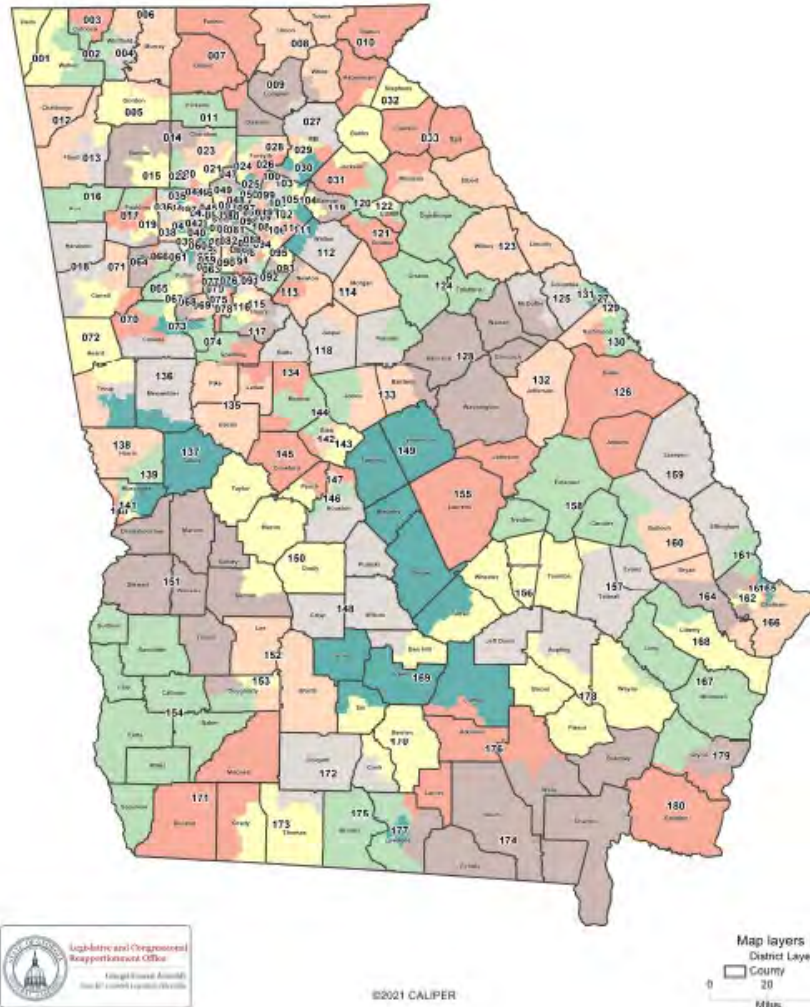
Districts	Reock Score	Polsby-Popper Score
10	0.37	0.27
12	0.53	0.28
15	0.56	0.33
22	0.39	0.34
26	0.47	0.21
34	0.40	0.32
35	0.42	0.18
36	0.25	0.28
38	0.47	0.21
39	0.14	0.11
41	0.31	0.21
43	0.56	0.27
44	0.19	0.18
55	0.25	0.23

APAX 1, S-2.

c) State House Plan

Under Georgia law, “[t]here shall be 180 members of the House of Representatives.” O.C.G.A. § 28-2-1(a)(1); see also Ga. Const. art. III, § 2, ¶ I. The Georgia Code further provides that: “[t]he General Assembly by general law shall divide the state into 180 representative districts which shall consist of either a portion of a county or a county or counties or any combination thereof and shall be represented by one Representative elected only by the electors of such district.” O.C.G.A. § 28-2-1 (a)(1)–(2); Stip. ¶ 179. The ideal population for a House district in 59,511. Stip. ¶ 278.

Below is the Enacted House Plan:



APAX 1, Ex. Y.

Under the Enacted Plan, the greatest population deviation of any district is $\pm 1.40\%$. Stip. ¶ 186; APAX 1, 116. The Enacted House Plan contains 49 House districts where the ABVAP is the majority of the population. Stip. ¶ 186; APAX

1, Ex. Z-1. Thirty-three of these districts are fully within the Atlanta MSA. Stip. ¶ 186; APAX 1, Exs. C,Y. This results in an addition of two majority-Black House districts overall and two in the Atlanta MSA. Stip. ¶¶ 180, 183. The Enacted House Plan split 69 Counties. APAX 1 ¶ 189; fig.37. It also split 179 VTDs. Id. The Enacted House Plan paired four sets of incumbents who ran for reelection in 2022. Stip. ¶ 182.

The following is a Table depicting the majority AP Black districts and the percentage of the districts that is AP BVAP.

District	%AP Black	District	%AP Black
38	54.23	90	58.49
39	55.29	91	70.04
55	55.38	92	68.79
58	63.04	93	65.36
59	70.09	94	69.04
60	63.88	95	67.15
61	74.29	113	59.53
62	72.26	115	52.13
63	69.33	116	58.12
65	61.98	126	54.47
66	53.41	128	50.41
67	58.92	129	54.87
68	55.75	130	59.91
69	63.56	132	52.34
75	74.40	137	52.13
76	67.23	140	57.63
77	76.13	141	57.46
78	71.58	142	59.52
79	71.59	143	60.79
84	73.66	150	53.56
85	62.71	153	67.95
86	75.05	154	54.82
87	73.08	165	50.33
88	63.35	177	53.88
89	62.54		

APAX 1, Z-1.

The Enacted House Plan has an average Reock score of 0.39 and Polsby-Popper Score of 0.28. Stip. ¶ 189; APAX 1, AG-2. The maximum and minimum

Reock scores are 0.66 and 0.12. Id. The maximum and minimum Polsby-Popper scores are 0.59 and 0.10. Id. The compactness scores for the majority-Black districts are as follows:

District	Reock Score	Polsby-Popper Score	District	Reock Score	Polsby-Popper Score
38	0.59	0.58	90	0.36	0.29
39	0.59	0.40	91	0.45	0.20
55	0.18	0.16	92	0.36	0.20
58	0.13	0.13	93	0.26	0.11
59	0.12	0.11	94	0.31	0.15
60	0.19	0.15	95	0.44	0.25
61	0.25	0.20	113	0.50	0.32
62	0.16	0.10	115	0.44	0.23
63	0.16	0.14	116	0.41	0.28
65	0.46	0.17	126	0.52	0.41
66	0.36	0.25	128	0.60	0.32
67	0.36	0.12	129	0.48	0.25
68	0.32	0.17	130	0.51	0.25
69	0.40	0.25	132	0.27	0.30
75	0.42	0.28	137	0.33	0.16
76	0.53	0.51	140	0.29	0.19
77	0.40	0.21	141	0.26	0.20
78	0.21	0.19	142	0.35	0.23
79	0.50	0.21	143	0.50	0.30
84	0.25	0.20	150	0.44	0.28
85	0.36	0.32	153	0.30	0.30
86	0.17	0.17	154	0.41	0.33
87	0.26	0.24	165	0.23	0.16
88	0.26	0.20	177	0.43	0.34
89	0.14	0.10			

Stip. ¶¶ 186, 189; APAX 1, Ex. S-3.

F. Illustrative Plans

1. *Credibility Determinations*

The Court makes the following credibility determinations as it relates to the Gingles preconditions experts.

a) Mr. William S. Cooper

Both the Alpha Phi Alpha and the Pendergrass Plaintiffs engaged Mr. Cooper as an expert. APAX 1, PX 1. The Court qualified Mr. Cooper as an expert in redistricting demographics and use of Census data. Tr. 65:21–24, 67:10–11; 715:8–10, 717:3–4. Mr. Cooper earned his Bachelor of Arts in economics from Davidson College. APAX 1, Ex. A. Since the late 1980s, Mr. Cooper has testified as an expert trial witness on redistricting and demographics in federal courts in about 55 voting rights cases. Tr. 62:11–14; see also APAX 1, Ex. A. Over 25 of the cases led to changes in local election district plans and five resulted in changes to statewide legislative boundaries. APAX 1, Ex. A; see Rural West Tennessee African-American Affairs Council, Inc. v. McWherter, 877 F. Supp. 1096 (W.D. Tenn. 1995); Old Person v. Brown, 182 F. Supp. 2d 1002 (D. Mont. 2002); Bone Shirt v. Hazeltine, 336 F. Supp. 2d 976 (D.S.D. 2004); Alabama

Legislative Black Caucus v. Alabama, 231 F. Supp. 3d 1026 (M.D. Ala. 2017); and Thomas v. Reeves, 3:18-CV-441-CWR-FKB, 2021 WL 517038 (S.D. Miss. Feb. 11, 2021).

In Georgia alone, Mr. Cooper has testified as an expert on redistricting and demographics in four other federal cases: Cofield v. City of LaGrange, 969 F. Supp. 749 (N.D. Ga. 1997); Love v. Cox, No. CV 679-037, 1992 WL 96307 (S.D. Ga. Apr. 23, 1992); Askew v. City of Rome, 127 F.3d 1355 (11th Cir. 1997); Woodard v. Mayor and City Council of Lumber City, 676 F. Supp. 255 (S.D. Ga. 1987). Mr. Cooper also filed expert declarations or depositions in the following Georgia federal cases: Dwight v. Kemp, No. 1:18-cv-2869 (N.D. Ga. 2018); Georgia State Conference of the NAACP v. Gwinnett County, No. 1:16-cv-02852-AT (N.D. Ga. 2016); Georgia State Conference of the NAACP v. Fayette County, 950 F. Supp. 2d 1294 (N.D. Ga. 2013); Knighton v. Dougherty County, No. 1:02-CV-130-2(WLS) (M.D. Ga. 2002); Johnson v. Miller, 864 F. Supp. 1354 (S.D. Ga. 1994); Jones v. Cook County, 7:94cv73 (M.D. Ga. 1994). APAX 1, Ex. A.

Following the 2020 Decennial Census, three local governments adopted commission level plans that Mr. Cooper drafted. Id. And Jefferson County,

Alabama, adopted his proposed school board plans. Id. Mr. Cooper testified in seven redistricting trials or preliminary injunction hearings in 2022, including in these Actions. Id. In one of those cases, the Supreme Court affirmed the district court's finding that his congressional maps were sufficient to show a substantial likelihood of success on the first Gingles precondition. Allen, 599 U.S. at 12-24.

Finally, Mr. Cooper was qualified as a redistricting and demographics expert at the preliminary injunction hearing. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1244. This Court found that "Mr. Cooper's testimony [was] highly credible . . . [and] that his methods and conclusions [we]re highly reliable, and ultimately that his work as an expert on the first Gingles precondition [wa]s helpful to the Court." Id. at 1244-45.

Mr. Cooper spent around six hours on the stand testifying as to his Illustrative Plans, including over three hours of cross-examination. On voir dire, Defense counsel questioned Mr. Cooper about his involvement in a 2012 Alabama redistricting case in which the three-judge court there stated in a 2017 memorandum of opinion and order that "plaintiffs' mapmakers came dangerously close to admitting that race predominated in at least some of the

districts in their plans.” Ala. Legis. Black Caucus, 231 F. Supp. 3d 1026 at 1046. Nevertheless, the three-judge court also “credit[ed] much of [Mr.] Cooper’s testimony” in an earlier 2013 opinion. Ala. Legis. Black Caucus v. Alabama, 989 F. Supp. 2d 1227, 1271–72 (M.D. Ala. 2013), rev’d on other grounds, Ala. Legis. Black Caucus v. Alabama, 575 U.S. 254 (2015).

During Mr. Cooper’s time on the stand, the Court was able to question and observe Mr. Cooper closely. Throughout his reports and hours of live testimony, his opinions were clear, consistent, and forthright, and he had no difficulty articulating the bases for his districting decisions. He was also forthright with the Court when discussing the characteristics of his illustrative plans and admitted that while the illustrative plans were acceptable for the first Gingles precondition, there would be other ways to draw maps at the remedial stage. E.g., Tr. 235:24–25.

Having reviewed Mr. Cooper’s expert report and evaluating his trial testimony, the Court again finds that Mr. Cooper is highly credible. Mr. Cooper has spent the majority of his career drawing maps for redistricting and demographic purposes, and he has accumulated extensive expertise (more so

than any other expert qualified in redistricting demographics in this case) in redistricting litigation, particularly in Georgia.

b) Mr. Blakeman B. Esselstyn

The Grant Plaintiffs proffered and the Court qualified Mr. Esselstyn as an expert in redistricting, demography, and geographic information systems. Tr. 464:2-5, 466:19-20. Mr. Esselstyn earned his Bachelor's degree in geology & geophysics and international studies from Yale University and a master's degree in computer and information technology from University of Pennsylvania. GX 1 ¶ 5. Mr. Esselstyn is the founder and principal of a consultancy called Mapfigure Consulting, which provides expert services in the areas of redistricting, demographics, and geographic information systems (GIS). Id. ¶ 1. He has served as a consulting expert in four redistricting cases. Id. ¶ 3. Mr. Esselstyn has developed 16 redistricting plans that have been enacted for use in elections by jurisdictions at various levels of government. Id. ¶ 4.

Mr. Esselstyn was a testifying expert witness in the following cases: Jensen v. City of Asheville, (N.C. Super. 2009); Hall v. City of Asheville, (No. 05CV53804, 2007 WL 9210091 (N.C. Super. June 17, 2007); and Arnold v. City of Asheville,

Buncombe Cnty., No. 02CV53945 (N.C. Super. Nov. 20, 2003). GX 1, Attach. A. On *voir dire*, Mr. Esselstyn acknowledged that he has never drawn a statewide map that was used in an election and that he has never drawn a map for any jurisdiction in Georgia. Tr. 465:20–25.

Following the 2020 Decennial Census, Mr. Esselstyn has been consulted as an expert for the plaintiffs in League of United Latin American Citizens v. Abbott, 3:21-CV-00259-DCG-JES-JVB (W.D. Tex. Oct. 18, 2021) and Rivera v. Schwab, 315 Kan. 877, 512 P.3d 168 (2022). GX 1, Attach. A.

Mr. Esselstyn was qualified as a redistricting and demographics expert at the preliminary injunction hearing. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1245-46. This Court found that “Mr. Esselstyn’s testimony [was] highly credible . . . [and] that his methods and conclusions [we]re highly reliable, and ultimately that his work as an expert on the first Gingles precondition [wa]s helpful to the Court.” Id. at 1246.

Having reviewed Mr. Esselstyn’s expert report and evaluating his trial testimony, the Court again finds that Mr. Esselstyn is highly credible. The Court does note that Mr. Esselstyn was less forthcoming on cross-examination in the

trial than he was during the preliminary injunction hearing. However, the Court finds that Mr. Esselstyn's explanations were internally consistent and did not falter. Accordingly, the Court will give great weight to Mr. Esselstyn's testimony.

c) Mr. John B. Morgan

Defendant proffered and the Court qualified Mr. Morgan as its expert in redistricting and the analysis of demographic data in all three cases. Tr. 1748:8-11, 15-16. Mr. Morgan earned his Bachelor of Arts in history from the University of Chicago. DX 1 ¶ 2. Mr. Morgan worked on redistricting plans in the redistricting efforts and testified about demographics and redistricting following the 1990, 2000, 2010, and 2020 Censuses. Id. Over the course of his career, Mr. Morgan worked on statewide congressional and legislative redistrict plans in the following states: Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Michigan, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin. DX 1. His plans have been adopted in whole or in part by various jurisdictions. Id.

Before this case, Mr. Morgan has provided expert reports and/or testified in seven cases. Id. (citing Egolf v. Duran, D-101-CV-2011-02, 2011 WL 12523985

(N.M. Dist. Dec. 28, 2011); Georgia State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs, 952 F. Supp. 2d 1360 (N.D. Ga. 2013); Page v. Va. Bd. of Elections, 3:13CV678, 2015 WL 3604029 (E.D. Va. June 5, 2015); Bethune-Hill v. Va. Bd. of Elections, 114 F. Supp. 3d 323 (E.D. Va. 2015); Vesilind v. Va. Bd. of Elecions, 813 S.E.2d 739 (2018); and Georgia State Conf. of the NAACP v. Gwinnet Cnty. Bd. of Elec.).²⁶

Although Mr. Morgan has an extensive background in redistricting, the Court finds that other courts, including this one, have called Mr. Morgan's credibility into doubt. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1247–48. Although, this Court's ultimate determination as to Mr. Morgan's credibility is not dependent on the determinations made by its sister courts, or by its determinations in the preliminary injunction hearing, the Court gives great weight to the determinations made in those cases.

In 2011, Mr. Morgan assisted Virginia with drawing its House of Delegates maps; and in that case, "[Mr.] Morgan testified . . . that he played a substantial

²⁶ Mr. Morgan's report does not provide a full citation for the NAACP case.

role in constructing the 2011 plan, which role included his use of the Maptitude software to draw district lines.” Bethune-Hill v. Virginia State Bd. of Elections, 326 F. Supp. 3d 128, 151 (E.D. Va. 2018). Ultimately, a three-judge court found that 11 of the House of Delegates districts were racial gerrymanders. Feb. 11, 2022, Afternoon PI Tr. 184:1–6; see also Bethune-Hill, 326 F. Supp. 3d at 137, 181.

Mr. Morgan served as both a fact and expert witness in Bethune-Hill. That court ultimately found that Mr. Morgan’s testimony was not credible. That court found that “Morgan’s testimony was wholly lacking in credibility. Th[is] adverse credibility finding [] [is] not limited to particular assertions of [this] witness [], but instead wholly undermine[s] the content of . . . Morgan’s testimony.” Bethune-Hill, 326 F. Supp. 3d at 174; Tr. 2101:7–2102:10; 2109:17–2110:7. Specifically, “Morgan testified in considerable detail about his reasons for drawing dozens of lines covering all 11 challenged districts, including purportedly race-neutral explanations for several boundaries that appeared facially suspicious.” Bethune-Hill, 326 F. Supp.3d at 151. That court found: “Morgan’s contention, that the precision with which these splits divided white and black areas was mere happenstance, simply is not credible.” Id. “[W]e

conclude that Morgan did not present credible testimony, and we decline to consider it in our predominance analysis.” Id. at 152.

Mr. Morgan also served as a testifying expert in Page v. Virginia State Bd. of Elections, No. 3:13CV678, 2015 WL 3604029 (E.D. Va. June 5, 2015). Tr. 2108:24–2109:11. That court found “Mr. Morgan, contends that the majority-white populations excluded . . . were predominately Republican The evidence at trial, however, revealed that Mr. Morgan’s analysis was based upon several pieces of mistaken data, a critical error . . . Mr. Morgan’s coding mistakes were significant to the outcome of his analysis[.]” Page, 2015 WL 3604029, at *15 n.25; Tr. 2108:24–2109:11. Mr. Morgan explained that his error was caused because the attorneys asked him to produce an additional exhibit on the day of trial. Tr. 2109:12–16.

Additionally, in Georgia State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs, Mr. Morgan testified as an expert for the defense opposite Mr. Cooper, who testified as an expert for the plaintiffs. 950 F. Supp. 2d 1294, 1310–11 (N.D. Ga. 2013). In granting the motion for summary judgment, that court found that the plaintiffs successfully asserted a vote dilution claim. Id. at 1326.

Finally, Mr. Morgan admitted that he drew some plans for the 2011 North Carolina State Senate Maps. Tr. 2097:3–7. Ultimately, 28 districts in North Carolina’s 2011 State House and Senate redistricting plans were struck down as racial gerrymanders. Feb. 11, 2022, Afternoon PI Tr. 183:14–19; see also Covington v. North Carolina, 316 F.R.D. 117 (M.D.N.C. 2016), aff’d North Carolina v. Covington, 581 U.S.1015, (2017).

At the preliminary injunction hearing in the cases *sub judice*, the Court found that “Mr. Morgan’s testimony lack[ed] credibility, and the Court assign[ed] little weight to his testimony.” Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1247–48. During the course of his testimony, Mr. Morgan was impeached about reading Mr. Cooper’s reports before preparing his expert report and he offered contradictory testimony when he testified that he watched Mr. Cooper testify and then later testified that he was viewing exhibits for the first time, even though they were in Mr. Cooper’s report and they were displayed during Mr. Cooper’s testimony. Tr. 1959:5–1961:8; 2037:2–7.

Having observed Mr. Morgan’s testimony and demeanor during the course of the trial, the Court again assigns less weight to his testimony.

d) Dr. Maxwell Palmer

The Grant and Pendergrass Plaintiffs proffered and the Court qualified Dr. Palmer as an expert in redistricting and data analysis. Tr. 396:11–14, 397:8–9. Dr. Palmer earned his Bachelor of Arts in mathematics and government and legal studies from Bowdoin College. PX 2, 20. Dr. Palmer also earned his master’s and doctorate in political science from Harvard University. Id. Dr. Palmer currently serves as an associate professor at Boston University in the political science department, where he has been teaching since 2014. Id. Dr. Palmer has extensively published academic articles and books on a variety of topics, including gerrymandering and redistricting. Id. at 20–22.

Outside of this case, Dr. Palmer has offered consulting or expert testimony in the following cases: Bethune-Hill v. Virginia, 3:14-cv-00852-REP-AWA-BMK (E.D. Va. 2017); Thomas v. Bryant, 3:18-CV-411-CWR-FKB (S.D. Miss. 2018); Chestnut v. Merrill, 2:18-cv-00907-KOB (N.D. Ala. 2019); Dwight v. Raffensperger, 1:18-cv-2869-RWS (N.D. Ga. 2018); Bruni v. Hughs, 5:20-cv-35 (S.D. Tex. 2020); Caster v. Merrill, 2:21-cv-1536-AMM (N.D. Ala. 2021); Galmon v. Ardoin, 3:22-cv-214-SDD-SDJ (M.D. La. 2022). Id. at 27–28.

In the preliminary injunction hearing, in the cases *sub judice*, Dr. Palmer testified as an expert witness for the Grant and Pendergrass Plaintiffs. The Court “f[ound] that his methods and conclusions [we]re highly reliable, and ultimately that his work as an expert on the second and third Gingles preconditions [wa]s helpful to the Court.” Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1304.

Having reviewed Dr. Palmer’s demeanor and his testimony, Dr. Palmer’s testimony was internally consistent, and he maintained a calm demeanor throughout. The Court deems Dr. Palmer to be highly credible and his testimony is extremely helpful to the Court. Thus, the Court assigns great weight to his testimony.

e) Dr. Lisa Handley

The Alpha Phi Alpha Plaintiffs proffered and the Court qualified Dr. Handley as an expert in racial polarization analysis, minority vote dilution, and redistricting. Tr. 856:16–19, 861:11–12. Dr. Handley earned her doctorate in political science from George Washington University. APAX 5, 47. Dr. Handley serves as the president and co-founder of Frontier International Electoral

Consulting LLC. Id. Dr. Handley has extensively published academic articles and books on a variety of topics, including gerrymandering and redistricting. Id.

Since 2000, Dr. Handley has served as a consultant and expert witness for the following jurisdictions: Alaska, Arizona, Colorado, Connecticut, Florida, Kansas, Louisiana, Massachusetts, Maryland, Michigan, New Mexico, New York, and Rhode Island. Id. She has also served as a redistricting consultant for the ACLU and provided expert testimony in an Ohio partisan gerrymander challenge, Lawyers Committee for Civil Rights under Law in challenges to judicial elections in Texas and Alabama, the Department of Justice in Section 2 and Section 5 cases. Id.

Other than this case, Dr. Handley has been a testifying expert in the following cases: In re: 2011 Redistricting Cases, No.4FA-11-2209CI (Alaska Super. 2013); Texas v. U.S., 11-1303 (TBG-RMC-BAH) (D.D.C. 2011); Jeffers v. Beebe, 2:12CV00016 JLH (E.D. Ark. 2012); Perry v. Perez, SA-11-CV0360 (W.D. Tex. 2011); Lopez v. Abbott, 2:16-CV-303 (S.D. Tex. 2016); Alabama State Conf. of the NAACP v. Alabama, 2:16-CV-731-WKW (M.D. Ala. 2020); U.S. v. Eastpointe, 4:17-cv-10079 (E.D. Mich. 2017); New York v. U.S. Dep't of Commerce, 18-CV-

2921 (JMF), 18-CV-5025 (JMF) (S.D.N.Y. 2018); Ohio Phillip Randolph Inst. v. Householder, 1:18-cv-357 (S.D. Ohio 2018); League of Women Voters of Ohio, 2021-1449 (Ohio 2021); League of Women Voters of Ohio v. Ohio Redistricting Comm’n, 2021-1193 (Ohio 2021); Ark. State Conf. of the NAACP v. Ark. Bd. of Apportionment, 4:21-cv-1239-LPR (E.D. Ark. 2021). Id.

In the preliminary injunction hearing, in the cases *sub judice*, Dr. Handley testified as an expert witness for the Grant and Pendergrass Plaintiffs. The Court found that Dr. Handley’s testimony was truthful and reliable. Alpha Phi Alpha, 597 F. Supp. 3d at 1309.

At the trial, Dr. Handley’s methodology and conclusions about the existence of polarization were relatively unchallenged by Defendant.²⁷ Accordingly, the Court will rely on the findings in her report.

²⁷ In Alabama State Conference of the NAACP, the court stated that “the parameters for the elections [Dr. Handley] chose — only statewide elections with a black candidate running against a white candidate — exclude other relevant elections, thereby diminishing the credibility of her conclusions.” Ala. State Conf. of Nat’l Ass’n for Advancement of Colored People v. Alabama, 612 F. Supp. 3d 1232, 1274 (M.D. Ala. 2020); Tr. 857:4–859:16. The Court agrees that Dr. Handley’s dataset may limit the applicability and breadth of her conclusions, as Dr. Alford himself indicated. Tr. 2199.

f) Dr. John Alford

Defendants proffered and the Court qualified Dr. Alford as an expert on the second and third Gingles preconditions and Senate Factor Two. Tr. 2132:19–21, 2133:1. Dr. Alford earned his Bachelor of Science and Master of Public Administration from the University of Houston. DX 8, App. 1. He also achieved his masters and doctorate in political science from the University of Iowa. Id. Dr. Alford is a professor at Rice University of and has been teaching there since 1985. Id. Dr. Alford was an assistant professor at the University of Georgia between 1981 and 1985. Id. Dr. Alford has published academic articles and books on a variety of topics including voting. Id.

Dr. Alford has worked with local governments on districting plans and on VRA cases. Id. He has provided expert reports and testified as an expert witness in a variety of court cases. Id. Sister courts have found that Dr. Alford's methodology was unreliable. See Lopez v. Abbott, 339 F. Supp. 3d 589, 610 (S.D.

The scope of Dr. Handley's conclusions, however, is a question for the Court's analysis on the Gingles 2 and 3 preconditions and not a question of Dr. Handley's credibility as an expert witness. Accordingly, the Court relies on the findings in her report as they have been largely unchallenged by Defendants.

Tex. 2018) (crediting Dr. Handley’s testimony over Dr. Alford’s because “Dr. Alford’s testimony . . . focused on issues other than the ethnicity of the voters and their preferred candidates—which are the issues relevant to bloc voting”); Texas v. U.S., 887 F. Supp. 2d 133, 146–47 (D.D.C. 2012), vacated on other grounds, 570 U.S. 928 (2013) (critiquing Dr. Alford’s approach because he used an analysis that “lies outside accepted academic norms among redistricting experts[,]” and the Court, instead, relied heavily on Dr. Handley’s testimony), vacated on other grounds, 570 U.S. 928 (2013).

In the preliminary injunction hearing, in the cases *sub judice*, the Court found that Dr. Alford was credible, however “his conclusions were not reached through methodologically sound means and were therefore speculative and unreliable.” Alpha Phi Alpha Fraternity, Inc., 587 F. Supp. 3 at 1305–06.

The Court again finds that Dr. Alford was highly credible. However, Dr. Alford’s testimony primarily relates to partisan polarization and not racial polarization. Accordingly, the Court will give little weight to Dr. Alford’s testimony with respect to the Gingles preconditions because it does not effectively address that inquiry. The Court will give greater weight to

Dr. Alford's testimony with respect to Senate Factor Two, because there it is appropriate to inquire about the non-racial reasons explaining racially polarized voting.

2. *Illustrative Congressional Plan*

a) First Gingles Precondition

Based on Georgia's demographics, Mr. Cooper concluded that "[t]he Black population in metro Atlanta is sufficiently numerous and geographically compact to allow for the creation of an additional majority-Black congressional district anchored in Cobb, Douglas, and Fulton Counties (CD-6 in the illustrative plan) consistent with traditional redistricting principles." PX 1 ¶ 10; see also id. ¶¶ 42, 86. Defendants' mapping expert Mr. Morgan agreed that his report "offers no opinion to dispute" this conclusion. Tr. 1954:1-12. Mr. Cooper drew an illustrative congressional plan (the "Illustrative Congressional Plan") that includes an additional majority-Black congressional district ("Illustrative CD-6") anchored in west-metro Atlanta. Stip. ¶ 190; PX 1 ¶ 55 & fig.12; Tr. 717:14-23.

(1) *Mr. Cooper's process in drawing the maps*

At the preliminary injunction hearing, he testified that he was not asked to either "draw as many majority black districts as possible" or "draw every

conceivable way of drawing an additional majority black district.” Feb. 7, 2022, Morning PI Tr. 98:17–24. And if in his expert opinion an additional majority-Black district could not have been drawn, Mr. Cooper testified that he would have reported that to counsel, as he has “done [] in other cases.” Id. 98:25–99:24.

Mr. Cooper, in his report, declared that he analyzed population and geographic data from the Decennial Census and the American Community Survey (“ACS”). PX 1, Ex. B. He also used the geographic information system software package called Maptitude for Redistricting (“Maptitude”) and the geographic boundary files in Maptitude (created by the U.S. Census). Id. He evaluated incumbent addresses, Georgia’s current and historical legislative plans, Georgia’s 2000 House, Senate, and Congressional Plans. Id. The Court notes that Mr. Cooper was able to review the Enacted Congressional Plan’s compactness scores when he was drawing his Illustrative Congressional Plans. Id.

When he began drawing the Illustrative Congressional Plan, for trial, he testified that he started by using the plan he drew from the preliminary injunction. Tr. 727: 20–23. He then stated that some of the map stayed very similar, but when drawing his proposed Illustrative CD-6 he made specific changes

because “some concerns were raised about going further north into Acworth. And so for that reason, I’m taking local knowledge into account, I changed the district a bit to push the district in Cobb County further south.” Tr. 729: 4–7. He clarified that the local knowledge that he took into account was that of Ms. Wright. Id. at 13–16.

Mr. Cooper also testified that he considers race when creating an illustrative plan that would satisfy the first Gingles precondition because “[t]hat’s part of the inquiry.” Tr. 725:16–25. Specifically, when drawing the Illustrative Congressional Plan, Mr. Cooper displayed dots showing him where precincts with more than 30% Black population were located. Tr. 789:25–790:10, 823:25–824:7. Mr. Cooper explained that he “need[s] to show that the district would be over 50 percent Black voting age population, while adhering to traditional redistricting principles.” Id.; see also Feb. 7, 2022, Morning PI Tr. 48:4–15 (Mr. Cooper testifying at the preliminary injunction hearing that race “is something that one does consider as part of traditional redistricting principles” because “you have to be cognizant of race in order to develop a plan that respects communities of interest, as well as complying with the Voting Rights Act[.]

because one of the key tenets of traditional redistricting principles is the importance of not diluting the minority vote”).

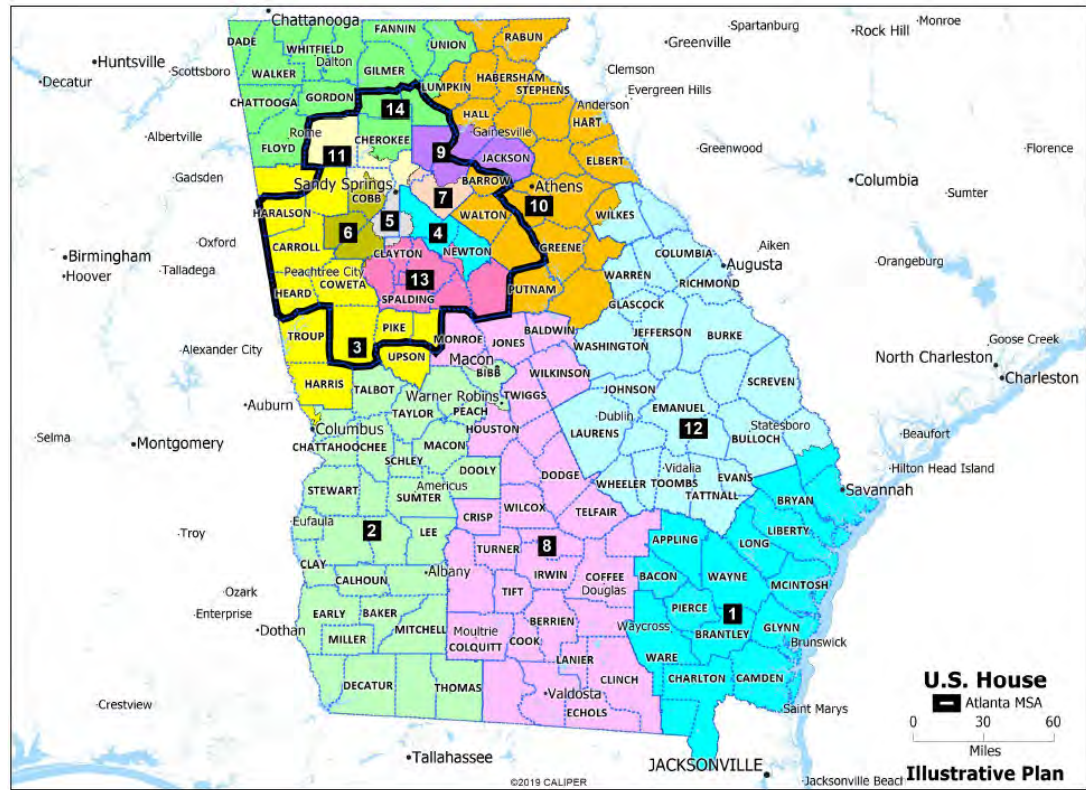
Mr. Cooper testified that race did not predominate in his drawing of the Illustrative Congressional Plan because he merely considered it along with the traditional redistricting principles that he was “constantly balancing.” Tr. 726:11–727:16. Indeed, Mr. Cooper explained that “in drafting this plan, [he] . . . attempted to balance all of the traditional redistricting principles so that no one principle predominates.” Tr. 822:19–24.

Mr. Cooper testified that he did not have election return data available to him when drawing the Illustrative Congressional Plan and that he did not review any public testimony from Georgia voters as part of the process for preparing the Illustrative Congressional Plan. Tr. 524:24–25, 819:13–15.

(2) *Illustrative Congressional Plan*

(a) Empirical Measures

The Illustrative Congressional Plan contains an additional majority-Black congressional district in west-metro Atlanta.



PX 1, 82.

i) numerosity

Illustrative CD-6 is 50.23% AP BVAP. PX 1 ¶ 73 & fig.14. Under all metrics, the Black voting age population of Illustrative CD-6 exceeded 50%. Id.

Figure 14
BVAP and BCVAP Comparison: Illustrative Plan and 2021 Plan

District*	Illustrative Plan				2021 Plan		
	% BVAP	% NH BCVAP	% NH DOJ BCVAP		% BVAP	% NH BCVAP	% NH DOJ BCVAP
1	28.17%	29.16%	29.67%		28.17%	29.16%	29.67%
2	49.29%	49.55%	50.001%		49.29%	49.55%	50.001%
3	20.47%	19.64%	20.02%		23.32%	22.53%	22.86%
4	52.77%	55.62%	56.37%		54.52%	57.71%	58.46%
5	49.60%	51.64%	52.35%		49.60%	51.64%	52.35%
6	50.23%	50.18%	50.98%		9.91%	9.72%	10.26%
7	29.82%	31.88%	32.44%		29.82%	31.88%	32.44%
8	30.04%	30.46%	30.76%		30.04%	30.46%	30.76%
9	11.66%	11.29%	11.74%		10.42%	10.03%	10.34%
10	14.31%	15.09%	15.39%		22.60%	22.11%	22.56%
11	13.67%	12.91%	13.48%		17.95%	17.57%	18.30%
12	36.72%	36.60%	37.19%		36.72%	36.60%	37.19%
13	51.13%	49.64%	50.34%		66.75%	66.36%	67.05%
14	5.17%	4.80%	5.19%		14.28%	13.19%	13.71%

*Bold font identifies districts that are changed from the 2021 Plan configuration.

PX 1 ¶ 73 & fig.14.

ii) population equality and contiguity

It is undisputed that the population in all districts in the Illustrative Congressional Plan is plus-or-minus one person from the ideal district

population of 765,136. Stip. ¶ 197. It is also undisputed that all districts in the Illustrative Congressional Plan are contiguous. Stip. ¶ 198.

iii) Compactness scores

The Illustrative Congressional Plan has comparable, or slightly better, compactness scores as compared to the Enacted Congressional Plan. The mean Reock score for the Illustrative Congressional Plan is 0.43 and is 0.44 on the Enacted Plan. PX 1 ¶ 79 & fig.13. The mean Polsby-Popper scores are identical at 0.27. Id. Mr. Morgan does not dispute that the enacted and the illustrative plans have similar mean Reock scores and identical mean Polsby-Popper scores. Tr. 1948:22–1949:5. Accordingly, the Court finds that the Illustrative Congressional Plan is comparably as compact as the Enacted Congressional Plan.

With respect to the majority-Black districts, the Court finds that the Illustrative Congressional Plan scores generally fared better or were equal to the Enacted Congressional Plan.

PX	Illustrative Plan			Enacted Plan		1, L-1,
	Districts	Reock	Polsby-Popper	Reock	Polsby-Popper	
Exs.	001	0.46	0.29	0.46	0.29	
L-3.	002*	0.46	0.27	0.46	0.27	
	003	0.39	0.24	0.46	0.28	
	004*	0.28	0.22	0.31	0.25	
	005*	0.51	0.32	0.51	0.32	
	006²⁸	0.45	0.27	0.42	0.20	
	007	0.50	0.39	0.50	0.39	
	008	0.34	0.21	0.34	0.21	
	009	0.40	0.32	0.38	0.25	
	010	0.40	0.18	0.56	0.28	
	011	0.40	0.19	0.48	0.21	
	012	0.50	0.28	0.50	0.28	
	013*	0.44	0.29	0.38	0.16	
	014	0.48	0.34	0.43	0.37	
	Mean:	0.43	0.27	0.44	0.27	
	Max:	0.51	0.39	0.51	0.39	
	Min:	0.28	0.18	0.31	0.16	

Mr. Morgan's report's compactness measures are identical to Mr. Cooper's. DX 4

¶ 22, chart 2. The districts that immediately surround Illustrative CD-6 are,

²⁸ The bolded data is for the proposed additional majority-Black district that is not a majority-Black district in the Enacted Congressional Plan. And any district that has an asterisk (*) is a majority-Black district.

Illustrative CD-3, 5, 11, and 13. PX 1, Ex. H-2. Of the surrounding districts Illustrative and Enacted CD-5 have identical compactness scores, Illustrative CD-3 and 11 fare worse on both compactness measures than Enacted CD-3 and 11, and Illustrative CD-13 fares better on both compactness measures than Enacted CD-13. The Court notes that CD-5 and 13 are majority-Black districts on both the Enacted and Illustrative Congressional Plans, whereas CD-3 and CD-11 are majority-white districts. PX 1, Ex. H-2. Thus, the Court finds that Mr. Cooper lowered the compactness scores in neighboring majority-white districts when he drew the Illustrative Congressional Plan.

The Court concludes that the Illustrative Congressional Plan is comparably as compact as the Enacted Congressional Plan. The Illustrative Congressional Plan fares worse on the Reock measure by 0.01 points and had an identical Polsby-Popper score. PX 1, Exs. L-1, L-3. The Court finds that overall, the Plans are equivalently compact. With respect to the majority-Black districts, the Court finds that two of the districts (CD-2, and 5) have identical compactness scores, Illustrative CD-4 fares worse on both compactness scores by 0.03 points, Illustrative CD-13 fares better on the Reock score by 0.06 points and Polsby-

Popper by 0.13 points. Id. Finally, Illustrative CD-6 fares better on Reock by 0.03 points and 0.07 on Polsby-Popper. Id. The Court finds that that, generally, the majority-Black districts are equivalently, if not slightly more compact than the Enacted Congressional majority-Black districts.

iv) political subdivision splits

The Illustrative Congressional Plan splits the same number of counties as the Enacted Plan, but has fewer unique county splits, VTD splits, city and town splits, and unique cities and town splits. PX 1 ¶ 81 & fig.14.

Figure 14
County, VTD, and Municipal Splits: Illustrative Plan, 2012 Benchmark, and 2021 Plan (All Districts)

	Split Counties*	County Splits*	2020 VTD Splits*	Split Cities/ Towns#	City/ Town Splits*
Illustrative Plan	15	18	43	37	78
2012 Benchmark Plan	16	22	43	40	85
2021 Plan	15	21	46	43	91

*Excludes unpopulated areas

*Out of 531 municipalities (calculated by subtracting the number of whole cities in the Maptitude report from 531)

PX 1 ¶ 81 & fig.14.

Neither Defendants nor their experts have meaningfully suggested that the Illustrative Congressional Plan fails to respect city, town, and county lines. The

Court notes that, as with compactness, Mr. Cooper was able to evaluate the Enacted Congressional Plans political subdivision splits when he drew his Illustrative Congressional Plan. PX 1, Ex. B. Accordingly, the Court finds that the Illustrative Congressional Plan respected more political subdivisions than the Enacted Congressional Plan.

v) findings of fact

In sum, the Court finds that the Illustrative Congressional Plan meets or exceeds the Enacted Congressional Plan on compactness scores and political subdivision splits. The Illustrative Congressional Plan and the Enacted Congressional Plan have identical Polsby-Popper scores and the Illustrative Congressional Plan is 0.01 less compact on Reock than the Enacted Plan. PX 1 ¶ 79 & fig.13.

(b) Core retention

The Court also finds that the Illustrative Congressional Plan retained many of the cores of the districts in the Enacted Congressional Plan. The General Assembly did not enumerate core retention as a redistricting principle. JX 2. And Ms. Wright testified that when she draws the new Plans, she starts with a blank map and not from the existing Congressional Plan.

Generally, I like to create the new ideal size with the new census population that we have in the state. I plug that into a blank map. And then I just work with the data to create new districts. I don't usually start from the old and try to change it, I start blank, because that way I feel like it's easier for me to build a map rather than try to just move pieces that are already there.

I do use the existing district layer if I need to as a reference, to see if I'm retaining core districts and things like that. But I build that map out just as a balanced map population-wise first as a draft and a blind map to start with.

Tr. 1622:11-22.

Although not a requirement, the Court finds that the Illustrative Congressional Plan does retain the majority of the core districts of the Enacted Congressional Plan. DX 4, Ex. 7. Pursuant to the data provided by Mr. Morgan, the Court finds that approximately 74.6% of individual's district are unchanged from the Enacted Congressional Plan and the Illustrative Congressional Plan. Id.; Tr. 1944:22-1945:13; PX 1 ¶ 13. In other words, only 25.4% of Georgians would be affected if the General Assembly were to enact the Illustrative Congressional Plan. The following is a table derived from the data in Mr. Morgan's report and that exemplifies the number of individuals who remain in the same district under the

Illustrative Congressional Plan. As an initial note, the population size of each congressional district is either 765,137 or 765,136 persons. Stip. ¶ 197.

District	# of individuals whose district is unchanged
001	765,137
002	765,137
003	528,200
004	736,485
005	765,137
006	19,006
007	765,137
008	765,136
009	403,191
010	488,385
011	372,724
012	765,136
013	374,470
014	475,707

DX 4, Ex. 7.

As the chart shows, in six of the district, no voter is impacted by the Illustrative Congressional Plan's changes (Illustrative CD-1, CD-2, CD-5, CD-7, CD-8, CD-12). And of the remaining eight changed districts, in only three of those districts (Illustrative CD-6, CD-11, and CD-13) does more than half of the population have a changed district. Illustrative CD-6 is the new majority-minority district and CD-11 and CD-13 are two districts that immediately

surround Illustrative CD-6. Accordingly, the Court finds that Illustrative Congressional Plan, does respect district cores from the Enacted Congressional Plan.

(c) **Racial predominance**

The Court further concludes that Mr. Cooper did not subordinate traditional districting principles in favor of racial considerations. Mr. Cooper was asked “to determine whether the African American population in Georgia is ‘sufficiently large and geographically compact’ to allow for the creation of an additional majority-Black congressional district in the Atlanta metropolitan area.” PX 1 ¶ 8 (footnotes omitted); Tr. 717:14–17. At the preliminary injunction hearing, he testified that he was not asked to either “draw as many majority black districts as possible” or “draw every conceivable way of drawing an additional majority black district.” Feb. 7, 2022, Morning PI Tr. 98:17–24. And if in his expert opinion an additional majority-Black district could not have been drawn, Mr. Cooper testified that he would have reported that to counsel, as he has “done [] in other cases.” Id. 98:25–99:24.

Mr. Cooper testified that he considers race when creating an illustrative plan that would satisfy the first Gingles precondition because “[t]hat’s part of the inquiry.” Tr. 725:16–25. Mr. Cooper explained that he “need[s] to show that the district would be over 50 percent Black voting age population, while adhering to traditional redistricting principles.” Id.; see also Feb. 7, 2022, Morning PI Tr. 48:4–15 (Mr. Cooper testifying at the preliminary injunction hearing that race “is something that one does consider as part of traditional redistricting principles” because “you have to be cognizant of race in order to develop a plan that respects communities of interest, as well as complying with the Voting Rights Act[,] because one of the key tenets of traditional redistricting principles is the importance of not diluting the minority vote”).

Mr. Cooper testified that race did not predominate in his drawing of the Illustrative Congressional Plan because he merely considered it along with the traditional redistricting principles that he was “constantly balancing.” Tr. 726:11–727:16. Indeed, Mr. Cooper explained that “in drafting this plan, [he] . . . attempted to balance all of the traditional redistricting principles so that no one principle predominates.” Tr. 822:19–24. Defendants’ expert does not even

contend that race predominated in the Illustrative Congressional Plan. Tr. 1952:23–1953:17; see generally DX 4.

The Court finds that race did not predominate in the drawing of the Illustrative Congressional Plan.

b) Second and Third Gingles Preconditions

The Court finds that that the minority group within Illustrative CD-6 is politically cohesive. Both Pendergrass Plaintiffs’ expert, Dr. Palmer, and Defendants’ expert, Dr. Alford, testified that ecological inference (“EI”) is a reliable method for conducting the second and third Gingles preconditions analyses. “Q. Dr. Alford, you agree that . . . the method of ecological inference Dr. Palmer applied is the best available method for estimating voting behavior by race; correct? A. Correct.” Tr. 2250:12–16; “Q. Do scholars and experts regularly use EI to examine racially polarized voting? A. Yes?” Tr. 401: 7–9. EI “estimates group-level preferences based on aggregate data.” PX 2 ¶ 13. The data analyzed under EI also includes confidence intervals, which measure the uncertainty of results. Id. at n. 12. “Larger confidence intervals reflect a higher

degree of uncertainty in the estimates, while smaller confidence intervals reflect less uncertainty.” Id.

Dr. Palmer conducted a racially-polarized voting analysis of Enacted CD-3, 6, 11, 13, and 14, both as a region (the “congressional focus area”) and individually. Stip. ¶ 214; PX 2 ¶ 7; Tr. 413:18–414:5.

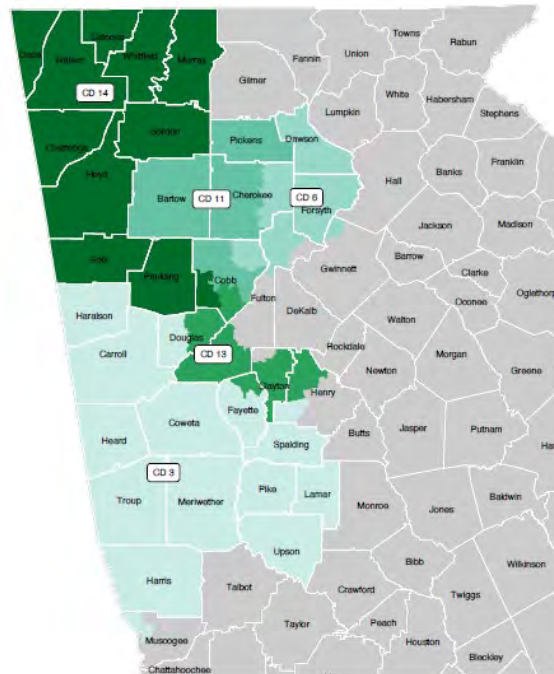


Figure 1: Map of the Focus Area

PX 2 ¶ 11 & fig.1.

Dr. Palmer evaluated Black and white voters’ choices in the congressional focus area for each candidate in 40 statewide elections between 2012 and 2022.

Stip. ¶ 217; PX 2 ¶¶ 13, 15. Dr. Palmer’s EI analysis relied on precinct-level election results and voter turnout by race, as compiled by the State of Georgia. PX 2 ¶ 11; Tr. 403:2–13.

Dr. Palmer first examined each racial group’s support for each candidate to determine if members of the group voted cohesively in support of a single candidate in each election. PX 2 ¶ 14. If a significant majority of the group supported a single candidate, he then identified that candidate as the group’s candidate of choice. Id. Dr. Palmer next compared the preferences of white voters to the preferences of Black voters. Id. He concludes that racially polarized voting existed when he found that Black voters and white voters support different candidates. Id.

3. Cooper Legislative Plans

a) Mr. Cooper’s process in drawing the maps

Mr. Cooper submitted an illustrative State Senate plan (the “Cooper Senate Plan”) and an illustrative State House plan (the “Cooper House Plan”) (collectively, the “Cooper Legislative Plans”) as a part of his expert report. APAX 1 ¶ 85 & fig.5; ¶ 151 & fig.27. When Mr. Cooper was retained as an expert, he was asked “to determine whether the African-American population in Georgia is

‘sufficiently large and geographically compact’ to allow for the creation, consistent with traditional redistricting principles, of additional majority-Black Senate and House districts[.]” APAX 1 ¶ 7; Tr. 67:23-68:1. At the preliminary injunction hearing, he testified that he was not asked to either “draw as many majority black districts as possible” or “draw every conceivable way of drawing an additional majority black district.” Feb. 7, 2022, Morning PI Tr. 98:17–24. And if in his expert opinion an additional majority-Black district could not have been drawn, Mr. Cooper testified that he would have reported that to counsel, as he has “done [] in other cases.” Id. 98:25–99:24.

Mr. Cooper, in his report, declared that he analyzed population and geographic data from the Decennial Census and the ACS. APAX 1, Ex. B. He also used Maptitude and its geographic boundary files (created by the U.S. Census). Id. He evaluated incumbent addresses, Georgia’s current and historical legislative plans, Georgia’s 2000s House, Senate, and Congressional Plans. Id. The Court notes that Mr. Cooper was able to review the Enacted Legislative Plan’s compactness scores when he was drawing the Cooper Legislative Plans. APAX 1, Ex. B ¶ 7.

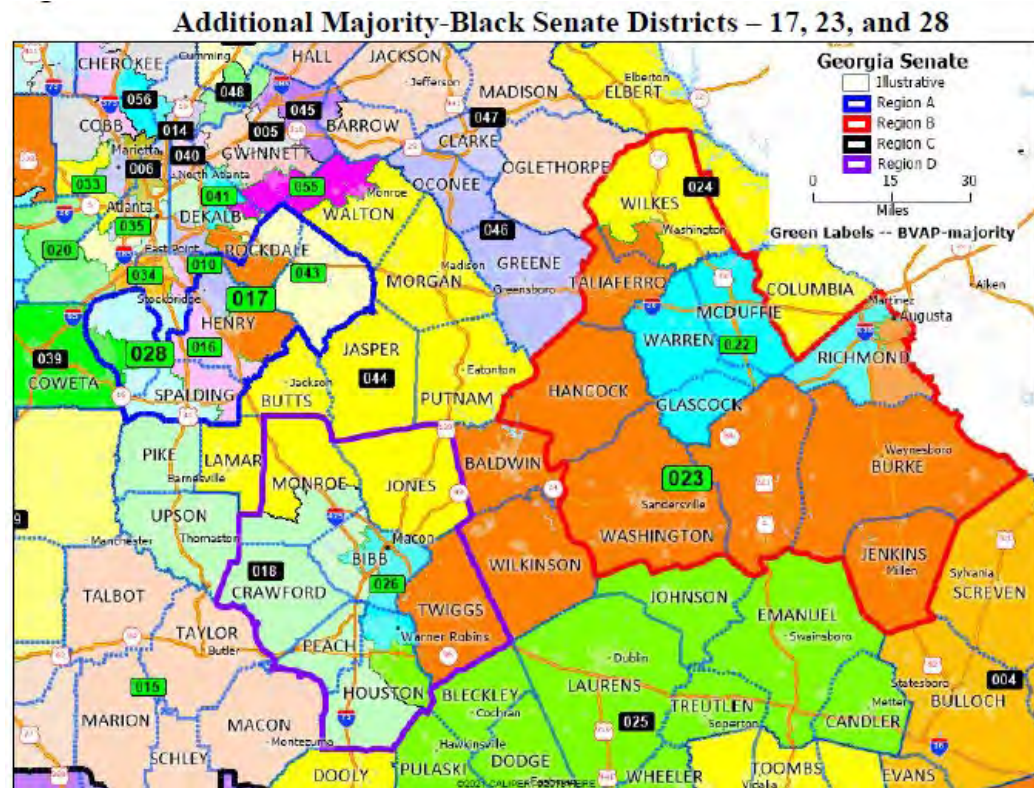
Mr. Cooper specifically testified in detail about how he followed the criteria in Georgia's districting guidelines when drawing the Cooper Legislative Plans. See, e.g., Tr. 89:15-91:9. Mr. Cooper testified that, with respect to Cooper Legislative Plans, he balanced all of the traditional redistricting principles, and that they "all went into the mix as I was drawing the [I]llustrative [P]lan." Tr. 90:16-19. He confirmed that he "balanced the traditional districting principles in drawing [the] illustrative districts," (Id. at 168:19-22), and he testified that none of the factors predominated over any others. Id. at 90:16-19; see also Id. at 107:18-20 ("Q. Mr. Cooper, did any factors get more weight than others when you were drawing your [I]llustrative [P]lans? A. I don't believe so."); Tr. 367:5-7 ("you really do have to balance, balance, balance. That's the name of the game.")).

Traditional redistricting principles, that he considered, include population equality, compactness, contiguity, respect for political subdivision lines like counties and voting tabulation districts ("VTDs," otherwise known as precincts), respect for communities of interest, and non-dilution of minority voting strength. See, e.g., Tr. 90:2-91:9. Mr. Cooper also testified that avoiding pairing incumbents

is a consideration that he takes into account, consistent with Georgia's adopted districting guidelines. See, e.g., Id. 128:5-7, 166:25:167:8, 225:15-24.

b) Cooper Senate Plan

The Cooper Senate Plan contains three additional majority-Black Senate Districts, two in south-metro Atlanta and one in the Eastern Black Belt, anchored in and around Augusta.



APAX 1 ¶ 85 & fig.15.

(1) *Empirical measures*

(a) numerosity

The AP BVAP population for the additional districts are as follows: Cooper SD-17 is 62.55%, SD-23 is 50.21%, SD-28 is 51.32%. APAX 1, Ex. O-1. All of Cooper's proposed illustrative Senate districts exceed 50% as do the districts that are majority-Black under the Enacted Senate Plan.

District	AP BVAP	District	AP BVAP
010	69.76%	028*	51.32%
012	57.97%	033	52.60%
015	54.00%	034	77.84%
016	56.52%	035	60.80%
017*	62.55%	036	51.34%
020	60.44%	038	54.25%
022	50.36%	041	64.57%
023*	50.21%	043	57.97%
026	52.81%	055	51.22%

(*) denotes a new majority-Black district

APAX 1, Ex. O-1.

(b) population equality and contiguity

It is undisputed that the population deviation for the Cooper Senate Plan is $\pm 1.00\%$ from the ideal district population size of 191,284 people. Stip. ¶¶ 277, 301. This is lower than the Enacted Senate Plan, which has a deviation range of -1.03% to +0.98%. Stip. ¶ 301. It is also undisputed that all districts in the Cooper Senate Plan are contiguous. Stip. ¶ 300.

(c) compactness

The Court finds that the Cooper Senate Plan and the Enacted Senate Plan, on the whole, are comparable. Mr. Cooper explained, the Cooper Legislative Plans “matched or beat the State’s plans on ... compactness measures[.]” Tr. 109:2-4. Mr. Cooper concluded that “[o]n balance, the Illustrative Senate Plan and 2021 Senate Plan score about the same on the widely referenced Reock and Polsby-Popper measures. If anything, the Illustrative Plan scores better inasmuch as its least compact district by Reock scores [0].22, compared to [0].17 for the 2021 Senate Plan.” APAX 1 ¶ 114.

Mr. Cooper’s expert report provided detailed compactness measures for the Enacted Senate Plan as follows:

Compactness Scores
Illustrative Senate Plan and 2014 Benchmark and 2021 Senate Plans

	Reock			Polsby-Popper	
	Mean	Low		Mean	Low
Illustrative Senate Plan	.43	.22		.28	.14
2014 Benchmark Senate Plan	.43	.14		.27	.11
2021 Senate Plan	.42	.17		.29	.13

APAX 1 ¶ 114 & fig.20.

Dr. Morgan, Defendant’s mapping expert, concluded that the Cooper Senate Plan “still has mean compactness scores close to the enacted plan, with the mean compactness score on the Reock test higher and the mean compactness score on the Polsby-Popper test lower.” DX 2 ¶ 18.

The Court concludes that the Cooper Senate Plan is more compact than the Enacted Senate Plan on Reock by 0.01 points and less compact by 0.01 on Polsby-Popper. Id. Consistent with both Defendants’ and the Alpha Phi Alpha Plaintiffs’ experts, the Court finds that the compactness scores of the two plans are “similar.” Accordingly, the Court finds that the Cooper and Enacted Senate Plans are comparably compact with respect to the average and minimum scores.

With respect to the majority-Black districts, the Court finds that the additional majority-Black districts are all more compact than the least compact

district in the Enacted Senate Plan. The following table is derived from the data contained in Exhibits S-1 and S-3:

Enacted Districts			Illustrative Districts		
Districts	Reock	Polsby-Popper	Districts	Reock	Polsby-Popper
017	0.35	0.17	017	0.37	0.17
023	0.37	0.16	023	0.37	0.16
016 ²⁹	0.37	0.31	028	0.37	0.18

APAX 1, Exs. S-1, S-3.

The Court finds that generally, the majority-Black Senate districts performed identically to their corollary Enacted Senate Plan district, with the exception of Cooper SD-28, which has a lower Polsby-Popper score by 0.13 points. However, none of the compactness measures are below the least compact district's measures on the Enacted Senate Plan, in part because Cooper's Enacted Senate Plan's has a higher minimum compactness score than the Enacted Senate Plan. APAX 1 ¶ 114.

²⁹ Mr. Cooper testified that Cooper SD-28 correlates with Enacted SD-16. APAX 1 ¶ 99.

In sum, the Court finds that on the empirical compactness measures, the majority-Black districts in the Cooper Senate Plan are nearly identical to the compactness scores on the Enacted Senate Plan.

(d) political subdivision splits

The Cooper Senate Plan splits fewer political subdivisions than the Enacted Senate Plan and performs better across all metrics. APAX 1 ¶ 116 & fig.21.

**County and VTD Splits/Whole Municipalities –
Illustrative Plan versus 2014 Benchmark and 2021 Senate Plans**

	Split Counties	Total County Splits*	2020 VTD Splits*	Single- County Whole City/Towns (478)#	Single and Multi County Whole City/ Towns (531#)	Total City/ Town Splits*
Illustrative Senate	28	57	38	437	464	166
2014 Benchmark	38	65	86	422	448	198
2021 Senate	29	60	40	434	463	169

*Populated splits only
Higher is better

Id.

Neither Defendants nor their experts have meaningfully suggested that the Cooper Senate Plan fails to respect city, town, and county lines. Accordingly, the

Court finds that the Cooper Senate Plan respected more political subdivisions than the Enacted Senate Plan.

(e) findings of fact on empirical measures

In sum, the Court finds that the Cooper Senate Plan meets or exceeds the Enacted Senate Plan on population equality, compactness scores, and political subdivision splits. The Cooper Senate Plan's Reock score beats the Enacted Senate Plan's Reock score by 0.01 and the Enacted Senate Plan's Polsby-Popper score beats the Cooper Senate Plan's Polsby-Popper score by the same amount. APAX 1 ¶ 114 & fig.20. The Court thus finds that the compactness scores between the two plans are virtually identical.

(2) *Core retention*

The Court also finds that the Cooper Senate Plan retained many of the cores of the districts in the Enacted Senate Plan. Georgia's Reapportionment Guidelines do not identify preservation of existing district cores as a "General Principles for Drafting Plans." See JX 1, JX2. The Cooper Senate Plan kept 21 Senate districts the same as the Enacted Senate Plan. DX 2 ¶ 17. And, if the General Assembly were to enact the Cooper Senate Plan, 82% of the Georgia

population would remain in the same district in the Enacted Senate Plan.
Tr. 88:13-18.

(3) *Incumbent pairing*

Georgia's redistricting guidelines provide that "efforts should be made to avoid unnecessary incumbent pairings." JX 1, 3; JX 2, 2. He testified that also sought to avoid incumbent pairings. Tr. 236:1-2. He used official incumbent address information that defense counsel provided in January 2022 and another potential database of incumbent address information that followed the November 2022 General Election. APAX 1 ¶ 12. Mr. Cooper testified, as he was drawing the Cooper Legislative Plans, "always in the back of my mind [I] was trying to avoid pairing incumbents." Tr. 236:1-2. The Cooper Senate Plan pairs six incumbents. The Enacted Senate Plan pairs four incumbents. DX 2 ¶ 16 & chart 2. The Court finds that two additional pairs of incumbents are paired under the Cooper Senate Plan than in the Enacted Senate Plan.

(4) *Racial considerations*

Georgia's redistricting guidelines provide all plans must "comply with Section 2 of the Voting Rights Act[,], as amended." JX 1, at 3; JX 2, at 3. Mr. Cooper testified that non-dilution of minority voting strength means that "as you're

drawing a plan, you should make a point of not excluding the Black population in some areas where you might be able to draw a minority Black district or split one somehow or another into districts that don't necessarily have sufficient minority population to elect a candidate of choice or to overconcentrate Black voters in a single district when they could have been placed in two districts and perhaps have an opportunity in two districts instead of just one." Tr. 92:14-23.

Mr. Cooper testified that for purposes of non-dilution, "you have to at least be aware of where the minority population lives." Tr. 92:14-15. However, Mr. Cooper testified that while race is "out there and [he's] aware of it, . . . it didn't control how [the Illustrative Plans] were drawn." Tr. 108:7-11. He stated that he did not aim to draw any maximum or minimum number of Black-majority districts. Tr. 112:11-14; see also Tr. 197:23-24 ("My goal was not to draw the maximum number of majority Black districts"). When asked whether he was "trying to maximize the number of Black majority districts when [he] drew the [I]llustrative [P]lans?" Mr. Cooper responded, "Not at all." Tr. 358:9-12.

Mr. Cooper testified that when he draws maps, he sometimes uses "a little dot for precincts that are 30 percent or greater Black." Tr. 200:11-15. He testified

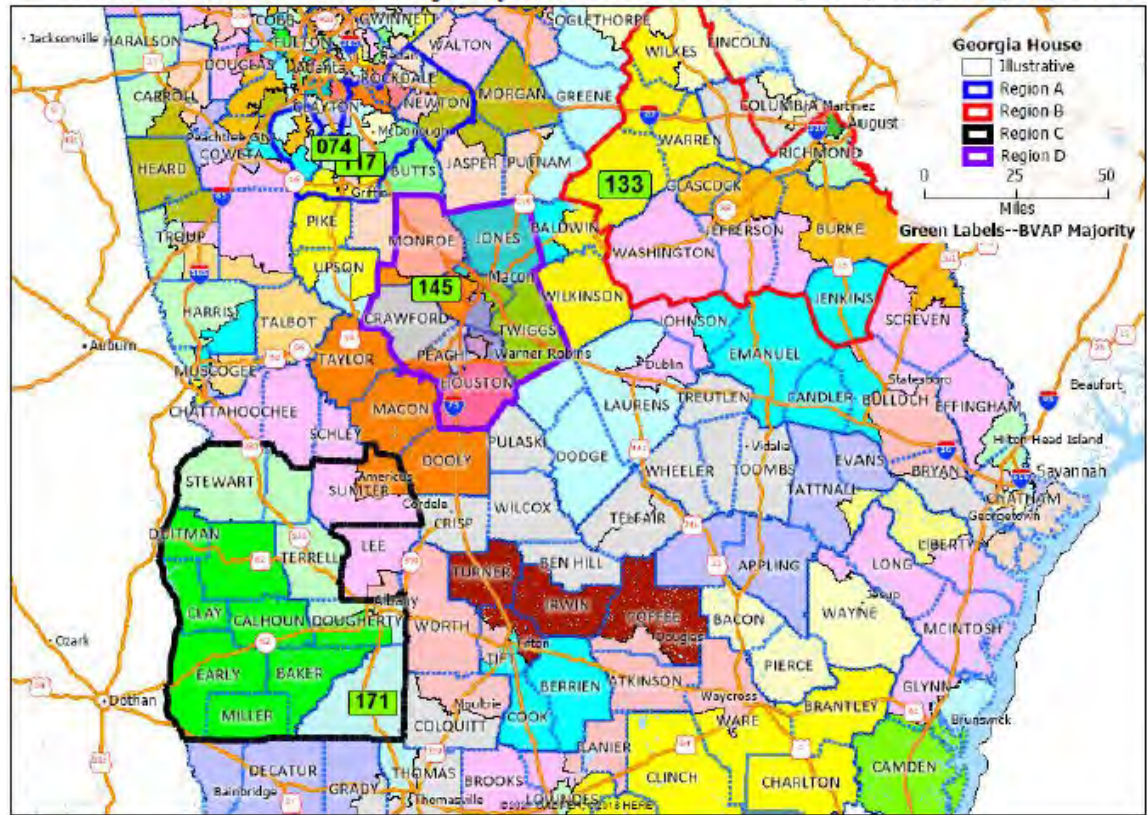
that he did not always use that feature. Tr. 93:23-94:2. Mr. Cooper repeatedly testified that “race did not predominate” in his drawing of the Illustrative Plans. Tr. 93:1, 108:4-11, 108:23-109:5, 168:15-18. When asked by the Court if race predominated, Mr. Cooper responded, “No. Because I also had to take into account these other factors, population equality, avoiding county splits, avoiding splitting municipalities. So it’s out there and I’m aware of it, but it didn’t control how these districts were drawn. Id. at 108:4-11.

Particularly in light of Mr. Cooper’s extensive experience and his testimony regarding the process he used in this case and his balancing of the various considerations, the Court finds that race did not predominate over the other traditional redistricting principles when he drew the Cooper Legislative Plans.

c) Cooper House Plan

The Cooper House Plan contains five additional majority-Black House Districts, two in south-metro Atlanta, one in the Eastern Black Belt, anchored in and around Augusta, one in and around Macon-Bibb, and one in southwest Georgia.

Illustrative House – New Majority-Black Districts –74, 117, 133, 145, and 171



APAX 1 ¶ 151 & fig.27.

(1) *Empirical measures*

(a) numerosity

The AP BVAP population for the additional districts are as follows: Cooper HD-74 is 61.49%, HD-117 is 54.64%, HD-133 is 51.97%, HD-145 is 50.20%, and HD-171 is 58.06%. APAX 1, Ex. AA-1. All of the districts in the Cooper House

Plan exceed 50% as do the districts that are majority-Black under the Enacted House Plan. Id.

(b) population equality and contiguity

It is undisputed that the population deviations in all districts in the Cooper House Plan are within $\pm 1.49\%$ of the ideal district population size of 59,511 people. Stip. ¶¶ 278, 302. This is higher than the Enacted House Plan, which has a deviation range of -1.40% to $+1.34\%$. Stip. ¶ 302. It is also undisputed that all districts in the Cooper House Plan are contiguous. Stip. ¶ 300.

(c) compactness

The Court finds that the Cooper House Plan and the Enacted House Plan, on the whole, are comparable. Mr. Cooper explained, the Cooper Legislative Plans “matched or beat the State’s plans on ... compactness measures[.]” Tr. 109:2-4. Mr. Cooper concluded that “[o]n balance, the Illustrative House Plan and 2021 Senate Plan score about the same on the widely referenced Reock and Polsby-Popper measures. If anything, the Illustrative Plan scores better inasmuch as its least compact district by Reock scores [0].16, compared to [0].12 for the 2021 House Plan.” APAX 1 ¶ 187.

Mr. Cooper's expert report provided detailed compactness measures for the Enacted Senate Plan as follows:

**Compactness Scores
Illustrative House Plan versus
2015 Benchmark and 2021 House Plans**

	Reock			Polsby-Popper	
	Mean	Low		Mean	Low
Illustrative House Plan	.39	.16		.27	.11
2015 Benchmark House Plan	.39	.13		.27	.09
2021 House Plan	.39	.12		.28	.10

APAX 1 ¶ 187 & fig.36.

Dr. Morgan, Defendant's mapping expert, concluded that the average compactness scores in the Cooper House Plan and the Enacted House Plan "are similar." DX 2 ¶ 47.

The Court concludes that the Cooper and Enacted House Plans have identical Reock scores, but the Cooper House Plan is less compact by 0.01 on Polsby-Popper. Id. Consistent with both Defendants' and the Alpha Phi Alpha Plaintiffs' experts, the Court finds that the compactness scores of the two plans are "similar." Accordingly, the Court finds that the Cooper and Enacted House Plans are comparably compact, with respect to the average and minimum scores.

With respect to the additional majority-Black districts, the Court finds that those districts are all more compact than the least compact district in the Enacted House Plan. The following table is derived from the data contained in Exhibits AG-1 and AG-2:

	Enacted Districts		Illustrative Districts	
	Districts	Reock Polsby- Popper	Reock Polsby- Popper	
	074	0.50 0.25	0.63 0.36	
	117	0.41 0.28	0.41 0.26	
	133	0.55 0.42	0.26 0.20	
	145	0.38 0.19	0.25 0.22	
	171	0.35 0.37	0.28 0.20	

APAX 1, Exs. AG-1, AG-2.

The Court finds that in the south metro-Atlanta districts, the majority-Black districts in the Cooper House Plan are comparable. For example, Cooper HD-74 beats Enacted HD-74 by 0.13 on Reock and 0.11 on Polsby-Popper. The Court finds that for the districts outside of Atlanta, the majority-Black districts in the Cooper House Plan generally fared worse than the Enacted House Plan’s

majority-Black districts, with the exception of Cooper HD-145's Polsby-Popper score which is 0.03 more compact than Enacted HD-145. However, none of the compactness scores are below the least compact district's scores on the Enacted House Plan. APAX 1 ¶ 187 & fig.36.

(d) political subdivisions

The Cooper House Plan's political splits are comparable to the Enacted House Plan's. APAX 1 ¶ 189 & fig.37. The Cooper House Plan splits one less county. The plans have the same numbers of unique county and VTD splits. Id. The chart below depicts the total findings on political subdivision splits:

**County and VTD splits/Whole Municipalities
Illustrative House Plan versus
2015 Benchmark and 2021 House Plans**

	Split Counties	Total County Splits*	2020 VTD Splits*	Single- County Whole City/Towns (478)#	Single and Multi County Whole City/ Towns (538)#	Total City/ Town Splits*
Illustrative House	68	209	179	393	402	361
2015 Benchmark	73	215	268	381	402	378
2021 House	69	209	179	384	412	344

*Populated splits only
Higher is better

Id.

Neither Defendant, nor his experts have meaningfully suggested that the Cooper House Plan fails to respect city, town, and county lines. Accordingly, the Court finds that the Cooper House Plan has comparable political subdivision splits to the Enacted House Plan.

(e) findings of fact on the empirical measures

In sum, the Court finds that the Cooper House Plan is comparable to the Enacted House Plan on population equality, compactness scores, and political subdivision splits.

(2) *Core retention*

The Court also finds that the Cooper House Plan retained many of the cores of the districts in the Enacted House Plan. Georgia's Reapportionment Guidelines do not identify as a traditional districting principle the goal to preserve existing district cores among "General Principles for Drafting Plans." See JX 1, JX2. The Cooper House Plan kept 87 House districts the same as the Enacted House Plan. DX 2 ¶ 47. If the General Assembly were to enact the Cooper House Plan, 86% of the Georgia population would remain in the same district in the Enacted House Plan. Tr. 88:13-18.

(3) *Incumbent pairings*

Georgia’s redistricting guidelines provide that “efforts should be made to avoid unnecessary incumbent pairings.” JX 1, at 3; JX 2, at 3. Mr. Cooper testified that he also sought to avoid incumbent pairings. Tr. 236:1-2. Mr. Cooper used official incumbent address information that defense counsel provided in January 2022 and another potential database of incumbent address information that followed the November 2022 General Election. APAX 1 ¶ 12. Mr. Cooper testified that as he was drawing the Illustrative Plans, “always in the back of my mind [I] was trying to avoid pairing incumbents.” Tr. 236:1-2. Cooper House Plans pairs 25 incumbents. The Enacted House Plan pairs 20 incumbents. *Id.* at 25. Mr. Cooper paired five more incumbents than the Enacted House Plan.

(4) *Racial considerations*

The evidence regarding Mr. Cooper’s racial considerations when drawing the Cooper House Plan is identical to the evidence regarding the drawing of the Cooper Senate Plan. Accordingly, the Court incorporates by reference its analysis of the Mr. Cooper’s racial consideration in the Cooper Senate Plan here. See Section I(F)(3)(b)(4) *supra*.

4. Esselstyn Legislative Plans

a) Mr. Esselstyn's map drawing process

As a part of his expert report, Mr. Esselstyn submitted an illustrative State Senate Plan ("Esselstyn Senate Plan") and an illustrative State House Plan ("Esselstyn House Plan") (collectively the "Esselstyn Legislative Plans"). Mr. Esselstyn testified that he was asked whether "the Black population in Georgia is sufficiently large and geographically compact to allow for the creation of additional majority Black districts in the legislative maps relative to the enacted maps while adhering to traditional redistricting principles." Tr. 467: 11-15. To accomplish this inquiry, Mr. Esselstyn used data from the Census Bureau's website, the Georgia General Assembly's Legislative Congressional Reapportionment Office's website, and the Georgia General Assembly's Reapportionment Committees Guidelines. *Id.* ¶¶ 1-2. Mr. Esselstyn also drew upon his knowledge as a geologist for determining where "fall line cities" were located in Georgia. Tr. 529:12-530:1. Mr. Esselstyn did not have any political data or election return information available when drawing the illustrative plans. Tr. 524:19-25. He also did not review any public comments provided by Georgians at public hearings until after he drew his preliminary injunction plans,

and the Esselstyn Legislative Plans are very similar to his preliminary injunction plans. Tr. 530:2–8.

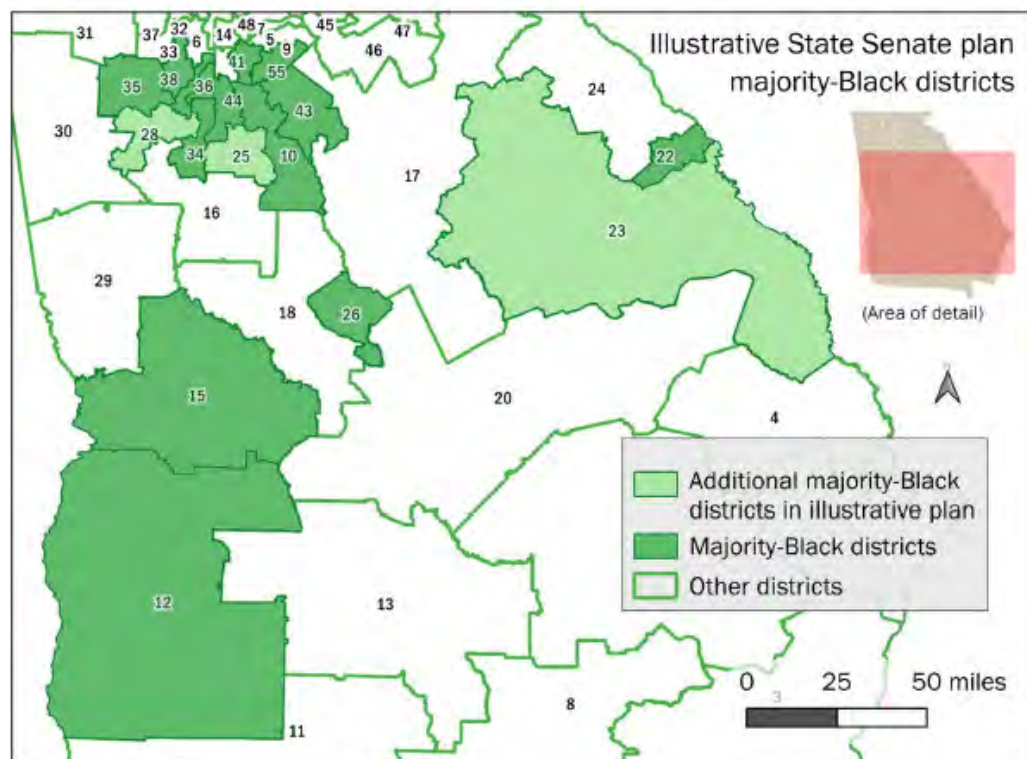
For the physical process of drawing his illustrative plans, Mr. Esselstyn primarily used the mapping software Maptitude, the same software used by the Georgia General Assembly. GX 2, Attach. B ¶ 4. Through Maptitude, he was able to import Census Bureau data files and the Enacted Legislative Plans. Id.

Mapitude shows statistics for the districts, such as compactness and population deviation. Id. Maptitude allows the map drawer to shade the map for racial demographics. Tr. 521:13–19. Mr. Esselstyn testified that “[a]t times” he would use the racial information to “inform decisions that he made about which parts of districts went in and out of a particular district.” Tr. 522:19–25. But, he stated that he did not always have it on when drawing the Esselstyn Legislative Plans. Tr. 587:18–24. He testified that the racial information “would have been one factor that [he] was considering in addition to other factors.” Tr. 522:24–25. Mr. Esselstyn testified that in determining where particular communities were located, he primarily relied on visible features that were displayed in the Maptitude software. Tr. 528:23–529:2.

b) Esselstyn Senate Plan

Analyzing these demographics and the Enacted Senate Plan, Mr. Esselstyn concluded that “[i]t is possible to create three additional majority-Black districts in the State Senate plan . . . in accordance with traditional redistricting principles.” GX 1 ¶ 13; Tr. 468:2–4. Two in south-metro Atlanta and one in the Eastern Black Belt. GX 1 ¶ 13. Meaning, the Esselstyn Senate Plan has 17 majority-Black State Senate districts using the AP BVAP metric. Stip. ¶ 231; GX 1 ¶ 27.

Figure 4: Map of majority-Black districts in the illustrative State Senate plan.



GX 1 ¶ 27 & fig.4.

(1) *Empirical measures*

(a) numerosity

The Esselstyn Senate Plan contains 17 majority-Black districts. GX 1 ¶ 27 & tbl. 1. The AP BVAP in all 17 districts exceed 50 percent. Id. Of the additional

Table 1: Illustrative Senate plan majority-Black districts with BVAP percentages.

District	BVAP%	District	BVAP%	District	BVAP%
10	61.10%	26	52.84%	39	60.21%
12	57.97%	28	57.28%	41	62.61%
15	54.00%	34	58.97%	43	58.52%
22	50.84%	35	54.05%	44	71.52%
23	51.06%	36	51.34%	55	65.97%
25	58.93%	38	66.36%		

majority-Black districts, the majority-Black population is 51.06%, 58.93%, and 57.28% respectively. Id.

(b) population equality and contiguity

It is undisputed that the districts in the Esselstyn Senate Plan are all contiguous. Stip. ¶ 258.

The overall deviation range on the Enacted Senate Plan is higher than the overall deviation range on the Enacted Senate Plan. Tr. 527:11–15; DX 3, Chart 3. However, the Court finds that the Esselstyn Senate Plan complies with the General Assembly’s population equality guidelines. Under the General Assembly’s redistricting guidelines “[e]ach legislative district of the General Assembly shall be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.” JX 2, 2.

Under the Esselstyn Senate Plan, all districts have a population deviation between ± 1 and 2%, with most within $\pm 1\%$. GX 1 ¶ 34. The district with the greatest deviation is + 1.90% and the district contains 194,919–3,635 persons more than the ideal population. GX 1, Attach. E. The average population deviation in Esselstyn’s Senate Plan is $\pm 0.67\%$. Id. The Court finds that on average, Mr. Esselstyn’s Senate Plan complies with the General Assembly’s guideline on population equality.

(c) Compactness scores

The Court finds that the Esselstyn Senate Plan and the Enacted Senate Plan, on the whole, are comparable. Mr. Esselstyn reported the average compactness scores for both the Enacted and Esselstyn Legislative Plans using five measures — Reock, Schwartzberg³⁰, Polsby-Popper, Area/Convex Hull³¹, and Number of Cut Edges³². GX 1 ¶¶ 36, 57 & tbls.2, 6; see also Tr. 475:18–476:18 (Mr. Esselstyn’s testimony describing common measures of compactness).

³⁰ The Schwartzberg test is a perimeter-based measure that compares a simplified version of each district to a circle, which is considered to be the most compact shape possible. For each district, the Schwartzberg test computes the ratio of the perimeter of the simplified version of the district to the perimeter of a circle with the same area as the original district. This measure is usually greater than or equal to 1, with 1 being the most compact. GX 1, Attach. G.

³¹ The Area/Convex Hull test computes the ratio of the district area to the area of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact. GX 1, Attach. G.

³² The Cut Edges test counts the number of edges removed (“cut”) from the adjacency (dual) graph of the base layer to define the districting plan. The adjacency graph is defined by creating a node for each base layer area. An edge is added between two nodes if the two corresponding base layer areas are adjacent — which is to say, they share a common linear boundary. If such a boundary forms part of the district boundary, then its corresponding edge is cut by the plan. The measure is a single number for the plan. A smaller number implies a more compact plan. GX 1, Attach. G.

Mr. Esselstyn concluded that the average compactness measures for the Enacted and Esselstyn Senate Plans “are almost identical.” GX 1 ¶ 36 & tbl.2; see also Id. at 79–91 (Mr. Esselstyn’s expert report providing detailed compactness measures for Enacted and Esselstyn Senate Plans); Tr. 485:19–21 (Mr. Esselstyn’s testimony describing compliance with compactness principle). Mr. Morgan agreed that the mean compactness scores were “very close.” Tr. 1843:19–1844:2. Mr. Esselstyn reported those measures as follows:

Table 2: Compactness measures for enacted and illustrative State Senate plans.

	Reock (average)	Schwartzberg (average)	Polsby- Popper (average)	Area/Convex Hull (average)	Number of Cut Edges
Enacted	0.42	1.75	0.29	0.76	11,005
Illustrative	0.41	1.76	0.28	0.75	11,003

GX 1 ¶ 36 & tbl. 2.

The Court concludes that the Esselstyn Senate Plan fares worse than the Enacted Senate Plan by 0.01 points on four of the five measures and has 2 fewer cut edges than the Enacted Senate Plan. Id. Consistent with both Defendants’ and the Grant Plaintiffs’ experts, the Court finds that the compactness scores of the

two plans are “very close.” Accordingly, the Court finds that the Esselstyn and Enacted Senate Plans are comparably compact.

The following chart is derived from the data in attachment H to Mr. Esselstyn’s report and depicts the compactness scores for the minority-Black districts in the Enacted and Esselstyn Senate Plans.

	Enacted Senate Plan		Esselstyn Senate Plan	
District	Reock	Polsby-Popper	Reock	Polsby-Popper
010	0.28	0.23	0.25	0.19
012	0.62	0.39	0.62	0.39
015	0.57	0.32	0.57	0.32
022	0.41	0.29	0.33	0.32
023*	0.37	0.16	0.34	0.17
025*	0.39	0.24	0.57	0.34
026	0.47	0.20	0.44	0.25
028*	0.45	0.25	0.38	0.19
034	0.45	0.34	0.31	0.21
035	0.47	0.26	0.59	0.42
036	0.32	0.30	0.32	0.30
038	0.36	0.21	0.37	0.20
039	0.17	0.13	0.18	0.13
041	0.51	0.30	0.51	0.30
043	0.64	0.35	0.49	0.25
044	0.18	0.19	0.33	0.24
045	0.35	0.30	0.35	0.30
Mean:	0.41	0.26	0.41	0.27
Max:	0.64	0.39	0.62	0.42
Min:	0.17	0.13	0.18	0.13

asterisk (*) denotes a new majority-Black district

With respect to the majority-Black districts, the Court finds that the Esselstyn Senate Plan is equivalent if not better than the Enacted Senate Plan. On average, the two plans have identical Reock scores and the Esselstyn Senate Plan fares 0.01 better on the Polsby-Popper measure. GX 1, Attach. H.

With respect to the maximum and minimum scores, the Enacted Senate Plan has a district that is 0.02 better on Reock than the most compact district in the Esselstyn Senate Plan. Id. Conversely, on the Polsby-Popper measure, the Esselstyn Senate Plan's most compact district is 0.03 points more compact than the most compact district in the Enacted Senate Plan. Id. The least compact districts in both plans have identical Polsby-Popper scores and the Esselstyn Senate Plan's least compact district is more compact by 0.01 points. Id.

Finally, on the Reock measure, five of the majority-Black districts have identical scores, five districts are more compact in the Esselstyn Senate Plan, and seven districts are more compact in the Enacted Senate Plan. Id. On the Polsby-Popper measure, six of the majority-Black districts have identical scores, six

districts are more compact in the Esselstyn Senate Plan, and five are more compact on the Enacted Senate Plan.

In sum, the Court finds that on the empirical compactness measures, the majority-Black districts in the Enacted and Esselstyn Senate Plans are comparably compact.

(d) political subdivisions

The Court finds that on the whole, the Esselstyn Senate Plan's political subdivision splits are comparable to the Enacted Senate Plan's. The Esselstyn Senate Plan splits more counties and VTDs than the Enacted Senate Plan. Tr. 528:1-5; DX 3, Chart 3. Mr. Esselstyn noted that he split fewer counties than in the 2014 Georgia Legislative Plans. Tr. 487:15-21; GX 1 ¶ 40 & tbl.4. He reported the splits in the enacted and illustrative State Senate maps as follows:

Table 4: Political subdivision splits for enacted and illustrative State Senate plans.

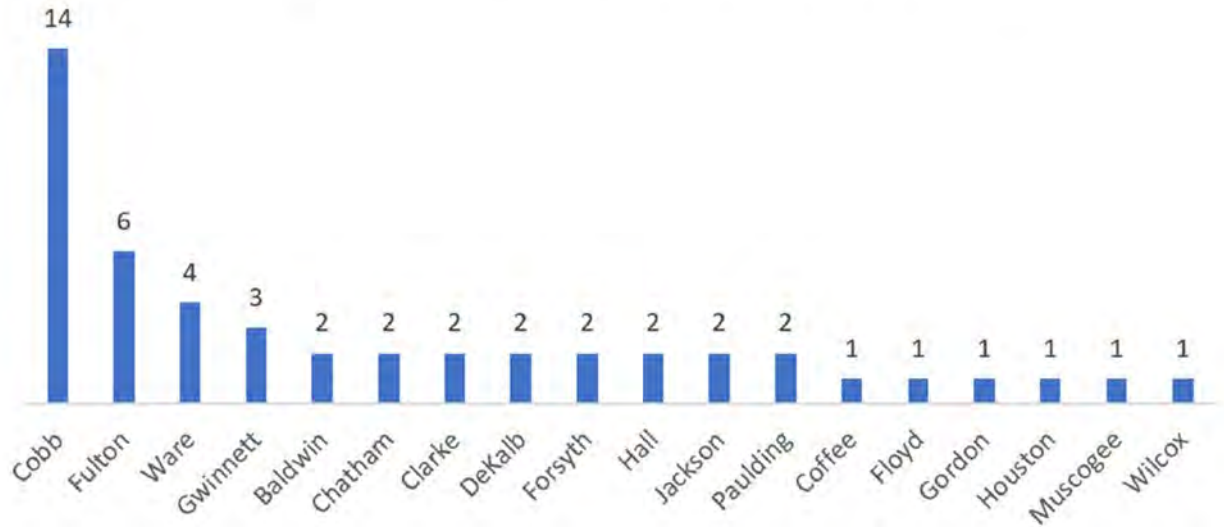
	Intact Counties	Split Counties	Split VTDs
Enacted	130	29	47
Illustrative	125	34	49

GX 1, ¶ 40 & tbl.4.

Mr. Esselstyn concluded that “[w]hile the creation of three additional majority-Black State Senate districts involved the division of additional counties and VTDs, the differences are marginal.” GX 1 ¶ 40 & tbl.4; see also Id. at 92–103 (Mr. Esselstyn’s expert report providing political subdivision splits for enacted and illustrative State Senate maps); Tr. 487:8–14 (Mr. Esselstyn’s testimony that the number of political subdivision splits in the illustrative and enacted Senate plans are “very similar”).

Mr. Morgan’s report confirms that the Esselstyn Senate Plan split the same counties as the Enacted Senate Plan. See DX 3 ¶ 35. Mr. Morgan also conceded that the ways in which the Esselstyn Senate Plan splits counties, at times, affected fewer people because he split smaller counties and united some of the bigger counties. See Tr. 1887:21–1891:1. Out of 2,698 VTDs statewide, only 49 are split in Esselstyn Senate Plan, and in only 18 of Georgia’s 159 counties. Doc. No. GX 1 ¶ 40 & tbl.4; Mr. Esselstyn’s report included a histogram depicting the VTD splits in the Esselstyn Senate Plan by county:

Figure 10: VTD splits in illustrative State Senate plan by county.



GX 1 ¶ 40 & fig.10.

(e) findings of fact on the empirical measures

In sum, the Court finds that the Esselstyn Senate Plan has greater population deviations than the Enacted Senate Plan; however, the Esselstyn Senate Plan has comparable compactness scores and political subdivision splits.

(2) *Core retention*

The General Assembly Guidelines did not include maintaining existing State Senate district cores. JX 1, JX 2. Similarly, Ms. Wright testified that when drafting the Enacted Senate Plan, she starts with a blank map and builds out from

there. Tr. 1622:11–17; 1642:7–14. She does not start by using the most recent State Senate map. Id. Although not an enumerated guideline, the Court finds that the Esselstyn Senate Plan respects the core districts of the Enacted Senate Plan. Mr. Esselstyn used the Enacted Senate Plan as a starting point, and many of the districts are the same. Only 22 districts were modified, leaving the other 34 unchanged. Stip. ¶ 261; GX 1 ¶ 26; Tr. 485:3–5. As Mr. Morgan’s report confirms, nearly 90% of Georgia’s population would remain in their same numbered State Senate district under the Esselstyn Senate Plan. DX 3, Ex. 7. The Court finds that the Esselstyn Senate Plan retained the majority of the core districts from the Enacted Senate Plan.

(3) *Incumbent Pairings*

Based on the record, the Court concludes that the Esselstyn Senate Plan complies with the districting criterion of avoiding unnecessary pairings of incumbents. See JX1, JX2. At the preliminary injunction hearing, Mr. Esselstyn submitted an illustrative State Senate plan that he created without knowledge of incumbent addresses. GX 1 ¶ 42; Tr. 479:23–480:21. That plan paired two incumbents in the State Senate.

The Esselstyn Senate Plan, submitted at trial, pairs fewer incumbents than Mr. Esselstyn's initial plans. Currently, no incumbent State Senators are paired. GX 1 ¶ 42; Tr. 480:18–21.

Accordingly, the Court finds that Esselstyn Senate Plan respects the traditional redistricting principle of avoiding pairing incumbents because it paired no incumbents.

(4) *Racial Considerations*

The Court further concludes that Mr. Esselstyn did not subordinate traditional districting principles in favor of race-conscious considerations. Mr. Esselstyn was asked “to determine whether there are areas in the State of Georgia where the Black population is ‘sufficiently large and geographically compact’ to enable the creation of additional majority-Black legislative districts relative to the number of such districts provided in the enacted State Senate and State House of Representatives redistricting plans from 2021.” GX 1 ¶ 9 (footnote omitted); see also Tr. 467:8–15 (Mr. Esselstyn's testimony confirming what he was asked to do in this case). Mr. Esselstyn testified that he was not asked to

maximize the number of majority-Black districts in the Enacted Legislative Plans.

Feb. 9, 2022, Afternoon PI Tr. 150:23–25.

Mr. Esselstyn testified that it was necessary for him to consider race as part of his analysis because “the Gingles 1 precondition is looking at whether majority Black districts can be created. And in order to understand whether districts are majority Black, one has to be able to look at statistics for those districts.” Tr. 471:9–17. See Feb. 9, 2022, Afternoon PI Tr. 155:15–156:2. (Mr. Esselstyn testifying that, under Section 2, “the key metric is whether a district has a majority of the Any Part Black population. So that means it has to be over 50 percent. And that means looking at a column of numbers in order to determine, to assess whether a district has that characteristic. You have to look at the numbers that measure the percentage of the population is Black.”).

Mr. Esselstyn emphasized that he took other considerations into account as well when drawing his illustrative plans, including population equality, compliance with the federal and Georgia constitutions, contiguity, and other traditional districting principles. Tr. 471:18–472:14.; Id. at 522:5–14 (“I’m constantly looking at the shape of the district, what it does for population

equality, . . . political subdivisions, communities of interest, incumbents, all that. So while yes, at times [race] would have been used to inform a decision, it was one of a number of factors.”).

Mr. Esselstyn confirmed that race did not predominate when he drew the Esselstyn Legislative Plans. Tr. 472:15–20. Although Mr. Morgan concluded that Mr. Esselstyn’s changes from the Enacted Senate Plan indicate that he prioritized race, the Court does not credit Mr. Morgan’s analysis or conclusions for several reasons.

First, Mr. Morgan conceded that he did not examine the extent to which Mr. Esselstyn’s changes were designed to satisfy traditional districting criteria like avoiding the unnecessary pairing of incumbents and preserving communities of interest. Tr. 1897:11–1899:3, 1923:21–1924:16. Mr. Morgan’s overarching conclusion about the prioritization of race over other factors is difficult to square with his failure to actually examine all of the relevant factors Mr. Esselstyn stated he considered in drawing his illustrative plans.

Second, Mr. Morgan’s analysis is methodologically inconsistent. For instance, the text of his expert report, which purports to compare the district in

the Enacted and Esselstyn Senate Plans, contains compactness scores for the enacted districts but makes no mention of the compactness scores for the corresponding illustrative districts. Tr. 1854:5–12.

Third, Mr. Morgan’s analysis of the new majority-Black districts is incomplete. The text of Mr. Morgan’s expert report provides no description or analysis whatsoever of Esselstyn SD-25, SD-28, HD-64, HD-117, HD-145 or HD-149. Tr. 1846:10–1847:6; Tr. 1896:21–23, 1922:22–25, 1923:1–15.

Fourth, Mr. Morgan’s conclusion regarding the role of race seems to fault the Esselstyn Legislative Plans for taking the same approach as the Enacted Legislative Plans. Specifically, Mr. Morgan criticizes Esselstyn Legislative Plans for “elongating” various districts when creating new majority-Black districts, e.g., Tr. 1811:25–1812:18, but conceded that the Enacted Legislative Plans do the same thing. Tr. 1927:4–1928:25. Ms. Wright also agreed that several districts in the Enacted Legislative Plans, including EnactedSD-10, SD-44, HD-36, and HD-60, are “elongated.” Tr. 1702:3–1704:1.

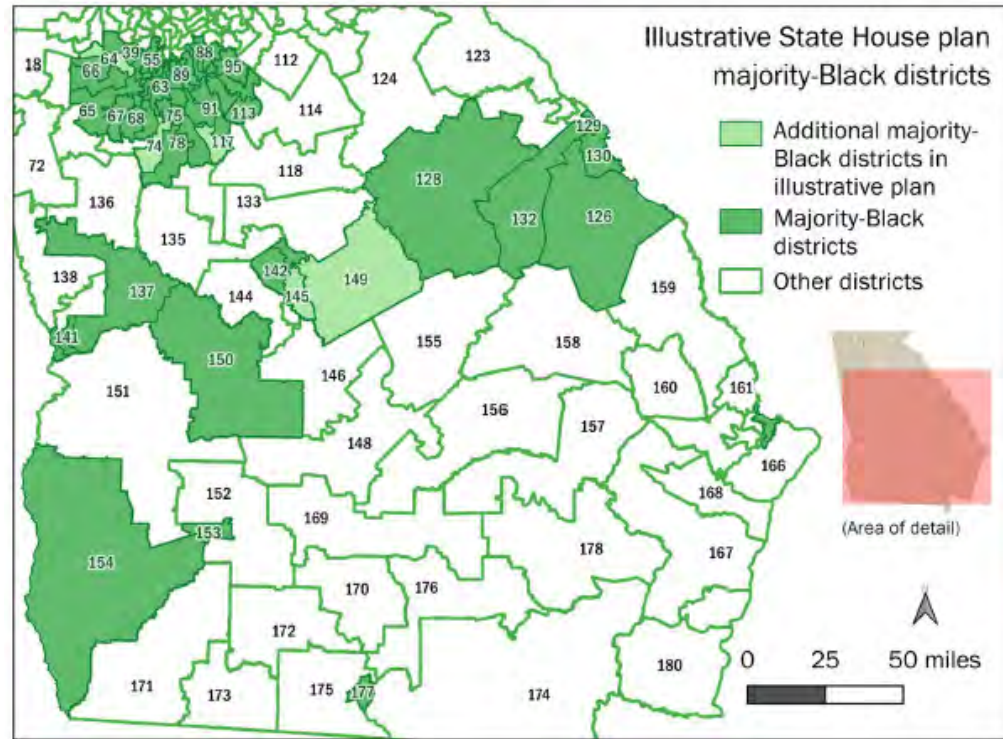
For these reasons, the Court is not persuaded by Mr. Morgan’s testimony and conclusions that race predominated when Mr. Esselstyn drew the Esselstyn

Legislative Plans. The Court finds that Mr. Esselstyn consistently testified that race did not predominate when he drew his plans. Rather, he made efforts to balance traditional redistricting principles when he made districting decisions. Thus, the Court finds that race did not predominate in the drawing of the Esselstyn Legislative Plans.

c) Esselstyn House Plan

Mr. Esselstyn concluded that it was possible to draw five additional majority-Black House districts in accordance with traditional redistricting principles. GX 1 ¶ 13.

Figure 13: Map of majority-Black districts in the illustrative House plan.



GX 1 ¶ 48 & fig.13.

(1) *Empirical measures*

(a) numerosity

Esselstyn'sThe Esselstyn House Plan contains 54 majority-Black districts.

GX 1 ¶ 48 & tbl. 5. The AP BVAP in all of these districts exceed 50 percent. *Id.*

The majority-Black population in the majority-Black districts is 50.24%, 53.94%, 51.56%, 50.38%, and 51.53% respectively. *Id.*

Table 5: Illustrative House plan majority-Black districts with BVAP percentages.

District	BVAP%	District	BVAP%	District	BVAP%	District	BVAP%
38	54.23%	69	62.73%	91	60.01%	137	52.13%
39	55.29%	74	53.94%	92	68.79%	140	57.63%
55	55.38%	75	66.89%	93	65.36%	141	57.46%
58	63.04%	76	67.23%	94	69.04%	142	50.14%
59	70.09%	77	76.13%	95	67.15%	143	50.64%
60	63.88%	78	51.03%	113	59.53%	145	50.38%
61	53.49%	79	71.59%	115	53.77%	149	51.53%
62	72.26%	84	73.66%	116	51.95%	150	53.56%
63	69.33%	85	62.71%	117	51.56%	153	67.95%
64	50.24%	86	75.05%	126	54.47%	154	54.82%
65	63.34%	87	73.08%	128	50.41%	165	50.33%
66	53.88%	88	63.35%	129	54.87%	177	53.88%
67	58.92%	89	62.54%	130	59.91%		
68	55.75%	90	58.49%	132	52.34%		

GX 1 ¶ 48 & tbl. 5.

(b) population equality and contiguity

It is undisputed that the districts in the Esselstyn House Plan are all contiguous. Stip. ¶ 258.

The Esselstyn House Plan’s overall population deviation is higher than the deviation range in the Enacted House Plan’s. Tr. 527:11–15; DX 3, Chart 3. However, the Court finds that the Esselstyn House Plan complies with the General Assembly’s population equality guidelines. Under the General Assembly’s redistricting guidelines state that “[e]ach legislative district of the

General Assembly shall be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.” JX 2, 2.

Under the Esselstyn House Plan, all districts have a population deviation between -1.94% and +1.91%, with a mean deviation of +0.64%. GX 1, Attach. J. The district with the greatest deviation is +1.91% and the district contains 58,358 people—1,153 persons less than the ideal population. GX 1, Attach. J. Comparatively, the Enacted House Plan has a population deviation range of -1.40 to +1.34%. GX 1, Attach. I. The Court finds that the Esselstyn House Plan has a greater deviation range than the Enacted House Plan, and on average, Mr. Esselstyn’s House Plan complies with the General Assembly’s guideline on population equality.

(c) compactness scores

The Court finds that the Esselstyn House Plan and the Enacted House Plan, on the whole, are comparable. Mr. Esselstyn reported the average compactness scores for both the Enacted and Esselstyn House Plans using five measures—Reock, Schwartzberg, Polsby-Popper, Area/Convex Hull, and Number of Cut

Edges. GX 1 ¶¶ 36, 57 & tbls.2, 6; see also Tr. 475:18–476:18 (Mr. Esselstyn’s testimony describing common measures of compactness).

Mr. Esselstyn further concluded that the average compactness measures for the Enacted and Esselstyn House Plans “are almost identical, if not identical.” GX 1 ¶ 57 & tbl. 6; see also Id. at 135–65 (Mr. Esselstyn’s expert report providing detailed compactness measures for enacted and illustrative House maps); Tr. 492:17–22 (Mr. Esselstyn’s testimony describing compliance with compactness principle). Mr. Esselstyn reported those measures as follows:

Table 6: Compactness measures for enacted and illustrative House plans.

	Reock (average)	Schwartzberg (average)	Polsby- Popper (average)	Area/Convex Hull (average)	Number of Cut Edges
Enacted	0.39	1.80	0.28	0.72	22,020
Illustrative	0.39	1.81	0.28	0.72	22,359

GX 1 ¶ 57 & tbl.6.

Mr. Morgan characterized the overall compactness scores of the Enacted and Esselstyn House Plans as “similar.” DX 3 ¶ 50. The Court concludes that the Esselstyn House Plan is identical on Reock, Polsby-Popper, and Area/Convex

Hull. Id. On the Schwartzberg measure, the Enacted Plan is 0.01 more compact and the Enacted House Plan cut 339 fewer edges. GX 1 ¶ 57 & tbl.6

Consistent with both Defendants’ and the Grant Plaintiffs’ experts, the Court finds that the compactness scores of the two plans are “similar.” Accordingly, the Court finds that the Esselstyn and Enacted House Plans are comparably compact. With respect to the maximum and minimum scores, the most compact district in the Enacted House Plan has a Reock score of 0.66 and the least compact district has a Reock Score of 0.12. GX 1, Attach. L. And on the Polsby-Popper measures, the most compact district has a score of 0.59 and the least compact district has a score of 0.10. The Esselstyn House Plan has the same metrics. Id.

With respect to the additional majority-Black districts, the Court finds that the additional majority-Black districts compactness scores all exceed 0.12 on Reock and 0.10 on Polsby-Popper, which are the lowest compactness scores in the Enacted House Plan. Id.

However, generally, the Court finds that the majority-Black House districts performed worse than the districts in the Enacted House Plan. However, none of

the compactness measures are below the least compact district's measures on the Enacted House Plan. The following table is derived from the data contained in attachment L to GX 1:

Districts	Enacted House Plan		Illustrative House Plan	
	Reock	Polsby-Popper	Reock	Polsby-Popper
064	0.37	0.36	0.22	0.22
074	0.50	0.25	0.30	0.19
117	0.41	0.28	0.40	0.33
145	0.38	0.19	0.34	0.21
149	0.32	0.22	0.46	0.28

In sum, the Court finds that on the empirical compactness measures, the majority-Black districts in the Esselstyn House Plan fall within the compactness score range of the Enacted House Plan.

(d) political subdivisions

The Court finds that on the whole, the Esselstyn House Plan's political subdivision splits are comparable to the Enacted House Plan's. The Enacted House Plan splits more counties and precincts than the Enacted House Plan. Tr. 528:1-5; DX 3, Chart 3.

Mr. Esselstyn concluded that “[w]hile the creation of three additional majority-Black State House districts involved the division of additional counties and VTDs, the differences are marginal.” GX 1 ¶ 39 & tbl.4; see also Id. at 92–103 (Mr. Esselstyn’s expert report providing political subdivision splits for the Enacted and Esselstyn House Plans); Tr. 487:8–14 (Mr. Esselstyn’s testimony that the number of political subdivision splits in the Esselstyn and Enacted House Plans are “very similar”). He reported the splits in the Enacted and Esselstyn House Plans as follows:

Table 8: Political subdivision splits for enacted and illustrative House plans.

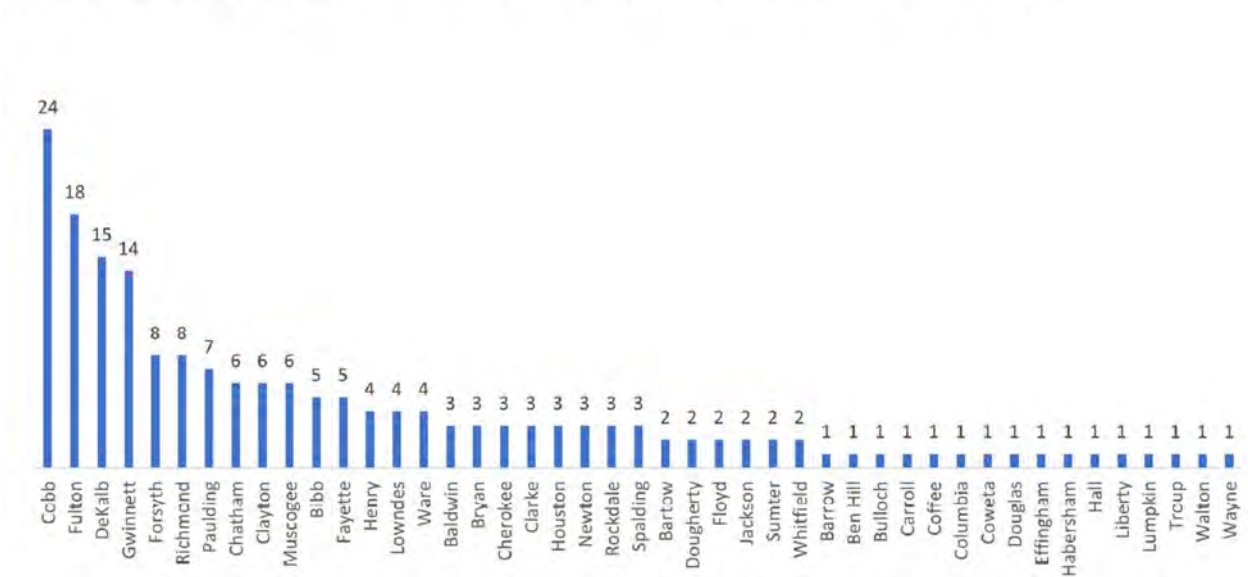
	Intact Counties	Split Counties	Split VTDs
Enacted	90	69	185
Illustrative	89	70	186

GX 1 ¶ 59 & tbl. 8.

The Esselstyn House Plan splits one more county and VTD than the Enacted House Plan. Notably, out of 2,698 VTDs statewide, only 186 are split in Esselstyn House Plan, and in only 45 of Georgia’s 159 counties. GX 1 ¶ 59 & tbl.8; Tr. 494:16–495:3. Mr. Morgan also found that the ways in which the Esselstyn House Plan splits counties, at times, fewer people are affected because he split

smaller counties and united some of the bigger counties. See Tr. 1887:21–1891:1. Mr. Esselstyn’s report included a histogram depicting the VTD splits in the Esselstyn House Plan by county:

Figure 18: VTD splits in illustrative State House plan by county.



GX 1 ¶ 59 & fig.18.

(e) findings of fact on the empirical measures

In sum, the Court finds that the Esselstyn House Plan has a greater range of population deviations than the Enacted House Plan; however, the Esselstyn House Plan has comparable compactness scores and political subdivision splits.

(2) Core retention

The General Assembly Guidelines did not include maintaining existing State House district cores. JX 1, JX 2. Similarly, Ms. Wright testified that when drafting the Enacted House Plan, she starts with a blank map and builds out from there. 1622:11-17; 1642:7-14. She does not start by using the most recent State House map. Id. Although not an enumerated guideline, the Court finds that the Esselstyn House Plan respects the core districts of the Enacted House Plan. Mr. Esselstyn used the Enacted House Plan as a starting point and many of the districts are the same. Only 25 districts were modified, leaving the other 155 unchanged. Stip. ¶ 261; GX 1 ¶ 47; DX 3, Ex. 14. As Mr. Morgan's report confirms, nearly 94% of Georgia's population would remain in their same numbered State House district under the Esselstyn House Plan. DX 3, Ex. 7. The Court finds that the Esselstyn House Plan retained the majority of the core districts from the Enacted House Plan.

(3) Incumbent Pairings

Based on the record, the Court concludes that the Esselstyn House Plan complies with the districting criterion of avoiding unnecessary pairings of incumbents. See JX1, JX2. Mr. Esselstyn's preliminary injunction State House

plan was created without knowledge of incumbent addresses and paired 16 incumbents in the State House. GX 1 ¶ 61; Tr. 479:23–480:21.

The Esselstyn House Plan, submitted in his December 2022 expert report, pairs fewer incumbents than Mr. Esselstyn’s initial plans. The Esselstyn House Plan would pair a total of eight incumbents in the same districts—the same number of incumbents that the Enacted House Plan paired in the same districts. GX 1 ¶ 61; Tr. 480:14–21.

Accordingly, the Court finds that the Esselstyn House Plan pairs the same number of incumbents as the Enacted House Plan; therefore, it complies with the traditional redistricting principle of avoiding pairing incumbents.

(4) *Racial Considerations*

The evidence regarding the Esselstyn Senate and House Plans was identical. Accordingly, the Court incorporates its racial predominance analysis from the Esselstyn Senate Plan Section. See Section I(H)(4)(b)(4) *supra*.

G. Second and Third Gingles Preconditions

1. Pendergrass: Dr. Palmer’s methodology

Dr. Palmer who served as Pendergrass and Grant Plaintiffs’ experts, evaluated the Black population’s cohesion and white voter bloc voting using EI.

PX 2, GX 2. Both Dr. Palmer and Defendants' expert, Dr. Alford, testified that ecological inference ("EI") is a reliable method for conducting the second and third Gingles preconditions analyses. "Q. Dr. Alford, you agree that . . . the method of ecological inference Dr. Palmer applied is the best available method for estimating voting behavior by race; correct? A. Correct." Tr. 2250:12-16; "Q. Do scholars and experts regularly use EI to examine racially polarized voting? A. Yes?" Tr. 401:7-9. EI "estimates group-level preferences based on aggregate data." PX 2 ¶ 13. The data analyzed under EI also includes confidence intervals, which measure the uncertainty of results. Id. at n. 12.

Dr. Palmer conducted a racially polarized voting analysis of Enacted CD-3, 6, 11, 13, and 14, both as a region (the "congressional focus area") and individually. Stip. ¶ 214; PX 2 ¶ 7; Tr. 413:18-414:5.

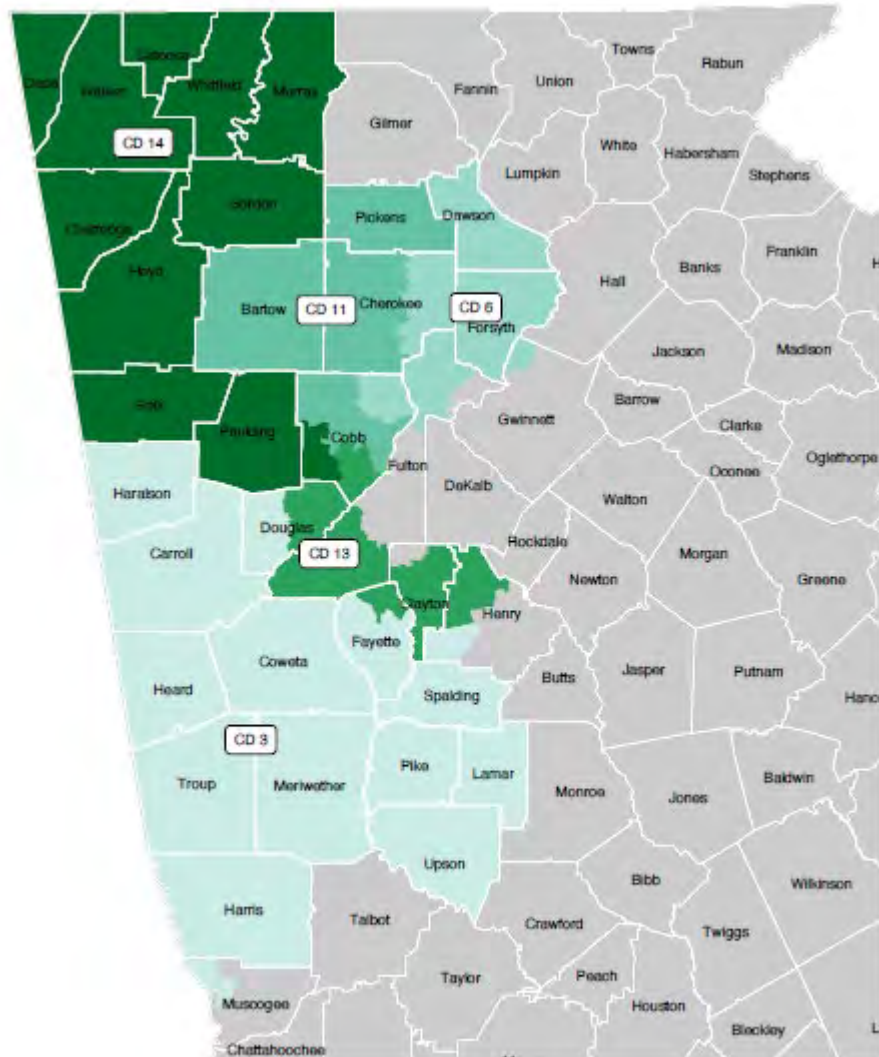


Figure 1: Map of the Focus Area

PX 2 ¶ 11 & fig.1.

Dr. Palmer evaluated Black and white voters' choices in the congressional focus area that voted for each candidate in 40 statewide elections between 2012

and 2022. Stip. ¶ 217; PX 2 ¶¶ 13, 15. Dr. Palmer's EI analysis relied on precinct-level election results and voter turnout by race, as compiled by the State of Georgia. PX 2 ¶ 11; Tr. 403:2-13.

Dr. Palmer first examined each racial group's support for each candidate to determine if members of the group voted cohesively in support of a single candidate in each election. PX 2 ¶ 14. If a significant majority of the group supported a single candidate, he then identified that candidate as the group's candidate of choice. Id. Dr. Palmer next compared the preferences of white voters to the preferences of Black voters. Id. He concluded that evidence of racially polarized voting is found when Black voters and white voters support different candidates. Id.

2. *Alpha Phi Alpha: Dr. Handley's methodology*

Dr. Handley, Alpha Phi Alpha's expert, analyzed voting patterns by race in seven areas of Georgia where the Cooper Legislative Plans created additional majority-Black districts. Tr. 861:21-25; APAX 5, 2; Stip. ¶ 307. As part of that analysis, she considered whether Black voters had the opportunity to elect

candidates of their choice in these areas under the Cooper Legislative Plans as compared to the Enacted Legislative Plans. See Tr. 862:22-863:5; APAX 5, 2, 12.

Dr. Handley stated that these seven areas in Georgia are where “districts that offered Black voters opportunities to elect their candidates of choice could have been drawn and were not drawn when you compare the illustrative to the adopted plan.” Tr. 861:21-25. Dr. Handley named these seven areas the Eastern Atlanta Metro Region, the Southern Atlanta Metro Region, East Central Georgia with Augusta, the Southeastern Atlanta Metro Region, Central Georgia, Southwest Georgia, and the Macon Region. See APAX 5, 8-9; Tr. 869:13-25.

The first area Dr. Handley analyzed—the Eastern Atlanta Metro Region—encompasses Cooper SD-10, SD-17, SD-43 and Enacted SD-10, SD-17, SD-43 (DeKalb, Henry, Morgan, Newton, Rockdale, and Walton Counties). Stip. ¶ 309; APAX 5, 8, 17-18. The second area—the Southern Atlanta Metro Region—encompasses Cooper SD-16, SD-28, SD-34, and SD-39 and Enacted SD-16, SD-28, SD-34, and SD-44 (Clayton, Coweta, Douglas, Fayette, Heard, Henry, Lamar, Pike, and Spalding Counties). Stip. ¶ 310; APAX 5, 8, 19-20.

The third area—the East Central Georgia Region—encompasses Cooper SD-22, SD-23, SD-26, and SD-44 and Enacted SD-22, SD-23, SD-25, and SD-26 (Baldwin, Bibb, Burke, Butts, Columbia, Emanuel, Glascock, Hancock, Henry, Houston, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, McDuffie, Monroe, Morgan, Putnam, Richmond, Screven, Taliaferro, Twiggs, Walton, Warren, Washington, Wilkes, and Wilkinson Counties). Stip. ¶ 311; APAX 5, 9, 21-22. The fourth area—Southeastern Atlanta Metro Region—encompasses Cooper HD-74, HD-75, HD-78, HD-115, HD-116, HD-117, HD-118, HD-134, and HD-135 and Enacted HD-74, HD-75, HD-78, HD-115, HD-116, HD-117, HD-118, HD-134, and HD-135 (Butts, Clayton, Fayette, Henry, Jasper, Lamar, Monroe, Pike, Putnam, Spalding, and Upson Counties). Stip. ¶ 312; APAX 5, 9, 23-24. The fifth area—Central Georgia—encompasses Cooper HD-128, HD-133, HD-144, and HD-155 and Enacted HD-128, HD-133, HD-149, and HD-155 (Baldwin, Bibb, Bleckley, Dodge, Glascock, Hancock, Jefferson, Johnson, Jones, Laurens, McDuffie, Taliaferro, Telfair, Twiggs, Warren, Washington, Wilkes, and Wilkinson Counties). Stip. ¶ 313; APAX 5, 9, 26-27.

The sixth area—Southwest Georgia—encompasses Cooper HD-152, HD-153, HD-171, HD-172, and HD-173 and Enacted HD-152, HD-153, HD-171, HD-172, and HD-173 (Colquitt, Cook, Decatur, Dougherty, Grady, Lee, Mitchell, Seminole, Stewart, Terrell, Thomas, Tift, Webster, and Worth Counties). Stip. ¶ 314; APAX 5, 9, 28-29. The seventh area—the Macon Region—encompasses Cooper HD-142, HD-143, and HD-145 and Enacted HD-142, HD-143, and HD-145 (Bibb, Crawford, Houston, Peach, and Twiggs Counties). Stip. ¶ 315; APAX 5, 9, 30-31.

Dr. Handley employed three commonly used, well-accepted statistical methods to conduct her racially polarized voting analysis: homogeneous precinct

analysis,³³ ecological regression³⁴, and EI.³⁵ Tr. 864:17-21, 868:10-12; APAX 5, 3-4; Stip. ¶ 308. With these three statistical methods, she calculated estimates of the percentage of Black and white voters who voted for candidates in recent statewide general elections and State legislative general elections in the seven areas. Tr. 863:21-864:25, 862:22-863:5. Dr. Handley uses homogeneous precinct analysis and ecological regression to check the estimates produced by EI. Tr. 868:7-9. When “they all come up with very similar estimates,” Dr. Handley testified that she can be confident in those estimates. Id.

³³ Homogeneous precinct analysis and ecological regression have been used for approximately 40 years. Tr. 864:17-20. These analytic tools were employed by the plaintiffs’ expert in Gingles and were accepted by the Supreme Court. APAX 5, 4; Gingles, 478 U.S. at 52–53, 80.

³⁴ Ecological regression (ER), uses information from all precincts, not simply the homogeneous ones, to derive estimates of the voting behavior of minorities and whites. If there is a strong linear relationship across precincts between the percentage of minorities and the percentage of votes cast for a given candidate, this relationship can be used to estimate the percentage of minority voters supporting the candidate. APAX 5, 3.

³⁵ Dr. Handley used two forms of EI called “King’s EI” and “EI RxC.” Tr. 873:18-21. APAX 5, 4-5. Defendant’s expert, Dr. John Alford, agrees that EI RxC is “the best of the statistical methods for estimating voting behaviors.” Tr. 2215:23-25.

Dr. Alford has “no concerns with [Dr. Handley’s] use of EI RxC in her most recent [December 23, 2022] report.” Tr. 2216:1-3. He “[does not] question her ability,” and agrees that “her new report, most recent report, relies on methods that . . . are acceptable.” Id. at 2220:21, 2216:13-17. Dr. Alford has “no concerns about the data that went into Dr. Handley’s statistical analysis in this case[.]” Tr. 2221:5-7.

Dr. Handley evaluated 16 recent (2016-2022) general and runoff statewide elections, including for U.S. Senate, Governor, School Superintendent, Public Service Commission, and Commissioners of Agriculture, Insurance, and Labor. APAX 5, 6; Stip. ¶¶ 316-317. She also looked at 54 recent (2016-2022) State legislative elections in the areas of interest, including 16 State Senate contests and 38 State House contests. Tr. 890:2-12; APAX 5, at 7-8; Stip. ¶ 324. All 2022 State legislative contests in the Enacted Legislative Plans identified as districts of interest were analyzed, even if the contest did not include at least one Black candidate. APAX 5, at 7-8. In addition, because there has only been one set of State legislative elections (2022) under the Enacted Plans, Dr. Handley also analyzed biracial State legislative elections conducted between 2016 and 2020 in

the State legislative districts under the previous State House and State Senate plans that are located within the seven areas of interest. Id.

Dr. Handley also examined 11 statewide Democratic primaries. Tr. 879:25-880:2. She examined those because “we have a two-part election system here and you have to make it through the Democratic primary to make it into the general election” and, in some jurisdictions, primaries are the operative barrier for Black-preferred candidates, so Dr. Handley “would always look at both.” Id. at 892:22-893:8. With regard to the areas of interest in this litigation, Dr. Handley concluded that the Democratic primaries were “not a barrier” for Black-preferred candidates to win elections, and Dr. Handley rested her opinions of racially polarized voting in the areas of interest on the general elections. Id. at 894:13-22. Dr. Handley did not evaluate whether Democratic primaries are the barrier to electing Black-preferred candidates outside the areas of interest. Id. at 894:23-895:1.

3. Grant: Dr. Palmer’s methodology

Dr. Palmer, who served as the Pendergrass Plaintiffs’ expert on political cohesion and voter polarization also served as the Grant Plaintiffs’ expert.

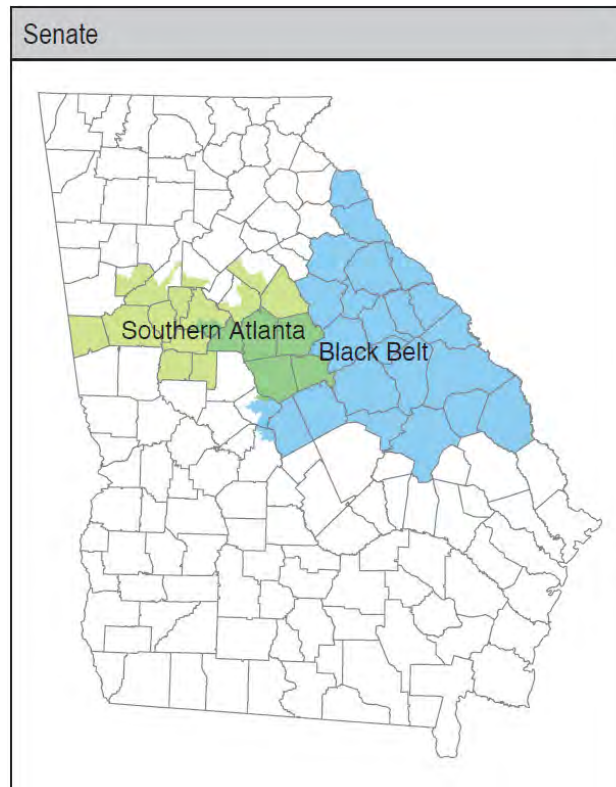
Dr. Palmer used the same EI method as that used in Pendergrass. Tr. 418:21–25.

Dr. Palmer conducted a racially polarized voting analysis of five different legislative focus areas. Stip. ¶ 262; GX 2 ¶ 10; Tr. 403:21–404:5. His EI analysis relied on precinct-level election results and voter turnout by race, as compiled by the State of Georgia. GX 2 ¶ 13; Tr. 403:2–13. Dr. Palmer analyzed two focus areas for the Enacted Senate Plan.

In the Black Belt, Dr. Palmer evaluated Enacted SD-22, SD-23, SD-24, SD-25, and SD-26 (“Palmer’s senate Black Belt focus area”). These districts include Baldwin, Burke, Butts, Columbia, Elbert, Emanuel, Glascock, Greene, Hancock, Hart, Jasper, Jefferson, Jenkins, Johnson, Jones, Lincoln, Mcduffie, Oglethorpe, Putnam, Richmond, Screven, Taliaferro, Twiggs, Warren, Washington, Wilkes, and Wilkinson Counties and parts of Bibb, Henry, and Houston Counties. Tr. 403:21–404:5; GX 2 ¶ 12; Stip. ¶ 265. In south-metro Atlanta Dr. Palmer evaluated Enacted SD-10, SD-16, SD-17, SD-25, SD-28, SD-34, SD-35, SD-39, and SD-44. These districts include Baldwin, Butts, Clayton, Coweta, Fayette, Heard, Jasper, Jones, Lamar, Morgan, Pike, Putnam, and Spalding Counties and parts of

Bibb, DeKalb, Douglas, Fulton, Henry, Newton, and Walton Counties.

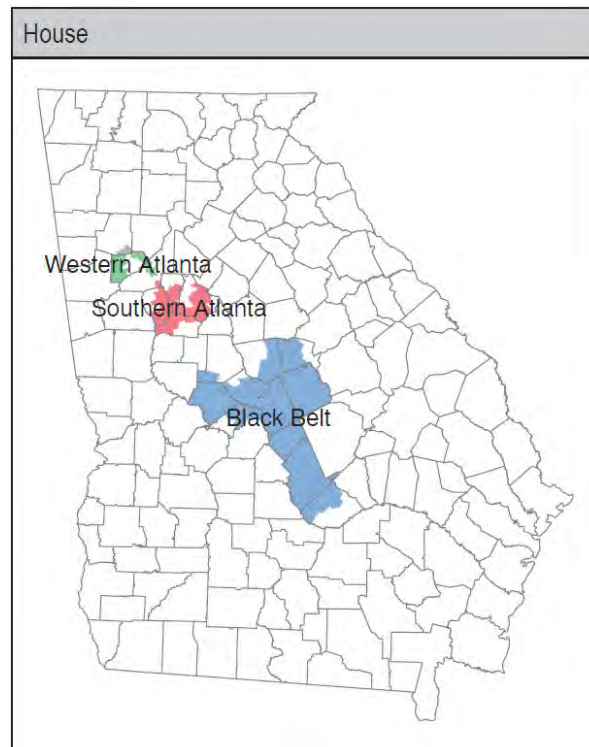
Tr. 403:21-404:5; GX 2 ¶ 12; Stip. ¶ 265.



GX 2 ¶ 12 & fig.1.

Dr. Palmer analyzed three focus areas for the State House Plan. In the Black Belt, Dr. Palmer evaluated Enacted HD-133, HD-142, HD-143, HD-145, HD-147, and HD-149. These districts include Bleckley, Crawford, Dodge, Twiggs, and Wilkinson Counties and parts of Baldwin, Bibb, Houston, Jones, Monroe, Peach, and Telfair Counties. Tr. 403:21-404:5; GX 2 ¶ 11; Stip. ¶ 264. In south-metro

Atlanta, Dr. Palmer evaluated Enacted HD-69, HD-74, HD-75, HD-78, HD-115, and HD-117. These districts include parts of Clayton, Fayette, Fulton, Henry, and Spalding Counties. Tr. 403:21–404:5; GX 2 ¶ 11; Stip. ¶ 264. Finally, in west-metro Atlanta, Dr. Palmer evaluated Enacted HD-61 and HD-64. These districts include parts of Douglas, Fulton, and Paulding Counties. Tr. 403:21–404:5; GX 2 ¶ 11; Stip. ¶ 264.



GX 2 ¶ 12 & fig.1.

Dr. Palmer first examined each racial group's support for each candidate to determine if members of the group voted cohesively in support of a single candidate in each election. GX 2 ¶ 16. If a significant majority of the group supported a single candidate, he then identified that candidate as the group's candidate of choice. Id. Dr. Palmer next compared the preferences of white voters to the preferences of Black voters. Id. He concluded that there was evidence of racially polarized voting when he found that Black voters and white voters support different candidates. Id. Defendants' expert, Dr. Alford, did not contest Dr. Palmer's methodology. Tr. 2145:23–2146:1, 2215:17–25.

H. Georgia's History of Voting and Recent Electoral Developments

1. *Credibility Determinations*

The Court makes the following credibility determinations as it relates to the experts on the Senate Factors.

a) **Dr. Orville Vernon Burton**

The Grant and Pendergrass Plaintiffs³⁶ proffered and the Court qualified Dr. Burton as an expert on history of race discrimination and voting. Tr. 1419:14-17, 1424:8-9. Dr. Burton earned his undergraduate degree from Furman University in 1969 and his doctorate in American history from Princeton University in 1976. PX 4, 5. Dr. Burton has taught American history at various universities since 1971. Id. Currently, he serves as the Judge Matthew J. Perry Distinguished Professor of History and Professor of Global Black Studies, Sociology and Anthropology, and Computer Science at Clemson University. Id. at 6. Dr. Burton is the author or editor of more than 20 books and 300 articles. Id. Dr. Burton has received numerous awards based on his research. Id.

Dr. Burton also has connections to the state of Georgia. He was born in Madison County, Georgia and is a recognized authority on Morehouse College's

³⁶ The Parties consented to allow Dr. Burton's trial testimony, the portions of his report that were directly referenced in the trial, and PX 14, GX 15, DX 107 to apply across all three cases. Tr. 1464:10-23, 1505:11-1506:1.

former President Dr. Benjamin E. Mays. He has also written a book about an area in South Carolina that has strong ties to the city of Augusta, Georgia. Id. 6.

Dr. Burton has been retained as an expert witness and consultant in numerous voting rights case over the past forty years. Id. 7. Specifically, he was qualified as an expert on social and economic status, discrimination, historical intent in voting rights cases, and group voting behavior. Id. His testimony has been accepted and relied upon by various federal courts. Id. 7–8.

At the preliminary injunction, the Court found “Dr. Burton to be highly credible. His historical analysis was thorough and methodologically sound” and his “conclusions [were found] to be reliable.” Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1315. Having observed Dr. Burton’s demeanor and testimony, the Court finds that Dr. Burton’s testimony is highly credible. Dr. Burton answered all questions on direct-examination and cross-examination thoroughly. Dr. Burton engaged in an extensive colloquy with the Court on the history of voting and race that expounded upon information that was in his report. Accordingly, the Court finds that his testimony is highly credible and extremely

helpful to the Court. Thus, the Court will assign great weight to Dr. Burton's testimony.

b) Dr. Loren Collingwood

The Grant and Pendergrass Plaintiffs proffered and the Court qualified Dr. Collingwood as an expert in political science, applied statistics, and demography. Tr. 671:18–21, 673:5–7. Dr. Collingwood received his Bachelor of Arts from California State University, Chico in 2002 and his Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012. PX 5, 2. Currently, he serves as an associate professor of political science at the University of New Mexico. Id. Previously, he was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. Id. He has published two books, 39 articles, and nearly a dozen book chapters on sanctuary cities, race/ethnic politics, election administration, and racially polarized voting. Id. Dr. Collingwood has served as an expert witness in seven redistricting cases. Id. He has also served as an expert witness in three other voting related cases. Id.

In the preliminary injunction order, the Court found that Dr. Collingwood was “qualified to opine as an expert on demographics and political science. The Court f[ound] Dr. Collingwood to be credible, his analysis methodologically sound, and his conclusions reliable.” Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1318.

Having observed Dr. Collingwood’s demeanor and testimony, the Court finds that his testimony was internally consistent and he was able to thoroughly answer questions on direct and cross examination. Thus, the Court finds Dr. Collingwood to be highly credible and will assign great weight to his testimony.

c) Dr. Adrienne Jones

The Alpha Phi Alpha Plaintiffs³⁷ proffered and the Court qualified Dr. Jones as an expert in history of voting rights, voting-related discrimination, race and politics, and Black political development, but not various sections of the

³⁷ The Parties consented to allow Dr. Jones’s trial testimony, the portions of her report that were directly referenced in the trial, and APAX 31, 266, DX 59 to apply across all three cases. Tr. 1244:10–1245:8, 1504:18–1505:10.

Civil Rights Act. Tr. 1149:8–11, 1158:2–5. Dr. Adrienne Jones received her Bachelor of Arts in Modern Culture and Media (Semiotics) from Brown University, her Juris Doctor from the University of California at Berkley, her Masters and Ph.D. in political science from City University of New York Graduate Center. APAX 2, 4. Currently, Dr. Jones is an assistant professor of political science at Morehouse College in Atlanta, Georgia where she teaches political science and also serves as the Pre-Law Director. Id. at 4. Dr. Jones has written a doctoral dissertation and two peer-reviewed articles on the Voting Rights Act. Id. She is currently writing a book on the VRA. Id.

In addition to this case, Dr. Jones served as an expert witness in Fair Fight Action v. Raffensperger, 634 F. Supp. 3d. 1128 (N.D. Ga. 2022), which was decided by this Court. In Fair Fight, the Court credited Dr. Jones’s testimony as it related to the historical backdrop pertinent to Section 2 of the VRA. Id. at 1171. The Court gave less weight to the testimony regarding matters that occurred after 1990 and present voting practices. Id.

Having observed Dr. Jones’s demeanor and testimony, the Court finds that her testimony was internally consistent and she was able to thoroughly answer

questions on direct and cross examination that relate to the topics that she was qualified. The Court notes that on *voir dire*, Dr. Jones's testimony regarding various aspects of the Civil Rights Act were inconsistent with current law. Accordingly, the Court assigns little to no weight to testimony about the legal requirements under the Civil Right Act, to which Dr. Jones was not qualified as an expert. As to the portions of Dr. Jones's testimony for which she was qualified to testify, the Court finds it highly credible and will assign great weight to that testimony.

d) Dr. Traci Burch

The Alpha Phi Alpha Plaintiffs proffered and the Court qualified Dr. Burch as an expert on in political science, political participation and barriers to voting. Tr. 1041:25-1042:2, 1046:9-13. Dr. Burch has been an associate professor of political science at Northwestern University and a research professor at the American Bar Foundation since 2007. Tr. 1035:4-9. Dr. Burch received her Ph.D. in government and social policy from Harvard University, and her undergraduate degree in politics from Princeton University. Tr. 1034:19-1035:3.

Dr. Burch has published numerous peer-reviewed publications and a book on political participation, including publications focusing on Georgia, and she teaches several courses related to voting and political participation. Tr. 1036:12-18, 1037:15-1038:2. Dr. Burch has received several prizes and awards, including national prizes, for her book and her dissertation. Tr. 1037:2-14. She has served as a peer reviewer for flagship scholarly journals in her field of political science. Tr. 1036:19-24. Dr. Burch's research and writing involves conducting data analysis on voter registration files and voter turnout data. Tr. 1038:8-1039:1.

Dr. Burch has previously testified as an expert in six other cases, including voting rights cases where she offered expert testimony relating to a Senate Factor or the Arlington Heights framework. Tr. 1039:4-1040:23. Dr. Burch was qualified to serve as an expert in all of the cases in which she has testified. Tr. 1040:24-1041:1.

In preparing her report, Dr. Burch relied on sources and methodologies that are consistent with her work as a political scientist. Tr. 1047:23-1048:9; APAX 6, at 4. The Court finds Dr. Burch credible, her methodology sound, and her

conclusions reliable. Accordingly, the Court credits Dr. Burch's testimony and conclusions.

e) Dr. Jason Morgan Ward

The Alpha Phi Alpha Plaintiffs proffered and the Court qualified Dr. Ward as an expert in the history of Georgia and the history of racial politics in Georgia. Tr. 1333:17-19, 1335: 3-7. Dr. Ward has been a professor of history and at Emory University since 2018. Tr. 1331:1-4. He received his Ph.D., M.Phil, and M.A. in history from Yale University, and his undergraduate degree in history with honors from Duke University. Tr. 1330:17-19. Dr. Ward wrote his dissertation on civil rights and racial politics during the mid-20th century. Tr. 1330:20-24.

Dr. Ward has published numerous peer-reviewed publications and two books about the history of racial politics and violence in the South, including Georgia. Tr. 1332:17-1333:10; APAX 4, at 28-29. Dr. Ward has taught courses on the history of the modern United States, civil rights, race and politics, political violence and extremism, including courses that cover the history of racial politics in Georgia. Tr. 1331:2 – 1332:16.

In preparing his report, Dr. Ward relied on sources and methodologies that he would typically employ as a historian undertaking a historical analysis. Tr. 1335:17-1336:3. The Court finds Dr. Ward credible, his methodology for historical analysis sound, and his conclusions reliable. Accordingly, the Court credits Dr. Ward's testimony and conclusions.

2. Analysis

Given the widely overlapping nature of the evidence adduced in the three different cases and to avoid confusion about what evidence applies to which case, the Court will address its factual findings as they relate to the Senate Factors and the totality of the circumstances below in the conclusion of law section.

II. CONCLUSIONS OF LAW

A. Jurisdictional Considerations

In the Pretrial Order, Defendants raised affirmative defenses regarding constitutional and statutory standing. APA Doc. No. [280] at 23; Grant Doc. No. [243], 26; Pendergrass Doc. No. [231], 28. The Court now addresses these affirmative defenses and determines that, with the exception of claims against the SEB, Plaintiffs in all three cases have standing to bring these suits.

1. *Constitutional Standing*

Article III of the United States Constitution limits the courts to hearing actual “Cases” and “Controversies.” U.S. Const. art. III, § 2; see also Lujan v. Defenders of Wildlife, 504 U.S. 555, 559–60 (1992). Overall, the standing requirement arising out of Article III seeks to uphold separation-of-powers principles and “to prevent the judicial process from being used to usurp the powers of the political branches.” Clapper v. Amnesty Int’l USA, 568 U.S. 398, 408 (2013) (citations omitted).

To establish standing, a plaintiff must show three things:

First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court. Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.

Lujan, 504 U.S. at 560–61 (internal quotations, citations, and alterations omitted).

The standing challenges specifically identified by Defendant are as to (1) claims

by Plaintiff Sixth District AME (in Alpha Phi Alpha), and (2) claims against Defendant SEB (in Grant and Pendergrass).

a) Claims by the Sixth District AME

An organization may establish injury by invoking “associational standing,” which is established by proof that the organization’s members “would otherwise have standing to sue in their own right[.]” Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc., 528 U.S. 167, 181 (2000). The Parties stipulate that the Sixth District AME has more than 500 member-churches in Georgia and that the member-churches of the Sixth District AME have tens of thousands of members across Georgia. Stip. ¶¶ 59–60. Sixth District AME specifically has churches located in Enacted SD- 16, SD-17, and SD-23 as well as in Enacted HD-74, HD-114, HD-117, HD-128, HD-1h33, HD-134, HD-145, HD-171, and HD-173. Stip. ¶¶ 61.

While the Defendant presented no argument on the associational standing issue by motion or at trial, it did propose the following conclusion of law after conclusion of the trial:

This Court determines that Plaintiff Sixth District of the African Methodist Episcopal Church does not have

associational standing because it has not established that it has individual members who are voters impacted by the enacted redistricting plans, but rather its membership consists of member churches. Churches do not vote and thus cannot have an injury for the district in which the churches reside.

APA Doc. No. [317] ¶ 147. However, in that same filing, Defendant conceded that Alpha Phi Alpha (as a named Plaintiff) has associational standing and that the individual plaintiffs have standing as to the districts in which they reside. Id. ¶ 145. Therefore, as a jurisdictional matter, it is unnecessary for the court to determine whether Sixth District AME h has standing. See Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 264 n.9 (1977) (“Because of the presence of this plaintiff [who has demonstrated standing], we need not consider whether the other individual and corporate plaintiffs have standing to maintain the suit.”); Am. Civil Liberties Union of Ga. v. Rabun Cnty. Chamber of Comm., Inc., 698 F.2d 1098, 1108–09 (11th Cir. 1983) (“Because we have determined that at least these two individuals have met the requirements of Article III, it is unnecessary for us to consider the standing of the other plaintiffs in this action.”); see also Town of Chester v. Laroe Estates, Inc., 581 U.S. 433, 439 (2017) (“At least

one plaintiff must have standing to seek each form of relief requested in the complaint.”).

Here, it is unchallenged that the individual plaintiffs and Alpha Phi Alpha have constitutional standing to challenge the districts at issue in this suit. Alpha Phi Alpha Defendant’s single proposed conclusion of law regarding applicability of associational standing to the final plaintiff, Sixth District AME, thereby is insufficient for the Court to further consider Defendant’s affirmative defense as to this one plaintiff.

b) Claims against the SEB

In moving for summary judgment, the Grant and Pendergrass Defendants argued that the Grant and Pendergrass Plaintiffs’ injuries are not fairly traceable to or redressable by the SEB. Grant Doc. No. [190-1], 17-19; Pendergrass Doc. No. [175-1], 12-14. In denying the Motions for Summary Judgment, the Court acknowledged that Pendergrass and Grants Plaintiffs failed to adduce facts to support a finding of traceability of their injuries to the SEB. Nevertheless, when taking all inferences in the light most favorable to the Pendergrass and Grant Plaintiffs as nonmovants, the Court found that the broad language of the Georgia

statutes delineating the SEB's duties and roles in elections was sufficient to allow them to proceed to trial against the SEB. Grant Doc. No. [229], 28; Pendergrass Doc. No. [215], 26.

At trial, despite bearing the burden of proof and the Court's prompting in the summary judgement orders, Pendergrass and Grant Plaintiffs presented no evidence from which the Court could conclude that their injuries are traceable to the SEB.³⁸ Therefore, the Court concludes that the Grant and Pendergrass Plaintiffs lack standing to raise their claims against the SEB.³⁹

³⁸ Unlike reliance on the standing of at least one other plaintiff to find that all named Plaintiffs in Alpha Phi Alpha have standing, there is no authority to support reliance on standing against one named defendant to support standing as to other defendants. Therefore, the Court's reasoning with regarding to claims by Sixth District AME in Alpha Phi Alpha does not apply to claims brought against SEB in Grant and Pendergrass.

³⁹ Because the Secretary of State is a named defendant in both Grant and Pendergrass, the absence of standing with regard to claims against the SEB does not alter the relief available to Plaintiffs. The Secretary of State is responsible for administering the elections, therefore, the Court can "enjoin the holding of elections pursuant to the [Enacted] plan . . . and subsequently require elections to be conducted pursuant to a [legal] apportionment system" Larios v. Perdue, 306 F. Supp. 2d 1190, 1199 (N.D. Ga. 2003).

2. *Statutory Standing*

The question of statutory standing turns on whether the “statutory provision on which the claim rests properly can be understood as granting persons in the plaintiff’s position a right to judicial relief.” Warth v. Seldin, 422 U.S. 490, 500 (1975). The Supreme Court has clarified that the term “statutory standing” is “misleading, since the absence of a valid . . . cause of action does not implicate subject-matter jurisdiction, i.e., the court’s statutory or constitutional power to adjudicate the case.” Lexmark Int’l, Inc. v. Static Control Components, Inc., 572 U.S. 118, 128 n.4 (2014) (cleaned up). Under Lexmark, the question is whether the plaintiff “has a cause of action under the statute.” Id. at 128. The Court went on to explain that “a statutory cause of action extends only to plaintiffs whose interests fall within the zone of interests protected by the law invoked.” Id. at 129 (cleaned up).

In the cases before the Court, Defendants have done nothing more than assert an affirmative defense that Plaintiffs’ lack statutory standing. Because the question of statutory standing is not jurisdictional, the Court has no obligation to

delve into the issue without benefit of argument or evidence from Defendants. Moreover, the Court has already determined that a private right of action under Section 2 exists. See APA Doc. No. [65], 31–34; Grant Doc. No. [43], 30–33; Pendergrass Doc. No. [50], 17–20; see also Allen, 599 U.S. Ct. at 41 (affirming a preliminary injunction order, Singleton v. Merrill, 582 F. Supp. 3d 924, 1031–32 (N.D. Ala. 2022), which analyzed whether Section 2 provided a private right of action). Therefore, the Court has no difficulty concluding that Defendants have failed to carry their burden of establishing their affirmative defense based on statutory standing and rejects this affirmative defense.

B. Legal Standards

1. First Gingles Precondition

Under the first Gingles precondition, Plaintiffs must prove that the minority group exceeds 50% in the challenged area and that the minority group is sufficiently compact to draw a reasonably configured district. Wisc. Legis. v. Wisc. Elections Comm’n, 595 U.S. 398, 400, (2022). Ct. “A district will be reasonably configured . . . if it comports with traditional districting criteria, such as being contiguous and reasonably compact.” Allen, 599 U.S. at 18 (citing Ala. Legis. Black Caucus, 575 U.S. at 272). To determine whether Plaintiffs have met

the numerosity and compactness requirements, the Court must evaluate the specific challenged district and not the state as a whole. Cf. Ala. Legis. Black Caucus, 575 U.S. at 268 (“[T]he District Court’s analysis of racial gerrymandering of the State, [under [the Equal Protection Clause], ‘as a whole’ was legally erroneous.”).⁴⁰

2. Second and Third Gingles Precondition

The second Gingles precondition requires the Plaintiffs to show that “the minority group . . . is politically cohesive.” Gingles, 478 U.S. at 51. The third Gingles precondition requires the Plaintiffs to show that “the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances . . . usually to defeat the minority’s preferred candidate.” Id.

3. Totality of the Circumstances: Senate Factors

In a Section 2 case, after evaluating the Gingles preconditions, the final assessment to determine whether vote dilution has actually occurred requires

⁴⁰ Although Alabama Legislative Black Caucus concerned constitutional redistricting challenges, the Supreme Court applied its analysis to a Section 2 challenge in Allen. Allen, 143 S. Ct. at 1503, 1519.

“assess[ing] the impact of the contested structure or practice on minority electoral opportunities on the basis of objective factors.” Gingles, 478 U.S. at 44 (citations omitted). To do so, the Court looks at the VRA’s 1982 Amendments’ Senate Report, which specifies the factors relevant for a Section 2 analysis. “The totality of circumstances inquiry recognizes that application of the Gingles factors is ‘peculiarly dependent upon the facts of each case.’” Allen, 599 U.S. at 19 (quoting Gingles, 478 U.S. at 79). The totality of the circumstances’ inquiry is fact intensive and requires weighing and balancing various facts and factors, which is generally inappropriate on summary judgment. See Rose v. Raffensperger, 1:20-cv-2921-SDG, 2022 WL 670080, at *2 (N.D. Ga. Mar. 7, 2022) (“[T]he Court . . . cannot appropriately evaluate the totality of the circumstances before trial.”).

C. Congressional District

The Court finds that Pendergrass Plaintiffs successfully carried their burden in establishing that an additional majority-minority congressional district could be drawn in the west-metro Atlanta.

1. *First Gingles Precondition*

Pendergrass Plaintiffs have proven that they meet the first Gingles precondition. The first Gingles precondition requires plaintiffs to prove that the

“minority group [is] sufficiently large and [geographically] compact to constitute a majority in a reasonably configured district.” Wisc. Legis., 595 U.S. at 402 (per curiam) (citing Gingles, 478 U.S. at 50–51). “A district will be reasonably configured . . . if it comports with traditional districting criteria, such as being contiguous and reasonably compact.” Allen, 599 U.S. at 18 (citing Ala. Legis. Black Caucus v. Alabama, 575 U.S., 254, 272 (2015)). The first Gingles precondition focuses on the “need[] to establish that the minority [group] has the potential to elect a representative of [their] own choice in some single-member district.” Grove v. Emison, 507 U.S. 25, 40 (1993).

a) Numerosity

First, Pendergrass Plaintiffs have shown, both at the preliminary injunction and trial that Georgia’s Black population is sufficiently large to constitute a majority in an additional congressional district in west-metro Atlanta. “[A] party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.” Bartlett v. Strickland, 556 U.S. 1, 20 (2009).

Mr. Cooper drew an illustrative plan that contains an additional majority-Black congressional district in west-metro Atlanta that balanced traditional redistricting criteria. Mr. Cooper submitted a similarly configured district at the preliminary injunction. DX 154. The Court instantly discusses both configurations for the purpose of showing that the population in this area of the State is sufficiently numerous because a majority-Black congressional district can be drawn in more than one way, contrary to Defendants submissions. See Feb. 7, 2022, Morning PI Tr. 21:5:8 (“[W]hile these are illustrative plans, the way they are configured are so tight in terms of population, there’s not really a whole lot of different ways to configure[.]”); Tr. 1806:2–19 (Mr. Morgan discussing that various districts in the Illustrative Plans are barely over 50% and took population from existing majority-Black districts to achieve the numerosity requirement). Illustrative CD-6 submitted both at the preliminary injunction hearing and at the trial (which was configured in Mr. Cooper’s December 5, 2022 Report) have an AP BVAP of 50.23%. Stip. ¶ 192; DX 20, 51 fig.9; PX 1, 73, fig.14.

Figure 9
BVAP and BCVP Comparison in the Eight Modified Districts:
Illustrative Plan and 2021 Plan

District	Illustrative Plan			2021 Plan	
	% BVAP	% NH BCVP		% BVAP	% NH BCVP
03	20.92%	20.40%		23.32%	22.82%
04	52.40%	55.48%		54.52%	58.04%
06	50.23%	50.69%		9.91%	10.00%
09	11.66%	11.66%		10.42%	10.38%
10	14.31%	15.38%		22.60%	22.56%
11	13.27%	13.30%		17.95%	18.09%
13	51.40%	50.05%		66.75%	66.88%
14	5.17%	5.14%		14.28%	13.38%

DX 154 ¶ 51 fig.9 (preliminary injunction).

Figure 14
BVAP and BCVP Comparison: Illustrative Plan and 2021 Plan

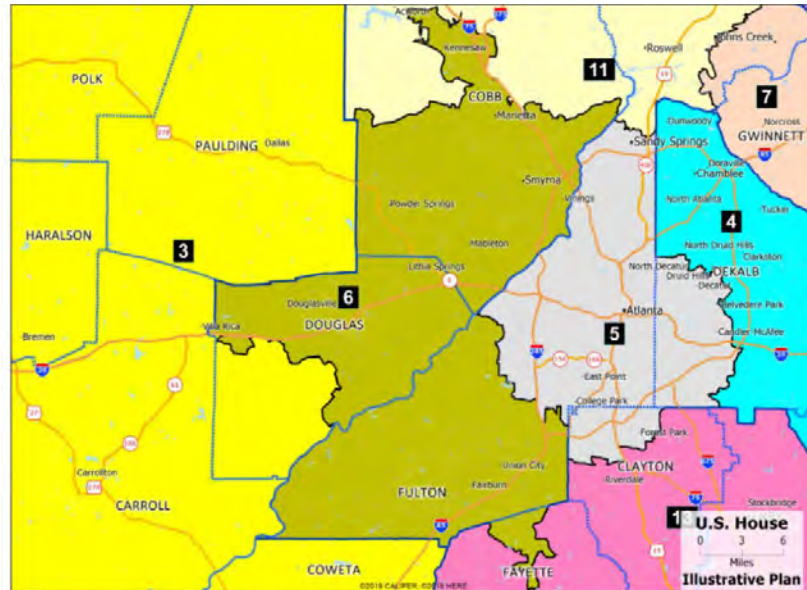
District*	Illustrative Plan				2021 Plan		
	% BVAP	% NH BCVP	% NH DOJ BCVP		% BVAP	% NH BCVP	% NH DOJ BCVP
1	28.17%	29.16%	29.67%		28.17%	29.16%	29.67%
2	49.29%	49.55%	50.001%		49.29%	49.55%	50.001%
3	20.47%	19.64%	20.02%		23.32%	22.53%	22.86%
4	52.77%	55.62%	56.37%		54.52%	57.71%	58.46%
5	49.60%	51.64%	52.35%		49.60%	51.64%	52.35%
6	50.23%	50.18%	50.98%		9.91%	9.72%	10.26%
7	29.82%	31.88%	32.44%		29.82%	31.88%	32.44%
8	30.04%	30.46%	30.76%		30.04%	30.46%	30.76%
9	11.66%	11.29%	11.74%		10.42%	10.03%	10.34%
10	14.31%	15.09%	15.39%		22.60%	22.11%	22.56%
11	13.67%	12.91%	13.48%		17.95%	17.57%	18.30%
12	36.72%	36.60%	37.19%		36.72%	36.60%	37.19%
13	51.13%	49.64%	50.34%		66.75%	66.36%	67.05%
14	5.17%	4.80%	5.19%		14.28%	13.19%	13.71%

*Bold font identifies districts that are changed from the 2021 Plan configuration.

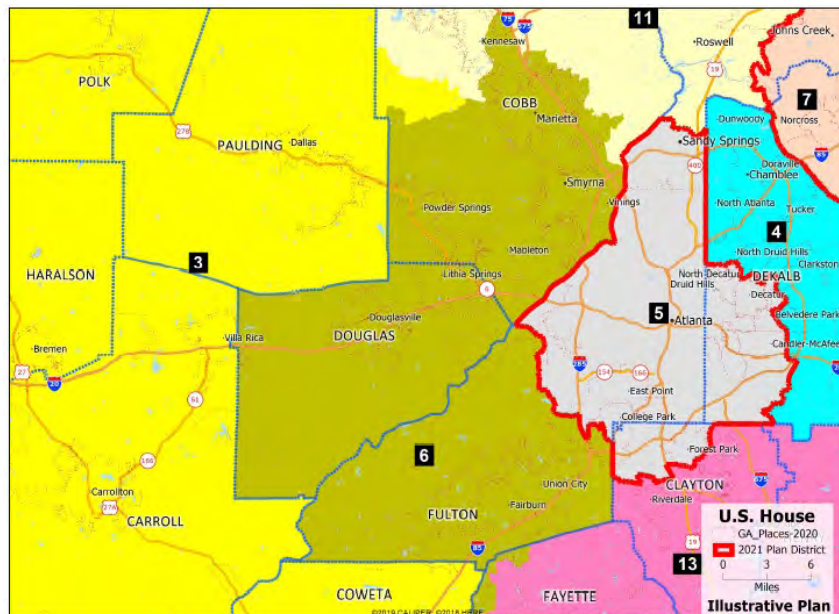
PX 1 ¶ 73 fig, 14 (trial plan).

The fact that Mr. Cooper has now successfully created two districts in this area exceeding 50% BVAP (one for the preliminary injunction hearing and one for the trial) despite changing the boundaries of the illustrative district,⁴¹ supports that the Black voting age population is sufficiently numerous in this area. Compare DX 20 ¶ 51, fig.9 (BVAP is 50.23%), with PX 1 ¶ 73, fig.14 (BVAP is 50.23%).

⁴¹ Although both maps are similar, the primary differences between the two configurations of Illustrative CD-6 are that in the preliminary injunction map, (1) Illustrative CD-6 did not keep Douglas County whole and (2) the southeastern part of the district reached into Fayetteville. Compare DX 154, Ex. K, with PX 1, Ex. I-2.



DX 154, Ex. K (preliminary injunction).



PX 1, I-2 (trial).

Accordingly, the Court concludes that Plaintiffs have shown that Georgia's Black population is large enough to constitute a majority in an additional congressional district in west-metro Atlanta.

b) Compactness

The Court further concludes that Pendergrass Plaintiffs have shown that Georgia's Black population in west-metro Atlanta is geographically compact to comprise a majority of the voting age population in an additional congressional district. Under the compactness requirement of the first Gingles precondition, plaintiffs must show that it is "possible to design an electoral district[] consistent with traditional redistricting principles[.]" Davis v. Chiles, 139 F.3d 1414, 1425 (11th Cir. 1998). The compactness inquiry "refers to the compactness of the minority population, not . . . the compactness of the contested district." League of United Latin Am. Citizens v. Perry, 548 U.S. 399, 433 (2006) (hereinafter "LULAC") (citing Bush v. Vera, 517 U.S. 952, 997 (1996)).

"A district that reaches out to grab small and apparently isolated minority communities' is not reasonably compact." Id. (citing Vera, 517 U.S. at 979). The relevant factors for compactness under the first Gingles precondition include:

population equality, contiguity, empirical compactness scores, the eyeball test for irregularities and contiguity, respect for political subdivisions, and uniting communities of interest. See Wesberry v. Sanders, 376 U.S. 1, 18 (1964) (population equality); LULAC, 548 U.S. at 433 (communities of interest); Vera, 517 U.S. at 959-60 (contiguity, eyeball test); Cooper v. Harris, 581 U.S. 285, 291, 312 (2017) (political subdivisions, partisan advantage, empirical compactness measures).

(1) *Empirical measures*

(a) population equality

Article I § 2 of the Constitution “requires congressional districts to achieve population equality ‘as nearly as is practicable.’” Abrams v. Johnson, 521 U.S. 74, 98 (1997) (quoting Wesberry, 376 U.S. at 7-8). This standard requires a mapmaker to “make a good-faith effort to achieve precise mathematical equality.” Karcher v. Daggett, 462 U.S. 725, 730 (1983) (internal quotation marks omitted) (quoting Kirkpatrick v. Preisler, 394 U.S. 526, 530-31 (1969)). A congressional plan achieves population equality when its districts are plus or minus one person. See Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1258 (finding that “Mr. Cooper’s Illustrative Congressional Map complies with the one-person, one-vote principle”

where he testified that “the districts are plus or minus one person” (internal quotation marks omitted)). It is undisputed that Mr. Cooper’s Illustrative Plan meets the population equality requirement and that the population deviations are limited to plus or minus one person from the ideal district population of 765,136. Stip. ¶ 197. Accordingly, the Court concludes that the Illustrative Congressional Plan achieves population equality.

(b) contiguity

Similarly, an illustrative district should not disregard traditional redistricting principles, such as contiguity. Allen, 599 U.S. at 18. A district is contiguous when it consists of “a single connected piece.” Lopez, 339 F. Supp. 3d at 607. As it is undisputed (Stip. ¶ 198), the Court concludes that all the districts in the Illustrative Congressional Plan are contiguous.

(c) compactness scores

The Court also finds that the Illustrative CD-6 is sufficiently compact using empirical measures. One way in which courts assess the compactness of the districts in an illustrative plan is by relying on “widely acceptable tests to determine compactness scores,” including “the Polsby-Popper measure and the Reock indicator,” Comm. for a Fair & Balanced Map v. Ill. State Bd. of Elections,

835 F. Supp. 2d 563, 570 (N.D. Ill. 2011). Mr. Cooper's Illustrative Congressional plan compares favorably on the empirical compactness scores to the Enacted Congressional Plan. The mean Reock score for the Illustrative Congressional Plan is 0.43 and is 0.44 on the Enacted Congressional Plan. PX 1, ¶ 79, fig.13. The mean Polsby-Popper score for the Illustrative Congressional Plan is 0.27 and the Enacted Congressional Plan is 0.27. Id. The Illustrative and Enacted Congressional Plans have identical Polsby-Popper scores and the Enacted Congressional Plan is 0.01 more compact using the Reock metric. Defendants' rebuttal mapping expert, Mr. Morgan, does not dispute that the Enacted and the Illustrative Congressional Plans have similar mean Reock scores and identical mean Polsby-Popper scores. Tr. 1948:22-1949:5. Accordingly, the Court finds that the Illustrative Congressional Plan is comparably as compact as the Enacted Congressional Plan.

With respect to the majority-Black districts, the Court finds that the Illustrative Congressional Plan compactness scores generally fared better or were equal to the Enacted Congressional Plan.

Districts	Illustrative Plan		Enacted Plan	
	Reock	Polsby-Popper	Reock	Polsby-Popper
004	0.28	0.22	0.31	0.25
005	0.51	0.32	0.51	0.32
006*	0.45	0.27	0.42	0.20
013	0.44	0.29	0.38	0.16

The asterisk (*) denotes the additional majority-Black district.

PX 1, Exs. L-1, L-3. Mr. Morgan's report's compactness measures are identical to Mr. Coopers. DX 4 ¶ 22 & chart 2.

The Court finds that Illustrative CD-6, the challenged district, is 0.03 more compact on Reock and 0.07 more compact on Polsby-Popper. The Court finds that Plaintiffs have sufficiently shown that the Illustrative CD-6 is slightly more compact, on empirical measures than the Enacted CD-6.⁴²

⁴² Additionally, the Court finds that Illustrative CD-13 is 0.06 more compact on Reock and 0.13 more compact on Polsby-Popper than Enacted CD-13. Illustrative CD-5 and Enacted CD-5 have identical compactness scores and Enacted CD-4 is 0.03 more compact than Illustrative CD-4 on both compactness measures. Thus, the challenged

(d) political subdivisions

The Court also finds that Illustrative CD-6 “respected existing political subdivisions, such as counties, cities, and towns.” Allen, 599 U.S. at 20. Illustrative CD-6 splits the same number of counties as the Enacted Plan, but has fewer county, VTD, and city and town split. PX 1 ¶ 81 & fig.14.

Figure 14
County, VTD, and Municipal Splits: Illustrative Plan, 2012 Benchmark, and 2021 Plan (All Districts)

	Split Counties*	County Splits*	2020 VTD Splits*	Split Cities/ Towns#	City/ Town Splits*
Illustrative Plan	15	18	43	37	78
2012 Benchmark Plan	16	22	43	40	85
2021 Plan	15	21	46	43	91

*Excludes unpopulated areas

#Out of 531 municipalities (calculated by subtracting the number of whole cities in the Maptitude report from 531)

PX 1 ¶ 81, fig.14.

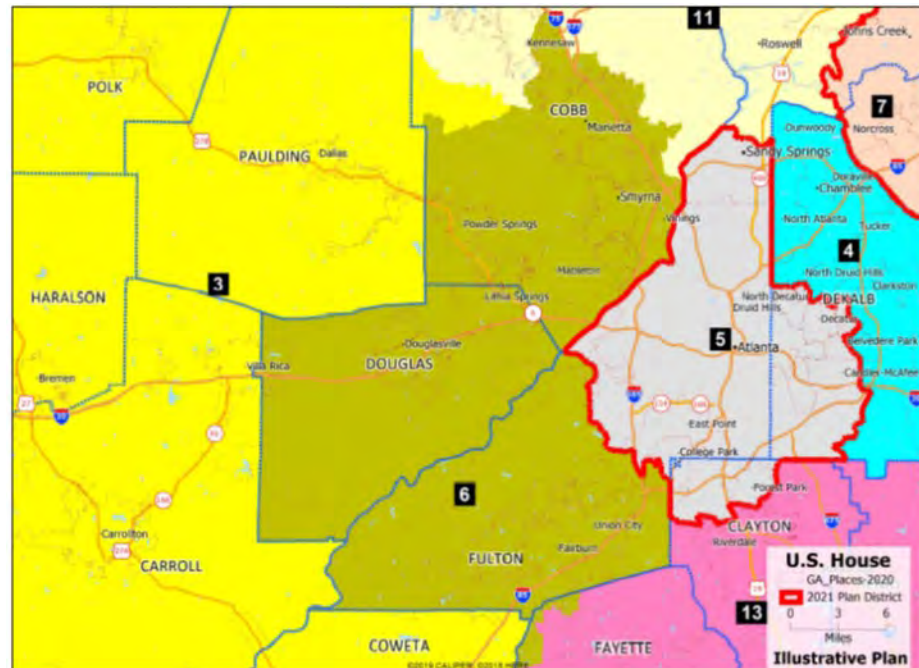
district, and the other majority-Black districts are comparably compact if not more compact than the Enacted majority-Black congressional districts.

Neither Defendants nor their experts have meaningfully suggested that the Illustrative Congressional Plan fails to respect city, town, and county lines. Accordingly, the Court finds that the Illustrative Congressional Plan respected more political subdivisions than the Enacted Congressional Plan.

(2) *Eyeball test*

The Court finds that Illustrative CD-6 is also visually compact. The eyeball test is commonly utilized to determine if a district is compact or not. See Allen, 599 U.S. at 60 n.10 (quoting Singleton, 582 F. Supp. 3d at 1011) (crediting the district court's findings that the illustrative maps were compact because they did not contain "tentacles, appendages, bizarre shapes or any other obvious irregularities"); Vera, 517 U.S. at 960 (crediting the district court's finding that the challenged district passed the eyeball test and was visually compact); Ala. State Conf. of NAACP v. Alabama, 612 F.Supp.3d at 1265 ("District 1 is contiguous and also passes the eyeball test for geographical compactness."); Comm. for a Fair & Balanced Map, 835 F. Supp. 2d at 571 (three-judge court) (stating that the district "passe[d] muster under the 'eyeball' test for compactness").

The Court finds that Illustrative CD-6 passes the eyeball test.



PX 1, Ex. I-2 (trial).

The district includes all of Douglas County, and portions of southern Fulton and southern Cobb Counties. Defendants’ mapping expert, Mr. Morgan, does not dispute the visual compactness of Illustrative CD-6, nor did he testify about the district’s visual compactness. DX 4. Unlike at the preliminary injunction, where there was questioning regarding the “fingers” into Fayetteville and Kennesaw to “pick-up” Black population, Illustrative CD-6 no longer reaches into Fayetteville. Doc. No. [73] 82:21–83:1, 86:6–12. At the trial, Defendants

elicited no testimony or questions about “fingers” branching off of Illustrative CD-6.

The Court finds that the district does not have any tentacles or appendages. Illustrative CD-6 is about 40 miles from top to bottom (Tr. 835:19–20), is contained in a relatively small area of the state and is completely within the metro-Atlanta counties. Accordingly, it lacks any similarities to the map in Miller, which spanned from metro Atlanta to Augusta, or LULAC, which stretched 300 miles along the southern border of Texas. Miller v. Johnson, 515 U.S. 900, 909 (1995); LULAC, 548 U.S. at 424. Thus, the Court finds that Illustrative CD-6 is visually compact.

(3) *Communities of interest*

The Court also concludes Illustrative CD-6 respects communities of interest. A district that “reaches out to grab small and apparently isolated minority communities” is not reasonably compact. Vera, 517 U.S. at 979. Plaintiffs “may not ‘assum[e] from a group of voters’ race that they think alike, share the same political interests, and will prefer the same candidates at the polls.’” LULAC, 548 U.S. at 433 (quoting Miller, 515 U.S. at 920; Shaw v. Reno, 509 U.S.

630, 647 (1993)). LULAC instructs district courts to account for “the characteristics, needs, and interests” of the minority community in the contested area. Id. at 434.

There is no bright line test for determining whether a district combines communities with common interests or disparate communities. Ms. Wright, the General Assembly’s map drawer testified that “[c]ommunities of interest are very hard to measure.” Tr. 1617:8. They could include, “a school attendance zone, . . . an incorporated city or town, . . . share[d] resources[,] . . . the same water authority[,] . . . a religious community that attends one facility.” Id. at 1617:12–1618:22. LULAC provides some guidance on what courts should consider. “[R]ural and urban communities[] could share similar interests and therefore form a compact district if the areas are in reasonably close proximity.” 548 U.S. at 435. However, when “the only common index is race” this is not a Section 2 remedy. Id. In LULAC, the Supreme Court held that the challenged district did not contain a community of interest because the district court found an enormous geographical distance separated one portion of the district from the other and the minority communities in the district had disparate needs and interests. Id.

In this case, the Court finds that there is sufficient evidence that Illustrative CD-6 is made up of communities of interest and does not combine disparate minority communities. Mr. Cooper testified that when he draws districts he “ha[s] to look at communities of interest.” Tr. 726:19. He stated that he respects communities of interest because he “look[s] at political subdivisions, particularly towns and cities, and tr[ies] to keep those areas all together in one--in one district.” Tr. 740:13–15. Specifically for Illustrative CD-6, he looked at the federally described 29-county Atlanta MSA and the Georgia defined 11-county core Atlanta area. Tr. 741:18–742:1. He further concluded that Illustrative CD-6 is a community of interest because it is wholly contained in suburban Atlanta. Tr. 799:2–7.

Pendergrass Plaintiffs also submitted the testimonial evidence of former General Assembly members Mr. Allen and Mr. Carter. The Court credits this testimony with respect to communities of interest. Both witnesses have served as representatives of metro Atlanta communities and Mr. Allen’s former district is within Illustrative CD-6.

Mr. Allen, a former member of the Georgia House of Representatives and a Smyrna resident, agreed that his neighbors, the Black residents of Illustrative CD-6, face the same transportation-related challenges, specifically involving “access, congestion, [and] infrastructure.” Tr. 1009:9–13. He testified that “[a]s a resident of this area,” he knows that these communities rely on the same interstates. Id. at 1009:4–8. Residents of these areas attend some of the same places of worship. Id. at 1009:17–22. Mr. Allen also explained that the residents of Illustrative CD-6 share an interest in receiving services from Grady Hospital, the only Level One Trauma Center in Metro Atlanta. Id. at 1019:24–1020:3.

Former Georgia State Senator and candidate for Governor Jason Carter also testified that Illustrative CD-6 constitutes a community of interest. He stated that all areas of the district can be described as suburbs of Atlanta. Tr. 966:11–19. He testified that all parts of the district are within a 20-to-40-minute drive of downtown Atlanta, without traffic. Tr. 967:22–968:5. It is an area that is growing and increasingly diversifying. Tr. 967:13–17. The individuals in the area use similar roadways and are impacted by Atlanta traffic patterns. Tr. 966:22–967:10.

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME IV OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

	Docket/Tab #
 <u>Volume I</u>	
District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89
 <u>Volume II</u>	
Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
 <u>Volume III</u>	
Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286
 <u>Volume IV</u>	
Opinion and Memorandum of Decision (pp. 191–434).....	286
 <u>Volume V</u>	
Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

286

(Pages 191–434)

Finally, he testified that the Chattahoochee river runs through the middle of the district.

Neither Defendants' experts nor Ms. Wright provided testimony disputing that Illustrative CD-6 unites communities of interest. The Court finds that Illustrative CD-6 combines areas of suburban metro Atlanta. The communities are relatively close in proximity. They share traffic concerns and have a common waterway. The Court finds that Illustrative CD-6 does not combine disparate minority communities, like the challenged district in LULAC (which stretched across 300 miles on the Texas border) or in Miller (which spanned from Augusta to Atlanta). Accordingly, the Court finds that Illustrative CD-6 respects the traditional districting principles of maintaining communities of interest.

(4) *Core retention*

Although not a typical traditional redistricting principle, the Court also finds that the Illustrative Congressional Plan retained many of the cores of the districts in the Enacted Congressional Plan. The Supreme Court recently called into question the importance of core retention for Section 2 Plaintiffs. "[T]his Court has never held that a State's adherence to a previously used districting plan

can defeat a § 2 claim. If that were the rule, a State could immunize from challenge a new racially discriminatory redistricting plan simply by claiming that it resembled an old racially discriminatory plan.” Allen, 599 U.S. at 22. Additionally, Ms. Wright testified that when she draws the new Plans, she starts with a blank map and not from the existing congressional plan, and then “work[s] with the data to create new districts.” Tr. 1622:11–17. Ms. Wright admitted to using the existing district “as a reference” for other measures, such as retaining core districts. Tr. 1622:18–20.

To the extent that core retention is relevant as a traditional redistricting principle, the Court finds that the Illustrative Congressional Plan retains a majority of the population’s districts. See generally DX 4. Pursuant to the data provided by Mr. Morgan, the Court finds that approximately 74.6% of voters would have the same congressional district as they do under the Enacted Congressional Plan. Id. In other words, only 25.4% of Georgians would be affected if Illustrative CD-6 were enacted into law. The following is a table is derived from the data in Mr. Morgan’s Report and that exemplifies the number

of individuals who remain in the same district under the Illustrative Congressional Plan.

District	# of individuals whose district is unchanged
001	765,137*
002	765,137*
003	528,200
004	736,485
005	765,137*
006	19,006
007	765,137*
008	765,136*
009	403,191
010	488,385
011	372,724
012	765,136*
013	374,470
014	475,707

The asterisk (*) denotes a district unchanged on the illustrative map

DX 4, Ex. 7.

The ideal population size of a congressional district is 765,136 (plus or minus one person). As the chart above shows, six of the districts remain unchanged (Illustrative CD-1, CD-2, CD-5, CD-7, CD-8, CD-12). In the eight

changed districts, only three districts (Illustrative CD-6, CD-11, and CD-13) change more than half of the population's congressional district. These changes logically follow from the fact that Illustrative CD-6 is the new majority-minority district and CD-11 and CD-13 are two districts immediately surrounding it. Accordingly, the Court finds that the Illustrative Congressional Plan substantially retains the Enacted Congressional Plan's district cores.

(5) *Racial considerations*

Finally, the Court concludes that race did not predominate in the drawing of the Illustrative Congressional Plan. Allen recognized that “[t]he question whether additional majority-*minority* districts can be drawn . . . involves a ‘quintessentially race-conscious calculus.’” 599 U.S. at 31 (plurality opinion) (quoting Johnson v. De Grandy, 512 U.S. 997, 1020 (1994)). Consequently, “[t]he contention that mapmakers must be entirely ‘blind’ to race has no footing in our § 2 case law. The line that we have long since drawn is between consciousness and predominance.” Id. at 33 (plurality opinion). Race does not predominate when a mapmaker “adhere[s] . . . to traditional redistricting criteria,” testifies that “race was not the predominant factor motivating his design process,” and

explains that he never sought to “maximize the number of majority-minority” districts. Davis, 139 F.3d at 1426; see also id. at 1425–26 (finding clear error with the district court’s finding of racial predominance based on an expert’s testimony that he was asked to draw additional majority-minority districts in an area with a high concentration of Black citizens).

During Defendants’ cross-examination of Mr. Cooper, questions were asked about whether race predominated when drawing the Illustrative Congressional Districts. Tr. 786:23–787:6. Mr. Cooper testified that he considered race among other traditional redistricting principles, balancing all considerations and did not allow any of them to predominate or subordinate the others. On this point, Mr. Cooper’s testimony is well summarized by the following:

I’m constantly balancing the traditional redistricting principles, which would include population equality, which must be plus or minus one or so in most states. I’m looking at the compactness of the district. The district has to be contiguous, it has to be connected with all parts. I have to look at communities of interest. I have to look at political subdivisions and try to keep those whole. And that’s sort of subsumed under communities of interest. And, finally, also I have to be cognizant of avoiding the dilution of the minority voting source.

Tr. 726:14–23.

As the Court noted above, Mr. Cooper's testimony was highly credible. Mr. Cooper expressly disclaimed that race predominated the drawing of any district, let alone Illustrative CD-6. Tr. 1744–2129; PX 1. It does not appear from the face of the Illustrative Congressional Plan that race predominated its creation. Compare PX 1, Ex. I-2 (creating an additional majority-minority district that is wholly contained within four counties), with Miller, 512 U.S. at 108–09 (a district that stretched from Augusta, Georgia to Atlanta, Georgia). The Court finds that the evidence shows that Mr. Cooper was aware of race when he drew the Illustrative Congressional Plan, but that race did not predominate the configuration of its districts. Accordingly, the Court finds that the Pendergrass Plaintiffs have sufficiently proven that race did not predominate over the drawing of the Illustrative Congressional Plan, or Illustrative CD-6.

(6) *Possible remedy*

In Nipper, the Eleventh Circuit held that “the first threshold factor of Gingles [] require[s] that there must be a remedy within the confines of the state’s judicial model that does not undermine the administration of justice.” Nipper v. Smith, 39 F.3d 1494, 1531 (11th Cir. 1994). The Eleventh Circuit later clarified that

“[t]his requirement simply serves ‘to establish that the minority has the potential to elect a representative of its own choice from some single-member district.’” Burton v. City of Belle Glade, 178 F.3d 1175, 1199 (11th Cir. 1999) (quoting Nipper, 39 F.3d at 1530). Additionally, “[i]f a minority cannot establish that an alternate election scheme exists that would provide better access to the political process, then the challenged voting practice is not responsible for the claimed injury.” Id.; see also Brooks v. Miller, 158 F.3d 1230, 1239 (11th Cir. 1998) (holding that “[i]f the plaintiffs in a § 2 case cannot show the existence of an adequate alternative electoral system under which the minority group’s rights will be protected, then the case ends on the first prerequisite”).

Under Nipper, the question of remedy depends on whether the alternate scheme is a “workable remedy within the confines of the state’s system of government.” Nipper, 39 F.3d at 1533. For example, in Wright v. Sumter Cnty. Bd. of Elections and Registration, 979 F.3d 1282, 1304 (11th Cir. 2020), the Eleventh Circuit found that the first Gingles precondition had been met because the special master’s maps showed that at least three majority-Black districts could have been drawn in that area, meaning “that a meaningful remedy was available.”

The Court has already determined that there is Record evidence that the minority population in Illustrative CD-6 is sufficiently compact. As is stated above, the Court finds that Mr. Cooper's Illustrative Congressional Plans, both from the preliminary injunction hearing and the trial, prove it is possible to draw an additional majority-Black congressional district in west-metro Atlanta. PX 1, I-2, DX 154, Ex. K. The Illustrative Congressional Plan achieves population equality and each district is plus or minus one person. PX 1 ¶ 48. All of the districts are contiguous. Stip. ¶ 198. The Illustrative Congressional Plan is comparably as compact as the Enacted Plan. PX 1 ¶ 81 & fig.14. Visually speaking, Illustrative CD-6 is compact and does not contain any tentacles or appendages. See Section II(D)(2)(b)(3) *supra*. The Illustrative Congressional Plan unites communities of interest. See Section II(D)(2)(b)(4) *supra*. The Illustrative Congressional Plan leaves approximately 75% of the Enacted Plan intact. DX 4 at 48-50; Tr.1945:10-13. And there is substantial, un rebutted, evidence and testimony that race did not predominate the creation of the Illustrative Congressional Plan. Tr. 726:14-23.

Furthermore, Mr. Cooper testified that he used the General Assembly's guidelines to inform his decisions when drawing the Illustrative Congressional Plan. Tr. 818:18–20. Thus, the Court finds that the General Assembly could implement the Illustrative Congressional Plan, because Mr. Cooper used the legislative guidelines.

To the extent, that Defendants have argued that the General Assembly would have been barred from implementing this map because it impermissibly took race into consideration, the Supreme Court recently rejected this proposition. Allen, 599 U.S. at 1512 (plurality opinion), 1518. The Eleventh Circuit, moreover, has long held that the first Gingles precondition specifically requires that Plaintiffs' proposed maps consider race.⁴³ Davis, 139 F.3d at 1425–26.

⁴³ Additionally, the Supreme Court has stated that upon showing of racial predominance, the state must "satisfy strict scrutiny" by demonstrating that the race-based plan "is narrowly tailored to achieve a compelling interest"). In this context, narrow tailoring does not "require an exact connection between the means and ends of redistricting," but rather just "'good reasons' to draft a district in which race predominated over traditional districting criteria." Ala. Legis. Black Caucus, 231 F. Supp. 3d at 1064 (quoting Ala. Legis. Black Caucus, 575 U.S. at 278). Miller, 515 U.S. at 920. The U.S. Supreme Court has "assume[d], without deciding, that . . . complying with the Voting Rights Act was compelling." Bethune-Hill v. Va. State Bd. of Elections, 580

Here, the Court found that race did not predominate the drawing of the Illustrative Congressional Plan and therefore, the State could implement it without violating the Constitution. Accordingly, the Court finds that the Illustrative Congressional Plan satisfies Nipper's remedial requirement.

(7) *Conclusions of law*

In sum, the Court concludes that the Illustrative Congressional Plan meets or exceeds the Enacted Congressional Plan on all empirical measures. Accordingly, the Court finds that on the objective comparable measures, the Illustrative Congressional Plan is as compact as the Enacted Congressional Plan. The Court also finds that the Illustrative Congressional Plan is compact on the eyeball test, respects communities of interest, and retains the majority of the cores from the Enacted Congressional Plan. Finally, the Court finds that the Enacted Congressional Plan could be enacted as a possible remedy because it complies with traditional redistricting principles and race did not predominate in its

U.S. 178, 193 (2017). Indeed, the redistricting guidelines adopted by the General Assembly confirm that Georgia understands compliance with the Voting Rights Act to be a compelling state interest. See JX1-2.

creation. Accordingly, the Pendergrass Plaintiffs carried their burden in showing that the minority community in west-metro Atlanta is sufficiently large and compact to warrant drawing an additional majority-Black district. Accordingly, the Court finds that Pendergrass Plaintiffs have successfully proven the first Gingles precondition.

2. *Second Gingles Precondition*

The Court turns to the second and third Gingles preconditions. As the Court examined more thoroughly in its Order on the Pendergrass Motions for Summary Judgment (Pendergrass, Doc. No. [215], 48–65), to satisfy the second and third Gingles preconditions, plaintiffs must show (1) the existence of minority voter political cohesion and (2) that the majority votes as a bloc, usually to defeat the minority voter’s candidate of choice. As a part of these preconditions, plaintiffs do not have to prove that race is the sole or predominant cause of the voting difference between the minority and majority voting blocs, nor must plaintiffs disprove that other race-neutral reasons, such as partisanship, are causing the racial bloc voting.

The second Gingles precondition requires plaintiffs to show that “the minority group . . . is politically cohesive.” Gingles, 478 U.S. at 51. “The second [precondition], concern[s] the political cohesiveness of the minority group [and] shows that a representative of its choice would in fact be elected.” Allen, 599 U.S. at 19. Plaintiffs can establish minority cohesiveness by showing that “a significant number of minority group members usually vote for the same candidates.” Solomon v. Liberty Cnty., 899 F.2d 1012, 1019 (11th Cir. 1990) (Kravitch, J., specially concurring); see also Gingles, 478 U.S. at 56 (“A showing that a significant number of minority group members usually vote for the same candidates is one way of proving the political cohesiveness necessary to a vote dilution claim, and, consequently, establishes minority bloc voting within the context of § 2.” (internal citations omitted)). The Court finds that Pendergrass Plaintiffs have successfully proven that the minority group in the challenged area is politically cohesive.

Courts generally rely on statistical analyses to estimate the proportion of each racial group that voted for each candidate. See, e.g., Gingles, 478 U.S. at 52–54; Nipper, 39 F.3d at 1505 n.20. Courts have recognized ecological inference

(“EI”) as an appropriate analysis for determining whether a plaintiff has satisfied the second and third Gingles preconditions. *See, e.g., Rose v. Raffensperger*, 584 F. Supp. 3d 1278, 1294 (N.D. Ga. 2022); *Patino v. City of Pasadena*, 230 F. Supp. 3d 667, 691 (S.D. Tex. 2017); *Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 723–24 (N.D. Tex. 2009); *Bone Shirt*, 336 F. Supp. 2d at 1003, *aff’d* 461 F.3d 1011 (8th Cir. 2006). Both Drs. Palmer and Alford testified that EI is a reliable method for conducting the second and third Gingles’ preconditions analyses. Tr. 2250:12–16; 401: 7–9.

Pendergrass Plaintiffs polarization expert, Dr. Palmer, concluded that in the 40 statewide general elections examined, in both the congressional focus area (i.e., Enacted CD-3, 6, 11, 13, and 14) and each congressional district, Black voters had clearly identifiable candidates of choice. Stip. ¶¶ 218, 220–21; PX 2 ¶ 16, tbl.1 & figs.2–3, 5; Tr. 414:25–416:13, 417:16–418:4. On average, Black voters supported their candidates of choice with 98.4% of the vote. Stip. ¶ 219; PX 2 ¶¶ 7,16. Defendants’ rebuttal expert on racially polarized voting, Dr. John Alford, does not dispute Dr. Palmer’s conclusions as to the second Gingles precondition. DX 8, 3; Tr. 2250:12–2251:9. Additionally, the Parties stipulated that “Black voters in

Georgia are extremely cohesive, with a clear candidate of choice in all 40 general elections Dr. Palmer examined.” Stip. ¶ 218.

The Court finds that the second Gingles precondition is satisfied here because Black voters in Georgia are extremely politically cohesive. See 478 U.S. at 49. “Bloc voting by blacks tends to prove that the [B]lack community is politically cohesive, that is, it shows that [B]lacks prefer certain candidates whom they could elect in a single-member, [B]lack majority district.” Id. at 68. Dr. Palmer’s analysis clearly demonstrates high levels of cohesiveness among Black Georgians in supporting their preferred candidates, both across the congressional focus area and in the individual districts that comprise it. In Allen, the Supreme Court credited the lower court’s finding of “very strong” Black voter cohesion in Alabama, with an average of 92.3%. 599 U.S. at 22. Here in Georgia, Black voter cohesion is even stronger, with an average of 98.4%.⁴⁴ Stip. ¶¶ 218–19.

⁴⁴ The record evidence does not dispute, and even reiterates, conclusions made in prior cases about political cohesion among Black Georgians. See, e.g., Wright, 301 F. Supp. 3d at 1313 (noting that, in ten elections for Sumter County Board of Education with Black candidates, “the overwhelming majority of African Americans voted for the same

Accordingly, the Court finds that Pendergrass Plaintiffs have successfully carried their burden and proven that Black voters in the challenged area are politically cohesive.

3. *Third Gingles Precondition*

The third Gingles precondition requires plaintiffs demonstrate that “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” Gingles, 478 U.S. at 51. “[A] white bloc vote that normally will defeat the combined strength of minority support plus white ‘crossover’ votes rises to the level of legally significant white bloc voting.” Id. at 56. This precondition “establishes that the challenged districting thwarts a distinctive minority vote at least plausibly on account of race.” Allen, 599 U.S. at 19 (cleaned up) (quoting Grove, 507 U.S. at 40). No specific threshold percentage is required to demonstrate bloc voting. Gingles, 478 U.S. at 56 (“The amount of white bloc voting that can generally ‘minimize or cancel’ black voters’ ability to

candidate”); Lowery v. Deal, 850 F. Supp. 2d 1326, 1329 (N.D. Ga. 2012) (“Black voters in Fulton and DeKalb counties have demonstrated a cohesive political identity by consistently supporting [B]lack candidates.”).

elect representatives of their choice . . . will vary from district to district.” (citation omitted)).

Pendergrass Plaintiffs’ polarization expert, Dr. Palmer, demonstrated (and the Parties have stipulated) that white voters in the congressional focus area usually vote as a bloc to defeat Black-preferred candidates. Stip. ¶¶ 222–227. In each congressional district examined and in the focus area as a whole, white voters had clearly identifiable candidates of choice for every election examined. Id. ¶ 223; PX 2 ¶ 17 & figs.2–4; Tr. 414:25–416:13, 417:16–418:4. In the 40 statewide general elections examined, white voters were highly cohesive in voting in opposition to the Black candidate of choice. Stip. ¶ 222. On average, Dr. Palmer found that white voters supported Black-preferred candidates with an average of just 12.4% of the vote. Id. ¶ 223. In other words, white voters on average supported their preferred candidates with an estimated vote share of 87.6%.⁴⁵

⁴⁵ The Court notes that the Black preferred candidate in all of the examined races was the Democrat candidate and the white -preferred candidate was a Republican. Stip. ¶¶ 194, 215–16. The Court finds that the inquiry into whether partisanship is the motivating factor behind the polarization is not relevant to the Gingles precondition inquiry, but may be relevant to the overall totality of the circumstances. See Section II(D)(4)(b), *infra*.

Overall, Dr. Palmer found “strong evidence of racially polarized voting across the focus area” as a whole and in each individual congressional district he examined. PX 2 ¶¶ 7, 19; Tr. 398:17–21, 418:5–8. As a result of this racially polarized voting, candidates preferred by Black voters in the focus area have generally been unable to win elections outside of majority-Black districts. Tr. 419:11–420:2. Excluding the majority-Black Congressional District 13, white bloc voting defeated Black-preferred candidates in all 40 elections in the focus area that Dr. Palmer examined. Stip. ¶¶ 225, 227; PX 2 ¶ 22. Defendants have offered no evidence suggesting that this is no longer the case. To the contrary, just as with the second Gingles precondition, the parties have stipulated to satisfaction of the third Gingles precondition. Stip. ¶ 225.

The Court concludes that Dr. Palmer’s analysis demonstrates high levels of white bloc voting in the congressional focus area and in the individual districts that comprise it. The Court also finds that candidates preferred by Black voters are almost always defeated by white bloc voting except in those areas where they form a majority. The evidence of polarization is stronger in this case than it was in Allen: in Georgia, only 12.4% of white voters support Black-preferred

candidates, whereas in Alabama 15.4% of white voters supported Black-preferred candidates. Allen, 599 U.S. at 22. There the Supreme Court affirmed that there was “very clear” evidence of racially polarized voting. Id. Thus, this Court likewise finds “very clear” evidence of racially polarized voting in the challenged district.⁴⁶ Accordingly, the Court concludes that Pendergrass Plaintiffs’ evidence demonstrates that white voters vote in opposition to and typically defeat Black preferred candidates and thus Pendergrass Plaintiffs have carried their burden as to the third Gingles precondition.

* * * *

⁴⁶ Again, the evidence in this case does not dispute, and even reiterates, conclusions made in prior cases about racially polarized voting. See, e.g., Fair Fight Action, 634 F. Supp. 3d at 1247 (finding racial polarization in Georgia voting); Whitest v. Crisp Cnty. Bd. of Educ., No. 1:17-CV-109 LAG, 2021 WL 4483802, at *3 (M.D. Ga. Aug. 20, 2021) (“African Americans in Crisp County are politically cohesive in elections for members of the Board of Education, but the white majority votes sufficiently as a bloc to enable it to defeat the candidates preferred by Black voters in elections for members of the Board of Education.”); Wright, 301 F. Supp. 3d at 1317 (finding that “[t]he third Gingles factor is satisfied” after concluding that “there can be no doubt black and white voters consistently prefer different candidates” and that “white voters are usually able to the defeat the candidate preferred by African Americans”).

The Court concludes that the Pendergrass Plaintiffs have carried their burden in proving the three Gingles preconditions. Accordingly, the Court now turns to the totality of the circumstances inquiry.

4. *Totality of the Circumstances*

The Court must determine whether Georgia's political process is equally open to the affected Black voters. Wright, 979 F.3d at 1288 (“[I]n the words of the Supreme Court, the district court is required to determine, after reviewing the ‘totality of the circumstances’ and, ‘based upon a searching practical evaluation of the past and present reality, whether the political process is equally open to minority voters.’” (quoting Gingles, 478 U.S. at 79)); Solomon v. Liberty Cnty. Com’rs, 166 F.3d 1135, 1148 (11th Cir. 1999), vacated 206 F.3d 1054 (acknowledging that the Third, Fifth, and Tenth Circuits have found it to be “unusual” or “rare” if a plaintiff can establish the Gingles preconditions, but fail to establish a Section 2 violation on the totality of the circumstances (quoting Jenkins v. Red Clay Consol. Sch. Dist. Bd. of Educ., 4 F.3d 1103, 1135 (3d Cir. 1993); Sanchez v. Colorado, 97 F.3d 1303, 1322 (10th Cir. 1996)) (citing Clark v. Calhoun Cnty., 21 F.3d 92, 97 (5th Cir. 1994)).

a) **Totality of circumstances inquiry: purpose and framework**

For a Section 2 violation to be found, the Court must conduct “an intensely local appraisal” of the electoral mechanism at issue, as well as a “searching practical evaluation of the ‘past and present reality.’” Allen, 599 U.S. at 19 (citing Gingles, 478 U.S. at 79). The purpose of this appraisal is to determine the “essential inquiry” of a Section 2 case, which is “whether the political process is *equally open* to minority voters.” Ga. State Conf. of the NAACP, 775 F.3d at 1342 (emphasis added) (quoting Gingles, 478 U.S. at 79). Put differently, the totality of the circumstances inquiry ensures that violations of Section 2 may only be found when “members of the protected class have *less opportunity* to participate in the political process.” Chisom v. Roemer, 501 U.S. 380, 397 (1991) (emphasis added).

Over the last fifty years Georgia has become increasingly more politically open to Black voters and in recent elections Black candidates have enjoyed success—five of Georgia’s representatives to the United States House of Representatives and one of its Senators are Black. Although the Court commends the progress that Georgia has made since 1965, when weighing the Senate Factors, the Court finds that the Enacted Congressional Plan dilutes Black voting power

in west-metro Atlanta. The Enacted Congressional Plan in west metro-Atlanta has resulted in Black voters having less of an opportunity to participate equally in the political process than white voters. Gingles, 478 U.S. at 79; Chisom, 501 U.S. at 397. The whole of the evidence shows that the political process is not currently *equally* to Black Georgians in west-metro Atlanta – Black voters still suffer from *less* opportunity to partake in the political process in the area than white voters. Thus, given the consideration of the factors named *infra*, the Court determines that the totality of the circumstances inquiry supports finding a Section 2 violation in this case and that an additional majority-minority congressional district must be drawn in the western-metro Atlanta area.

Turning to the legal framework guiding the totality of the circumstances inquiry: the totality inquiry focuses on a number of non-comprehensive and non-exclusive Senate Factors. Ga. State Conf. of the NAACP, 775 F.3d at 1342. The Senate Factors include: (1) “the history of voting-related discrimination in the State or political subdivision”; (2) “the extent to which voting in the elections of the State or political subdivision is racially polarized”; (3) “the extent to which the State or political subdivision has used voting practices or procedures that

tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting”; (4) “the exclusion of members of the minority group from the candidate slating processes”; (5) “the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process”; (6) “the use of overt or subtle racial appeals in political campaigns”; and (7) “the extent to which members of the minority group have been elected to public office in the jurisdiction.” Gingles, 478 U.S. at 44–45. Furthermore, “[t]he [Senate] Report notes also that evidence demonstrating [8] that elected officials are unresponsive to the particularized needs of the members of the minority group and [9] that the policy underlying the State’s . . . use of the contested practice or structure is tenuous may have probative value.” Gingles, 478 U.S. at 45.

The Court now will consider and weigh each of these factors in addition to the proportionality of Black citizens to majority-Black districts and the State’s changing demographics. Again, the Court ultimately concludes that the totality

of the circumstances’ inquiry weighs in favor of finding a Section 2 violation in the Pendergrass Plaintiffs’ case.⁴⁷

b) **Senate Factor One and Three: historical evidence of discrimination and State’s use of voting procedures enhancing opportunity to discriminate**

The Court first turns to Georgia electoral practices, both past and present, that bear on discrimination against Black voters under Senate Factors One and Three.⁴⁸ Senate Factor One focuses on “the extent of any history of official discrimination in the state . . . that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process[.]” Gingles, 478 U.S. at 36-37. Senate Factor Three “considers ‘the extent to which the State or political subdivision has used voting practices or procedures

⁴⁷ Although Dr. Jones was solely retained as an expert in the Alpha Phi Alpha case, the Court notes that at the trial, the Parties consented to adopt the testimony of Dr. Jones into the Pendergrass Plaintiffs’ case-in-chief. Tr. 1244:10–1245:8, 1589:3–1591:21. Thus, the Court may rely on Dr. Jones’s trial testimony any portions of her report that were directly referenced at trial.

⁴⁸ The Court considers both Senate Factors One and Three together because there is significant overlap in the trial evidence for the two factors. Cf., e.g., Singleton, 582 F. Supp. 3d at 1020, aff’d sub nom. Allen, 599 U.S. 1 (considering Senate Factors One, Three, and Five together).

that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting.” Wright, 979 F.3d at 1295 (quoting Gingles, 478 U.S. at 44–45).

The Court finds that Pendergrass Plaintiffs have shown evidence of both past and present history in Georgia that the State’s voting practices disproportionately affect Black voters. Per guidance from binding authorities, the Court is careful in this analysis to assess both past *and present* efforts that have caused a disproportionate impact on Black voters. Indeed, “past discrimination cannot, in the manner of original sin, condemn governmental action that is not itself unlawful.” Greater Birmingham Ministries v. Sec’y of State for Ala., 992 F.3d 1299, 1325 (11th Cir. 2021) (quoting Mobile v. Bolden, 446 U.S. 55, 74 (1980)); see also Abbott v. Perez, 585 U.S. ----, 138 S. Ct. 2305, 2324 (2018) (explaining that “the presumption of legislative good faith [is] not changed by a finding of past discrimination”).

While present evidence of disproportionate impact is necessary, the Court’s reading of recent decisions is that past discrimination and

disproportionate effects cannot be overlooked. To be sure, the Supreme Court recently opined that Section 2 looks at both the *past* and present realities of Georgia's electoral mechanism by recounting Alabama's history of past discrimination from the Reconstruction Era. Allen, 599 U.S. at 19; see also id. at 14 ("For the first 115 years following Reconstruction, the State of Alabama elected no [B]lack Representatives to Congress."). In the wake of the Allen decision, Chief Judge Pryor recently clarified that "[p]ast discrimination *is relevant*" even if it is "one evidentiary source" that is "not to be outweighed." League of Women Voters of Fla. Inc. v. Fla. Sec'y of State, 81 F.4th 1328, 1332 (11th Cir. 2023) (Pryor, C.J., concurring in denial of rehearing en banc) (emphasis added) (quoting Abbott, 138 S. Ct. at 2325); see also id. ("Allen cited the 'extensive history of repugnant racial and voting-related discrimination' in Alabama as relevant to whether the political process today is 'equally open' to minority voters." (quoting Allen, 599 U.S. at 22)). Accordingly, the Court takes these cues from both recent Supreme Court and Eleventh Circuit jurisprudence and evaluates Georgia's practices of discrimination *past and present* as relevant evidence in the totality of the circumstances inquiry.

(1) *Historical evidence of discrimination broadly*

“Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.” Wright, 301 F. Supp. 3d at 1310 (citation omitted). “African-Americans have in the past been subject to legal and cultural segregation in Georgia[.]” Cofield, 969 F. Supp. at 767. “Black residents did not enjoy the right to vote until Reconstruction. Moreover, early in this century, Georgia passed a constitutional amendment establishing a literacy test, poll tax, property ownership requirement, and a good-character test for voting. This act was accurately called the ‘Disfranchisement Act.’ Such devices that limited black participation in elections continued into the 1950s.” Id.

In this case, one of Pendergrass Plaintiffs’ expert witnesses opined that “[t]hroughout the history of the state of Georgia, voting rights have followed a pattern where after periods of increased nonwhite voter registration and turnout, the state has passed legislation, and often used extralegal means, to

disenfranchise minority voters.” PX 4, 10; Tr. 1428:3–24. Another expert witness testified, Georgia has “used basically every expedient . . . associated with Jim Crow to prevent Black voters from voting in the state of Georgia.” Tr. 1161:20–1162:11.

During the trial, Defendants stipulated “up until 1990 we had historical discrimination in Georgia.” Tr. 1524:14–15. Thus, the un rebutted testimony and the extensive accounts of Georgia’s history of discrimination in Pendergrass Plaintiffs’ expert reports demonstrate that Georgia’s discriminatory history—including in voting procedures—spans from the end of the Civil War onward and have uncontrovertibly burdened Black Georgians. See, e.g. Tr. 1429:11–21.

(2) *Georgia practice from the passage of the VRA to 2000*

Congress enacted the Voting Rights Act of 1965 to address these discriminatory practices. One of the Voting Rights Act’s provisions was the preclearance requirement that prohibited certain jurisdictions with well-documented practices of discrimination—including Georgia—from making

changes to their voting laws without approval from the federal government. PX 4, 36; Tr. 1436:11–1437:6.

The Voting Rights Act, however, “did not translate to instant success” for Black political participation. PX 4, 36. Among states subject to preclearance in their entirety, Georgia ranked second only to Alabama in the disparity in voter registration between its Black and white citizens by 1976. Id.; Tr. 1437:10–1438:3. These continued disparities following the VRA were at least caused because “Georgia resisted the Voting Rights Act . . . [and] for a period, it refused to comply[.]” Tr. 1163:9–1164:1. For example, a study found that local jurisdictions in Georgia and Mississippi “went ahead with election changes despite a pending preclearance request.” PX 4, 39. Even still, from 1965 to 1981, the Department of Justice objected to more than 200 changes submitted by Georgia, more than any other state in the country. Id.

Georgia’s history of discrimination against Black voters did not end in 1981. When the VRA was reauthorized in 1982, the Senate Report specifically cited to Georgia’s discriminatory practices that diminished the voting power of Black

voters. S. Rep. 97-417, at 10, 13 (1982). During the 1990 redistricting cycle, twice the DOJ rejected the State's reapportionment plans. PX 4, 42.

During the process of reauthorization of the Voting Rights Act in 2006, Georgia legislators "took a leadership position in challenging the reauthorization of the [A]ct." Tr. 1164:2-17. As Dr. Jones reminds us, "Georgia's resistance to the VRA is consistent with its history of resisting the expansion of voting rights to Black citizens at every turn." APAX 2, 9. Even following the 2000 Census, the district court in the District of Columbia refused to preclear the General Assembly's Senate plan because the court found "the presence of racially polarized voting" and that "the State ha[d] failed to demonstrate by a preponderance of the evidence that the reapportionment plan for the State Senate will not have a retrogressive effect." Georgia v. Ashcroft, 195 F. Supp. 2d 25, 94 (D.D.C. 2002), affirmed by King v. Georgia, 537 U.S. 1100 (2003).

(3) *More recent voting practices with a disproportionate impact on Black voters*

The Court concludes that Pendergrass Plaintiffs submitted evidence about more recent practices in Georgia which disproportionately impact Black voters and have resulted in a discriminatory effect. These practices include polling place

closures, voter purges, and the Exact Match requirement. Pendergrass Plaintiffs' also continually rely on the Georgia's General Assembly passage of SB 202 following the 2020 presidential election as evidence of recent and present discrimination disproportionately affecting Black voters.⁴⁹

Following Shelby County and the end of pre-clearance, the U.S. Commission on Civil Rights, found that Georgia had adopted five of the most common restrictions that impose roadblocks to the franchise for minority voters: (1) voter ID laws, (2) proof of citizenship requirements, (3) voter purges, (4) cuts in early voting⁵⁰, and (5) widespread polling place closures. PX 4, 48–49 (citing

⁴⁹ On the Record, Dr. Burton clearly stated and the Court would like to reiterate, this Order, in no way states or implies that the General Assembly or Georgia Republicans are racist. Tr. 1473:18–1474:9. As articulated by Dr. Burton, “[n]o. I’m not saying that the legislature is [racist]—I am saying that some of the legislation that comes out has a disparity—it affects Black citizens differently than white citizens to the disadvantage of Black citizens, but I am not saying that they are racist. But the effect has a disparate impact among whites and Blacks and other minorities.” Tr. 1474:4–9. Section 2 of the VRA does not require the Court to find that the General Assembly passed the challenged maps to discriminate against Black voters, or that the General Assembly is racist in any way. Nothing in this Order should be construed to indicate otherwise.

⁵⁰ While it may have been true at the time of this report that Georgia had made cuts to early voting, the Court acknowledges Mr. Germany’s trial testimony was that SB 202 increased early voting opportunities by adding two mandatory Saturdays and expressly permitted counties to hold early voting on Sundays, at their discretion. Tr. 2269:9–21.

U.S. Commission on Civil Rights, An Assessment of Minority Voting Rights Access in the United States: 2018 Statutory Enforcement Report (Washington, 2018), 369). No other State has engaged in all five practices. PX 4, 49.

The Court ultimately weighs the evidence submitted and determines that the present evidence of Georgia's voting practices show they had a disproportionately negative impact on Black voters. The Court proceeds by assessing Pendergrass Plaintiffs' evidence of (a) Georgia's practice of closing polling places, (b) Georgia's Exact Match requirement and purging of its registration lists, (c) the General Assembly's passage of SB 202, and (d) the State's rebuttal evidence of open and fair election procedures.⁵¹ The Court finally (e) renders its conclusion of law on this Senate Factor.

⁵¹ The Court may evaluate statewide evidence to determine whether Black voters have an equal opportunity in the election process. LULAC, 548 U.S. at 438 (2006) ("[S]everal of the [] factors in the totality of circumstances have been characterized with reference to the State as a whole."); see also Allen, 599 U.S. at 22 (crediting the three-judge court's findings of lack of equal openness with respect to statewide evidence (citing Singleton, 582 F. Supp. 3d at 1018-1024); Gingles, 478 U.S. at 80 (crediting district court's findings of lack of equal opportunity that was supported by statewide evidence (citing Gingles v. Edmisten, 590 F. Supp. 345, 359-75 (E.D.N.C. 1984))).

(a) polling place closures

The Court finds that there is compelling evidence that Georgia's recent closure of numerous polling places disproportionately impacts Black voters. In the wake of the Supreme Court's decision in Shelby County, "'dozens of polling places' were 'closed, consolidated, or moved.'" PX 4, 49 (citing Kristina Torres, "Cost-Cutting Raises Voter Access Fears," Atlanta Journal Constitution, (Oct. 13, 2016); Kristina Torres, "State Monitored For Voting Rights Issues," Atlanta Journal Constitution, (Jun. 20, 2016)).

By 2019, the Leadership Conference Education Fund determined that Georgia had closed over 200 polling locations since June of 2012, despite the significant growth in Georgia's population. PX 4, 50. "A 2020 study found that 'about two-thirds of the polling places that had to stay open late for the June primary to accommodate waiting voters were in majority-Black neighborhoods, even though they made up only about one-third of the state's polling places.'" Id. (citing Stephen Fowler, "Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours? Their Numbers Have Soared, and Their Polling Places Have Dwindled," ProPublica, <https://www.propublica.org/article/why-do->

nonwhite-georgia-voters-have-to-wait-in-line-for-hours-their-numbers-have-soared-and-their-polling-places-have-dwindled, (Oct. 17, 2020)).

Specifically, in the challenged area (i.e., around Illustrative CD-6), “[i]n 2020, the nine counties in metro Atlanta that had nearly half of the registered voters (and the majority of the Black voters in the state)[, but] had only 38% of the state’s polling places.” PX 4, 51 (citing Fowler, “Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours?”). In 2020, Union City, which is within Illustrative CD-6 and has a Black voting age population of 88%, had wait times as long as five hours. PX 4, 51 (citing Mark Niese and Nick Thieme, “Fewer Polls Cut Voter Turnout Across Georgia,” Atlanta Journal Constitution (Dec. 15, 2009); Fowler, “Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours?”).

At trial, Dr. Burton testified about his findings as to polling place closures and his conclusion that they disproportionately impacted Black voters. Tr. 1432:21–25; 1441:2–21. These conclusions were not raised on cross examination. Tr. 1465:6–1494:14.

The Court concludes that Pendergrass Plaintiffs’ evidence of polling place closures—and, notably, in west-metro Atlanta where Pendergrass Plaintiffs

propose Illustrative CD-6 be drawn as an additional majority-minority district—is recent evidence of a voting practice with a disproportionate impact on Black voters.

(b) exact match and registration list purges

Pendergrass Plaintiffs’ evidence also shows Georgia’s voting practices include roadblocks to the voting efforts of minority voters in the form of the Exact Match system and the State’s purging of voter registration lists. PX 4, 49–51 (citing U.S. Commission on Civil Rights, An Assessment of Minority Voting Rights Access in the United States: 2018 Statutory Enforcement Report (Washington, 2018), 369).

These practices, however, have been determined in prior decisions by the Court to *not* be illegal under federal law. The prior decisions upholding the Exact Match requirement and registration list purges certainly impact the weight to afford these voting practices. However, in this case, the evidence shows—without contradicting the prior legal determinations—that these practices have a *disproportionate effect* on Black voters for purposes of the instant totality of the circumstances inquiry. Specifically, when these prior decisions are considered in

the light of the legal frameworks at issue, the Court finds that these practices can be used as evidentiary support of a disproportionate discriminatory impact on Black voters in Georgia without contradicting or minimizing the prior decisions upholding Georgia's laws.

Specifically, Georgia's Exact Match procedure was determined to not violate VRA's Section 2 because when the burden on voters, the disparate impact, and the State's interest in preventing fraud were considered together, the weighing of these considerations counseled against finding a violation. Fair Fight Action, 634 F. Supp. 3d at 1246. The Exact Match decision in Fair Fight relied on the Brnovich decision and emphasized that "the modest burdens allegedly imposed by [the Exact Match law], the small size of the disparate impact [on Georgia voters as a whole], and the State's justifications" did not support a Section 2 violation. Id. at 1245 (citing Brnovich v. Democratic Nat'l Comm., 594 U.S. ----, 141 S. Ct. 2321, 2346 (2021)). Even without a Section 2 violation, however, the Court found that the Exact Match requirement disproportionately impacted Black voters given that: Black voters were a smaller portion of the electorate but as of January 2020, 69.4% of individuals flagged as "missing identification

required” were African American, and 31.6% of the voters flagged for pending citizenship 31.6% were African American, whereas white voters only accounted for 20.9%. Fair Fight Action, 634 F. Supp. 3d at 1160, 1162; Tr. 1283:3–10. The Court’s decision in Fair Fight itself acknowledged that the Exact Match practice in Georgia has a *discriminatory impact* on Black voters – the inquiry specifically at issue here. When the Court considers Fair Fight’s determination in the light of the Civil Rights’ Commission’s report that generally Exact Match practices are a roadblock to minority voters, the Court concludes that this modern practice in Georgia supports that Georgia’s modern voting practices have a discriminatory effect on Black voters.

The same Fair Fight case also resolved on summary judgment (in favor of the State) claims that purges of voter registration lists violated the Constitution. Fair Fight Action, Inc. v. Raffensperger, No. 18-cv-5391, 2021 WL 9553856 (N.D. Ga. Mar. 31, 2021). The Anderson-Burdick framework governed this summary judgment resolution and notably did not require any showing or determination of racial discrimination. Id. Instead, the Court’s task was to balance the voter’s burden with the State’s interest in complying with federal law (i.e., the National

Voter Registration Act). 2021 WL 9553856, *at 15–18. The Court’s weighing of these considerations does not instantly preclude a finding that Georgia’s voter purges have a disproportionate impact on Black voters for purposes of the totality of the circumstances inquiry here. This is especially the case in the light of the expert evidence that these voter purges have minimized the “electoral influence of minority voters and particularly of Black Georgians.” PX 4, 2. Thus, the Court finds that, while not illegal under Anderson-Burdick, the voter purges provide some evidence of modern practices with disproportionate discriminatory impact on Black voters in Georgia.

Accordingly, while the Court is cognizant of the prior decisions upholding the Exact Match and registration list purges in Georgia, the Court still finds that these voting practices are *some* evidence indicating a disproportionate impact on Black voters.

(c) **SB 202’s disparate impact**

The Pendergrass Plaintiffs also cite to Georgia’s passage of SB 202 as evidence of modern discrimination. The General Assembly passed SB 202 following the 2020 Presidential election. PX 4, 53–56; Tr. 1474:10–1481:1. A

challenge to SB 202 is pending in the Northern District of Georgia and has not been resolved at the time the Court enters this Order.⁵² In re SB 202, 1:21-mi-55555 (N.D. Ga. Dec. 23, 2021). The Court acknowledges that the evidence presented in that case is not presently before this Court.⁵³ Given this pending challenge to SB 202, the Court proceeds cautiously in an effort of judicial restraint, which counsels against the Court preemptively making any findings that could lead to inconsistent rulings or implicate the ultimate determination of the legality of SB 202.

⁵² The Court notes that on October 11, 2023, the district court hearing the case ruled on a pending motion for preliminary injunction that involves Section 2 and constitutional challenges to several provisions in SB 202. In re SB 202, 1:21-mi-55555, ECF No. 686 (N.D. Ga. Oct. 11, 2023). The court denied the plaintiffs motions for preliminary injunction and found that there was not a substantial likelihood of success on the merits of any of their claims. Id. at 61. No rulings in that case are binding on this Court. McGinley v. Houston, 361 F.3d 1328, 1331 (11th Cir. 2004) (“[A] a district judge’s decision neither binds another district judge nor binds him”). However, the Court is cautious in its discussion of SB 202 to avoid inconsistent rulings and creating confusion.

⁵³ To be abundantly clear, this Court does not have a challenge to SB 202 before it. Plaintiffs’ experts have provided evidence regarding potential motivations behind SB 202 and the impact that its passage had on Black voters. APAX 2; PX 4; GX 4. And Defendants provided counter evidence. See Tr. 2261–2307 (testimony of Ryan Germany). The Court evaluates solely the evidence adduced in this case.

With these qualifications in mind, the Court cannot ignore that evidence on SB 202 has been presented by the Plaintiffs as proof of present discriminatory practices in Georgia's treatment of Black voters. PX 4, 53–55, Tr. 1474:10–1481:1.⁵⁴ Defendants likewise provided rebuttal testimony. See generally Tr. 2261–2307. The Court, treading cautiously, tethers its findings regarding SB 202 to the testimony and evidence provided by Pendergrass Plaintiffs' experts *for purposes of the totality of the circumstances inquiry on the Senate Factors*. Namely, the Court considers the passage of SB 202, once again, as some evidence of practices with a disproportionate impact on Black voters. This determination is made with the conclusion of Dr. Burton, Pendergrass Plaintiffs' expert, in mind: "[t]he history of Georgia demonstrates a clear pattern" (PX 4, 4), where "periods of increased nonwhite voter registration and turnout" have been followed by the state

⁵⁴ Drs. Burton and Jones concluded that certain portions of SB 202 have an actual or perceived negative impact on Black voters. See Tr. 1185:17–1186:16 (Dr. Jones opining that Black voters increased use of absentee ballots and their use of drop boxes correlated with the passage of SB 202); Tr. 1445: 1–25 (Dr. Burton opining that certain provisions of SB 202 were put in place because of the gains made by Black voters in the electorate).

[passing] legislation” to deter minority voters. PX 4, 10. Dr. Burton specifically cites the passage of SB 202 as evidence of this pattern. PX 4, 10.

Accordingly, the Court considers SB 202 as evidence of a current manifestation of a historical pattern that following an election, the General Assembly responsively passes voting laws that disproportionately impact Black voters in Georgia.

(4) *Defendant’s rebuttal evidence*

The Court now turns to Defendants’ rebuttal evidence. To begin, Defendants submit no rebuttal expert or report to Dr. Burton’s report and testimony. Tr. 1425:8–16. In fact, Defendants do not affirmatively rebut the aforementioned evidence with their own evidence. Instead, Defendants cross-examined Dr. Jones on the prior legal determinations that the Exact Match and list maintenance procedures utilized by Georgia. Tr. 1251:16–19. As the Court has already determined, it considers these prior judicial decisions as part of its weighing of this evidence. It also has assessed the basis for these prior decisions and has determined that it is not inconsistent with these prior rulings to now find that these voting practices have a discriminatory impact on Black voters for

purposes of the instant totality of the circumstances. See Section II(C)(4)(b)(3)(b) *supra*.

Defendants also, through lay witness testimony, submitted that Georgia has implemented legislation to make it easier for all voters to participate.⁵⁵ In favor of Defendants on these factors, the Court considers Mr. Germany's testimony about SB 202 indicates that the motive for passing the law was to alleviate stress on the electoral system and increase voter confidence. Tr. 2265:5–23. Moreover, SB 202, among other things, expanded the number of early voting days in Georgia. Tr. 1476:7–9. There's evidence that Georgia employs no-excuse absentee voting (Tr. 1476:10–13), automatic voter registration through the Department of Driver Services (Tr. 2263:12–20) and voters to register the vote using both paper registration and online voter registration (Tr. 2263:14–23).

⁵⁵ The Court notes that on cross-examination Mr. Germany explained that SB 202 received numerous complaints; however, he is unable to quantify whether those complaints primarily came from Black voters because the Secretary of State's Office does not analyze the impact of the legislation on particular categories of voters—i.e., white voters v. Black voters. In his opinion, that analysis is not helpful to the overall goal to “make it easy for everyone, regardless of race.” Tr. 2283:2–2285:5.

Georgia offers free, state-issued, identification cards that voters can use to satisfy Georgia's photo ID laws. Tr. 2264:15–22.

Additionally, the Court has also been presented with additional evidence that immediately prior to Shelby County, the DOJ precleared Georgia's 2011 Congressional Plan. Tr. 1471:14–17. Moreover, following the passage of SB 202, Georgia experienced record voter turnout in the 2022 midterm election cycle. Tr. 1480:3–9.

(5) *Conclusion on Senate Factors One and Three*

In sum, the majority of the evidence before the Court shows that Georgia has a long history of discrimination against Black voters. This history has persisted in the wake of the VRA and even into the present through various voting practices that disproportionately effect Black voters. Pendergrass Plaintiffs have provided concrete recent examples of the discriminatory impact of recent Georgia practices, some specifically in the challenged area of Illustrative CD-6.

Defendants have submitted some recent evidence of Georgia increasing the access and availability of voting. The evidence even shows that *overall* voter

turnout has increased in the most recent national election.⁵⁶ These efforts are commendable, and the Court is encouraged by these developments. In the Court’s view, however, it is insufficient rebuttal evidence. Thereby, *in toto*, the Court concludes that Georgia has a history – uncontrovertibly in the past, and extending into the present – of voting practices that disproportionately impact Black voters. Thus, Senate Factors One and Three, on the whole, weigh in favor of finding a Section 2 violation.

c) Senate Factor Two: racial polarization

The second Senate Factor assesses “the extent to which voting in the elections of the State or political subdivision is racially polarized.” Wright, 979 F.3d at 1305 (quoting LULAC, 548 U.S. at 426). As indicated in the Pendergrass Summary Judgment Order (Doc. No. [215], 97), polarization is a factor to be considered in the totality of circumstances inquiry, in addition to the second and third Gingles preconditions. Pursuant to persuasive authority, the

⁵⁶ As discussed in greater detail, *infra*, Black voter turnout rate decreased by 15 points from the 2020 election cycle to the 2022 election cycle and recorded the lowest voter turnout rate in a decade. See Section II(D)(4)(e)(1) *infra*.

Court finds that when a Defendant has raised a race-neutral reason for the polarization, the Court must look beyond the straight empirical conclusions of polarization. See Nipper, 39 F.3d at 1524 (plurality opinion) (finding that Defendants may rebut evidence of polarization by showing racial bias is based on nonracial circumstances); Uno v. City of Holyoke, 72 F.3d 973, 983 (1st Cir. 1995) (stating that an inference of racial polarization “will endure *unless and until* the defendant adduces credible evidence tending to prove the detected voting patterns can most logically be explained by factors unconnected to the intersection of race with the electoral system.”).

Defendants have consistently argued that partisanship is a race-neutral explanation for polarization of voters in Georgia. See, e.g., Tr. 2410:18–2411:14. In an intentional discrimination context, the Eleventh Circuit cautioned courts “against conflating discrimination on the basis of party affiliation on the basis of race [e]vidence of *race-based* discrimination is necessary to establish a constitutional violation.” League of Women Voters of Fla. Inc. v. Fla. Sec’y of State, 66 F.4th 905, 924 (11th Cir. 2023) (emphasis in original) (citing Brnovich, 141 S. Ct. at 2349). However, Chief Justice Roberts recently confirmed that a

Section 2 violation “occurs where an ‘electoral structure operates to minimize or cancel out’ minority voters’ ‘ability to elect their preferred candidates.’ Such as risk is greatest ‘where minority and majority voters consistently prefer different candidates’ and where minority voters are submerged in a majority voting population that ‘regularly defeat[s]’ their choices.” Allen, 599 U.S. at 1, 17–18.

The Court acknowledges that whether voter polarization is on account of partisanship and race is a difficult issue to disentangle. During an extended colloquy with the Court, Dr. Alford testified that “voting behavior is complicated” and that in his view democracy is about “voting for a person that follows their philosophy or they think is going to respond to their needs.” Tr. 2182:4–5; 2183:4–8. He went on to clarify that party identity and affiliation is exceptionally strong this country and starts at a young age. Tr. 2183:8–2184:6.

Dr. Alford concluded that, from the empirical evidence presented by Pendergrass Plaintiffs, one cannot causally determine whether the data is best explained by party affiliation or racial polarization. He specifically testified that:

[T]he kind of data that we use here, which is, you know ecological and highly abstract data, cannot demonstrate cohesion in sort of its natural form.

Much of the work on things like individual-level surveys, exit polls, et cetera, also make it very difficult in a non-experimental setting to demonstrate causation. It really takes an experimental setting. So there is some work done in experimental settings, but this is not an area of inquiry that is—scientific causation in the social sciences is very difficult to establish. This is not an area where there has been any work that’s established that.

Tr. 2226:7–18.

The Court is not in a position to resolve the global question of what causes voter behavior. Such question is empirically driven, and one in which the expert political scientists and statisticians did not agree. The Court can, however, assess the *evidence* of polarization presented at trial. In doing so, the Court determines that the Pendergrass Plaintiffs shown sufficient evidence of racial polarization in Georgia voting.

The Pendergrass Plaintiffs present Dr. Palmer’s report, indicating strong evidence of racial polarization in voting. PX 2; see also Section II(C)(2)–(3) *supra*. Plaintiffs also offered testimony about the strong connection between race and partisanship as it currently exists in Georgia. Tr. 424:5–8 (affirming that “race and party cannot be separated for the purpose of [Dr. Palmer’s] racial polarization analysis”); 1460:11–15 (“[O]ne party is highly supporting . . . issues that are most

important to minorities, particularly African Americans. And another party is not getting a good grade on how they're voting for them."); PX 4, 74 (indicating the "opposing positions that member's of Georgia's Democratic and Republican parties take on issues inexplicably linked to race.").

Defendants also argued that there must be evidence that voter's change their behavior based on the candidate to show that the polarization is race-based. Tr. 2409:25–2410:9. The Court finds that this is not a necessary precondition to determining whether voting is polarized on account of race. Race of a candidate is not dispositive for a polarization inquiry. DeGrandy, 512 U.S. at 1027 ("The assumption that majority-minority districts elect only minority representatives, or that majority-white districts elect only white representatives, is false as an empirical matter. And on a more fundamental level, the assumption reflects the demeaning notion that members of the defined racial groups ascribe to certain minority views that must be different from those of other citizens." (citation omitted)). The Court, however, finds that an assessment of the success of Black candidates in reference to different percentages of white voters, is good evidence that partisanship is not the best logical explanation of racial voting patterns in

Georgia. Cf. Johnson v. Hamrick, 196 F.3d 1216, 1221–22 (11th Cir. 1999) (“We do not mean to imply that district courts *should* give elections involving [B]lack candidates more weight; rather, we merely note that in light of existing case law district courts may do so without committing clear error.”).

Assuming *arguendo* that evidence of voter behavior in relation to the race of the candidate were required, Pendergrass Plaintiffs have provided evidence showing racial polarization based on the race of the candidate. Pendergrass Plaintiffs offer the expert opinions and testimony of Dr. Burton, who assessed the success of Black candidates in the light of the percentage of white voters in the district.

The following chart showcases his findings:

Winning Candidates in 2020 in Georgia House of Representatives

Percentage white registered voters in district	White Republicans ¹⁹⁷	Black Democrats	White Democrats
Under 40%	0	48	7
40–46.2%	1	3	2
46.2–54.9	11	1	6
55–62.4%	23	0	5
Over 62.4%	68	0	0

Winning Candidates in 2020 in Georgia State Senate

Percentage white registered voters in district	White Republicans	Black Democrats	White Democrats
Under 47%	0	16	1
47–54.9%	3	0	3
Over 55%	51	0	0

PX 4, 56 (footnote content omitted).

There is a meaningful difference in Black candidate success depending on the percentage of white voters in a district. When the white voter percentage is lowest, Black Democratic candidates have the most success. However, as the percentage of white voters increases, Black elected officials decreased. Id. And, when the white voter percentage reaches 47% (for the State Senate) or 55% (for

the State House) of the electorate no Black candidates are elected, even though white Democrats do achieve some success. PX 4, 56. These findings are consistent with Dr. Palmer’s un rebutted findings about the challenged districts: Black voters voted for the same candidate, on average, 98.4% of the time and white voters voted for a different candidate, on average, 87.6% of the time. Stip. ¶ 223.

In contrast to Pendergrass Plaintiffs’ evidence, Defendants’ expert, Dr. Alford, rendered only descriptive conclusions based on Dr. Palmer’s data set and, most importantly, did not offer additional support for a conclusion that voter behavior was caused by partisanship rather than race. DX 8. To be sure, Defendants did not offer any further evidence—quantitative or qualitative—in support of their theory that partisanship, not race, is controlling voting patterns in Georgia.

While the Court acknowledges that the Black preferred candidate was the Democrat in all elections reviewed, the Court also finds that there is not sufficient evidence to show that Black people myopically vote for the Democrat candidate. The Court specifically asked Dr. Alford, “[a]re you saying that whites folks will vote for Republicans just because they’re Republicans, and Blacks folks will vote

for Democrats just because they're Democrat?" Tr. 2180:23-25. Dr. Alford responded by answering, "I've spent a lifetime trying to understand voting behavior and, I would never say something as simple as that. It's much more complicated than that." Tr. 2181:1-3. The Court agrees that it is too simple to find that partisanship is the moving force behind a Black voter's choice of candidate. The history provided to the Court shows the complicated history between the current Republican Party and Black citizens. See Tr. 1444:23-1448:21 (explaining the history of politics in Georgia, and nationwide, as it relates to race and partisan affiliation).

Finally, even Defendant's expert agreed that candidate choices and Black political alignment with the Democratic party is not just based on the party label.

The Court: So could it be said that voters are not necessarily voting for the party; they're voting for a person that follows their philosophy or they think is going to respond to their needs?

[Dr. Alford]: That's -- with my view, that's what democracy is about. That's what's going on. It is the case that in the United States, unlike in most other democracies, party identity is also really important, that we identify with a party.

Tr. 2183:4–12. Given all the evidence before the Court, the Court finds that there is significant evidence that “minority and majority voters consistently prefer different candidates”, and because “minority voters are submerged into a majority voting population that ‘regularly defeat[s]’ their choice,” Georgia’s “electoral structure operates to minimize or cancel out’ [Black] voters’ ‘ability to elect their preferred candidates.’” Allen, 559 U.S. at 17–18.

In light of the foregoing evidence, the Court finds that Senate Factor Two weighs heavily in favor of finding a Section 2 violation.

d) Senate Factor Five:⁵⁷ socioeconomic disparities

Senate Factor Five considers socioeconomic disparities between Black and white voters and these disparities’ impact on Black voter participation. The Eleventh Circuit recognized in binding precedent that “disproportionate educational, employment, income level, and living conditions arising from past discrimination tend to depress minority political participation.” Wright, 979 F.3d

⁵⁷ Senate Factor 4—a history of candidate slating for congressional elections—is not at issue because Georgia’s congressional elections do not use a slating process. Doc. No. [173-1], 32; see also Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1317.

at 1294 (quoting United States v. Marengo Cnty. Comm’n, 731 F.2d 1546, 1568 (1984)). “Where these conditions are shown, and where the level of [B]lack participation is depressed, plaintiffs need not prove any further causal nexus between their disparate socio-economic status and the depressed level of political participation.” Id. (quoting Marengo Cnty., 731 F.2d at 1568-69); United States v. Dallas Cnty. Comm’n, 739 F.2d 1529, 1537 (11th Cir. 1984) (“Once lower socio-economic status of [B]lacks has been shown, there is no need to show the causal link of this lower status on political participation.”)).

(1) *Black voter participation*

The Court finds that, as a quantitative matter, Black voters participate less than white voters in Georgia’s elections. Pendergrass Plaintiffs’ expert, Dr. Collingwood, in evaluating Black and white voter turnout used the data from the Secretary of State’s website, which records the actual number of registrations and votes cast by racial group. Tr. 684:2–10.

Dr. Collingwood’s data shows that in the 2022 election cycle Black voters had a 45% turnout rate and white voters had a 58.3% turnout rate—a 13.3% gap. PX 6, 8. The 2020 election recorded similar results, where Black voter turnout was

60% and white voter turnout was 72.6%, a 12.6% difference. Id. By contrast in 2018 Black voter turnout was 53.9% and white voter turnout was 62.2%, which is only a 8.3% difference and 2012, which recorded the smallest gap, Black voters turned out at 72.6% and white voters turned out at 75.7%. Id. Using the precinct specific data, in 2020 white voters had a higher turnout in 79.2% of precincts and in 2022 that increased to 81.0%. PX 6, 14. Based on this data, Dr. Collingwood concluded that overall Black voter turnout has decreased over the last 6–8 years. Id.; Tr. 684:23–25.

Specifically, in the challenged district, Dr. Collingwood found that in the 2020 election, the percentage of Black voter turnout did not exceed the percentage of white voter turnout in any county.⁵⁸ In the counties affected most by the Illustrative Congressional Plan (Cobb, Fulton, Douglas, and Fayette), the percentage of white voter turnout exceeded the percentage of Black voter turnout. Id.; PX 6, 16.

⁵⁸ In 2022 the percentage of Black voter turnout slightly exceeded white turnout in Clayton, Henry, and Rockdale counties. PX 6, 16.

In addition to voter turnout rates, Dr. Collingwood provided statistical evidence that white voters had higher participation rates in the political process outside of casting a ballot more than Black voters. White voters had higher participation than Black voters in attending local political meeting (5.92% of white voters, 3.51% Black voters); putting up political signs (17.95% white voters, 6.46% Black voters), working for a candidate's campaign (3.65% white voters, 1.84% Black voters); contacting a public official (21.01% white voters, 8.84% Black voters), and donating money to political campaigns (24.36% white voters, 13.63% Black voters). PX 6, 36-37, tbls. 4-6, 8, 9; Tr. 700:6-701:20, 702:8-24. Some of these metrics present relatively comparable white voter participation and Black voter participation (i.e., attending local political meetings, working for political campaigns). Dr. Collingwood testified that under ordinary methods, these close percentages still are statistically significant.⁵⁹ Tr. 700:11-15. The Court credits Dr. Collingwood's conclusions and finds that white voters tend to engage more with the political process than Black voters across various metrics.

⁵⁹ Defendants did not rebut these findings regarding Black voter participation in the political process.

Defendants did not put forth rebuttal evidence contesting that Black voter participation in the political process was lower than white voters. Defendants also did not challenge or rebut the accuracy of Dr. Collingwood’s findings on voter turnout, but rather questioned whether they were sufficient to prove lower percentages of Black voter participation. Tr. 695:5–13; 700:6–704:10. Defendants argue that voter turnout depends on voter mobilization, which can be explained largely by the candidates on the ballot. See Tr. at 694:9–696:13. At the trial, Defendants questioned Dr. Collingwood about the significance of particular Black candidates appearing on the ballot—i.e., President Obama in 2012 and Stacy Abrams in 2018. Tr. 695:5–21. Dr. Collingwood agreed that the particular candidate on the ballot could have some effect. Tr. 695:5–21.

The Court understands Defendants argument to be that voter turnout is not suppressed because Black voters are actively *choosing not* to vote, unless an “exciting” candidate is running for office. To prove this point, Defendants cited to discrete elections of Black candidates where voter turnout was high for both

Black and white voters.⁶⁰ However, Defendants provide no empirical evidence to support this conclusion; rather, the only evidence on this point is a hypothetical question asked to Pendergrass Plaintiffs' expert. The Court is not persuaded by this argument.

Even assuming that Defendants' theory of voter mobilization could be a valid legal argument rebutting statistical evidence of suppressed Black voter turnout, Defendants submitted little-to-no evidence connecting lower Black voter turnout to a lack of motivation to vote. Some nonempirical testimonial evidence on cross examination that the candidates on a ballot impact voter turnout is insufficient to rebut the expert statistical evidence presented by Pendergrass Plaintiffs that Black voter turnout is, on the whole and across elections,

⁶⁰ To the extent that Defendants rely on the 2012 presidential election and the 2018 gubernatorial election because of the race of the candidate, the Court determines that the whole of the evidence does not support that the race of the candidate explains voter turnout. Specifically, in 2020, where the disparity in voter turnout was 12.6%, Senator Warnock was running for the U.S. Senate and became the first Black Senator in Georgia's history. Jud. Not., 11. Similarly, in 2022, where the disparity in voter turnout was 13.3%, Stacey Abrams ran for Governor and Senator Warnock ran against Herschel Walker for U.S. Senate. *Id.* In both of the 2020 election contests, Black candidates were at the top of the ballot, like in the 2012 and the 2018 elections, but turnout gap was greater than in the preceding election.

disproportionately lower than white voter turnout, and that Black voters participate less in the political process than white voters. Thus, the Court concludes that Pendergrass Plaintiffs submitted evidence that Black Georgians participate in the political process, both generally and in voter turnout, less than white voters.

(2) *Socio-economic disparities*

The Court also concludes that there is sufficient evidence in the Record to show disproportionate educational, employment, income level, and living conditions arising from past discrimination. Census estimates provide: the unemployment rate among Black Georgians (8.7%) is nearly double that of white Georgians (4.4%); white households are twice as likely as Black households to report an annual income above \$100,000; Black Georgians are more than twice as likely – and Black children, in particular, are more than three times as likely – to live below the poverty line; Black Georgians are nearly three times more likely than white Georgians to receive SNAP benefits; Black adults are more likely than white adults to lack a high school diploma (13.3% as compared to 9.4%); 35% of white Georgians over the age of 25 have obtained a bachelor’s degree or higher,

compared to only 24% of Black Georgians over the age of 25. PX 6, 4 & tbl.1; Stip. ¶ 342–347. Additionally, Black Georgians are more likely to report a disability than white Georgians (11.8% compared to 10.9%) and are more likely to lack health insurance (18.9% compared to 14.2%, among 19-to-64-year-olds). PX 6 at 4. Defendant did not meaningfully contest this evidence. Thereby, the Court concludes that this evidence is more than sufficient to show socioeconomic disparities exist between Black and white Georgians.

(3) Conclusion on Senate Factor Five

Under binding precedent, Pendergrass Plaintiffs have proven that rates of Black voter political participation are depressed as compared to white voters participation. The aforementioned evidence also shows that Black Georgians suffer from significant socioeconomic disparities, including educational attainment, unemployment rates, income levels, and healthcare access. When both of these showings have been made, the law does not require a causal link be proven between the socioeconomic status and Black voter participation. Wright,

979 F.3d at 1294 (citing Marengo Cnty. Comm’n, 731 F.2d at 1568).⁶¹ Accordingly, the Court concludes that the socioeconomic evidence and the lower rates of Black voter participation support a finding that Senate Factor Five weighs heavily in favor of a Section 2 violation.

e) **Senate Factor Six: racial appeals in Georgia’s political campaigns**

Senate Factor Six “asks whether political campaigns in the area are characterized by subtle or overt racial appeals.” Wright, 979 F.3d at 1296 (quoting Gingles, 478 U.S. at 45). Courts have continually affirmed district courts’ findings of “overt and blatant” as well as “subtle and furtive” racial appeals. Gingles, 478 U.S. at 40; see also Allen, 599 U.S. at 22–23. However, in the Alabama district court proceedings, which preceded the Allen appeal, the trial court had assigned less weight to the evidence of racial appeals because the plaintiffs had only shown three examples of racial appeals in recent campaigns, but did not submit

⁶¹ While not required as a matter of law, as a matter of social science, Dr. Collingwood’s report indicates that the academic literature “demonstrates a strong and consistent link between socioeconomic status [] and voter turnout.” PX 6, 7. He describes this link in terms of resources causally driving behavior. Id. At trial, Dr. Collingwood also testified to the same. Tr. 688:15–689:3.

“any systematic or statistical evaluation of the extent to which political campaigns are *characterized* by racial appeals” and thus the court could not evaluate if these appeals “occur frequently, regularly, occasionally, or rarely.” Singleton, 582 F. Supp. 3d at 1024.

Similarly here, the Court finds that there is evidence of isolated racial appeals in recent Georgia statewide campaigns.⁶² However, there is no evidence for the Court to determine if these appeals *characterize* political campaigns in Georgia. Thus, while Pendergrass Plaintiffs submitted at least six instances⁶³ in

⁶² None of the evidence of racial appeals occurred in congressional races.

⁶³ Pendergrass Plaintiffs have provided evidence of six racial appeals used in recent Georgia elections across the past few election cycles:

In the 2018 gubernatorial election, then-Secretary of State Kemp, (now twice-elected Governor) used a social media campaign to associate Stacey Abrams with the Black Panther Party and ran a commercial advertisement where he discussed rounding up illegal immigrants in his pickup truck. PX 4, 67; Tr. 1364:12–16.

In the 2020 U.S. Senatorial election, then-Senator Kelly Loeffler ran an ad against “a dangerous Raphael Warnock,” whose skin had been darkened, and who was also associated with communism, protests, and civil unrest. Tr. 1193:19–1195:5; APAX 31; APAX 2, 39.

In 2022, during the senatorial race between Senator Warnock and Herschel Walker, Mr. Walker ran an advertisement that aimed to distinguish “between the Black candidate and himself” as the Republican candidate, in order to “associate himself with

recent elections where racial appeals were invoked – which is some evidence of political campaigns being characterized by racial appeals – the Court cannot meaningfully evaluate whether these appeals “occur frequently, regularly, occasionally, or rarely” and thereby does not afford great weight to this factor. Singleton, 582 F. Supp. 3d at 1024.

f) Senate Factor Seven: minority candidate success

Senate Factor Seven “focuses on ‘the extent to which members of the minority group have been elected to public office in the jurisdiction.’” Wright, 979 F.3d at 1295 (quoting LULAC, 548 U.S. at 426). Unlike the second and third Gingles preconditions, the Court now must specifically look at the success of *Black* candidates, not just the success of Black preferred candidates. Assessing the

the white voter [and] mak[e] the Black candidate look menacing and problematic” Tr. 1198:1–1199:10; APAX 2, 43–44.

Also in 2022, in the Republican primary for governor, former Senator David Purdue stated in an interview, that Abrams was “demeaning her own race” and should “go back where she came from.” PX 4, 70 (citing Ewan Palmer, “David Perdue Doubles Down on ‘Racist’ Stacey Abrams Remarks in TV Interview,” *Newsweek*, (May 24, 2022), <https://www.newsweek.com/david-perdue-racist-stacey-abrams-go-back-georgia-1709429>). Later, in the general gubernatorial election, Governor Kemp darkened Abrams’s face in ads and repeatedly attacked Abrams in the general election as “upset and mad,” evoking the trope and dog whistle of the “angry Black Woman.” PX 4, 70.

results of Georgia's recent elections, the Court finds that Black candidates have achieved little success, particularly in majority-white districts.

As a population, Black Georgians have historically been and continue to be underrepresented by Black elected officials across Georgia's statewide offices. Georgia has never elected a Black governor (Stip. ¶ 349) and Black candidates have otherwise only had isolated success in statewide partisan elections in the last 30-years. Specifically, in 2000, David Burgess was elected Public Service Commissioner, in 2002 and 2006 Mike Thurmond was elected to Labor Commissioner, and in 1998, 2002, and 2006 Thurbert Baker was elected Georgia Attorney General.⁶⁴ Stip. ¶361. Most recently, after 230 years of exclusively white Senators, Senator Raphael Warnock was twice elected to U.S. Senate and in his most recent election he defeated a Black candidate. Jud. Not., 11. Finally, nine

⁶⁴ The Court takes judicial notice of the elections that each candidate successfully won. See Scott v. Garlock, 2:18-cv-981-WKW-WC, 2019 WL 4200400, at *3 n. 4 (M.D. Ala. July 31, 2019) (taking judicial notice of the publicly filed election results).

Black individuals have been elected to statewide nonpartisan office in Georgia.⁶⁵

Stip. ¶ 362.

In Georgia's congressional elections, only 12 Black candidates have ever been elected to the Congress. Tr. 1201:1-5. Five Black individuals serve in the United States House of Representatives from Georgia's current congressional districts. Stip. ¶ 359. Four of these Black congresspersons are elected in majority-Black districts. PX 1, K-1. The other Black Representative, Congresswoman Lucy

⁶⁵ The Court takes judicial notice of the following election results. Justice Robert Benham was elected to Georgia Court of Appeals in 1984 and was re-elected to the Georgia Supreme Court Justice five times following his 1989 appointment until his 2020 retirement. Justice Leah Ward-Sears was re-elected to the Georgia Supreme Court after her appointment in 1992 and served until her retirement in 2009. Justice Harold Melton was re-elected to the Georgia Supreme Court following his appointment in 2005 and served until his retirement in 2021. Justice Verda Colvin was appointed to the Georgia Supreme Court in 2021 and was re-elected in 2022. Judge John Ruffin was re-elected to the Georgia Court of Appeals following his appointment in 1994 and served until his retirement in 2008. Judge Clarence Cooper served as a judge on the Georgia Court of Appeals from 1990 until 1994 when he was appointed to the Northern District of Georgia. Judge Herbert Phipps was appointed to the Georgia Court of Appeals in 1999 and was re-elected twice before his retirement in 2016. Judge Yvette Miller was appointed to the Georgia Court of Appeal is 1999, has been re-elected since and continues to serve in this role. Judge Clyde Reese was appointed to the Georgia Court of Appeals in 2016 and was re-elected in 2018, where he served until his death in 2022.

McBath, represents Congressional District 7, which is a majority-minority district where the white voting age population is 32.78%.⁶⁶ PX 1, Ex. G.

In State legislative districts, the Georgia Legislative Black Caucus has only 14 members in the Georgia State Senate (25%) and 41 members in the Georgia House of Representatives (less than 23%).⁶⁷ Stip. ¶ 348. As shown Section II(C)(4)(f) *supra*, Pendergrass Plaintiffs' expert, Dr. Burton, submits a chart showing that in the 2020 and 2022 legislative elections, Black candidates had little-to-no success when they did not make up the majority of a district.⁶⁸ Specifically, Black candidates in the 2020 legislative elections did not have any success when they did not make up at least 45.1% of a House District or 53.8% of a Senate District.

⁶⁶ Congresswoman McBath first defeated white candidate Karen Handel in the 2018 Congressional District 6 election, in a district that had a white voting age population of 58.11%. Jud. Not., pp. 9–11; Stip. ¶ 167; PX 1, 64, Ex. F.

⁶⁷ The Enacted Senate Plan contains 14 majority-Black districts. Stip. ¶ 186; APAX 1, M-1. The Enacted House Plan contains 49 majority-Black districts. Stip. ¶¶ 183, 186, APAX 1, Z-1.

⁶⁸ The Court notes that Erick Allen was elected to Georgia House District 40 in 2018 and re-elected in 2020. Tr. 1012:2–12. House district 40 was not a majority-Black district in 2018 or 2020. Id.

Winning Candidates in 2020 in Georgia House of Representatives

Percentage white registered voters in district	White Republicans ¹⁹⁷	Black Democrats	White Democrats
Under 40%	0	48	7
40–46.2%	1	3	2
46.2–54.9	11	1	6
55–62.4%	23	0	5
Over 62.4%	68	0	0

Winning Candidates in 2020 in Georgia State Senate

Percentage white registered voters in district	White Republicans	Black Democrats	White Democrats
Under 47%	0	16	1
47–54.9%	3	0	3
Over 55%	51	0	0

PX 4, 56.

Although the Court finds that Black candidates have achieved some success in statewide elections following 2000, the Court nonetheless finds that this factor weighs heavily in favor of Pendergrass Plaintiffs. The Supreme Court in Gingles, when discussing the success of a select few Black candidates, cautioned courts in conflating the success of few as dispositive. Gingles, 478 U.S.

at 76 (“Nothing in the statute or its legislative history prohibited the court from viewing with some caution black candidates’ success in the 1982 election, and from deciding on the basis of all the relevant circumstances to accord greater weight to blacks’ relative lack of success over the course of several recent elections.”).

In short, since Reconstruction, Georgia has only elected *four* Black candidates in statewide partisan elections: Mike Thurmond, Thurbert Baker, David Burgess, and Raphael Warnock. Stip. ¶ 361. For statewide non-partisan elections, Georgia has elected nine successful Black candidates: Robert Benham, Leah Ward-Sears, Harold Melton, Verda Colvin, John Ruffin, Clarence Cooper, Herbert Phipps, Yvette Miller, Clyde Reese. Stip. ¶ 362. Georgia has sent twelve successful Black candidates to the U.S. House of Representatives. Tr. 1201:1–5. Currently, the Georgia Legislative Black Caucus has 55 members in the Georgia General Assembly (of 236 total members). Stip. ¶ 348.

The Court concludes that these isolated successes of Black candidates show that the Black population is underrepresented in Georgia’s statewide elected offices. This conclusion is even stronger in majority-white districts.

To be sure, Dr. Burton acknowledged, that some academic scholarship indicates “the future electoral prospects of African American statewide nominees in growth states such as Georgia are indeed promising.” Tr. 1470:2–24. The Court is likewise hopeful about the prospects of increased enfranchisement of all voters and for the potential success of minority candidates in Georgia. However, Dr. Burton also emphasized that, specifically in Georgia, dating back to Reconstruction, “when these things happen, then you get more legislation from whichever party is in power that works to sort of disenfranchise or at least dilute or make the vote count less.” Tr. 1470:12–24. The optimism about Georgia’s future elections does not rebut the contrary evidence of the present lack of success of Black candidates; accordingly, the Court finds that Senate Factor Seven weighs heavily in favor of finding a Section 2 violation.

g) Senate Factor Eight: responsiveness to Black residents

Senate Factor Eight considers whether elected officials are responsive to the particularized needs of Black voters. A lack of responsiveness is “evidence that minorities have insufficient political influence to ensure that their desires are considered by those in power.” Marengo Cnty. Comm’n, 731 F.2d at 1572. The

Eleventh Circuit noted that “although a showing of unresponsiveness might have some probative value a showing of responsiveness would have very little.” Id. Pendergrass Plaintiffs’ expert, Dr. Collingwood, discussed the existence of significant socioeconomic disparities between Black and white Georgians, which he concluded contributed to the lower rates at which Blacks engage their elected representatives. PX 5, 34, 37. He further explained, “such clear disadvantages in healthcare, economics, and education” demonstrates that “the political system is relatively unresponsive to Black Georgians.” Id. at 4; see also id. at 7 (“If the [political] system did respond, we would expect to see fewer gaps in both health and economic indicators and a reduction in voter turnout gaps.”); Tr. 675:14–24. Dr. Collingwood also testified that lower Black voter turnout “typically means that elected officials as a whole are going to be less responsive to you” and thus perpetuates “these same gaps [i]n [] economic, health, [and] educational outcomes.” Tr. 690:2–20.

The Court finds that the arguments regarding socioeconomic disparities are not particularly helpful in determining whether Georgia’s elected officials are responsive to Black Georgians. At the trial, a number of Pendergrass Plaintiffs’

lay witnesses testified about socioeconomic issues affecting Black voters, but also admitted that these issues are not exclusive to the Black population. Tr. 657:23–658:4; 1014:16–1015:4, 1016:1–8, 1016:18–24, 1016:25–1017:8; 639:24–640:25.

Ultimately, there is an absence of evidence regarding the level of responsiveness of Georgia’s elected representatives to Black voters and white voters. Due to the lack of evidence, the Court finds that Senate Factor Eight does not weigh in favor of finding a Section 2 violation. See Greater Birmingham Ministries, 992 F.3d at 1334 (finding that failure to consider amendments to a particular piece of legislation does not show that legislatures were unresponsive to the needs of minority voters).

h) Senate Factor Nine: justification for the Enacted Congressional Plan

The Court considers Defendants’ justification for the Enacted Congressional Plan and finds that this factor weighs in favor of Defendants and thus weights against finding a Section 2 violation. The “final Senate Factor considers whether the policy underlying Georgia’s use of the voting standard, practice, or procedure at issue is ‘tenuous.’” Rose v. Raffensperger, 619 F. Supp. 3d 1241, 1267 (N.D.2022) (quoting Senate Report at 29, 1982 USCCAN 207).

“Under our cases, the States retain a flexibility that federal courts enforcing § 2 lack . . . deference is due to their reasonable fears of, and to their reasonable efforts to avoid, § 2 liability.” Vera, 517 U.S. at 978.

At the trial, Ms. Wright testified that the Enacted Congressional Plan began with the creation of a blank map that largely balanced population that then could be modified based on input from legislators. Tr. 1665:2–1666:14. Ms. Wright also relied on information obtained from the public hearings on redistricting. Tr. 1668:24–1670:5. Political performance was an important consideration in the design of the Enacted Congressional Plan. Tr. 1668:20–23. In Enacted CD-6 specifically, Ms. Wright emphasized and explained that the four-way split of Cobb County was because Cobb County was better able to handle a split of a congressional district than a smaller nearby county. Tr. 1671:5–1672:4. She further testified that the inclusion of parts of west Cobb County in Enacted CD-14 was because of population and political considerations, namely putting a democratic area into District 14 instead of District 11 (which was more political competitive). Tr. 1673:6–1674:2.

The Court finds that Defendants' evidence that the Enacted Congressional Plan was drawn to further partisan goals is a sufficient, non-tenuous justification for this Senate Factor. The Supreme Court has held that partisan gerrymandering is outside of the reach of the federal courts and "[f]ederal judges have no license to reallocate political power between the two major political parties, with no plausible Grant of authority in the Constitution, and no legal standards to limit and direct their decisions." Rucho v. Common Cause, 588 U.S. ----, 139 S. Ct. 2484, 2507 (2019). Accordingly, the Court finds that Defendants' justification, supported by Ms. Wright's testimony, that the General Assembly drew the congressional plan to capitalize on a partisan advantage is sufficient for Senate Factor Nine to not weigh in favor of a Section 2 violation.⁶⁹

i) Proportionality

Finally, Defendants argued that Georgia's Black congressional delegation is proportional to Georgia's Black voting age population, which shows that

⁶⁹ Consistent with the operative legal standards, this factor must be accorded less weight to Senate Factor Nine in a Section 2 case given that Section 2 is an effects test and that a legislatures' intent in drawing map is irrelevant.

Georgia’s political process is equally open to Black voters. Tr. 52:16–17; 2392:12–2393:1. However, De Grandy, the Supreme Court expressly rejected proportionality as a safe harbor for Section 2 violations. De Grandy, 512 U.S. at 1017–18 (“Proportionality . . . would thus be a safe harbor for any districting scheme. The safety would be in derogation of the statutory text and its considered purpose, however, and of the ideal that the Voting Right Act of 1965 attempts to foster.”). De Grandy did find, however, that proportionality is helpful in determining the “apparent[]” political effectiveness, based solely on an analysis of district makeups. Id. at 1014.

According to the 2020 Census population statistics,⁷⁰ under the Enacted Congressional Plan, four of Georgia’s U.S. House Congressional districts are

⁷⁰ The Parties have stipulated to the data for the 2021 Enacted Plan contained in Dr. Cooper’s report at Exhibit K-1. See PX 1, Exs. K-1. Exhibit K-1 reflects the 2020 Census population statistics. PX 1 ¶¶ 38, 62. The Court notes that under the various data sets, the number of majority-Black districts fluctuates between 2 and 4 districts. Using the NH DOJ CVAP and total AP Black numbers there are four majority-Black districts. PX 1, Exs. G, K-1. However, using the AP BVAP percentages only two districts are majority-Black CD-4 (54.52%), CD-13 (66.75%). PX 1, Ex. K-1. Enacted CD-2 has an AP BVAP of 49.29% and CD-5 has an AP BVAP of 49.60%. Id.

majority-Black districts, using the total AP Black population. (CD- 2, 4, 5, 13) (or 28.6% of the congressional districts⁷¹) and one additional majority-minority district (CD-7) (for, a total of 5 majority-minority districts, which is 35.7% of the

District	18+ Pop	18+ SR Black	% 18+ SR Black	18+ AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
001	589266	157770	26.77%	166025	28.17%	39938	6.78%	440636	57.59%
002	587555	281564	47.92%	289612	49.29%	30074	5.12%	305611	39.94%
003	586319	130099	22.19%	136708	23.32%	31274	5.33%	492494	64.37%
004	589470	308266	52.30%	321379	54.52%	59670	10.12%	197536	25.82%
005	621515	295885	47.61%	308271	49.60%	41432	6.67%	273819	35.79%
006	574797	50334	8.76%	56969	9.91%	52353	9.11%	487400	63.70%
007	566934	157650	27.81%	169071	29.82%	120604	21.27%	225905	29.52%
008	585857	170421	29.09%	175967	30.04%	35732	6.10%	443123	57.91%
009	592520	56416	9.52%	61747	10.42%	76361	12.89%	495078	64.70%
010	588874	126798	21.53%	133097	22.60%	38336	6.51%	486487	63.58%
011	595201	98212	16.50%	106811	17.95%	66802	11.22%	469264	61.33%
012	588119	207872	35.35%	215958	36.72%	28628	4.87%	398843	52.13%
013	574789	370024	64.38%	383663	66.75%	60467	10.52%	125106	16.35%
014	579058	77108	13.32%	82708	14.28%	61247	10.58%	520854	68.07%
Total	8220274	2488419	30.27%	2607986	31.73%	742918	9.04%	5362156	65.23%

PX 1, Ex. K-1.

The Parties have stipulated that the 2021 Enacted Plan contains 3 majority-Black congressional districts in the Atlanta MSA. Stip. ¶ 162. Enacted CD-2 is not in the MSA, but according to the Census data in the aforementioned exhibits, has an AP Black population that exceeds 50%. See PX 1, Ex. K-1 (showing CD-2 with an AP Black of 51.39%) & Ex. G (showing CD-2 with a non-Hispanic Black population of 49.03%). For purposes of this Order, the Court will use the total AP Black statistics for determining whether a district is majority-Black, because these are the statistics that were seemingly contemplated in the Parties' stipulations.

⁷¹ 4/14 is approximately 28.6%.

congressional districts⁷²). See PX 1, Ex. K-1 (reproduced below). Thus, under the Enacted Congressional Plan, 28.57% of Georgia's Congressional Districts are

Georgia U.S. House -- 2020 Census -- Enacted Plan

District	Population	Deviation	% Deviation	AP Black	% AP Black	Latino	% Latino	NH White	% NH White
001	765137	1	0.00%	230783	30.16%	59328	7.75%	440636	57.59%
002	765137	1	0.00%	393195	51.39%	45499	5.95%	305611	39.94%
003	765136	0	0.00%	188947	24.69%	48285	6.31%	492494	64.37%
004	765135	-1	0.00%	423763	55.38%	88947	11.63%	197536	25.82%
005	765137	1	0.00%	392822	51.34%	56496	7.38%	273819	35.79%
006	765136	0	0.00%	78871	10.31%	78299	10.23%	487400	63.70%
007	765137	1	0.00%	239717	31.33%	181851	23.77%	225905	29.52%
008	765136	0	0.00%	241628	31.58%	54850	7.17%	443123	57.91%
009	765137	1	0.00%	87130	11.39%	117758	15.39%	495078	64.70%
010	765135	-1	0.00%	184137	24.07%	58645	7.66%	486487	63.58%
011	765137	1	0.00%	143404	18.74%	99794	13.04%	469264	61.33%
012	765136	0	0.00%	294961	38.55%	43065	5.63%	398843	52.13%
013	765137	1	0.00%	520094	67.97%	93554	12.23%	125106	16.35%
014	765135	-1	0.00%	118694	15.51%	97086	12.69%	520854	68.07%
Total	10711908		0.00%	3538146	33.03%	1123457	10.49%	5362156	50.06%

majority-Black and 35.71% are majority-minority, and 64.29% are majority-white.

Id.

The Black voting age population in Georgia is 31.73%, total minority voting age population is 47.18%, and the white voting age population is 52.82%. PX 1

⁷² 5/14 is approximately 35.7%. Conversely, with the added majority Black district in the Illustrative Congressional Plan, the proportion of majority-white districts drops to approximately 64.3% (i.e., 9 of 14 districts), which is closer to the proportion of the white population in Georgia (55.7%) (see PX 1 ¶ 18 & fig.2).

¶ 18, fig.2. Under the Enacted Congressional Plan, the only group that has representation that is equal to or exceeds their proportion of the State's population is white voters, who receive 64.29% of the districts, but only make up 55.7% of the electorate.

The Illustrative Congressional Plan, however, reaches near proportional representation. The addition of one majority-Black district brings the proportion of Black congressional districts to 35.7% (i.e., 5 of 14 congressional districts), which is close to the 33.3% AP Black voting age population in the State (PX 1 ¶ 18 & fig.2.). The additional Illustrative CD-6, moreover, brings the number of majority-minority congressional districts to 6, which is approximately 42.9% of the 14 congressional districts and close to the 44.3% of the total minority voting age population (PX 1 ¶ 18 & fig.2). And 57.14% of Georgia's congressional districts will be majority-white districts and close to the 52.82% of the total white voting age population. Id.

The Court understands that Defendants are arguing that the recent election of five Black Congresspersons to the U.S. House of Representatives (35.7% of Georgia's congressional delegation) is proportionate to the percentage of

Georgia's Black residents (33.03%); therefore, Georgia's political system is equally open to Black voters. As is clear from the text of Section 2, "nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in their population." 52 U.S.C. § 10301(b). Furthermore, it is abundantly clear that it is reversible error for the District Court to attempt to maximize the number of majority-minority districts. DeGrandy, 512 U.S. at 1000; Miller, 515 U.S. at 926–27. However, the existence of near proportional representation or a remedy that results in proportional representation, in and of itself, is not reversible error because "proportionality is not dispositive." DeGrandy, 512 U.S. at 1000; see also Allen, 599 U.S. at 26–30, 42 (affirming three-judge court's finding of a Section 2 violation, even though the remedy would result in proportional representation). Having considered the evidence provided in support of and to rebut the Senate Factors and after conducting a "careful[] and searching review [of] the totality of the circumstances," the Court finds that Black voters do not have equal access to the political process in the challenged area. DeGrandy, 512 U.S. at 1026 (O'Connor, J., concurring).

The Supreme Court recently confirmed that:

what must be shown to prove a § 2 violation[,] [] requires consideration of the totality of circumstances in each case and demands proof that the political processes leading to nomination or election in the State or political subdivision are not *equally open* to participation by members of a protected class *in that its members have less opportunity* than other members of the electorate to participate in the political process and to elect representatives of their choice.

Brnovich, 141 S. Ct. at 2332 (cleaned up) (emphasis in original). The Court has reviewed all of the evidence before it, and even with Georgia’s election of five Black congresspersons, the Black voters in the area of the challenged congressional districts do not have an equal opportunity to participate. As Justice O’Connor opined, “the presence of proportionality [does not] prove the absence of dilution.” DeGrandy, 512 U.S. at 1026.

This past summer, the Supreme Court was again confronted with the question of proportionality. Allen, 599 U.S. at 26–30. In Justice Thomas’s dissent, he opined that it is error to use proportionality as a benchmark for a Section 2 violation.” Allen, 599 U.S. at 71–73 (Thomas, J., dissenting). Justice Kavanaugh specifically addressed this issue and explained that Gingles “does not mandate a

proportional number of majority-minority districts.” Allen, 559 U.S. at 43 (Kavanaugh, J., concurring). Rather, a Section 2 violation occurs only when (1) the redistricting maps split the minority community and (2) a reasonably configured district could be drawn in that area. Id. He concluded that “[i]f Gingles required proportional representation, then States would be forced to group together geographically dispersed minority communities in unusually shaped districts. Id. That is not the case here, as is evidenced above, Illustrative CD-6 is more compact on objective measures than Enacted CD-6, and the district is in a relatively small area of the State. See Section II(C)(1)(b)–(c) *supra*.

Consistent with DeGrandy, Brnovich, and Allen, the Court finds that if there is sufficient evidence of minority voter dilution under the totality of the circumstances, taking into consideration the Senate Factors, then proportionality cannot immunize the State from a Section 2 challenge. In other words, proportionality is neither a benchmark for plaintiffs, nor a safe harbor for States.

Accordingly, the Court finds that proportionality neither weighs in favor of Defendants, nor weighs against finding a Section 2 violation.⁷³

j) **Demographic Changes**

Finally, the Court considers Georgia's demographic changes as part of its totality of the circumstances analysis. See Singleton, 582 F. Supp. 3d at 977. The greatest population growth since the last Decennial Census was in metro-Atlanta. PX 1 ¶ 25 & fig.4. More than half (53.27%) of the population increase in the counties included in Illustrative CD-6 results from the increased Black population. Id. ¶ 42 & fig.8. And, in all but Fulton County, the Black population accounts for most of the population changes. Id. The Enacted Congressional Plan does not account for the growth in the Black population in this area.

⁷³ Achieving proportional representation is not a factor to weigh against finding a Section 2 violation. De Grandy was evaluating proportionality under the Enacted Congressional Plan, not the remedial plan. Its statement that proportionality cannot prove a Section 2 case does not readily extend to say that achieving proportionality weighs *against* a Section 2 case. Id. at 1000. See Allen, 599 U.S at 26–30; see also id. at 71–73 (Kavanaugh, J., concurring).

Figure 8
Four-County Area: 2010 Census to 2020 Census Population and Black
Population Changes

	2020 Population	2020 Black Population	2010–2020 Population Change	2010–2020 Black Population Change	Black Population Change as Percentage of Total Change
Cobb	766,149	223,116	78,071	42,151	53.99%
Douglas	144,237	74,260	11,834	20,007	169.06%
Fayette	119,194	32,076	12,627	9,578	75.85%
Fulton	1,066,710	477,624	146,129	60,732	41.56%
Total	2,096,290	807,076	248,661	132,468	53.27%

PX 1 ¶ 42 & fig.8; Id. ¶ 43.

In Allen, the three-judge court noted that, over the past decade, the Black population grew by 6.53%, and the white population’s share of Alabama’s total population decreased by 3.92%. Singleton, 582 F. Supp. 3d at 977. The Black population’s growth in Georgia, as a whole, and in metro-Atlanta, specifically, is greater than the demographic changes in Alabama. In fact, during the same period, Georgia’s Black population grew by 15.84% and accounted for 5.00% percent of Georgia’s population growth, while the white population’s share of the State’s total population decreased by 5.82%. PX 1 ¶ 14 & fig.1. In metro-Atlanta alone, the Black population is responsible for 51.04% of Atlanta MSA’s

population growth, and their population share increased by 2.30%. PX 1 ¶ 30 & fig.5. Conversely, the white population in the Atlanta MSA decreased by 2.83%, their share of the population decreased by 7.08%. Id. Meaning, that the demographic shifts in Georgia – as a whole and in the area where the proposed majority-minority district is located – are greater than those in Alabama, where a Section 2 violation was found and affirmed.

Despite the growth in the Black population in the affected areas and the voter polarization between white and Black Georgians, see Section II(C)(2)(4)(c) *supra*, the Enacted Congressional Plan did not increase the number of majority-Black districts in the Atlanta metro area. By failing to do so, the Enacted Congressional Plan in effect dilutes and diminishes the Black population's voting power in that area of the State. Accordingly, the Court finds that the population changes in metro-Atlanta weigh heavily in favor of finding a Section 2 violation.

5. Conclusions of Law

The Court finds that the Pendergrass Plaintiffs have met their burden in establishing that (1) the Black community in the west-metro Atlanta metro area is sufficiently numerous and compact to constitute an additional majority-Black

district; (2) the Black community is politically cohesive; and (3) that the white majority votes as a bloc to typically defeat the Black-preferred candidate. The Court also finds that in evaluating the totality of the circumstances, Georgia's electoral system is not equally open to Black voters. Specifically, the Court finds that Senate Factors One, Two, Three, Five, and Seven weigh in favor of showing the present realities of lack of opportunity for Black voters. The Court also finds that Senate Factor Six weighs slightly in favor finding a Section 2 violations. Additionally, the growth of Georgia's Black population in metro-Atlanta while the white population decreased weighs in favor of a Section 2 violation.

Only Senate Factors Four, Eight⁷⁴ and Nine do not weigh in favor of finding a Section 2 violation. The Court also finds that proportionality does not weigh against finding a Section 2 violation.

In sum, the Court finds that the majority of the totality of the circumstances' evidence weighs in favor of finding a Section 2 violation. Because Pendergrass

⁷⁴ The Eleventh Circuit found that Senate Factor Eight is given little weight. Marengo Cnty. Comm'n, 731 F.2d at 1572. And the Court gives less weight to Senate Factor Nine because this is not an intentional discrimination case.

Plaintiffs have carried their burden of proof on all of the legal requirements, the Court concludes that SB 2EX violates Section 2 of the Voting Rights Act.

D. Legislative Districts

The Court will now discuss the State legislative districts (i.e., State Senate and State House districts). First, the Court will discuss the first Gingles precondition for all illustrative legislative districts. This portion of the Section is divided into different regions of the State (i.e., metro Atlanta, eastern Black Belt, Macon-Bibb, and southwest Georgia). For the regions where both the Alpha Phi Alpha Plaintiffs and the Grant Plaintiffs challenged districts, the Court will first make its findings as to all of the Alpha Phi Alpha illustrative districts and will then make findings as to all of the Grant illustrative districts. For the illustrative districts that survive the first Gingles precondition, the Court will then evaluate them under the second and third Gingles preconditions (Alpha Phi Alpha first and then Grant). For the illustrative districts that survive all three Gingles precondition, the Court will then turn and evaluate whether the political process is equally open to Black voters in those areas (again, Alpha Phi Alpha first and Grant second).

1. First Gingles Precondition

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in proving the first Gingles precondition in three of the proposed district in south-metro Atlanta (i.e., Cooper SD-17, SD-28, and HD-74). The Alpha Phi Alpha Plaintiffs have not met their burden in proving the first Gingles precondition in one of the House district in south-metro Atlanta, the districts in the Eastern Black Belt, in and around Macon-Bibb, or southwest Georgia (Cooper SD-23, HD-133, HD-117, HD-145, HD-171).

The Court finds that the Grant Plaintiffs have met their burden in proving the first Gingles precondition in the south-metro Atlanta Senate districts, two House districts in metro Atlanta, and two House districts in the Macon-Bibb region (i.e., Esselstyn SD-25, SD-28, HD-64, HD-117, HD-145, and HD-149). The Grant Plaintiffs have not met their burden in proving the first Gingles precondition as to the proposed district in the eastern Black Belt, or one proposed district in south-metro Atlanta (Esselstyn SD-23, HD-74).

a) Racial predominance

The Court begins its discussion of the illustrative districts by finding that race did not predominate in the drawing of either the Cooper or Esselstyn

Legislative Plans. In a Section 2 case “the question [of] whether additional majority-minority districts can be drawn . . . involves a ‘quintessentially race-conscious calculus.” Allen, 599 U.S. at 31 (plurality opinion) (quoting DeGrandy, 512 U.S. at 1020). “The line that [has] long since [been] drawn is between consciousness and predominance.” Id. at 33 (plurality opinion). Race does not predominate when a mapmaker “adhere[s] . . . to traditional redistricting criteria,” testifies that “race was not the predominate factor motivating his design process,” and explains that he never sought to “maximize the number of majority-minority” districts. Davis, 139 F.3d at 1426.

Both Mr. Cooper and Mr. Esselstyn testified at the trial and preliminary injunction that they were aware of race when drawing their illustrative legislative plans, but that race did not outweigh any of the other traditional redistricting principles. See Tr. 108:4–11 (Mr. Cooper testifying that he is “aware of [race], but it didn’t control how these districts were drawn); Tr. 522:5–14 (“I’m constantly looking at the shape of the district, what it does for population equality, . . . political subdivisions, communities of interest, incumbents, all that. So while yes, at time [race] would have been used to inform a decision, it was one

of a number of factors.”); Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1244 (crediting Mr. Cooper’s testimony that race did not predominate when he drew his illustrative maps); id. at 1245–46 (crediting Mr. Esselstyn’s testimony that race was but one factor he considered when drawing his illustrative maps). The Court again finds that Mr. Cooper and Esselstyn testified credibly that race did not predominate when they drew their illustrative legislative plans. Accordingly, the Court finds that race did not predominate in the creation of the Cooper Legislative Plan or the Esselstyn Legislative Plan.

The Court will now determine whether the Black community is sufficiently numerous and compact in each of the proposed legislative districts.

b) Metro Atlanta region

(1) Alpha Phi Alpha

(a) numerosity

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in showing that the Black voting age population in metro Atlanta is large enough to create two additional majority-Black Senate districts and two majority-Black House districts in south-metro Atlanta. “[A] party asserting § 2 liability must

show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.” Bartlett, 556 U.S. at 20.

It is undisputed that Cooper SD-17 and SD-28 have an AP BVAP of 62.55% and 51.32%, respectively, both of which exceed the 50% threshold required by Gingles. APAX 1, Ex. O-1. It is also undisputed that Cooper HD-74, and HD-117 have an AP BVAP of 61.49% and 54.64%, respectively. APAX 1, Ex. AA-1.

Based on these numbers, the Court finds that the Alpha Phi Alpha Plaintiffs have met their burden with respect to the numerosity prong of the first Gingles precondition in all additional majority-Black districts that Mr. Cooper proposed in metro Atlanta (i.e., SD-17, SD-28, HD-74, and HD-117).

(b) Compactness

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden to show that the minority community is sufficiently compact to warrant the creation of two additional majority-Black State Senate (Cooper SD-17 and SD-28) and one majority-Black House district (Cooper HD-74) in south-metro Atlanta.

The standards governing the compactness inquiry for these additional districts is the same as the compactness inquiry in the Pendergrass case. See

Section II(C)(1)(b) *supra*. The Court must consider if the illustrative proposed districts adhered to traditional redistricting principles, namely: population equality, contiguity, empirical compactness scores, the eyeball test for irregularities and contiguity, respecting political subdivisions, and uniting communities of interest. See id.

i) Cooper SD-17

The Court finds that Cooper SD-17 is reasonably compact. The Court notes that Cooper SD-17 is in the same area as Enacted SD-17. APAX 1 ¶ 104 (“a majority-Black Senate District 17 can be drawn in the vicinity of 2021 Senate District 17”).

((a)) empirical measures

((1)) *population equality*

The Court finds that Cooper SD-17 is not malapportioned. See Reynolds v. Sims, 377 U.S. 533, 577 (1964) (requiring “an honest and good faith effort to construct districts . . . of nearly equal population as practicable.”); Brown v. Thomson, 462 U.S. 835, 842 (1983) (finding “minor deviations” do not violate the Fourteenth Amendment). The General Assembly’s “General Principles for Drafting Plans” specifies that “[e]ach legislative district . . . should be drawn to

achieve a total population that is substantially equal as practicable.” Stip. ¶ 135; JX 2, 2.

The ideal population size of a State Senate district is 191,284. Stip. ¶ 277. The General Assembly did not enumerate a specific deviation range that is acceptable for the State Senate districts. However, relying on the Enacted Senate Plan as a rough guide, an acceptable population deviation range is between -1.03% and +0.98% is acceptable. APAX 1, Ex. M-1. Cooper SD-17 has a population deviation of +0.002%, which is 35 people from perfect correlation. APAX 1, Ex. O-1. Cooper SD-17 achieves better population equality than Enacted SD-17, which has a population deviation of +0.67%. APAX 1, Ex. M-1. Thus, the Court finds that Cooper SD-17 achieves population equality that is consistent with the General Assembly’s Redistricting Guidelines and traditional redistricting principles.

((2)) contiguity

The Parties stipulated that Cooper SD-17 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper SD-17 complies with the traditional redistricting principle of contiguity.

((3)) compactness scores

The Court finds that Cooper SD-17 is more compact than Enacted SD-17. In reaching this conclusion, the Court, as it did in the Pendergrass case, looks to the objective compactness scores of the Polsby-Popper and the Reock indicators.

Using the Reock measure, Cooper SD-17 is 0.37 compared with Enacted SD-17, which is 0.35. GX 1, Attach. H. As such, Cooper SD-17 is 0.02 points more compact under the Reock indicator. When using the Polsby-Popper measure, Cooper SD-17 is 0.17 as is the Enacted SD-17, i.e., the two districts have identical Polsby-Popper scores. Id. Hence, the Court finds that on the empirical compactness measures, Cooper SD-17 fares better than or is identical to Enacted SD-17. Accordingly, the Court finds that Cooper SD-17 is slightly more compact when compared to Enacted SD-17.

**((4)) political
subdivisions**

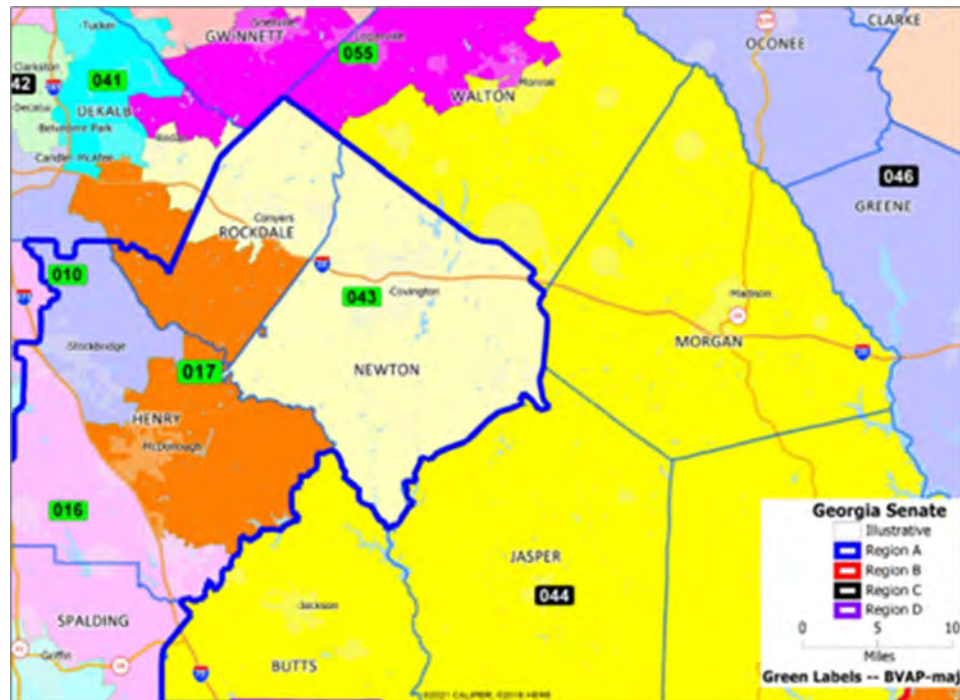
The Court also finds that Cooper SD-17 generally respected political subdivisions. That proposed district consists of portions of DeKalb, Henry, and Rockdale Counties. APAX 1 ¶ 105 & fig.17D. Enacted SD-17 also split three counties—Henry, Newton and Rockdale. APAX 1 ¶ 102 & fig.17C. Thus, the

Court finds that both Cooper SD-17 and Enacted SD-17 split the same number of counties. Although the county splits remain the same, the Court notes that Cooper SD-17 splits more VTDs (4) than Enacted SD-17 (none). APAX 1, Exs. T-1, T-3. There was no testimony that Cooper SD-17 split municipalities, even though there was testimony regarding the municipalities that were included in the district, such as McDonough in Henry County and Stonecrest in DeKalb County. Tr. 117:5–11.

Although Cooper SD-17 splits more VTDs, the Court finds that generally, SD-17 respects political subdivisions because he split the same number of counties and seemingly kept municipalities intact.

((b)) eyeball test

The Court finds that Cooper SD-17 is visually compact under the eyeball test:



APAX 1 ¶ 105 & fig.17D.

Moreover, using the mapping tool provided by Mr. Esselstyn, the Court finds that the district at its most distant points is less than 30 miles in length. Id. Cooper SD-17 has no appendages or tentacles. Id. And there is no contrary evidence or testimony in the Record. In fact, Mr. Morgan testified that Cooper SD-17 is “geographically more compact in the sense that it doesn’t go quite the distance as the enacted District 17 . . . [g]eographically, generally, yes, it appears more compact.” Tr. 2027:11–24. Accordingly, the Court finds that Cooper SD-17 is visually compact.

((c)) communities of interest

The Court finds that Cooper SD-17 respects communities of interest. Cooper SD-17 includes neighboring parts of south DeKalb, Henry, and Rockdale Counties, connecting the nearby communities of Stonecrest, Conyers, and McDonough. APAX 1, 45-6 ¶¶ 104-5 & fig.17D. Both Cooper SD-17 and Enacted SD-17 overlap in and around McDonough in Henry County. Id. at 44, 46.

Mr. Cooper testified that he is familiar with this area of Georgia because he has drawn districting maps for Henry County before, dating back to 1991 and most recently in the 2018 Dwight v. Kemp case. Tr. 116:12-24. He also testified that the communities in Cooper SD-17 are primarily suburban or exurban. Tr. 116:6-8. And, the distance between the portions of the district in south DeKalb and south Henry Counties are probably a 10-minute drive from one another. Tr. 231:14-20. Furthermore, he testified that in configuring the district in this manner, he was able to keep Newton County, whole (rather than split it, as the Enacted Senate Plan does) and include it in Cooper SD-43, which is compact and majority-Black. APAX 1, 48 & fig.17F.

Moreover, Mr. Cooper examined ACS data showing that the counties included in Cooper SD-17 share certain socioeconomic characteristics, such as similar educational attainment rates among Black residents in Henry, Rockdale, and DeKalb Counties. APAX 1 ¶¶ 127-128 & Ex. CD at 21-22.

The testimony of Mr. Lofton, who lives in McDonough, bolsters Mr. Cooper's testimony. Mr. Lofton testified regarding the interconnectedness of the different counties in south-metro Atlanta, including competing against one another in sports. Tr. 1306:23-25 ("I visited Rockdale even from high school. We used to compete against Rockdale County Heritage High School when I was in high school. We were [in] the same region."). Mr. Lofton testified about the similarities and connections between DeKalb, Stonecrest, Conyers and McDonough. Tr. 1308:16-22 (discussing the "major thoroughfares" connecting DeKalb, Rockdale, and Henry Counties that people drive up and down "all day."); Id. at 1308:23-1309:8 (discussing travelling between McDonough, Stonecrest, Conyers, and Covington for shopping and dining "because they're not terribly far out of the way."). He also testified that Henry, Rockdale, and

DeKalb Counties are getting more diverse and “on par” with one another. Id. at 1298:16-20, 1306:16-1307:8, 1308:4-7.

In sum, the Court finds that Cooper SD-17 is a small district contained wholly within metro Atlanta, unlike the districts in LULAC and Miller. There was extensive testimony from Mr. Cooper and a resident of McDonough about the interrelatedness of the communities in the district. Furthermore, Mr. Cooper’s report details the shared socio-economic characteristics of the voters living in the district. In all the Court finds that this testimony shows that the district preserves existing communities of interest.

((d)) conclusions of law

The Court determines that the Alpha Phi Alpha Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Cooper SD-17 to constitute an- additional majority-Black district. The Court finds that Cooper SD-17 complies with the traditional redistricting principles of population equality, contiguity, compactness, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain

any appendages or tentacles. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have carried their burden in meeting the first Gingles precondition in the area contained in Cooper SD-17.

ii) Cooper SD-28

The Court finds also that the Alpha Phi Alpha Plaintiffs have shown that it is possible to draw an electoral district consistent with traditional redistricting principles in the area encompassed by Cooper SD-28. As an initial note, Mr. Cooper explained that Cooper SD-28 is in the same general area as, and correlates with, Enacted SD-16. APAX 1 ¶ 99 (“a majority-Black District 28 [] can be drawn in the vicinity of 2021 Senate District 16”).

((a)) empirical measures

((1)) *population equality*

The Court finds that Cooper SD-28 achieves relative population equality. As stated above, the General Assembly did not enumerate a specific acceptable deviation range for the State Senate Districts. However, relying on the Enacted Plan as a guide, a population deviation range between -1.03% and +0.98% is acceptable. APAX 1, Ex. M-1. In comparison, Cooper SD-28 has a population deviation of -0.73%, which is within range of the population deviations in the

Enacted Senate Plan. APAX 1, Ex. O-1. The Court finds that Cooper SD-28 is consistent with the General Assembly's Redistricting Guidelines, and traditional redistricting principles.

((2)) *contiguity*

The Parties stipulated that Cooper SD-28 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper SD-28 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds Cooper SD-28's compactness scores are within the range of compactness scores found in the Enacted Senate Plan. APAX 1, Exs. S-1, S-3. Cooper SD-28 and Enacted SD-16 have identical Reock scores of 0.37. Enacted SD-16 is more compact on the Polsby-Popper measure with a score of 0.31, while Cooper SD-28 has a Polsby-Popper score of 0.18. APAX 1, Exs. S-1, S-3.

Although Enacted SD-16 is more compact on the Polsby-Popper measure, Cooper SD-28 is within the range of compactness scores found in the Enacted Senate Plan. Specifically, the Enacted Senate Plan has a minimum Polsby-Popper score of 0.13. APAX 1, Ex. S-3. Cooper SD-28's Polsby-Popper score (0.18) exceeds the minimum threshold Polsby-Popper score found in the Enacted Senate Plan.

Id. Accordingly, the Court finds that Cooper SD-28 falls within the range of compactness scores found in the Enacted Senate Plan and therefore constitutes a compact district for purposes of the first Gingles precondition.

((4)) *political
subdivisions*

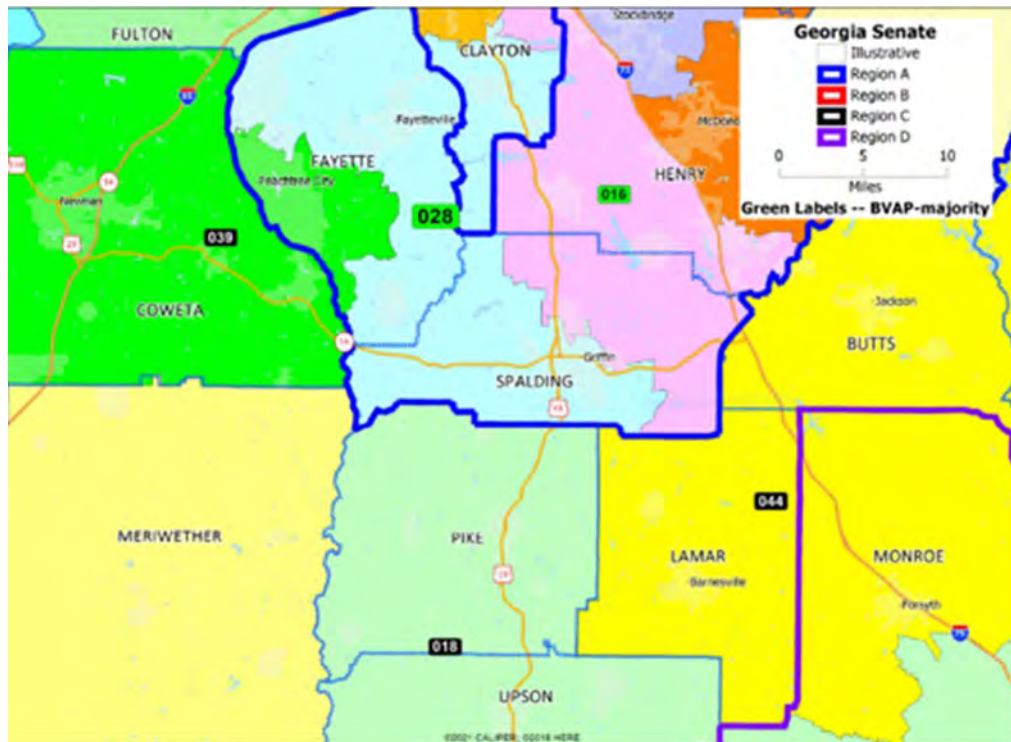
The Court finds that Cooper SD-28 generally respects political subdivisions. The Court notes that Cooper SD-28 does have more political subdivision splits than Enacted SD-16. Cooper SD-28 contains portions of Fayette, Spalding, and Clayton Counties, resulting in three county splits. APAX 1 ¶ 99. Enacted SD-16 splits only Fayette County, and keeps Spalding, Pike, and Lamar Counties whole. Additionally, Cooper SD-28 splits two VTDs, whereas Enacted SD-16 splits none. APAX 1, Exs. T-1, T-3. Mr. Cooper testified, “[y]ou can see that I separated or made the boundary for District 28, which is the new majority Black district, following the municipal lines of Griffin, which can be kind of odd shaped in places.” Tr. 114:4-7; APAX 11, at 41 ¶ 99 & fig.17B; see also Id. Ex. T-1 (listing a single split VTD in Fayette County and one in Spalding County).

Although those increased splits do exist, Mr. Cooper testified that he was able to keep municipalities whole. Specifically, when drawing these districts, he

was able to keep the city of Griffin wholly within Cooper SD-28 and Peachtree City was kept wholly within Cooper SD-39. APAX 1 ¶ 99 & fig.17A; Tr. 114:1-7, 238:4-7. Mr. Cooper explained that some of his mapping decisions, were made to comply with population equality. See Tr. 238:23-239:3 (“once you pick up Griffin and some of the area between Spalding and Fayetteville, there’s a lot of population as you approach Fayetteville. So, from one person one voter standpoint you could not include Peachtree City in District 28.”). The Court credits Mr. Cooper’s testimony regarding decisions for drawing boundary lines. Therefore, the Court finds that Cooper SD-28 respects political subdivisions.

((b)) eyeball test

The Court finds that Cooper SD-28 is visually compact under the eyeball test:



APAX 1 ¶ 99 & fig.17A.

Using the mapping tool, the Court finds that at its most distant points, Cooper SD-28 is approximate 30 miles long. *Id.* Mr. Morgan testified that north to south the district is 24 miles long. Tr. 1982:7–12. Cooper SD-28 does not contain any tentacles or appendages. Mr. Cooper also testified that when looking at the district, one can see that “[t]he towns and cities are – suburbs are all very close together.” Tr. 113:18–21. The Court agrees with Mr. Cooper’s assessment, the district itself visually encompasses a small geographic area. Defendant submits

no evidence or testimony in the Record suggesting that Cooper SD-28 is not visually compact. See generally DX 1; Tr. 1896:13-23. Accordingly, the Court concludes that Cooper SD-28 is visually compact.

((c)) communities of interest

Mr. Cooper testified that the areas of Fayette and Spalding County that he included in Cooper SD-28 are growing, becoming more diverse and suburban, and thus more similar to Clayton County. Tr. 113:6-114:18; see also Tr. 242:15-24. He noted that these parts of Spalding and Fayette Counties are experiencing population growth and change as well as suburbanization, which warranted grouping them with Clayton County. Tr. 113:6-114:18. Moreover, he explained that the areas he connected are similarly suburban and exurban in nature, in comparison to the more rural and predominantly white Pike and Lamar Counties, which were not included in Cooper SD-28. Tr. 113:24-25 (“Yes. This area is predominantly a suburban/exurban. So the area matches up socioeconomically, I believe.”).

Mr. Cooper also explained why it made sense to not include western Fayette County in Illustrative District 28, highlighting the differences between Peachtree City and Griffin. Tr. 114:19-115:5

THE COURT: What are the commonalities of the people in Griffin and Peachtree City?

THE WITNESS: Well, the -- Griffin and Peachtree City are quite different, frankly.

THE COURT: They are.

THE WITNESS: Peachtree City is predominantly white. Just kind of sprung up there I think in the 1980s. They drive around in golf carts. I mean, that's --.

THE COURT: Yeah.

THE WITNESS: Yeah. And so it doesn't really fit with Griffin exactly, which is one of the reasons why I didn't include it in District 28. It is the western part of Fayette County.

Tr. 1311:21-1312:13.

Additionally, Mr. Cooper examined ACS data showing that the counties included in Cooper SD-28—namely, Fayette, Spalding, and Clayton—share socioeconomic commonalities. Specifically, Fayette, Spalding, and Clayton Counties share certain socioeconomic characteristics, as all have a relatively high proportion of Black residents in the labor force. APAX 1, at 56 ¶ 125, Ex. CD, at 53-55.

The testimony of Mr. Lofton, a lifelong metro Atlantan, and a long-time resident of Henry County with connections in Fayette, Clayton, and DeKalb Counties, was consistent with Mr. Cooper's. Mr. Lofton attested to the interconnectedness of the communities included in Cooper SD-28. For example, as Mr. Lofton explained, if you visit shopping centers in Griffin you will see Fayette and Clayton car tags. Tr. 1302:9-11. Mr. Lofton also testified that areas covered by Cooper SD-28 share common places of worship and that Black communities in the area share certain socioeconomic characteristics, like similar educational attainment. Id. at 1309:25-1310:9. Gina Wright, who testified that she was familiar with the area, agreed that the area of South Clayton County that is included in Cooper SD-28 is suburban. Id. at 1685:2-20.

Thus, the Court finds that Cooper SD-28 is a small district contained wholly within metro Atlanta and has no resemblance to the districts in LULAC and Miller. Mr. Cooper testified extensively about the communities that are contained within the district, the shared socio-economic factors, and the characteristics that unite them. Additionally, Mr. Lofton, with his lifelong experience as a resident in the area, explained how the communities interact with

one another. The Court finds that the size of the district coupled with the witness testimony shows Cooper SD-28 preserves communities of interest.

((d)) conclusions of law

The Court finds that the Alpha Phi Alpha Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Cooper SD-28 to constitute an additional majority-Black district. The Court finds that Cooper SD-28 complies with the traditional redistricting principles of population equality, contiguity, compactness, respect for political subdivisions, and preservation communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have carried their burden on the first Gingles precondition in the area encompassed by Cooper SD-28

iii) Cooper HD-74

The Court finds that Cooper HD-74 is reasonably compact. The Court notes that Cooper SD-17 is in the area of Enacted HD-74. APAX 1 ¶ 162.

((a)) empirical measures

((1)) *population equality*

The Court finds that Cooper HD-74 is not malapportioned. See Reynolds, 377 U.S. at 577 (requiring “an honest and good faith effort to construct districts . . . of nearly equal population as practicable.”); Brown, 462 U.S. at 842 (finding “minor deviations” are not violative of the Fourteenth Amendment). The General Assembly’s “General Principles for Drafting Plans” specifies that “[e]ach legislative district . . . should be drawn to achieve a total population that is substantially equal as practicable.” Stip. ¶ 135; JX 2, 2.

The ideal population size of a State House District is 59,511. Stip. ¶ 278. The General Assembly did not enumerate the deviation range for State House Districts. However, relying on the Enacted House Plan as a rough guide, a population deviation range between -1.40% and +1.34% is acceptable. APAX 1, Z-1. Cooper HD-74 has a population deviation of +0.78%. APAX 1, Ex. AA-1. Cooper HD-74 achieves better population equality than Enacted HD-74, which has a population deviation of -0.93%. APAX 1, Ex. M-1. Thus, the Court finds that Cooper HD-74 achieves population equality that is consistent with the General Assembly’s Redistricting Guidelines and traditional redistricting principles.

((2)) contiguity

The Parties stipulated that Cooper HD-74 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper HD-74 complies with the traditional redistricting principle of contiguity.

((3)) compactness scores

The Court finds that Cooper HD-74 is more compact than Enacted HD-74. In reaching this conclusion, the Court, as it did in the Pendergrass case, looks at the objective compactness scores of the Polsby-Popper and Reock measures.

Using the Reock indicator, Cooper HD-74 measures 0.63 as compared to Enacted HD-74 which measures 0.50. APAX 1, Exs. AG-1, AG-2. This means that on the Reock measure, Cooper HD-74 is 0.13 points more compact than Enacted HD-74. Id. Using the Polsby-Popper measure, Cooper HD-74 has an 0.11 compactness advantage: Cooper HD-74 is 0.36 and Enacted HD-74 is 0.25. Id. Hence, the Court finds that on the empirical compactness scores, Cooper HD-74 fares better than Enacted HD-74.

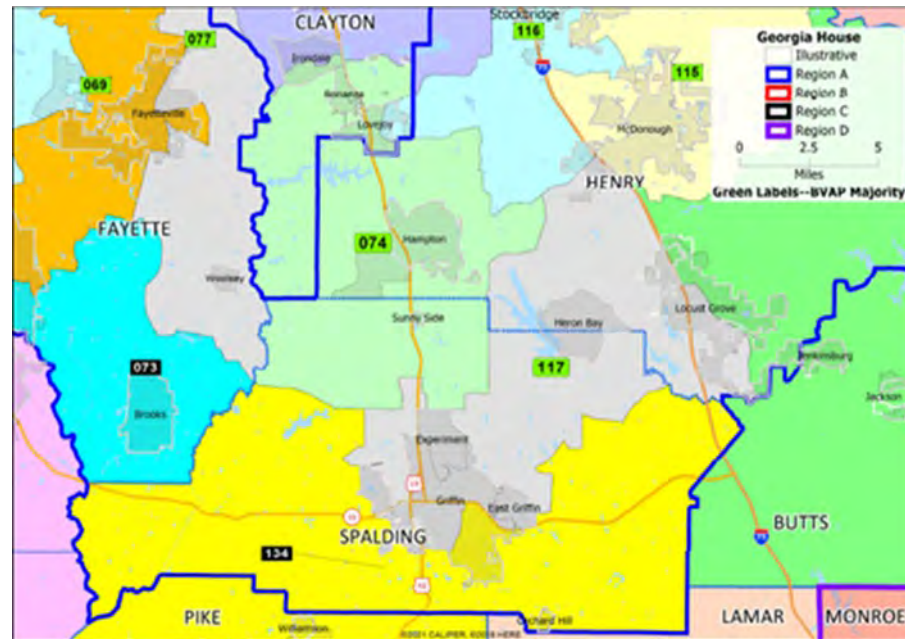
Accordingly, the Court finds that Cooper HD-74 is more compact when compared to Enacted HD-74.

**((4)) *political
subdivisions***

The Court also finds that Cooper HD-74 exhibits respect for political subdivisions more so than Enacted HD-74. Cooper HD-74 consists of portions of Clayton, Henry and Spalding Counties. APAX 1 ¶ 164 & fig.29. Enacted HD-74 also split three counties – Fayette, Harris, and Spalding. APAX 1 ¶ 162 & fig.28. Yet Cooper HD-74 split fewer VTDs than Enacted HD-74. Enacted HD-74 split five VTDs while Cooper HD-74 split only two. APAX 1, Exs. AH-1, AH-3. There is no testimony or opinion that Cooper HD-74 split municipalities. In fact, Mr. Morgan, Defendant’s mapping expert, agreed that it includes the “panhandle of Clayton, which is not included in the enacted District 74.” Tr. 2049: 10–12. Thus, the Court finds that Mr. Cooper respected political subdivisions when drawing Cooper HD-74.

((b)) eyeball test

The Court finds that Cooper SD-17 is visually compact under the eyeball test:



APAX 1 ¶ 164 & fig.29.

Using the mapping tool provided by Mr. Esselstyn, the Court finds that the district at its most distant points is less than 15 miles in length. *Id.* Cooper HD-74 has no appendages or tentacles. *Id.* Mr. Cooper testified that the district “couldn’t be more compact.” Tr. 122:18. And, Mr. Morgan testified that Cooper HD-74 is “a smaller geographic area and it contains the panhandle of Clayton, which is not included in the enacted District 74.” Tr. 2027:11–24. The Court agrees with both mapping experts, Cooper HD-74 is a very compact district, visually. Accordingly, the Court finds that Cooper HD-74 passes the eyeball test.

((c)) communities of interest

The Court finds that Cooper HD-74 respects communities of interest. Cooper HD-74 unites nearby, adjacent communities on either side of the line between south Clayton and Henry Counties. APAX 1 ¶ 198. As Mr. Cooper testified, “the distance[] there to get from one part of the district to the other are . . . maybe a 20-minute drive at most, unless you’re going during rush hour traffic or something.” Tr. 272:24-273:2.

Mr. Cooper testified that the communities included in the district are “largely suburban” in nature. Tr. 273:17-22. Consistent with that, Mr. Cooper’s examination of the ACS data shows that the counties included in Cooper HD-74 share a similar proportion of population in the labor force (71.0%, 58.2%, and 69.5% respectively). APAX 1 ¶ 198. Mr. Lofton’s testimony was consistent, testifying that Black communities in south-metro Atlanta are “middle class, upper middle class, professional, college educated. A lot of families, single families.” Tr. 1309:25-1310:4.

The Court finds that Cooper HD-74 complies with the traditional redistricting principle of preserving communities of interest. Defendant’s expert

admitted that Mr. Cooper's district is geographically compact. This district in no way resembles the districts in Miller and LULAC that stretched across large swaths of their respective States. There is un rebutted testimony that the voters in this area have similar socio-economic characteristics. Accordingly, the Court finds that Cooper HD-74 complies with the traditional redistricting principle of preserving communities of interest.

((d)) conclusions of law

The Court determines that the Alpha Phi Alpha Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Cooper HD-74 to constitute an additional majority-Black district. The Court finds that Cooper HD-74 complies with the traditional redistricting principles of population equality, contiguity, compactness scores, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have carried their burden in meeting the first Gingles precondition as to the area contained in Cooper HD-74.

iv) Cooper HD-117

The Court next finds that the Alpha Phi Alpha Plaintiffs have not shown that it is possible to draw an electoral district consistent with traditional redistricting principles in the area encompassed by Cooper HD-117. As an initial note, Mr. Cooper explained that Cooper HD-117 is in the same general area, and correlates with, Enacted HD-117. APAX 1 ¶ 165 (“another majority-Black House District can be drawn around where District 117 in the 2021 House Plan is drawn”).

((a)) empirical measures

((1)) *population equality*

The Court finds that Cooper HD-117 is not malapportioned. As stated above, the General Assembly did not enumerate the deviation range for the State Senate Districts. However, using the Enacted House Plan as a guide a population deviation range of $\pm 1.40\%$ is acceptable. Stip. ¶ 302. In comparison, Cooper SD-28 has a population deviation of -1.38% , which is within the deviation found in the Enacted House Plan. APAX 1, Ex. AA-1. The Court does note that Enacted HD-117 has a lower population deviation-- $+1.04\%$. The population deviation of Cooper HD-117 is higher than its enacted corollary, and it is barely within the

range of population deviations approved by the Georgia General Assembly when it passed the Enacted House Plan. Although the Court finds that Cooper HD-117 is not malapportioned, the Court also finds that it respects the traditional redistricting principle of population equality less than Enacted HD-117.

((2)) *contiguity*

The Parties stipulated that Cooper HD-117 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper HD-117 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds Cooper HD-117's compactness scores are either identical or very close to the compactness scores found in the Enacted House Plan. APAX 1, Exs. AG-1, AG-2. Cooper HD-117 and Enacted HD-117 have identical Reock scores of 0.41. Id. Enacted HD-117 is slightly more compact on the Polsby-Popper measure with a score of 0.28 while Cooper HD-117 has a Polsby-Popper score of 0.26. APAX 1, Exs. AG-2, AG-3. In sum, , the districts have identical Reock scores, but Enacted HD-117 is slightly more compact on the Polsby-Popper measure.

Despite a disadvantage of 0.02 points on the Polsby-Popper measure, Cooper HD-117 is well within the range of compactness scores of the Enacted

House Plan. Specifically, the Enacted Senate Plan has a minimum Polsby-Popper score is 0.10. APAX 1, Ex. AG-2. Cooper HD-117's Polsby-Popper score (0.26) far exceeds the lowest threshold Polsby-Popper score found in the Enacted House Plan. Id. Accordingly, the Court finds that Cooper HD-117 has identical or near identical compactness scores as Enacted HD-117, and Cooper HD-117 falls comfortably within the range of compactness scores in the Enacted House Plan. Therefore, Cooper HD-117 constitutes a compact district for purposes of the first Gingles precondition.

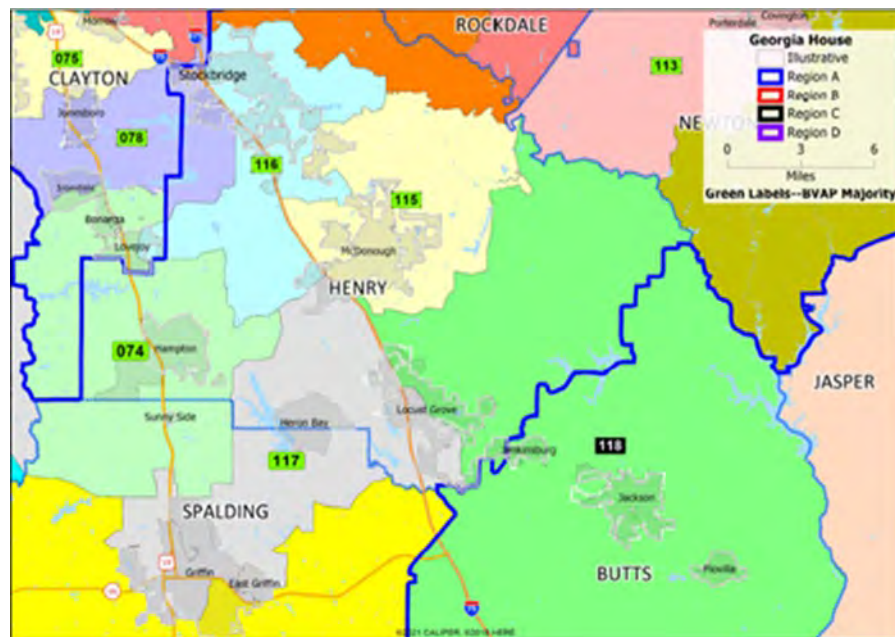
((4)) *political
subdivisions*

In considering respect for the preservation of political subdivisions, Cooper HD-117 fares worse than Enacted HD-117. For example, Cooper HD-117 has more political subdivision splits than Enacted HD-117. Both districts split Henry and Spalding Counties. APAX 1 ¶ 165 & fig.29A; ¶ 167 & fig.29C. But, Cooper HD-117 splits six VTDs, while Enacted HD-117 splits only one. APAX 1, Exs. AH-1, AH-3. Mr. Cooper testified, “[y]ou can see that I separated or made the boundary for District 28, which is the new majority Black district, following the municipal lines of Griffin, which can be kind of odd shaped in places.”

Tr. 114:4-7; APAX 11, at 41 ¶ 99 & fig.17B; see also id. at T-1 (listing a single split VTD in Fayette County and one in Spalding County). Mr. Cooper also testified that he did not keep the cities of Griffin or Locust Grove intact. Tr. 276:22-277:1. The Court finds that on balance, Cooper HD-117 reflects less respect for political subdivisions than Enacted HD-117.

((b)) eyeball test

The Court finds that Cooper HD-117 is visually compact under the eyeball test:



APAX 1 ¶ 198, Ex. AC-1.

Using the mapping tool, the Court finds that at its most points, Cooper HD-117 is less than 20 miles long. Id. Cooper HD-117 does not contain any tentacles or appendages. Defendant's own mapping expert agreed that Cooper HD-117 and Enacted HD-117 are both fairly compact. Tr. 2051:20-2052:1. ("Q. And illustrative 117 and enacted 117 are similarly compact? A. On compactness scores or just looking at it? Q. Both. A. I mean, it's hard to say whether it would be that way on compactness scores. But looking at it, they're both fairly compact, yes. They're not a great distance between anything."). Consistent with Defendant's mapping expert, the Court concludes that Cooper HD-117 is visually compact.

((c)) communities of interest

Cooper HD-117 unites communities that are geographically proximate to one another. Cooper HD-117 is in an area that includes adjacent portions of South Henry County around Locust Grove and a portion of Spalding County, including much of Griffin (Spalding County's seat and largest city) which is majority-Black. APAX 1 ¶ 198 & Ex. AC-2.

Mr. Cooper testified that “everyone” in Cooper HD-117 “lives close by.” Tr. 123:17. Again, Defendant’s mapping expert agreed, testifying that Griffin and Locust Grove are “close.” Tr. 1794:23. When specifically asked about the connection between Griffin and Locust Grove, Mr. Cooper testified that “they are in an exurban area of Metro Atlanta.” Tr. 277:25. Further Mr. Cooper noted that the area has a “somewhat younger population” (Tr. 123:24) and has a similar Black labor force participation rate. APAX 1 ¶ 198.

Mr. Lofton’s testimony was consistent with respect to the proximity and connections between the communities in Cooper HD-117. For example, he testified about the shared commercial centers used by residents of the area, such as Tanger Outlets, and about how Highways 138 and 155 are important transportation corridors that unite the district. Tr. 1308:20-1309:8.

Thus, the Court finds that Cooper HD-117 is a small district contained wholly with metro Atlanta and has no resemblance to the districts in LULAC and Miller. Mr. Cooper testified about the communities that are contained within the district, the shared socio-economic factors, and the characteristics that unite them. Additionally, Mr. Lofton, with his lifelong experience as a resident in the area,

explained how the communities interact with one another. The Court finds that the size of the district coupled with the witness testimony shows Cooper HD-117 preserves communities of interest.

((d)) conclusions of law

The Court finds that the Alpha Phi Alpha Plaintiffs have not carried their burden in establishing that the Black community is sufficiently compact in Cooper HD-117 to constitute an additional majority-Black district. Although Cooper HD-117 complies with the traditional redistricting principles of contiguity, compactness scores, and preservation of communities of interest, the Court finds that it split more political subdivisions than Enacted HD-117. Additionally, the district's population deviation is both higher than Enacted HD-117 and is barely within the range of the Enacted House Plan's population deviations.

Although there is no requirement that an illustrative district match or perform better than the correlating enacted district,⁷⁵ the Court finds that the higher deviation coupled with the splitting of an additional four VTDs as well as two municipalities leads to a finding that the district could not be drawn in accordance with traditional redistricting principles.

Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have not carried their burden on the first Gingles precondition in the area encompassed by Cooper HD-117.

(2) Grant

The Court finds that the Grant Plaintiffs have met their burden in proving the three Gingles preconditions in relation to the challenged Senate districts in metro Atlanta and two of the challenged House districts in metro Atlanta.

⁷⁵ See Wright v. Sumter Cnty. Bd. of Elections & Registration, 301 F. Supp. 3d 1297, 1326 (M.D. Ga. 2018), aff'd, 979 F.3d 1282 (11th Cir. 2020) (opining that an illustrative plan can be “far from perfect” in terms of compactness yet satisfy the first Gingles precondition).

(a) numerosity

The Court finds that Grant Plaintiffs have met their burden in showing that the Black voting age population in metro Atlanta is large enough to create two additional majority-Black Senate districts, two majority-Black House districts in south metro Atlanta, and one additional majority-Black House district in western metro Atlanta. “[A] party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.” Bartlett, 556 U.S. at 20.

It is undisputed that Esselstyn SD-25 and SD-28 have an AP BVAP of 58.93% and 57.28%, respectively, both of which exceed the 50% threshold required by Gingles. GX 1 ¶ 27 & tbl.1; Stip. ¶ 234.

Table 1: Illustrative Senate plan majority-Black districts with BVAP percentages.

District	BVAP%	District	BVAP%	District	BVAP%
10	61.10%	26	52.84%	39	60.21%
12	57.97%	28	57.28%	41	62.61%
15	54.00%	34	58.97%	43	58.52%
22	50.84%	35	54.05%	44	71.52%
23	51.06%	36	51.34%	55	65.97%
25	58.93%	38	66.36%		

It is also undisputed that Esselstyn HD-64, HD-74, and HD-117 have an AP BVAP of 50.24%, 53.94%, and 51.56%, respectively. Stip. ¶ 239, GX 1 ¶ 48 & tbl.5.

Table 5: Illustrative House plan majority-Black districts with BVAP percentages.

District	BVAP%	District	BVAP%	District	BVAP%	District	BVAP%
38	54.23%	69	62.73%	91	60.01%	137	52.13%
39	55.29%	74	53.94%	92	68.79%	140	57.63%
55	55.38%	75	66.89%	93	65.36%	141	57.46%
58	63.04%	76	67.23%	94	69.04%	142	50.14%
59	70.09%	77	76.13%	95	67.15%	143	50.64%
60	63.88%	78	51.03%	113	59.53%	145	50.38%
61	53.49%	79	71.59%	115	53.77%	149	51.53%
62	72.26%	84	73.66%	116	51.95%	150	53.56%
63	69.33%	85	62.71%	117	51.56%	153	67.95%
64	50.24%	86	75.05%	126	54.47%	154	54.82%
65	63.34%	87	73.08%	128	50.41%	165	50.33%
66	53.88%	88	63.35%	129	54.87%	177	53.88%
67	58.92%	89	62.54%	130	59.91%		
68	55.75%	90	58.49%	132	52.34%		

Based on these numbers, the Court finds that the Grant Plaintiffs have met their burden with respect to the numerosity prong of the first Gingles precondition in all additional majority-Black districts that Mr. Esselstyn proposed in metro Atlanta (i.e., SD-25, SD-28, HD-64, HD-74, and HD-117).

(b) compactness

The Court finds that the Grant Plaintiffs have also met their burden to show that the minority community is sufficiently compact to warrant the creation of two additional majority-Black State Senate districts in south-metro Atlanta. They have also met their burden in showing that one additional compact

majority-Black district can be drawn in south metro Atlanta and one can be drawn in west-metro Atlanta. The Grant Plaintiffs have not met their burden with respect to Esselstyn HD-74, in south-metro Atlanta.

The standards governing the compactness inquiry for these additional proposed State Senate Districts is the same as the compactness inquiry undertaken in the Pendergrass case. See Section II(C)(1)(b) *supra*. The Court must consider if the illustrative proposed districts adhered to traditional redistricting principles, namely: population equality, contiguity, empirical compactness scores, the eyeball test for irregularities and contiguity, respect for political subdivisions, and preserving communities of interest. See Section II(C)(1)(b) *supra*.

*i) Esselstyn SD-25*⁷⁶

The Court finds that the minority community in Esselstyn SD-25 is sufficiently compact.

⁷⁶ Esselstyn's State Senate districts in metro-Atlanta do not correlate to any of the enacted State Senate districts. Compare GX 1 ¶ 27 & fig. 4, with GX 1, attach D. Accordingly, the Court will compare the Esselstyn State Senate districts to the overall Enacted Senate Plan's statistics.

((a)) empirical measures

((1)) *population equality*

The Court finds that Esselstyn SD-25 is not malapportioned. See Reynolds, 377 U.S. at 577 (requiring “an honest and good faith effort to construct districts . . . of nearly equal population as practicable.”); Brown, 462 U.S. at 842 (“minor deviations” are not violative of the Fourteenth Amendment). The General Assembly’s “General Principles for Drafting Plans” specifies that “[e]ach legislative district . . . should be drawn to achieve a total population that is substantially equal as practicable.” Stip. ¶ 135; JX 2, 2.

The ideal population size of a State Senate District is 191,284. Stip. ¶ 277. The General Assembly did not enumerate a specific acceptable deviation range for the State Senate Districts. However, using the Enacted Plan as a rough guide, a population deviation range between -1.03% and -0.98% is acceptable. GX 1, Attach. E. Esselstyn SD-25 has a population deviation of +0.74%. GX 1, Attach. F. This deviation falls squarely within the range of deviations in the Enacted Senate Plan. Thus, the Court finds that Esselstyn SD-25 achieves population equality that is consistent with the General Assembly’s Redistricting Guidelines and traditional redistricting principles.

((2)) *contiguity*

The Parties stipulated that Esselstyn SD-25 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn SD-25 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds that Esselstyn SD-25 is more compact than Enacted SD-25. In reaching this conclusion, the Court, as it did in the Pendergrass case, looks at the objective compactness scores of the Polsby-Popper measure and Reock indicator.

Using the Reock indicator, Esselstyn's SD-25 is 0.57 as compared to the Enacted Senate Plan, which has an average Reock score of 0.42. GX 1, Attach. H. Thus, under the Reock measure, Esselstyn SD-25 is 0.15 points more compact than Enacted Senate Plan's average Reock score. Under the Polsby-Popper measure, Esselstyn's SD-25 is 0.34, and the Enacted Senate Plan has an average score of 0.29, a 0.05 point advantage for Esselstyn's SD-25 on this measure. Id. Hence, the Court finds that upon application of the empirical compactness measures, Esselstyn SD-25 fares better than the Enacted Senate Plan's average compactness scores.

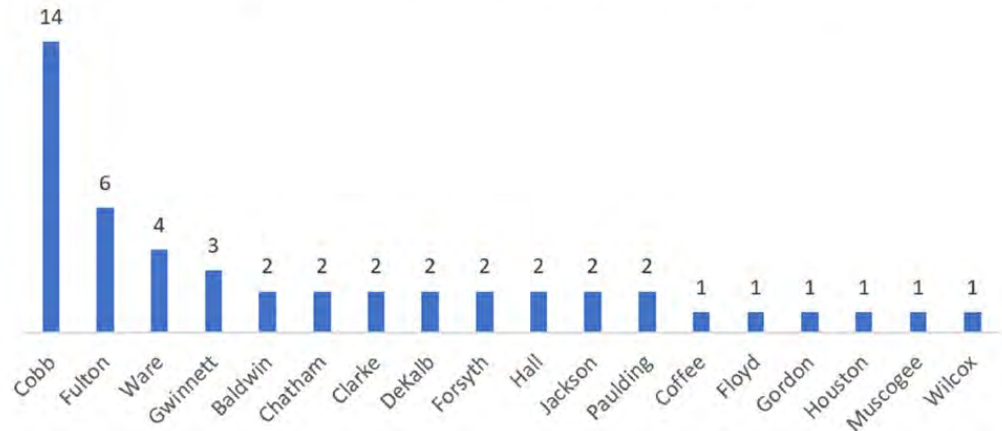
The State's mapping expert, Mr. Morgan, agreed that Esselstyn SD-25 is significantly more compact than Enacted SD-25. Tr. 1850:8–11. Mr. Morgan conceded, furthermore, that Esselstyn SD-25 is more compact on the Reock and Polsby-Popper scale than *all* of the districts implicated by in the Enacted Senate Plan, except for one with an identical Polsby-Popper score. Tr. 1895:17–1896:1.

In sum, the Court finds that Esselstyn SD-25 is sufficiently compact w.

((4)) *political
subdivisions*

The Court also finds that in creating Esselstyn SD-25, Mr. Esselstyn respected political subdivisions. Esselstyn SD-25 consists of portions of Henry and Clayton Counties. GX 1 ¶ 30 & fig.6. Additionally, Esselstyn SD-25 does not split any VTDs. GX 1 ¶ 40 & fig.10. See below for a graphic depiction of the Esselstyn Senate Plan's VTD splits:

Figure 10: VTD splits in illustrative State Senate plan by county.

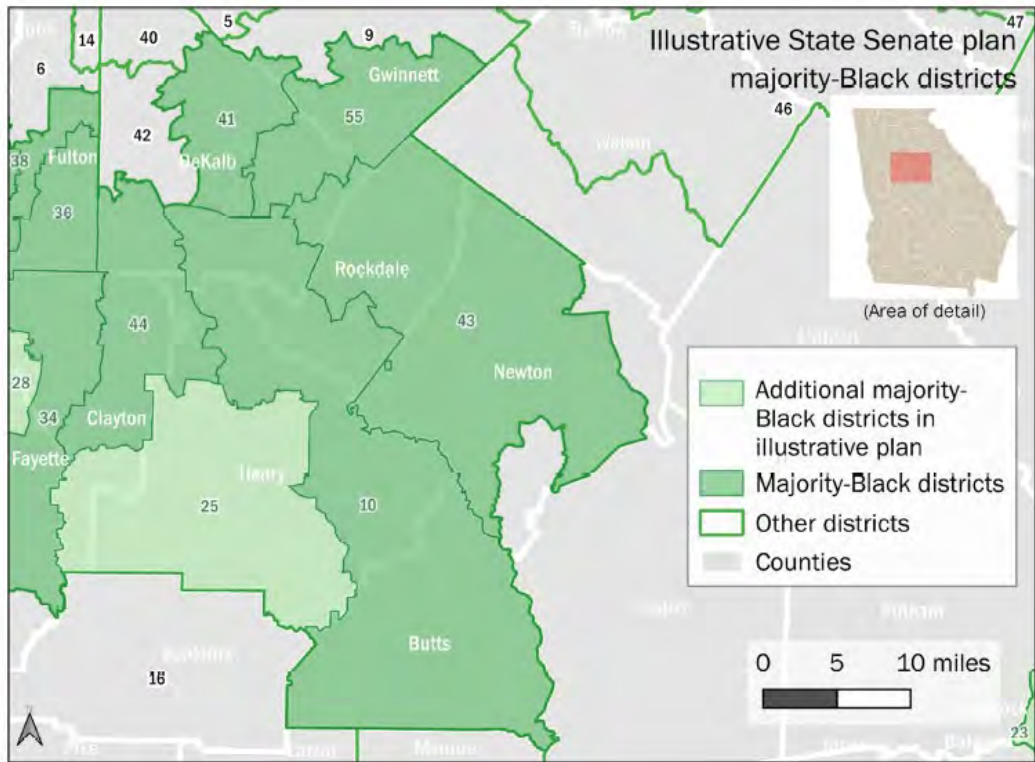


GX 1 ¶ 40 & fig.10.

Mr. Esselstyn also testified that he made an effort to keep municipalities intact. Tr. 544:8-12 (testifying that McDonough is mostly intact, and that Locust Grove, Hampton, Bonanza and Lovejoy are kept intact). Accordingly, the Court finds that Esselstyn SD-25 reflects a respect for political subdivisions.

((b)) eyeball test

The Court finds that Esselstyn SD-25 is visually compact under the eyeball test:



GX 1 ¶ 30 & fig.6.

Using the mapping tool provided by Mr. Esselstyn, the Court finds that the district at its most distant points is approximately 20 miles in length. Id. Esselstyn SD-25 has no appendages or tentacles. Id. There is no contrary evidence or testimony in the Record. In fact, Mr. Morgan’s report includes no analysis on the visual compactness of Esselstyn SD-25. Accordingly, the Court finds that Esselstyn SD-25 is visually compact.

((c)) communities of interest

The Court finds that Esselstyn SD-25 demonstrates respect for communities of interest. Mr. Esselstyn testified that the district is in metro Atlanta. Tr. 484:5–9. He also explained that he combined Henry and Clayton Counties because they are adjacent to one another. Tr. 544:1–7.

On cross-examination, Mr. Esselstyn admitted that he was unable to articulate a community of interest that connects south Clayton County with Locust Grove. Tr. 546:16–21. the Grant Plaintiffs, however, supplemented this testimony with testimony from Jason Carter, a former member of the State Senate and 2014 candidate for Governor of Georgia. Mr. Carter noted that Mr. Esselstyn’s districts in south metro Atlanta are “suburban and exurban,” “clearly [] fast-growing, . . . Atlanta commuter communit[ies] that ha[ve] all of the traffic concerns and the concerns of . . . expanding schools and massive population boom.” Id. at 953:20–954:3. See also id. at 958:9–19 (similar); id. at 959:6–19 (similar); id. at 962:1–965:17 (similar). Addressing their shared interests, Mr. Carter explained that residents of these areas need their government officials to be responsive to their “transportation, education, [and] healthcare” needs. Id.

at 955:7–21. In the same vein, Eric Allen, 2020 candidate for Lt. Governor, testified that the residents of Esselstyn SD-25 share similar entertainment districts, hospitals, transit systems, education systems, employment, and all travel on I-75, I-285, I-20, and I-85. Tr. 1000:18–1001:2. In fact, the State’s own map drawer, Ms. Wright, testified in connection with Enacted SD-28 and said that it was important to keep the city of Locust Grove wholly within that district (Tr. 1634:3–6), which Mr. Esselstyn accomplished (Tr. 546:16–21).

In sum, the Court finds that Esselstyn SD-25 is a small district contained wholly within metro Atlanta. It is comprised of two adjacent counties. The communities share the same concerns with transportation routes and have both experienced recent major population growth. Additionally, the Court finds that this district is not long and sprawling, like the districts in LULAC and Miller that stretched across large portions of the States and combined disparate minority populations. Rather, as is evidenced by the size of the district and the trial testimony, Esselstyn SD-25 preserves communities of interest.

((d)) conclusions of law

The Court determines that the Grant Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Esselstyn SD-25 to constitute an additional majority-Black district. The Court finds that Esselstyn SD-25 complies with the traditional redistricting principles of population equality, contiguity, compactness, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Grant Plaintiffs have carried their burden in meeting the first Gingles precondition in the area contained in Esselstyn SD-25.

ii) Esselstyn SD-28⁷⁷

The Court finds also that Grant Plaintiffs have shown that it is possible to draw a reasonably compact electoral district consistent with traditional redistricting principles in the area encompassed by Esselstyn SD-28.

⁷⁷ As stated *supra*, the Court compares Esselstyn SD-28 to the Enacted Senate Plan as a whole. See Section II(D)(1)(b)(2)(b)(i) *supra*.

((a)) empirical measures

((1)) *population equality*

The Court finds that Esselstyn SD-28 achieves relative population equality. As stated above, the General Assembly did not enumerate a specific acceptable deviation range for the Enacted Senate Plan. However, using the Enacted Plan as a guide, a population deviation range between -1.03% and -0.98% is acceptable. GX 1, Attach. D. Accordingly, the Court finds that Esselstyn SD-28 is within the acceptable range of population deviations approved by the Georgia General Assembly when it passed the Enacted Senate Plan. Thus, it achieves population equality that is consistent with the Enacted Senate Plan, the General Assembly's Redistricting Guidelines, and traditional redistricting principles.

((2)) *contiguity*

The Parties stipulated that Esselstyn SD-28 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn SD-28 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds Esselstyn SD-28's compactness scores, while lower on a side-by-side comparison with the Enacted Senate Plan, are within the acceptable

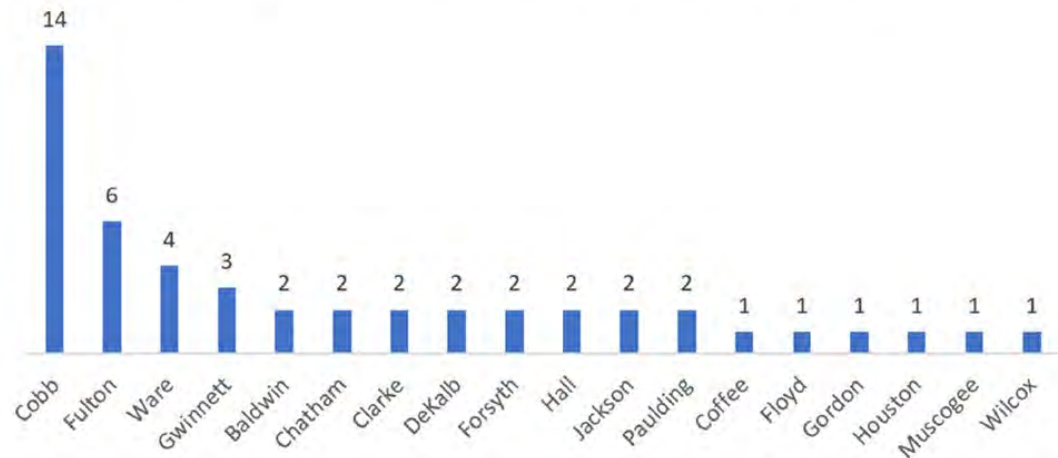
range of compactness scores found in the Enacted Senate Plan. GX 1, Attach. H. Esselstyn SD-28 has a Reock score of 0.38 and a Polsby-Popper score of 0.19. Id. The Enacted Senate Plan has an average Reock score of 0.42 and Polsby-Popper score of 0.29. Accordingly, the Enacted Senate Plan's average compactness scores beats Esselstyn SD-28 on all empirical measures—0.05 points on Reock and 0.10 on Polsby-Popper.

Despite a lower compactness score under both empirical measures, Esselstyn SD-28 is within the range of compactness scores found in the Enacted Senate Plan. Specifically, the Enacted Senate Plan has a minimum Reock score of 0.17. GX 1, Attach. H. Esselstyn SD-28's Reock score (0.38) far exceeds that minimum threshold Reock score in the Enacted Senate Plan. Id. Similarly, the Enacted Senate Plan's minimum Polsby-Popper score is 0.13. Id. Esselstyn SD-28's Polsby-Popper score (0.19) exceeds, albeit slightly, the minimum threshold Polsby-Popper score in the Enacted Senate Plan. Id. Accordingly, the Court finds that Esselstyn SD-28 falls within the range of compactness scores in the Enacted Senate Plan and therefore constitutes a compact district for purposes of the first Gingles precondition.

**((4)) *political
subdivisions***

The Court finds that Esselstyn SD-28 exhibits respect for political subdivisions. Esselstyn SD-28 contains portions of Clayton, Coweta, Fayette, and Fulton Counties. GX 1 ¶ 31.

Figure 10: VTD splits in illustrative State Senate plan by county.



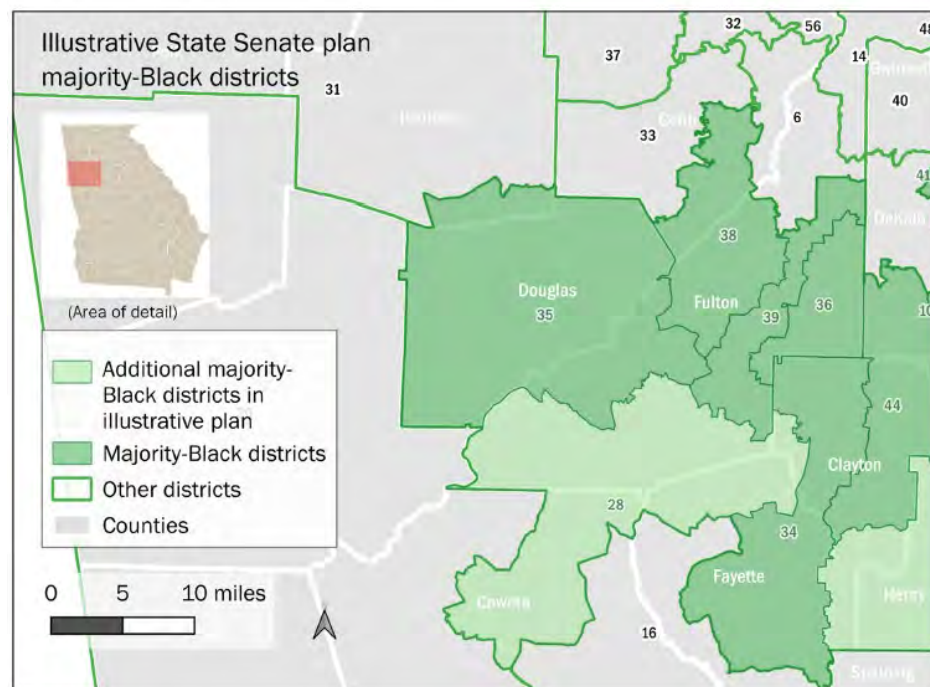
GX 1 ¶ 40 & fig.10. As this chart shows, the only county that is included within Esselstyn SD-28 with VTD splits is Fulton County. Put differently, Esselstyn SD-28 does not split any VTDs in Coweta, Clayton, and Fayette Counties, which make up the majority of the district. *Id.*; at ¶ 31 & fig.7. Even though Esselstyn SD-28 splits the city of Newnan, 90% of the city is contained within a single

district. Tr. 549:2-5, 550:25-551:9. Esselstyn, moreover, did not split any VTDs in Newnan, which is in Coweta County, itself. GX 1 ¶ 40 & fig.10.

Based on the foregoing, the Court finds that Esselstyn SD-28 exhibits a respect for political subdivisions.

((b)) eyeball test

The Court finds that Esselstyn SD-28 is visually compact under the eyeball test:



GX 1 ¶ 31 & fig.7.

Using the mapping tool, the Court finds that at its most distant points, Esselstyn SD-28 is approximate 25 miles long. Id. Esselstyn SD-28 does not contain any tentacles or appendages. Defendants submit no evidence or testimony in the Record suggesting that Esselstyn SD-28 is not visually compact. See generally DX 3; Tr. 1896:13-23. Accordingly, the Court concludes that Esselstyn SD-28 is visually compact.

((c)) communities of interest

The Court finds that Esselstyn SD-28 respects communities of interest. Because Esselstyn SD-25 and SD-28 are in close proximity to one another, much of the testimony adduced about SD-28 was also discussed in relation to Esselstyn SD-25. See Tr. 484:5–9 (Mr. Esselstyn testimony); see also generally id. 953:20–965:17 (Mr. Carter testimony). The Court thereby incorporates its general analysis on communities of interest in south-metro Atlanta from Esselstyn SD-25 above into this section on Esselstyn SD-28. See Section II(D)(1)(2)(b)(i)(c) *supra*.

Specific to Esselstyn SD-28, Mr. Esselstyn testified that he drew the district to best keep together municipalities in Fulton County, and specifically to keep 90% of Newnan intact. Tr. 548:20–549:24. Similar to Locust Grove, Mr. Esselstyn

admitted that he was unable to articulate a community of interest that connects the city of Newnan with Fulton and Clayton Counties (Tr. 548:20–549:1). Again, however, the Grant Plaintiffs’ supplemented this testimony with testimony from Mr. Allen, who testified that all of Esselstyn SD-28 is within metro Atlanta. Tr. 1002:18–20. He also mentioned that the area was serviced by the same healthcare systems (i.e., Emory Hospital and Grady Hospital) and relied on the same interstates for transportation. Id. at 1002:21–1003:5. Additionally, the State’s map drawer, Ms. Wright, who is herself a resident of nearby Henry County (Tr. 1653:17–21), testified about the general communities in this area. In reference to the Enacted Senate Plan, Ms. Wright testified that it makes sense to group Coweta and Fayette Counties in a single district because the counties “are commonly sharing resources and things like that.” Tr. 1656:18–21.

Thus, the Court finds that Esselstyn SD-28 is a small district contained wholly within metro Atlanta. Its communities share the same concerns with transportation routes and have experienced recent major population growth. Additionally, the Court finds that this district is not long and sprawling, like the districts in LULAC and Miller that stretched across large portions of their

respective States and combined disparate minority populations. Rather, as is evidenced by the size of the district and the trial testimony, Esselstyn SD-28 preserves communities of interest.

((d)) conclusions of law

The Court finds that the Grant Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Esselstyn SD-28 to constitute an additional majority-Black district. The Court finds that Esselstyn SD-28 complies with the traditional redistricting principles of population equality, contiguity, compactness scores, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Grant Plaintiffs have carried their burden on the first Gingles precondition in the area encompassed by Esselstyn SD-28.

iii) Esselstyn HD-64

The Court finds that the Grant Plaintiffs have shown that it is possible to draw a State House district consistent with traditional redistricting principles in the area encompassed by Esselstyn HD-64.

((a)) Empirical measures

((1)) *population equality*

The Court finds that Esselstyn HD-64 achieves better population equality than Enacted HD-64. Enacted HD-64 has a population deviation of -0.88%, whereas Esselstyn HD-64 has a population deviation of +0.23%. GX 1, attachs. I, J. Accordingly, Esselstyn HD-64 achieves population equality consistent with the General Assembly's Guidelines and traditional redistricting principles.

((2)) *contiguity*

The Parties stipulated that Esselstyn HD-64 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn HD-64 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds that Esselstyn HD-64's compactness score is within the range of scores achieved by the Enacted House Plan. Esselstyn HD-64 has a compactness measure of 0.22 on both metrics. GX 1, Attach. L. Enacted HD-64 has a Reock score of 0.38 and Polsby-Popper score of 0.36. *Id.* While Esselstyn HD-64 is less compact than Enacted HD-64 using empirical measures, the proposed district is still within the range of acceptable range of compactness

scores found in the Enacted House Plan (i.e., a minimum Reock score of 0.12 and a minimum Polsby-Popper score of 0.10). *Id.* Accordingly, the Court finds that Esselstyn HD-64 is reasonably compact in terms of empirical scoring.

((4)) *political
subdivisions*

The Court finds that Esselstyn HD-64 respects political subdivisions. Esselstyn HD-64 consists of portions of Douglas, Fulton, and Paulding Counties. GX 1 ¶ 49. Esselstyn HD-64 splits one more county than Enacted HD-64, which includes only portions of Douglas and Paulding Counties. GX 1, Attach. I. When comparing the VTD splits in Enacted HD-64 and Esselstyn HD-64, they both split only one VTD (in Paulding County). GX 1, Attach. L.⁷⁸ Additionally, Mr. Esselstyn testified he was able to keep Lithia Springs intact, which is an incorporated community. Tr. 562:4-13.

Defendants' mapping expert, Mr. Morgan, did not opine about Esselstyn HD-64 in his report. DX 3. However, at the trial, he testified that Esselstyn HD-

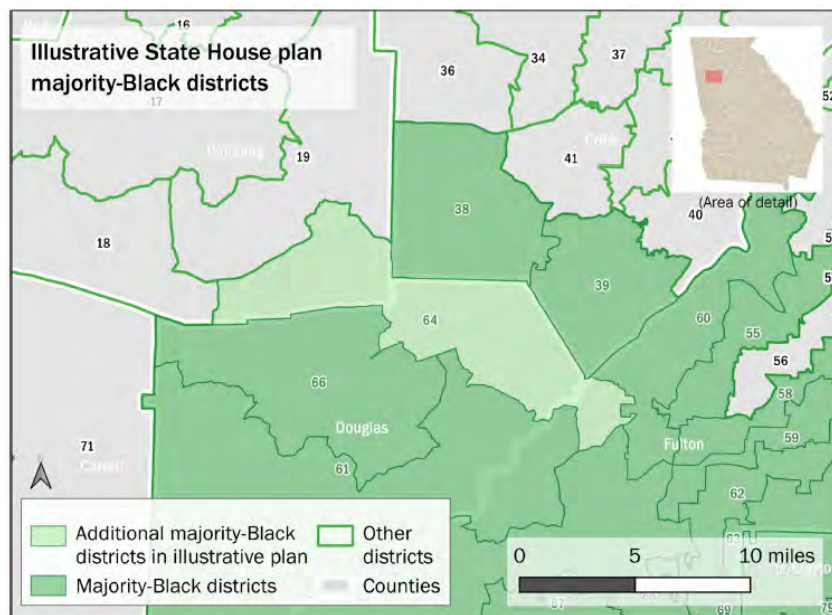
⁷⁸ The statistics for the VTD splits can be found on page 14 of subdivision of the Political Subdivisions Chart entitled GA House Enacted and page 14 of Political Subdivisions Chart entitled GA House Illustrative. GX 1, Attach. L.

64 contains the same Fulton and Douglas County precincts as Enacted HD-61. Tr. 1826:17–21. Outside of this testimony, Mr. Morgan offered no opinion about whether Esselstyn HD-64 exhibited respect for existing political subdivisions.

The Court finds that not only are Esselstyn HD-64 subdivision splits consistent with Enacted HD-64, but Esselstyn HD-64 on the whole respects political subdivisions.

((b)) eyeball test

The Court finds that Esselstyn HD-64 is visually compact:



GX 1 ¶ 49 & fig.14.

Mr. Esselstyn testified that he modeled the shape of Esselstyn HD-64 on the shape of Enacted HD-61. Tr. 560:14–24. Visually, the Court finds that Esselstyn HD-64 does not have appendages or tentacles. Esselsyn HD-64 is relatively small in size. In fact, when measured with the mapping tool, it is less than 20 miles at its most distant points. GX 1 ¶ 49 & fig.14.

Because of these considerations and the fact that Defendants do not meaningfully dispute the visual compactness of this district, the Court finds that Esselstyn HD-64 is visually compact.

((c)) communities of interest

The Court finds that Esselstyn HD-64 preserves communities of interest and does not combine disparate communities. As an initial note, the Court finds that Esselstyn HD-64 is in the same relative area as Illustrative CD-6. Both proposed districts combine areas in-and-around Fulton and Douglas Counties.⁷⁹ GX 1 ¶ 49. As the Court stated above, it found that Illustrative CD-6 preserved communities of interest. See Section II(C)(1)(b)(3) *supra*.

⁷⁹ Esselstyn HD-64 also contains parts of Pauling County, and Illustrative CD-6 combines areas in Cobb and Fayette Counties.

Specific to Esselstyn HD-64, Mr. Allen explained that the residents of this west-metro Atlanta district have shared interests. Tr. 1004:1–10. They rely on the same roadways and face many of the same transportation-related challenges. Id. at 1004:11–22. They rely on the same healthcare systems and share an interest in preserving access to Grady Hospital, the only Level One Trauma Center in the metro area. Id. at 1005:1–24. Accordingly, the Court finds that Esselstyn HD-64 preserves existing communities of interest.

((d)) conclusions of law

The Court finds that the Grant Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Esselstyn HD-64 to constitute an additional majority-Black district. The Court finds that Esselstyn HD-64 complies with the traditional redistricting principles of population equality, contiguity, compactness, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Grant

Plaintiffs have carried their burden in meeting the first Gingles precondition in the area encompassed by Esselstyn HD-64.

iv) Esselstyn HD-74

The Court finds that Grant Plaintiffs have not shown that it is possible to draw a legislative district consistent with traditional redistricting principles in the area encompassed by Esselstyn HD-74.

((a)) empirical measures

((1)) *population equality*

The Court finds that Esselstyn HD-74's population deviation of -1.84% is greater than any district in the Enacted House Plan (-1.40% and +1.34%). Esselstyn HD-74 is nearly one point greater than the deviation of Enacted HD-74 (-0.93%). GX 1, attachs. J, I. ; Stip. ¶ 278. Mr. Esselstyn admitted that it was one of the most underpopulated districts on his House Plan. Tr. 567:23–568:6. “[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as practicable.” Reynolds, 377 U.S. at 577.

[M]inor deviations from mathematical equality among State legislative districts are insufficient to make out a prima facie case . . . under the Fourteenth

Amendments Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations. Brown, 462 U.S. at 842 (quoting Reynolds, 377 U.S. at 577) (quotation marks omitted). More recently, the Supreme Court held that population deviations that are below 10 percent are not entitled to a safe harbor. Cox v. Larios, 542 U.S. 947, 949 (2004). Specifically, “the equal-population principle remains the only clear limitation on improper districting practices, and we must be careful not to dilute its strength.” Id. at 949–50. In 2004, that three-judge court noted that with technology it is possible to have perfect population equality. Larios v. Cox, 300 F. Supp. 2d 1320, 1341 (N.D. Ga. 2004). In 1991, a court in the Northern District of Illinois similarly remarked that “[t]he use of increasingly sophisticated computers in the congressional map drawing process has reduced population deviations to nearly infinitesimal proportions.” Harstert v. State Bd. of Elections, 777 F. Supp. 634, 643 (N.D. Ill. 1991).

Although perfect population deviation is not a requirement by the Supreme Court or the Georgia General Assembly, “[e]ach legislative district of the General Assembly shall be drawn to achieve a total population that is

substantially equal as practicable, considering the principles listed below.” JX 2, 2. The Court finds that Esselstyn HD-74 achieves population equality less so than Enacted HD-74. Using the Georgia Enacted House Plan as a guide, the accepted population deviation range is $\pm 1.40\%$. Esselstyn HD-74, at -1.84% , is significantly greater than that range.

((2)) *contiguity*

The Parties stipulated that Esselstyn HD-74 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn HD-74 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds that the Esselstyn HD-74’s compactness scores are within the acceptable range of compactness scores on the overall Enacted House Plan. Esselstyn HD-74 has a Reock score of 0.30 and a Polsby-Popper score of 0.19. GX 1, Attach. L. The Court notes that Enacted HD-74 performs better on the Reock measure (0.50) as well as the Polsby-Popper measure (0.25). *Id.* The Court notes Esselstyn HD-74’s scores do not fall below the minimum compactness scores for the Enacted Plan—0.12(on Reock) and 0.10 (on Polsby-Popper). *Id.* In sum, the Court finds that Esselstyn HD-74 is less compact than Enacted HD-74.

**((4)) *political
subdivisions***

The Court finds that Esselstyn HD-74 generally exhibited respect for communities of interest. The Court notes that Esselstyn HD-74 splits one less county than Enacted HD-74. GX 1 ¶ 50 & fig.15 (Esselstyn HD-74 is contained in Clayton and Fulton Counties); GX 1, Ex. I (Enacted HD-74 is contained in Fayette, Henry, and Spalding Counties).

However, at the trial Mr. Esselstyn testified that he split Peachtree City. Tr. 567:6-13; 1657:22-23. It is worth noting that the Enacted House Plan also split Peachtree City. Id. Esselstyn HD-74 testified that he was able to keep the communities of Irondale, Brooks, and Woolsey “if not entirely intact, almost entirely intact,” but conceded that Irondale is not an incorporated municipality. Tr. 566:22-567:5.

Finally, Esselstyn HD-74 split fewer VTDs than Enacted HD-74. Enacted HD-74 split four VTDs, one in Fayette and three in Spalding Counties (GX 1, Ex. L),⁸⁰ whereas Esselstyn HD-74 split only one VTD in Clayton County (id.).

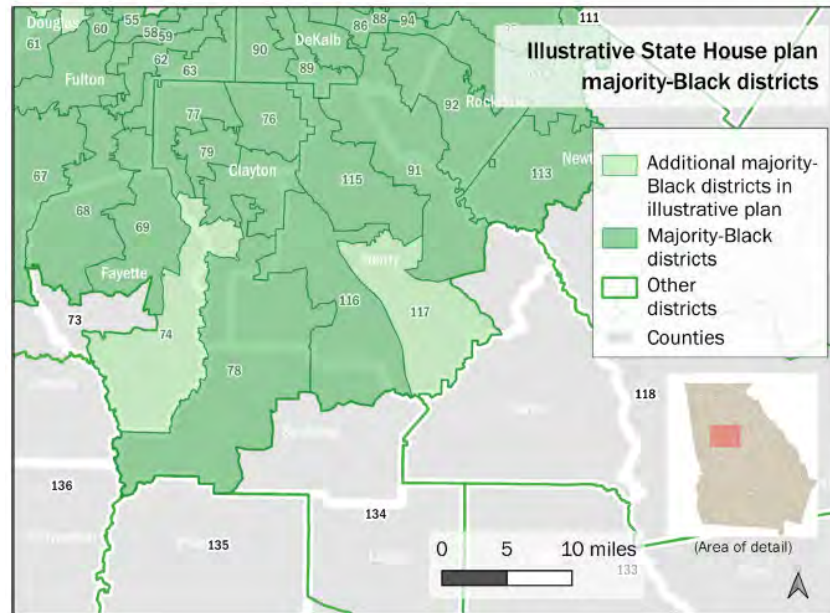
Based on the foregoing, the Court finds that Esselstyn HD-74 reflects respect for political subdivisions.

((b)) eyeball test

The Court finds that Esselstyn HD-74 is visually compact:

⁸⁰ The statistics for the VTD splits can be found on pages 11 and 15 of subdivision of the Political Subdivisions Chart entitled GA House Enacted and page 2 of Political Subdivisions Chart entitled GA House Illustrative. GX 1, Attach. L.

Figure 15: Map of southern Metro Atlanta area of illustrative plan with majority-Black House districts indicated.



GX 1 ¶ 50 & fig.15.

Esselstyn HD-74 does not have appendages or tentacles. Using the mapping tool, Esselstyn HD-74 is approximately 20 miles in length at its most distant points.

Defendants do not meaningfully dispute the visual compactness of this district. Accordingly, the Court finds that Esselstyn HD-74 is visually compact.

((c)) communities of interest

The Court finds that Esselstyn HD-74 combines rural, urban, and suburban populations. In fact, Mr. Esselstyn testified that the proposed district contained

rural, urban, and suburban populations. Tr. 566:22–24. Mr. Carter’s testimony about the communities of interest in this district was generally the same as his testimony about the communities of interest in Esselstyn HD-117, SD-25, and SD-28 because they are in the same relative region of the state. However, on cross-examination, Mr. Carter agreed that the parts of south Fayette County included in Esselstyn HD-74 were exurban, if not rural, compared with other parts of the district. Tr. 987:2–16.

The Court finds that the testimony specific to Esselstyn HD-74 shows that it combined widely diverse communities into a district. Accordingly, the Court finds that Esselstyn HD-74 combines disparate communities into one district.

((d)) conclusions of law

The Court has determined that the Grant Plaintiffs have not carried their burden in establishing that the Black community in Esselstyn HD-74 is sufficiently numerous and compact to constitute an additional majority-Black district. Although the Black population in Esselstyn HD-74 exceeds 50%, the Court finds that it does so by having one of the most underpopulated districts in the Esselstyn House Plan. Tr. 567:23–568:6. Additionally, the Court finds that

although the district is visually compact, it is significantly less compact than Enacted HD-74 in other ways. Furthermore, Mr. Esselstyn admitted and Mr. Carter agreed that the district combines urban, suburban, and rural communities. Neither witness was able to explain the commonalities that the voters in Esselstyn HD-74 share, except for the general commonalities that all metro Atlanta voters share. Accordingly, the Court concludes that the Grant Plaintiffs have not carried their burden in meeting the first Gingles precondition in the area drawn by Esselstyn HD-74.

v) Esselstyn HD-117

The Court finds that the Grant Plaintiffs have shown that it is possible to draw a legislative district consistent with traditional redistricting principles in the area encompassed by Esselstyn HD-117.

((a)) Empirical measures

((1)) *population equality*

The Court finds that Esselstyn and Enacted HD-117 have comparable population deviations. Esselstyn HD-117 has a population deviation of +1.06% whereas Enacted HD-117 has a population deviation of +1.04%. GX 1, Attachs. I, J. The Court finds that the difference in population deviations between the two

districts is not legally significant. Additionally, the Court finds that Esselstyn HD-117's population deviation is within the range of population deviations found in the Enacted House Plan (-1.40% and 1.34%). Id. at Attach. I. Accordingly, the Court finds that Esselstyn HD-117 complies with traditional redistricting principle of population equality.

((2)) *contiguity*

The Parties stipulated that Esselstyn HD-117 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn HD-117 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

The Court finds that Esselstyn and Enacted HD-117 are comparably compact. Esselstyn HD-117 has a Reock score of 0.40 and a Polsby-Popper score of 0.33. GX 1, Attach. L. Enacted HD-117 has a Reock score of 0.41 and a Polsby-Popper score of 0.28. Id. Thus, Enacted HD-117 is more compact on the Reock measure (by 0.01 points), and Esselstyn HD-117 is more compact on the Polsby-Popper score (by 0.05 points). Generally, however, the two districts are roughly equal in terms of objective compactness scores. The Court also finds that Esselstyn HD-117 performs better than the Enacted House Plan's average

compactness scores (0.39 on Reock and 0.28 on Polsby-Popper). Id. Accordingly, the Court finds that Esselstyn HD-117 is compact as compared to Enacted HD-117 and overall qualifies as a compact district.

((4)) *political
subdivisions*

The Court finds that Esselstyn HD-117 demonstrates respect for political subdivisions. Esselstyn HD-117 is wholly within Henry County, meaning it does not split any counties (GX 1 ¶ 50 & fig.15), whereas Enacted HD-117 consists of Henry and Spalding Counties (GX 1, Ex. I). Accordingly, Esselstyn HD-117 splits one less county than Enacted HD-117.

Conversely, however, Mr. Esselstyn split the city of McDonough, even though he kept the core of the city whole. Tr. 571:19–25. Mr. Esselstyn also split the city of Locust Grove, by using I-75 as a boundary.⁸¹ Tr. 571:16–21. Finally,

⁸¹ Mr. Esselstyn, however, crossed over I-75 in another district. Tr. 571:16–21

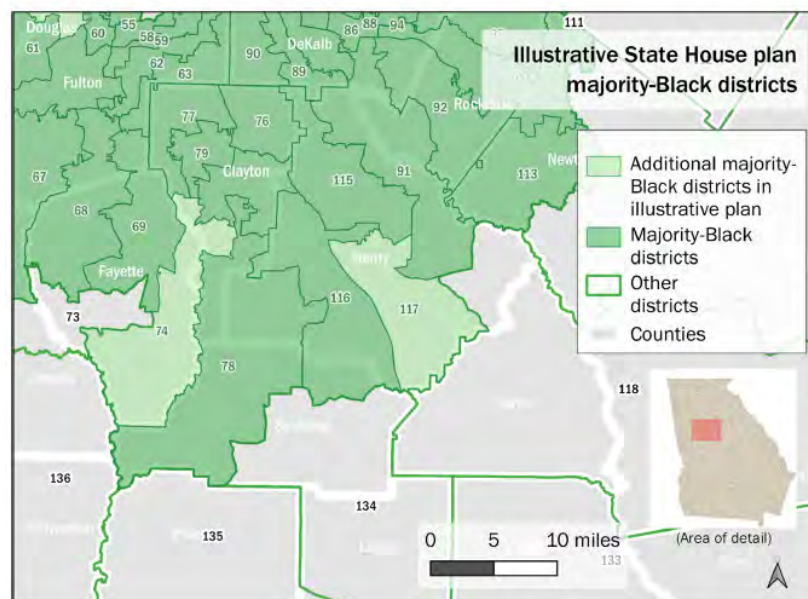
Esselstyn HD-117 splits two VTDs in Henry County, whereas the Enacted HD-117 split only one VTD in Henry County. GX 1, Ex. L.⁸²

Given the above evidence, the Court finds that Mr. Esselstyn, generally, respected political subdivisions in creating Esselstyn HD-117.

((b)) Eyeball test

The Court finds that Esselstyn HD-117 is visually compact:

Figure 15: Map of southern Metro Atlanta area of illustrative plan with majority-Black House districts indicated.



⁸² The statistics for the VTD splits can be found on page 13 of subdivision of the Political Subdivisions Chart entitled GA House Enacted and page 13 of Political Subdivisions Chart entitled GA House Illustrative. GX 1, Attach. L.

GX 1 ¶ 50 & fig.15.

Esselstyn HD-117 does not have appendages or tentacles. Using the mapping tool, Esselstyn HD-117 is approximately 15 miles at its most distant points. Defendants do not meaningfully dispute the visual compactness of this district. Accordingly, the Court finds that Esselstyn HD-117 is visually compact.

((c)) Communities of interest

The Court finds that Esselstyn HD-117 respects communities of interest. The testimony about HD-117 is virtually identical to the testimony regarding Esselstyn HD-74 because both districts are relatively close in proximity. See Section II(D)(1)(b)(2)(i)(c), id. at (ii)(c), id. at (iii)(c) *supra* (HD-74 and in Senate districts for south metro). There is no evidence or testimony opining or showing that Esselstyn HD-117 includes disparate communities.

The Court does not find Mr. Esselstyn's split of McDonough and Locust Grove to constitute a failure in preserving communities of interest. Mr. Esselstyn testified that when drawing the district, he made his best effort to keep the core of McDonough whole and only the "fringes of McDonough [] are outside of District 117." Tr. 570: 22-25. And Locust Grove is divided based on the I-75

boundary. Tr. 571:16–19. The Court credits Mr. Esselstyn’s explanations for the reasons why McDonough and Locust Grove were not kept intact and finds that they are sufficient for purposes of showing that Mr. Esselstyn preserved communities of interest.

In sum, the Court finds that Esselstyn HD-117 is a small district contained wholly within metro Atlanta. The communities share the same concerns with transportation routes and have experienced recent major population growth. Additionally, the Court finds that this district is not long and sprawling, like the districts in LULAC and Miller that stretched across large portions of their respective States and combined disparate minority populations. Rather, as is evidenced by the size of the district and the trial testimony, Esselstyn HD-117 preserves communities of interest.

((d)) Conclusions of law

The Court finds that the Grant Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Esselstyn HD-117 to constitute an additional majority-Black district. The Court finds that Esselstyn HD-117 complies with the traditional redistricting principles

of population equality, contiguity, compactness, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Grant Plaintiffs have carried their burden in meeting the first Gingles precondition in the area drawn by Esselstyn HD-117.

c) Eastern Black Belt region

(1) Alpha Phi Alpha

The Court finds that the Alpha Phi Alpha Plaintiffs have not met their burden in establishing that the Black community in the eastern Black Belt sufficiently large and geographically compact to constitute an additional majority-Black Senate or House district.

(a) numerosity

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in showing that the Black voting age population in the eastern Black Belt is large enough to constitute an additional majority-Black district. Bartlett, 556 U.S. at 20 (“[A] party asserting § 2 liability must show by a preponderance of the evidence

that the minority population in the potential election district is greater than 50 percent.”).

Cooper SD-23 has an AP BVAP of 50.21%, which slightly exceeds the 50% threshold required by Gingles. APAX 1, 227 & Ex. O-1. As the Court discusses further below, it is significant that Mr. Cooper removed Black population from SD-22 to create SD-23, which resulted in two underpopulated districts that meet the 50% majority-Black threshold by only slight margins. Tr. 257:1-4.

The Black voting age population in the eastern Black Belt is also large enough to constitute an additional majority-Black House district. Cooper HD-133 has an AP BVAP of 51.97%, which exceeds the 50% threshold required by Gingles APAX 1, Ex. AA-1. Thus, Cooper HD-133 meets the first Gingles precondition’s numerosity requirement.

(b) compactness

The Court concludes that neither Cooper SD-23 nor Cooper HD-133 are, on the whole, compact pursuant to the standards for the first Gingles precondition in the Alpha Phi Alpha Plaintiffs’ case.

i) *Cooper SD-23*

((a)) empirical measures

((1)) *population equality*

The ideal population size of a State Senate District is 191,284 people. Stip.

¶ 277. Cooper SD-23 has a population of 190,081 people, which constitutes a population deviation of -0.63%. APAX 1, Ex. O-1. The neighboring majority-Black district, SD-22, is also underpopulated—its population is 189,518, which constitutes a population deviation of -0.92%. APAX 1, Ex. O-1. Conversely, Enacted SD-23 is slightly underpopulated with a population of 190,344, with a population deviation of only -0.49%. APAX 1, Ex. M-1. For its part, Enacted SD-22 is overpopulated with a population of 193,163 and a population deviation of +0.98%. Id.

The Supreme Court has indicated a strong preference for “population equality with little more than *de minimis* variation.” Connor v. Finch, 431 U.S. 407, 414 (1977) (internal quotation mark omitted) (quoting Chapman v. Meier, 420 U.S. 1, 27 (1975)). While the Equal Protection Clause does not require that Legislative Districts meet perfect population deviations, with the advent of technology, it seems that $\pm 10\%$ deviation is no longer a safe harbor for proposed districts. See

Section II(D)(1)(b)(2)(b)(iii)(a)(1) supra (Esselstyn HD-74); see also JX 2, 2 (stating a guideline that “[e]ach legislative district of the General Assembly shall be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.”).

The Court finds that Cooper SD-23 itself is not malapportioned. To create the district, however, Mr. Cooper reduced the population in SD-22 to nearly the lowest deviation on the Cooper Senate Plan. Tr. 254:14-255:3, 1783:10-14. Therefore, the Court concludes it is significant that Mr. Cooper’s creation of SD-23 required creating increasing the population deviation in SD-22, so that it is barely within Mr. Cooper’s $\pm 1.00\%$ deviation guidepost. Stop. ¶ 301, APAX 1 ¶ 111. Moreover, even though the General Assembly did not enumerate a specific population deviation range for the Legislative Districts, the Court finds Cooper SD-23 performs worse on the population equality metric than Enacted SD-23. JX 2, 2; APAX 1, Exs. O-1, M-1. Accordingly, the Court finds that the evidence shows that Cooper SD-23 achieves the traditional redistricting principle of population equality less so than Enacted SD-23.

((2)) *contiguity*

The Parties stipulated that Cooper SD-23 is a contiguous district. Stip. ¶ 300. Therefore, the Court finds that Cooper SD-23 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

Under the objective Reock and Polsby-Popper measures, Cooper SD-23 and Enacted SD-23 are comparably compact. In fact, they achieve the same scores: Enacted SD-23 has a Reock score of 0.37 and a Polsby-Popper score of 0.16. APAX 1, Ex. S-3. Likewise, Cooper's SD-23 has a Reock score 0.37 and a Polsby-Popper 0.16. *Id.*, Ex. S-1. Thus, the Court considers Cooper's SD-23 to be comparably compact to Enacted SD-23.

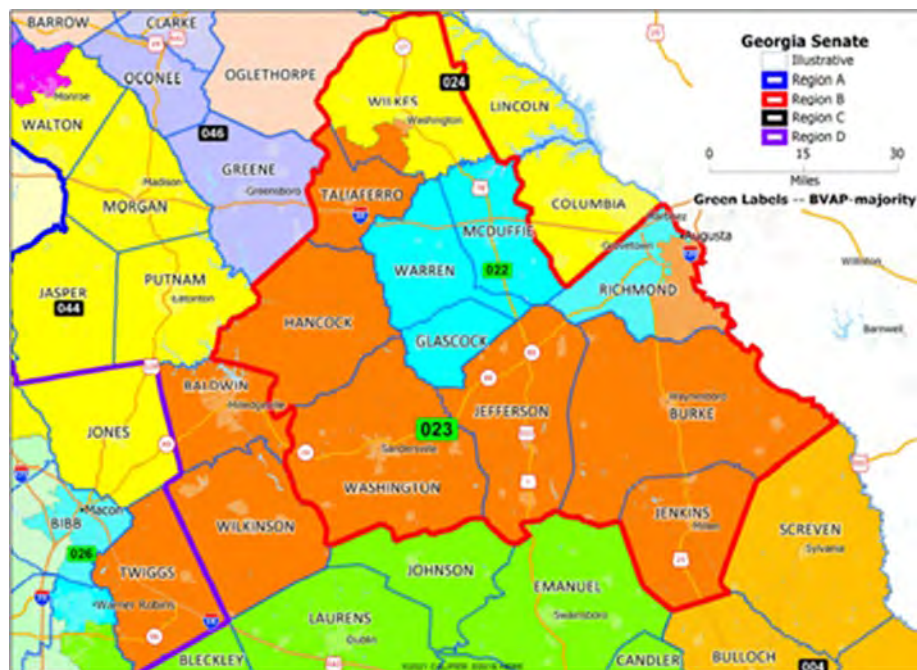
((4)) *political subdivisions*

Both Enacted SD-23 and Cooper SD-23 split two counties: Enacted SD-23 splits Richmond and Columbia Counties while Cooper SD-23 splits Richmond and Wilkes Counties. Tr. 119: 4-13. However, Cooper SD-23 splits the City of Washington (Tr. 258:24 – 259:2), whereas Enacted SD-23 does not. APAX 1 ¶ 107 & fig.18 (the city of Washington is in Wilkes County and all of Wilkes County is

within Enacted SD-24). Additionally, Cooper SD-23 splits two VTDs in Wilkes County, whereas Enacted SD-23 splits none. APAX 1, Exs. T-1, T-3. Thus, the Court concludes that Cooper SD-23 does not exhibit respect for political subdivisions as well as Enacted SD-23.

((b)) eyeball test

The Court concludes that Cooper SD-23 does not pass the eyeball test for visual compactness:



APAX 1 ¶ 108 & fig.19A.

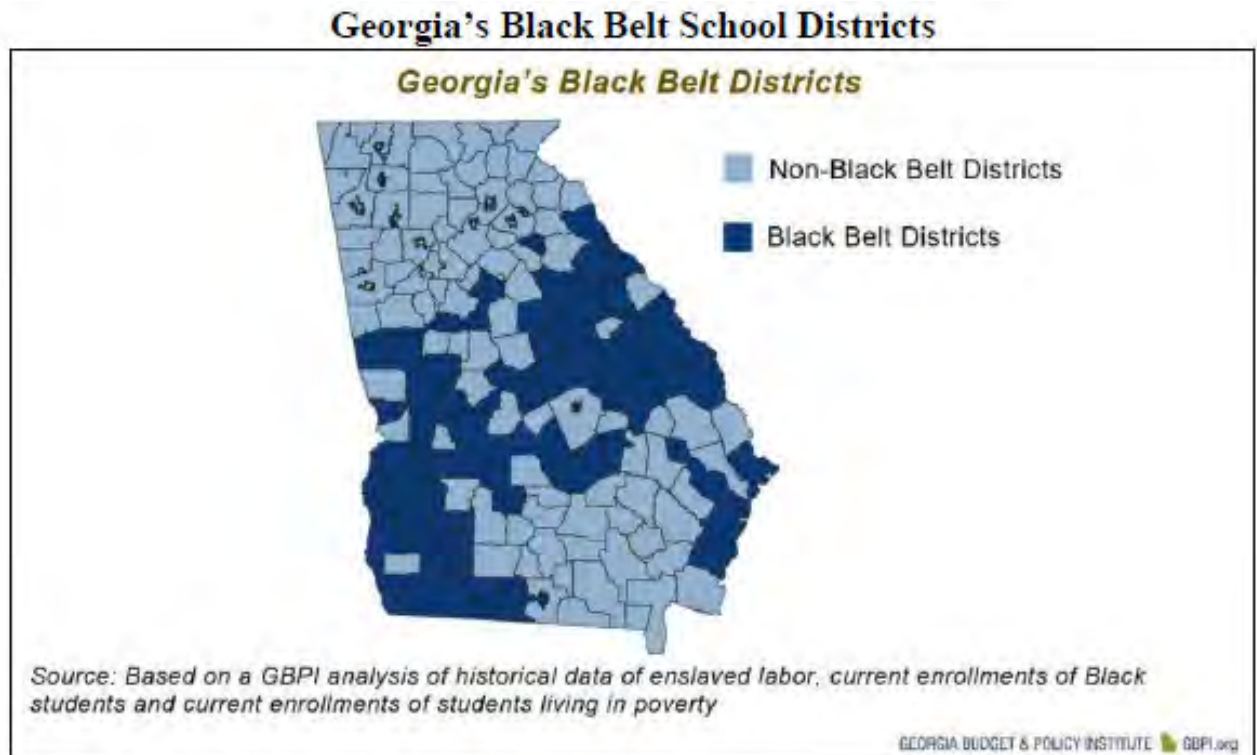
Cooper SD-23 is an oddly shaped, sprawling district that spans north to south from Wilkes County to Jenkins County and east to west from Twiggs County to Burke County. APAX Ex. 1, fig.19A. Milledgeville in Baldwin County (western part of the district) is more than 100 miles from Augusta in Richmond County (eastern part of the district). DX 2 ¶ 36. Based on the foregoing, Cooper SD-23 is not visually compact.

Admittedly, Enacted SD-23 is also large and sprawling, albeit in a different way than Cooper SD-23. However, as a majority-white district, Enacted SD-23 is not subject to Gingles' compactness requirements. LULAC, 548 U.S. at 430–31 (“[T]here is no § 2 right to a district that is not reasonably compact, the creation of a noncompact district does not compensate for the dismantling of a compact opportunity district.” (citing Abrams, 521 U.S. at 91–92)). In other words, the large and sprawling nature of Enacted SD-23 does not alleviate the concerns with the shape and size of Cooper SD-23. Moreover, plaintiffs, who have alleged a Section 2 violation, have the burden to show that the minority community is sufficiently compact to create the proposed majority-minority district. Based on

the foregoing, the Court concludes Alpha Phi Alpha Plaintiffs have not met their burden to show visual compactness.

((c)) communities of interest

The Court furthermore finds that the Alpha Phi Alpha Plaintiffs have not carried their burden in showing that Cooper SD-23 unites communities of interest. Mr. Cooper stated that the “Black Belt” formed a community of interest in relation to Cooper SD-23. Tr. 267:12–22. But when asked to define the factors that unite the Black communities in Cooper SD-23, Mr. Cooper only vaguely referenced “cultural and historical factors,” a response the Court finds unpersuasive. First, the Black Belt is a wide region that “stretches from one side of the State to another and “that is a pretty significant amount of distance to define as one community.” Tr. 1619:6-9.

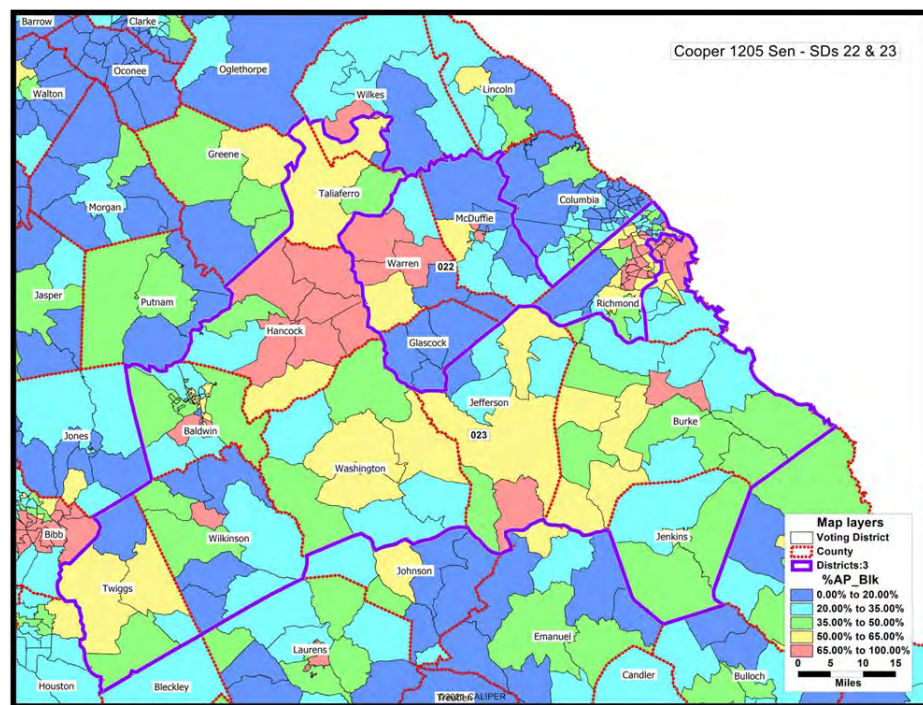


APAX 1 ¶ 18 & fig.1.

Ms. Wright, the State's map drawer, testified that there is a natural barrier in the area of the Ogeechee River that runs through Warren, Glascock, and Jefferson Counties, which runs through the center of Cooper SD-23. Tr. 1639:12-1640:1. She also testified that Augusta is a more urban area, whereas the surrounding counties are rural. Tr. 1639:12-14; 1695:25-1696:8.

With respect to the demographic makeup of the district, Mr. Morgan, Defendant's mapping expert, described Cooper SD-23 as a district that "connects

separate enclaves of Black population.” DX 2 ¶ 35. The Court agrees. For example, Cooper SD-23 links Black population from Milledgeville in Baldwin County to the Black population residing more than 100 miles away in Augusta. *Id.* Furthermore, Mr. Cooper conceded that Cooper SD-23 includes counties from different regions and splits a regional commission. Tr. 260:23–261:13.



DX 2 ¶ 34 & Ex. 23.

The Court finds that, although communities of interest are hard to define, the distance between the Black population in Cooper SD-23 coupled with the

sprawling geographic nature of the district indicates that there is not a unified community of interest in Cooper SD-23. Mr. Cooper’s vague reference to shared historical and cultural similarities of the Black Belt is insufficient to establish communities of interest. The Black Belt runs across the southeastern United States, and in Georgia, it spans from Augusta, near the South Carolina border to the southwest corner of the State near Alabama and Florida. Stip. ¶ 118; GX 1 ¶ 19 & fig.1. The Court finds that portions of Cooper SD-23 are both urban and rural and that a river divides the proposed district.

The Court also finds that the lay witness testimony does not sufficiently prove that Cooper SD-23 preserves communities of interest. Dr. Diane Evans,⁸³ who lives in Jefferson County – at the heart of Cooper SD-23 – testified about communities in the proposed district that share numerous interests. She said that Black residents in the eastern section of the Black Belt attend the same houses of worship and share church leadership. Tr. 627:19-628:6. She identified other common interests shared by the Black residents in the area such as sports, and

⁸³ The Court granted Plaintiffs’ motion to incorporate Dr. Evans’s testimony as part of the Alpha Phi Alpha record. Tr. 633:18-634:10.

farming; she said they also have similar policy concerns regarding high school dropout rates and education. Id. at 625:3-8, 629:22-630:13.

While the Court finds Dr. Evans to be highly credible, the Court also finds that the evidence presented at trial is not enough to show that the Black communities in Esselstyn SD-23 are part of a community of interest. Although there is some evidence of shared concerns over high rates of gun violence and low high school graduation rates, it is unclear how these commonalities unite the widely dispersed Black communities in the proposed district. Additionally, given the widely dispersed nature of the pockets of high concentration of Black people, the evidence is insufficient to show that all of the communities in this area share these same concerns.

Although the three-judge court in Singleton found a community of interest in Alabama's Black Belt, the evidence in this case differs. There, the three-judge court found that "Black voters in the Black Belt share common 'political beliefs, cultural values, and economic interests.'" Singleton, 582 F. Supp. 3d at 953. The Court finds that there is not sufficient evidence in the Record for it to conclude that the Black community in this region constitutes a community of interest.

Accordingly, the Court finds that Cooper SD-23 does not preserve communities of interest.

((d)) conclusions of law

The Court concludes that the Black community is not sufficiently compact in Cooper SD-23. This conclusion is based on (a) the underpopulation of Cooper SD-23 (and its ripple effect of reducing the population in Cooper SD-22), (b) Cooper SD-23's treatment of political subdivisions, (c) a lack of visual compactness, and (d) Cooper SD-23's unification of geographically distant disparate black populations without preserving articulable communities of interest.

Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have not carried their burden in meeting the first Gingles precondition as to Cooper SD-23. The three Gingles requirements are necessary preconditions, intended "to help courts determine which claims could meet the totality-of-the-circumstances standard for a § 2 violation." Bartlett, 556 U.S. at 21. Failure to prove any one of the preconditions is fatal to a plaintiff's Section 2 claim. Greater Birmingham Ministries, 992 F.3d at 1332. Because the Alpha Phi Alpha Plaintiffs have not

successfully carried their burden in establishing that the Black community in the eastern Black Belt is sufficiently compact, they have failed to demonstrate that the Enacted Senate Plan violates Section 2 with respect to the area of Cooper SD-23.

ii) Cooper HD-133

As with Cooper SD-23, the Court concludes, based on the following measures of compactness, that Cooper HD-133 does not satisfy the first Gingles’ precondition’s compactness requirement either.

((a)) empirical measures

((1)) *population equality*

The ideal population size of a State House District is 59,511 people. Stip. ¶ 278. Cooper HD-133 and Enacted HD-133 have identical population deviations of -1.33%. APAX 1, Exs. Z-1, AA-1. Accordingly, the Court finds that the population of Cooper HD-133 complies with the General Assembly’s guidelines and the traditional redistricting principle for population equality.

((2)) *contiguity*

The Parties stipulated that Cooper HD-133 is a contiguous district. Stip. ¶ 300. Therefore, the Court finds that Cooper HD-133 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

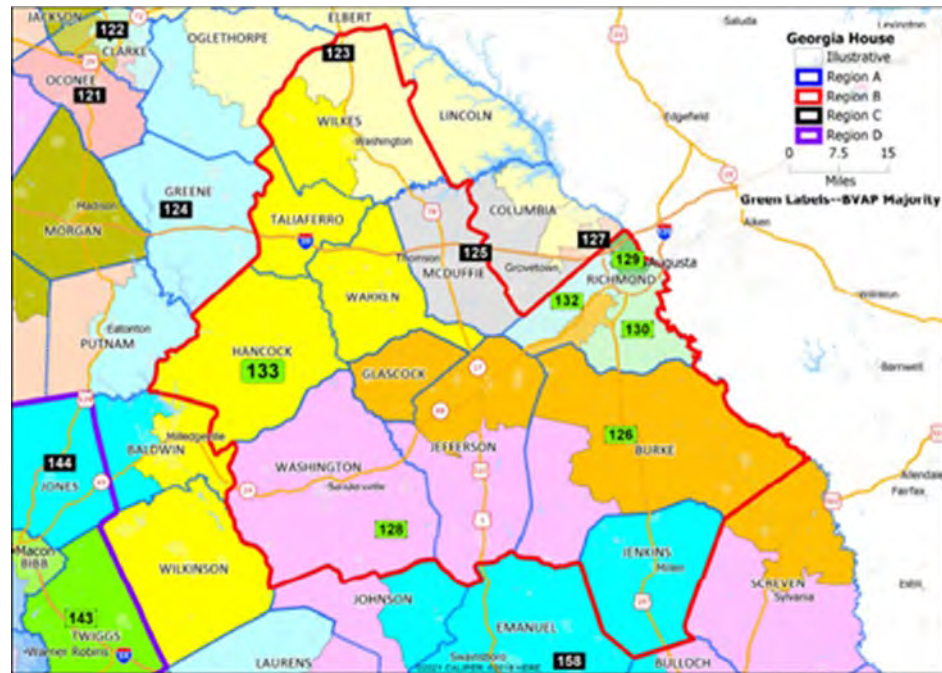
Under the Reock and Polsby-Popper measures, Cooper HD-133 is much less compact than Enacted HD-133: Enacted HD-133 has a Reock score of 0.55 and a Polsby-Popper score of 0.42, whereas Cooper's HD-133 has a Reock score 0.26 and a Polsby-Popper 0.20. DX 2, 25 & Chart 7. Accordingly, the Court concludes that Cooper HD-133 is not comparably compact to Enacted HD-133. The Court does note, however that both of these compactness scores are within the range of compactness scores found in the Enacted House Plan, i.e., minimum Reock score is 0.12 and minimum Polsby-Popper score is 0.10. APAX 1, Ex. AG-2. Although Cooper HD-133 exceeds the minimum threshold, the Court finds that, compared to Enacted HD-133, it performs far worse on compactness measures.

**((4)) *political
subdivisions***

Evidence at trial established that Mr. Cooper sacrificed preservation of political subdivisions, including counties and precincts, in creating Cooper HD-133. Mr. Cooper testified that there are more splits in this area of the Cooper House Plan than in other illustrative plans he has drawn. Tr. 282:3-4. Also, Cooper HD-133 split *nine* precincts – again, more than any other district on the Cooper House Plan. DX 2 ¶ 62; APAX 1, T-1, T-3. Furthermore, to create Cooper HD-133, Mr. Cooper made changes to Enacted HD-128 – a majority-Black district – that resulted in additional split counties in that area. Tr. 282:13-19. Likewise, the creation of Cooper HD-133 required changes to Enacted HD-126 that resulted in additional county splits in that district. Tr. 283:23-284:11. Thus, the Court determines that Cooper HD-133 does not respect political subdivisions, either itself in the proposed district, or in the districts experiencing the ripple effect of Mr. Cooper’s changes to the area.

((b)) eyeball test

The Court concludes that Cooper HD-133 does not pass the eyeball test:



APAX 1 ¶ 169 & fig.31.

Cooper HD-133 is a long district that stretches from Wilkes County in the north, narrows around Milledgeville, and then widens out to Wilkinson County in the south. DX 2, 75 fig.31. According to Mr. Morgan, Defendants' mapping expert, Cooper HD-133 stretches north to south for 90 miles to pick up Black population from Milledgeville. DX 2 ¶ 61. In these ways, Cooper HD-133 stands in stark contrast to Enacted HD-133, which covers a much smaller geographic area. See DX 2, 74 fig.30. Thus, the Court concludes that Cooper HD-133 is not visually compact.

((c)) communities of interest

Finally, the Court finds that the Alpha Phi Alpha Plaintiffs have not carried their burden in showing that Cooper HD-133 unites communities of interest. Mr. Cooper identified the “Black Belt” as a community of interest that joined the various counties within Cooper HD-133. Tr. 280:23 – 25. He further stated that the counties in Cooper HD-133 are rural in nature, and with the exception of Glascock County, are significantly Black. Id. at 281:3-8.

The Court finds that, although communities of interest are hard to define, Alpha Phi Alpha Plaintiffs have not produced sufficient evidence show that this 90-mile district preserves communities of interest as opposed to combining disparate communities. This is true even in light of Dr. Evan’s testimony, which is incorporated here (see Section II(D)(1)(c)(1)(b)(i)(c) *supra*). Without more, the Court cannot conclude that Cooper HD-133 preserves communities of interest.

((d)) conclusions of law

The Court concludes that the Black community is not sufficiently compact in Cooper HD-133. This conclusion is based on the following findings of fact: compared to Enacted HD-133 Cooper HD-133 splits more VTDs, and added numerous county splits in the area. Additionally, the creation of Cooper HD-133

led to increased VTD splits in neighboring districts. Cooper HD-133, moreover, is not visually compact and unites Black populations whose only commonalities are being in the Black Belt in mostly rural areas—an insufficient showing of communities of interest.

Accordingly, the Court concludes that the Alpha Phi Alpha Plaintiffs have not carried their burden in meeting the first Gingles precondition as to Cooper HD-133. Like with Cooper SD-23, *supra*, failure to prove any one of the preconditions is fatal to Plaintiffs' Section 2 claim. Greater Birmingham Ministries, 992 F.3d at 1332. Accordingly, Alpha Phi Alpha Plaintiffs have failed to demonstrate that the Enacted House Plan violates Section 2 with respect to that area of the State.

(2) Grant; Esselstyn SD-23

The Court finds that the Grant Plaintiffs failed to prove that the Black community is not sufficiently compact to constitute an additional majority-Black Senate district in the Eastern Black Belt region.

(a) numerosity

The Court finds that the Grant Plaintiffs have met their burden in showing that the Black voting age population in the eastern Black Belt is large enough to

constitute an additional majority-Black district. It is undisputed that Esselstyn SD-23 has an AP BVAP of 51.06%, which exceeds the 50% threshold required by Gingles. GX 1 1 ¶ 27 & tbl.1; Stip. ¶ 234.

(b) compactness

Based on a review of traditional redistricting principles, the Court finds that the minority community is not sufficiently compact to warrant the creation of an additional majority-Black district in the eastern Black Belt as found in Esselstyn SD-23. Additionally, Esselstyn SD-23 fails to respect the other traditional redistricting principles (visual compactness and preservation of communities of interest).

i) empirical measures

((a)) population equality

The Court finds that Esselstyn SD-23 is not malapportioned. Nevertheless, as explained below, the Court finds that Esselstyn SD-23 has the *greatest* population deviation of any district in the Esselstyn and Enacted Senate Plans.

The ideal population size of a State Senate District is 191,284 people. Stip. ¶ 277. Esselstyn SD-23 has a population of 188,095 people, which amounts to a population deviation of -1.67%. GX 1, attach E. Esselstyn SD-23 is the most

underpopulated district in either the Esselstyn or Enacted Senate Plan. Additionally, the Court finds that neighboring majority-Black district, SD-22 is underpopulated under the Esselstyn Senate Plan. Esselstyn SD-22 has a population of 188,930, which is a population deviation of -1.23%. GX 1, attach E. In the Enacted Senate Plan, conversely, Enacted SD-23 is slightly underpopulated with a population of 190,344 (a population deviation of -0.49%), and Enacted SD-22 is overpopulated with a population of 193,163 (a population deviation of +0.98%). GX 1, Attach. D.

Although the General Assembly did not enumerate a specific deviation range for the Legislative Districts, the Court finds that the population of Esselstyn SD-23 does not comply with the guideline that “[e]ach legislative district of the General Assembly shall be drawn to achieve a total population that is substantially equal as practicable, considering the principles listed below.” JX 2, 2. Additionally, in creating Esselstyn SD-23, Mr. Esselstyn did not keep his deviations within the range of the Enacted Senate Plan, which is $\pm 1.03\%$. Cf. Stip. ¶ 301 (indicating the 2021 Senate Plan’s population deviation range in comparison to Mr. Cooper’s population deviation range). Thereby, for all these

reasons, Esselstyn SD-23 fails to achieve population equality to the same degree as any district in the Enacted Senate Plan.

((b)) contiguity

The Parties stipulated that Esselstyn SD-23 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn SD-23 complies with the traditional redistricting principle of contiguity.

((c)) compactness scores

Under the Reock and Polsby-Popper measures, Esselstyn SD-23 and Enacted SD-23 are comparably compact. Enacted SD-23 has a Reock score of 0.37 and a Polsby-Popper score of 0.16. GX 1, Attach. H. Esselstyn SD-23 has a Reock score 0.34 and a Polsby-Popper 0.17. Id. Thus, Enacted SD-23 is 0.03 points more compact on the Reock measure, but Esselstyn SD-23 is 0.01 points more compact on Polsby-Popper. On the whole, the Court finds that the Enacted and Esselstyn SD-23 are comparably compact.

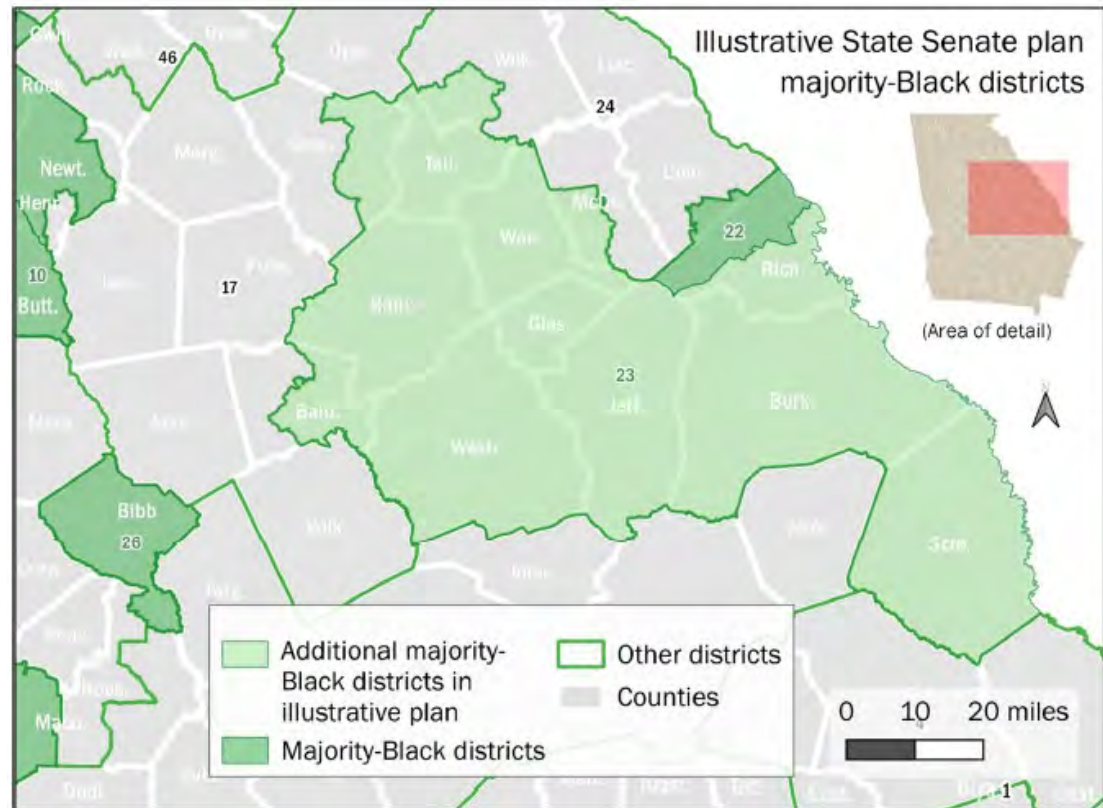
((d)) political subdivisions

The Court finds that Esselstyn SD-23 split more counties than Esselstyn SD-23. Enacted SD-23 splits Richmond and Columbia Counties but otherwise keeps nine counties whole. DX 3 ¶ 31. Meanwhile, Esselstyn SD-23 split more

counties than any other district on the Esselstyn Senate Plan. DX 3 ¶¶ 33, 36. Specifically, Esselstyn SD-23 splits Richmond, McDuffie, Wilkes, Greene, and Baldwin Counties. GX 1 ¶ 29; Tr. 536:22–237:5, 1818:7–13. As part of Esselstyn SD-23’s ripple effect, Esselstyn SD-22 includes more counties than Enacted SD-22. DX 3 ¶ 31. Enacted SD-22, which is a majority-Black district, is wholly within Richmond County. Id. Under the Esselstyn Senate Plan, however, Esselstyn SD-22 includes parts of Richmond and Columbia Counties. Based on the foregoing, the Court overall finds that it does not respect political subdivisions.

ii) eyeball test

The Court finds that Esselstyn SD-23 is not visually compact and does not pass the eyeball test:



GX 1 ¶ 29 & fig.5.

Esselstyn SD-23 is a long sprawling district that spans from Wilkes and Greene counties in the north, down to Screven County in the south. DX 3, 16. Additionally, Esselstyn SD-23 starts in Augusta in the east and stretches to Milledgeville in the west. GX 1 ¶ 29 & fig.5. From the Augusta portion of the district to Milledgeville, the district is approximately 80 miles using the mapping tool. Tr. 1854:18–22. It is more than 100 miles from Greene County to Screven

County. GX 1 ¶ 29 & fig.5. The Court finds that Esselstyn SD-23 it is not visually compact.

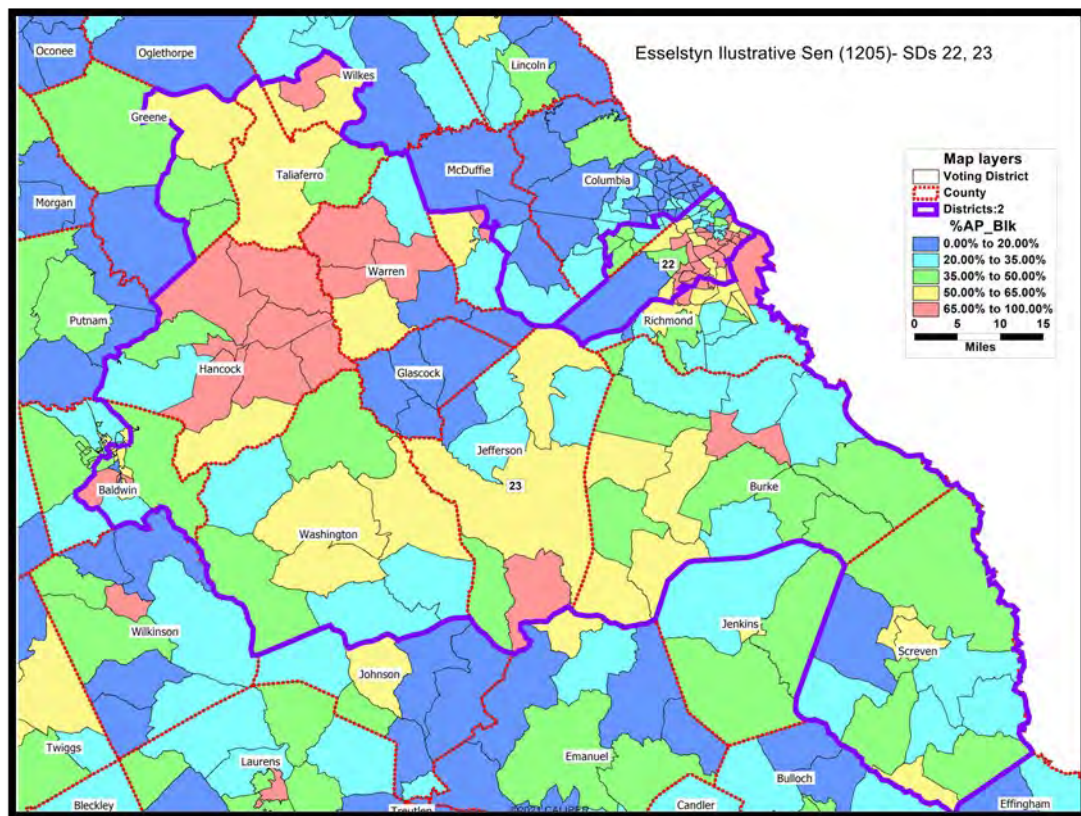
As with the Alpha Phi Alpha case's proposed Senate district in this area, the Court acknowledges that Enacted SD-23 is also large and sprawling. GX 1 ¶ 29 & fig.2. However, for purposes of a Section 2 violation, the large and sprawling nature of Enacted SD-23, a non-remedial district, does not alleviate the concerns with the shape and size of Esselstyn SD-23. See LULAC, 548 U.S. at 430-31. Enacted SD-23 is a majority-white district that was not required to comply with Gingles' compactness requirements. The Grant Plaintiffs, who have alleged a Section 2 violation, however, must show that the minority community is sufficiently compact to create a majority-minority district. Upon review of Esselstyn SD-23, the Court finds that the proposed district is not visually compact.

iii) communities of interest

The Court finds that the Grant Plaintiffs have not carried their burden in showing that Esselstyn SD-23 unites communities of interest. Rather, the evidence shows that the areas of high Black concentration in Esselstyn SD-23 are

spread out across the district and have large areas of intervening white population.

Mr. Esselstyn was unable to identify any community of interest shared by the counties and portions of counties in Esselstyn SD-23. Tr. 539:11-23. The district combines geographically separate Black populations in McDuffie and Wilkes Counties and in Milledgeville. Tr. 540:15-541:13.



DX 3, Ex. 29.

Esselstyn SD-23's disparate Black population, moreover, is separated by an intervening white population. The Black population is concentrated in distinct areas of Augusta, the middle of Burke County, south Jefferson County, Hancock and Warren Counties, Milledgeville, and north Wilkes County. Id. As the map shows, between those pockets within the district, the Black population ranges between 0 and 35%. Id. Thereby, the concentrations of Black population in Esselstyn SD-23 are not in close proximity to one another.

In defining what constitutes a community of interest, Mr. Esselstyn explained, "[t]here's not a simple definition for communities of interest in my mind because they can vary a lot. They can be made up of a large number of counties. Like the Black Belt could be considered a community of interest." Tr. 479:19-23. Ms. Wright testified that she does not consider the Black Belt to be a community of interest, however, because it stretches from one side of the State to the other and "that is a pretty significant amount of distance to define as one community." Tr. 1619:6-9.

The Court finds that Mr. Esselstyn's definition that the "Black Belt" alone is insufficient to constitute a community of interest. There is not a unified

community of interest in Esselstyn SD-23 given the distance separating the Black populations in Esselstyn SD-23 and the large distance the district spans. As discussed above, the Court also does not find that Dr. Evan's testimony sufficiently establishes that there is a unified community of interest in the area drawn by Esselstyn SD-23. See Section II(D)(1)(b)(1)(b)(iii) *supra*. The Black Belt runs across the southeastern United States, and in Georgia, it spans from Augusta, near the South Carolina border, and to the southwest corner of the State near Alabama and Florida. Stip. ¶ 118; GX 1 ¶ 19 & fig.1. Tr. 1639:12-1640:1; 1695:25-1696:8.

Again, although the counties in this region do share commonalities, such as high rates of gun violence and low high school graduation rates, it is unclear how these commonalities unite the widely dispersed Black communities in the proposed district. Furthermore, the State's map drawer, Ms. Wright testified about geographic boundaries in this region and said that portions of the region are urban, portions are rural, and portions are more suburban. Tr. 1640:12-1641:1.

Pursuant to the evidence presently before this Court, it finds that Esselstyn SD-23 does not preserve communities of interest, but rather unites distinct Black communities within the eastern portion of the Black Belt.

iv) conclusions of law

The Court finds that the Black community is not sufficiently compact in Esselstyn SD-23. The Court finds that Esselstyn SD-23 is underpopulated and has the greatest population deviation of any district in either the Enacted or Esselstyn Senate Plans. Esselstyn SD-23 does not respect political subdivisions, and its creation accounts for the increased county splits in the Esselstyn Senate Plan as a whole. The district is not visually compact and unites disparate Black populations with intervening white populations.

Accordingly, the Court finds that the Grant Plaintiffs have not carried their burden in meeting the first Gingles precondition in the area drawn by Esselstyn SD-23. Failure to prove any one of the preconditions is fatal to plaintiffs' Section 2 claim. Because the Grant Plaintiffs have not successfully carried their burden in establishing that the Black community is sufficiently compact to warrant the

creation of an additional majority-Black State Senate district in the eastern Black Belt, the Court concludes there is no Section 2 violation in this region.

d) Macon-Bibb region

(1) Alpha Phi Alpha: Cooper HD-145

The Court finds that the Alpha Phi Alpha Plaintiffs have not met their burden in establishing that an additional majority-Black House district can be drawn in or around Macon-Bibb.

(a) numerosity

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in showing that the Black voting age population in and around Macon-Bibb is large enough to create a majority-Black House districts. “[A] party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.” Bartlett, 556 U.S. at 20.

It is undisputed that Cooper HD-145 has an AP BVAP of 50.20%. APAX 1, AA-1. Accordingly, the Court finds that Black population is sufficiently numerous in Cooper HD-145.

(b) compactness

The Court finds, however, that the Alpha Phi Alpha Plaintiffs have not shown that it is possible to draw an electoral district consistent with traditional redistricting principles in the area encompassed by Cooper HD-145. As an initial note, Mr. Cooper explained that Cooper HD-145 is in the same general area, and correlates with, Enacted HD-145. APAX 1 ¶ 181-82 & fig.34.

i) empirical measures

((a)) population equality

The Court finds that Cooper HD-145 is not malapportioned, but Cooper HD-145's population deviation is double the deviation of Enacted HD-145. As stated above, the General Assembly did not enumerate an acceptable deviation range for State Senate Districts. However, using the Enacted House Plan as a guide, a population deviation range between $\pm 1.40\%$ is acceptable. Stip. ¶ 302. In comparison, Cooper SD-28 has a population deviation of $+1.18\%$. APAX 1, Ex. AA-1. The Court does note that Enacted HD-145's population deviation is half that at $+0.59\%$. APAX 1, Ex. Z-1. Thus, the Court finds that this district does not comply with the traditional redistricting principle of population equality as well as Enacted HD-145.

((b)) contiguity

The Parties stipulated that Cooper HD-145 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper HD-145 complies with the traditional redistricting principle of contiguity.

((c)) compactness scores

The Court finds Cooper HD-145's compactness scores are comparable to Enacted HD-145. APAX 1, Exs. AG-1, AG-2. Enacted HD-145 has a higher Reock Score (0.38) than Cooper HD-145 (0.25), but Cooper HD-145 has a higher Polsby-Popper Score (0.22) than Enacted HD-145 (0.19). Id.

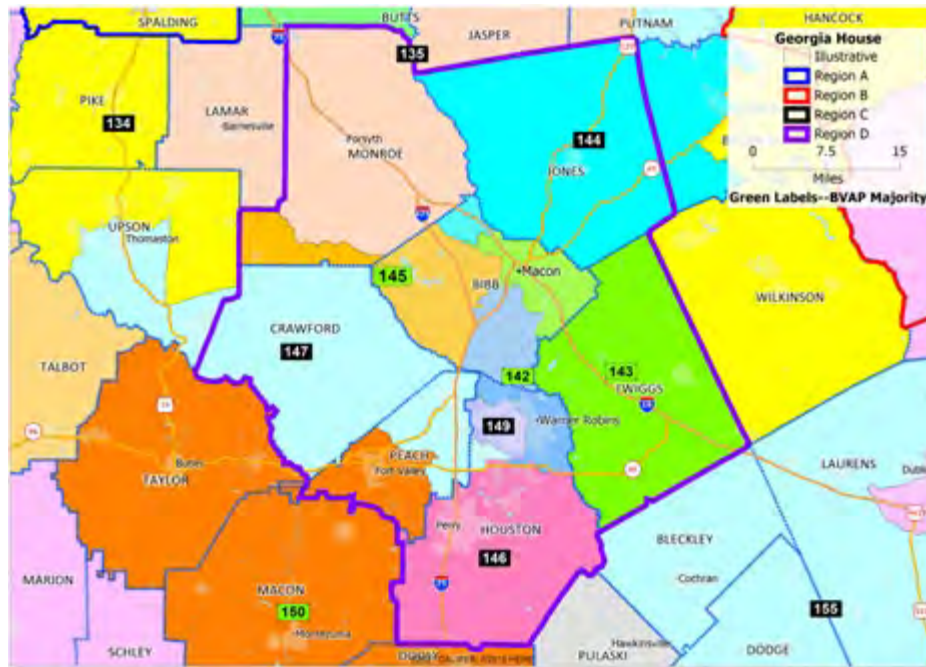
Although Enacted HD-145 is more compact on the Reock measure, Cooper HD-145 is well within the range of compactness scores of the Enacted House Plan. Specifically, the Enacted House Plan has a minimum Reock score of 0.12. APAX 1, Ex. AG-2. Cooper HD-145's Reock score (0.25) far exceeds the minimum threshold Reock score. Id. Accordingly, the Court finds that Cooper HD-145 constitutes a compact district for purposes of the first Gingles precondition, though, less so than Enacted HD-145.

((d)) political subdivisions

The Court finds that Cooper HD-145 demonstrates a respect for political subdivisions more so than Enacted HD-145. Cooper HD-145 is contained within portions of two counties – Bibb and Monroe. APAX 1 ¶ 183 & fig.35, Ex. AH-1. Meanwhile, Enacted HD-145 contains portions of Bibb, Houston, Monroe, Paulding Counties, and all of Crawford County. APAX 1 ¶ 181–82 & fig.34, Ex. AH-3. Thus, Cooper HD-145 splits half of the Counties that Enacted HD-145 splits. Both districts split the same number of VTDs, three. APAX 1, Exs. AH-1, AH-3. Mr. Cooper testified that in Monroe County he followed county and VTD lines. *Id.* at 167:10-12. Accordingly, the Court finds that Cooper HD-145 exhibits respect for political subdivisions more so than Enacted HD-145.

ii) eyeball test

The Court finds that Cooper HD-145 is not visually compact under the eyeball test:



APAX 1 ¶ 198 & fig.35.

Using the mapping tool, the Court finds that at its most distant points, Cooper HD-145 is less than 30 miles long. *Id.* Despite its small size, the district does contain a tentacle. The majority of the district is contained within the western half of Bibb County, but one thin line extends into Monroe County. *Id.* When asked why the district extended into Monroe County, Mr. Cooper explained that his decision to include portions of Monroe County was because it has “a very small population. And [he] made that decision to make sure we has

a district that was within plus or minus 1.5 percent, taking into account where incumbents live in Macon-Bibb.” Id. 16–19.

Although the Court credits Mr. Cooper’s testimony regarding the reasons for extending the district in this manner, the Court still finds that the district does not pass the eyeball test.

iii) communities of interest

Mr. Cooper testified that Cooper HD-145 stays entirely within the Macon-Bibb MSA. Tr. 166:19-20. Mr. Cooper’s report also demonstrated commonalities shared by the portion of the district that is within Bibb County. About 91% of all persons and 96% of Black persons in Cooper HD-145 are Macon-Bibb residents. APAX 1 ¶ 201. One-third of the Black population and nearly half (47.5%) of Black children in Macon-Bibb live in poverty. Id. By contrast, 11.6% of the white population in Macon-Bibb and 14.1% of white children live in poverty. Id. The Court finds that there is evidence in the Record of the commonalities in the communities in Bibb County, but there is nothing about Monroe County.

On cross-examination, Mr. Cooper was unable to provide an explanation of the connections between the communities in downtown Macon and Monroe

County. Tr. 288:13–15. The Court credits Mr. Cooper’s non-racial reasons for extending the district into Monroe County (population equality, incumbency protection, and avoidance of VTD splits). The Court finds, however, that this testimony does not remedy the lack of evidence about the commonalities between Monroe County and the rest of the district (even if that portion is only a small part of the districts composition).

Accordingly, the Court finds that Cooper HD-145 does not comply with the traditional redistricting principle of preserving communities of interest.

iv) conclusions of law

The Court finds that the Alpha Phi Alpha Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous to constitute an additional majority-Black district. The proposed district is not compact, however. Although, Cooper HD-145 complies with traditional redistricting principles of contiguity, empirical compactness scores, and respect for political subdivisions, the Court finds that the district fails to comply with population equality to the same degree as Enacted HD-145, and it united disparate communities. Additionally, the Court finds that the district is not

visually compact, it contains a tentacle that stretches into Monroe County, and the Record is devoid of any evidence showing a connection between this portion of the district and Bibb County. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have not carried their burden on the first Gingles precondition in the area encompassed by Cooper HD-145.

(2) Grant

Based on the following analysis, the Court finds that the Grant Plaintiffs have met their burden in establishing that the Black community was sufficiently numerous and compact to create two additional majority-Black districts in the Macon-Bibb region.

(a) numerosity

The Court finds that the Grant Plaintiffs have met their burden in showing that the Black voting age population in the area around Macon-Bibb is large enough to create two majority-Black House districts in the region. Bartlett, 556 U.S. at 20 (“[A] party asserting § 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent.”). It is undisputed that the proposed House districts – Esselstyn

HD-145 and HD-149 – have AP BVAP of 50.38% and 51.53%, respectively. Stip.

¶ 239, GX 1 ¶ 48 & tbl.5.

Table 5: Illustrative House plan majority-Black districts with BVAP percentages.

District	BVAP%	District	BVAP%	District	BVAP%	District	BVAP%
38	54.23%	69	62.73%	91	60.01%	137	52.13%
39	55.29%	74	53.94%	92	68.79%	140	57.63%
55	55.38%	75	66.89%	93	65.36%	141	57.46%
58	63.04%	76	67.23%	94	69.04%	142	50.14%
59	70.09%	77	76.13%	95	67.15%	143	50.64%
60	63.88%	78	51.03%	113	59.53%	145	50.38%
61	53.49%	79	71.59%	115	53.77%	149	51.53%
62	72.26%	84	73.66%	116	51.95%	150	53.56%
63	69.33%	85	62.71%	117	51.56%	153	67.95%
64	50.24%	86	75.05%	126	54.47%	154	54.82%
65	63.34%	87	73.08%	128	50.41%	165	50.33%
66	53.88%	88	63.35%	129	54.87%	177	53.88%
67	58.92%	89	62.54%	130	59.91%		
68	55.75%	90	58.49%	132	52.34%		

Thus, the Court finds that the Grant Plaintiffs have met their burden with respect to the numerosity prong of the first Gingles precondition for the additional two majority-Black House districts that Mr. Esselstyn proposed in the Macon-Bibb region.

(b) compactness

The Court also finds that Mr. Esselstyn drew two additional majority-Black districts in the Macon-Bibb region that are sufficiently compact and that comply with traditional redistricting principles.

i) Esselstyn HD-145

The Court finds that the Grant Plaintiffs have shown that it is possible to draw a legislative district consistent with traditional redistricting principles in the area encompassed by Esselstyn HD-145.

((a)) empirical measures

((1)) *population equality*

The Court finds that Esselstyn HD-145 achieves population equality better than Enacted HD-145. Esselstyn HD-145 has a population deviation of -0.26%, whereas Enacted HD-145 has a population deviation of +0.59%. GX 1, attaches. I, J. Accordingly, the Court finds that Esselstyn HD-145 achieves relative population equality better than the Enacted HD-145 and complies with the General Assembly's population equality guidelines and traditional redistricting principles.

((2)) *contiguity*

The Parties stipulated that Esselstyn HD-145 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn HD-145 complies with the traditional redistricting principle of contiguity.

((3)) compactness scores

The Court finds that Enacted HD-145 and Esselstyn HD-145 are comparably the same under empirical compactness measures. Enacted HD-145 has a Reock score of 0.38 and a Polsby-Popper score of 0.19. GX 1, Attach. L. Esselstyn HD-145 has a Reock score of 0.34 and a Polsby-Popper score of 0.21. Id. Accordingly, Enacted HD-145 performs better on the Reock measure (by 0.04 points) and Esselstyn HD-145 performs better on the Polsby-Popper measure (by 0.02 points). The Court finds that Enacted HD-145 and Esselstyn HD-145 are therefore comparably compact based on these objective compactness measures.

((4)) political subdivisions

The Court finds that Esselstyn HD-145 demonstrates respect for political subdivisions. Esselstyn HD-145 contains portions of Bibb and Houston Counties. GX 1 ¶ 51 & fig.16. Enacted HD-145 contains portions of Bibb, Houston, Monroe, and Peach Counties. GX 1, Ex. L. As such, Esselstyn HD-145 contains two fewer county splits than Enacted HD-145. Moreover, Esselstyn HD-145 splits two VTDs

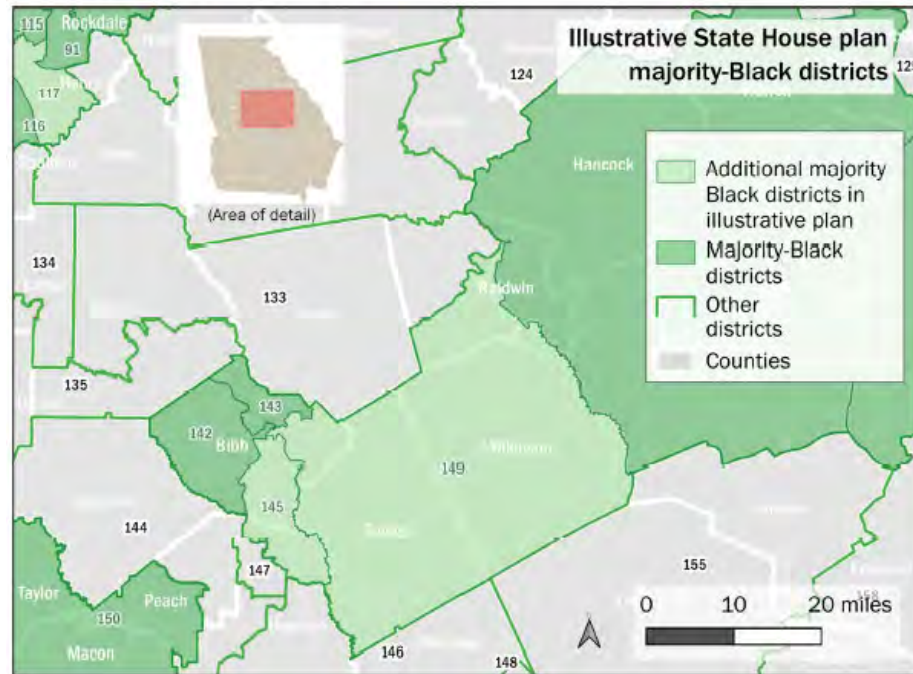
(one in Houston and one in Bibb Counties)⁸⁴ while Enacted HD-145 splits four VTDs (one in Bibb and three in Houston Counties). GX 1, Ex. L. Accordingly, Esselstyn HD-145 splits fewer VTDs than Enacted HD-145, a factor that supports a finding that Esselstyn HD-145 exhibits respect for political subdivisions based on objective metrics.

((b)) eyeball test

The Court finds that Esselstyn HD-145 is visually compact:

⁸⁴ The statistics for the VTD splits can be found on pages 7 and 13 of subdivision of the Political Subdivisions Chart entitled GA House Enacted and pages 8 and 13 of Political Subdivisions Chart entitled GA House Illustrative. GX 1, Attach. L.

Figure 16: Map of central Black Belt region of illustrative plan with majority-Black House districts indicated.



GX 1 ¶ 51 & fig.16.

Esselstyn HD-145 does not have appendages or tentacles. Vera, 517 U.S. at 962-63. Using the mapping tool, Esselstyn HD-145 is less than 20 miles in length at its most distant points. There is no evidence in the Record that suggests that Esselstyn HD-145 is not visually compact. Accordingly, the Court concludes that Esselstyn HD-145 is visually compact.

((c)) communities of interest

The Court also finds that Esselstyn HD-145 demonstrates respect for communities of interest. Mr. Esselstyn testified that HD-145 preserves communities of interest because it combines populations from adjacent counties in communities that are highly developed. Tr. 578:22–579:10. For example, Esselstyn HD-145 keeps an entire Air Force base intact. Tr. 578:4–7.

Commenting on Mr. Esselstyn’s HD-145, Ms. Fenika Miller, a lifelong Houston County resident and community organizer, identified several needs and interests shared by the Black residents in this area. Tr. 644:3–646:3. Ms. Miller observed that North Houston County and South Bibb County both lack certain public services and accommodations. Tr. 654:16–655:6. North Houston County has one grocery store, no public transportation, and lacks parks and recreation services. Tr. 654:16–22. “And for South Bibb, that would be the same . . . It used to be a thriving community and now most of those businesses have shuttered. And, typically, most of the shopping and the growth have moved.” Tr. 654:23–655:2.

The Court finds that Esselstyn HD-145 is a small district contained in and around Macon. The communities share the same infrastructural concerns. Additionally, the Court finds that Esselstyn HD-145 is not long and sprawling, and, as is evidenced by the size of the district and the trial testimony, preserves communities of interest.

((d)) conclusions of law

The Court finds that the Grant Plaintiffs have carried their burden in establishing that the Black community is sufficiently numerous and compact in Esselstyn HD-145 to constitute an additional majority-Black district. The Court finds that Esselstyn HD-145 complies with the traditional redistricting principles of population equality, contiguity, compactness scores, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, it is relatively small in size and does not contain any appendages or tentacles. Accordingly, the Court finds that the Grant Plaintiffs have carried their burden in meeting the first Gingles precondition in the area drawn by Esselstyn HD-145.

i) Esselstyn HD-149

The Court finds that the Grant Plaintiffs have shown that it is possible to draw a legislative district consistent with traditional redistricting principles in the area of Esselstyn HD-149.

((a)) empirical measures

((1)) *population equality*

The Court finds that Esselstyn HD-149 performs significantly better on population equality than Enacted HD-149—Esselstyn HD-149's population deviation is -0.20%, whereas Enacted HD-149's population deviation is -1.04%. GX 1 ¶¶ 46, 53 & attaches. I, J. Thus, the Court finds that Esselstyn HD-149 complies with the principle of population equality.

((2)) *contiguity*

The Parties stipulated that Esselstyn HD-149 is a contiguous district. Stip. ¶ 258. Hence, the Court finds that Esselstyn HD-149 complies with the traditional redistricting principle of contiguity.

((3)) *compactness scores*

Esselstyn HD-149 is also more compact on both compactness measures than Enacted HD-149. Esselstyn HD-149 has a Reock score of 0.44 and a Polsby-

Popper score of 0.28. GX 1, Attach. L. Enacted HD-149 has a Reock score of 0.32 and a Polsby-Popper score of 0.22. Id. Accordingly, the Court finds that Esselstyn HD-149 is reasonably compact as it compares to Enacted HD-149 under the objective compactness measures.

((4)) *political
subdivisions*

The Court finds that Esselstyn HD-149 respects political subdivisions. Esselstyn HD-149 includes all of Twiggs and Wilkinson Counties and portions of Baldwin and Bibb Counties⁸⁵. GX 1 ¶ 51 & fig.16. Enacted HD-149 includes all of Wilkinson, Twiggs, Bleckley, and Dodge Counties and a portion of Telfair County. GX 1, Attach. I. Thus, both plans are primarily made up of whole counties – Esselstyn HD-149 splits two counties and Enacted HD-149 splits one.

However, Esselstyn HD-149 has more VTD splits than Enacted HD-149 – Esselstyn HD-149 splits three VTDs in Baldwin and one in Bibb, whereas there

⁸⁵ The Court notes that although Esselstyn HD-149 splits Bibb County, this split does not show less respect for communities of interest than the Enacted House Plan. Both the Enacted and Esselstyn House Plans split Bibb County four ways (Enacted HD-142, Hd-143, HD-144, and HD-145) and (Esselstyn HD-142, HD-143, HD-145, and HD-149). GX 1, Attach. L.

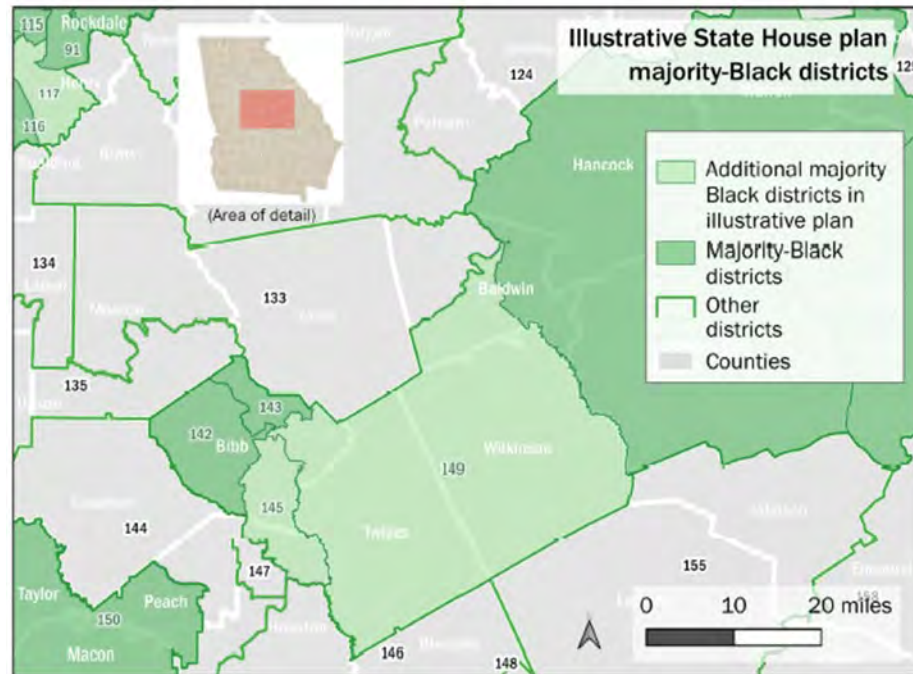
are no VTD splits in Enacted HD-149. GX 1, Attach. L.⁸⁶ Mr. Esselstyn testified that these splits can be partially explained by his decision to keep Mercer University mostly intact (with an exception for one portion excluded because it would have split another VTD), as well as keeping the core of Milledgeville, Georgia College, and a Native American historical site intact. Tr. 491:3–13, 580:7–11. Although Esselstyn HD-149 contains more VTD splits than Enacted HD-149, the Court finds Mr. Esselstyn’s explanations for keeping other specific subdivisions intact (i.e., colleges, landmarks, the cores of towns) to be credible. Accordingly, the Court finds that Mr. Esselstyn generally respected political subdivisions when he drafted Esselstyn HD-149.

((b)) eyeball test

The Court also finds that Esselstyn HD-149 is visually compact:

⁸⁶ The statistics for the VTD splits can be found on pages 7–8 of Political Subdivisions Chart entitled GA House Illustrative.

Figure 16: Map of central Black Belt region of illustrative plan with majority-Black House districts indicated.



GX 1 ¶ 51 & fig.16.

Visually, the Court finds that Esselstyn HD-149 does not have appendages or tentacles. Using the mapping tool, Esselstyn HD-149 is approximately 50 miles long at its most distant points. Although generally a larger district than others at issue in this Order, Esselstyn HD-145 is still significantly smaller than Enacted

HD-149, which is, at its most distant points, approximately 80 miles apart. GX 1, Attach. I.⁸⁷

There is no evidence in the Record disputing the visual compactness of Esselstyn HD-149 and thereby the Court finds Esselstyn HD-149 is visually compact.

((c)) communities of interest

The Court finds that Esselstyn HD-149 respects communities of interest. Mr. Esselstyn testified that one commonality between all the individuals in Esselstyn HD-149 is that they are within the same Enacted Senate District (Enacted SD 25). Tr. 582:9–16. Additionally, a prior State House candidate from the area, Ms. Miller, testified that Esselstyn HD-149 contains rural communities that have few shopping areas, food security concerns, and no hospitals (individuals have to drive to either Macon or Milledgeville to go to the hospital).

⁸⁷ The Court measured the distance using the diagonal beginning at the top of Wilkinson County to the portion of Telfair County that borders Ben Hill County. GX 1, Attach. I. This measurement cuts across part of Laurens County in the neighboring district, Enacted HD-155. If the Court were to take the same measurement and avoid cutting across Enacted HD-155, however, the length of Enacted HD-149 would be longer.

Tr. 653:18–25. This district also contains two places of higher education: Mercer University at one end of the district (in Bibb County) and Georgia College at the other (in Baldwin County, i.e., Milledgeville). Tr. 491:3–7, 579:21–58:7; see also Tr. 1898:2–16.

The Court finds that Esselstyn HD-149 adequately preserves communities of interest. The majority of the district is rural and shares the same infrastructure concerns. The district is not long and sprawling. Accordingly, Esselstyn HD-149 preserves communities of interest for purposes of the first Gingles precondition.

((d)) conclusions of law

The Court finds that the Grant Plaintiffs have carried their burden in establishing that the Black community in Esselstyn HD-149 is sufficiently numerous and compact to create an additional majority-Black district. The Court finds that Esselstyn HD-149 complies with the traditional redistricting principles of population equality, contiguity, compactness, respect for political subdivisions, and preservation of communities of interest. Additionally, when visually inspecting the district, does not contain any appendages or tentacles.

Accordingly, the Court finds that the Grant Plaintiffs have carried their burden in showing the first Gingles precondition in the area drawn by Esselstyn HD-149.

e) Southwest Georgia region

(1) Alpha Phi Alpha: Cooper HD-171

The Court finds that Alpha Phi Alpha Plaintiffs have not carried their burden with respect to establishing that an additional compact majority-Black district in southwest Georgia could be drawn. To begin, the Court notes that following the preliminary injunction hearing, the Court concluded that the Alpha Phi Alpha Plaintiffs had a substantial likelihood of success in proving a Section 2 violation in this area of the State. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1293–1302. “A substantial likelihood of success on the merits requires a showing of only *likely* or probable, rather than *certain* success.” Schiavo Ex. rel. Schindler v. Schiavo, 403 F.3d 1223, 1232 (11th Cir. 2005). At trial, conversely, the plaintiffs have the higher burden of proving every aspect of their case by *a preponderance of the evidence*. See Mo. State Conf. of the NAACP v. Ferguson-Florissant Sch. Dist., 894 F.3d 924, 930 (8th Cir. 2018).

In conducting a thorough and sifting analysis of the evidence provided at the trial, the Court finds that while the Alpha Phi Alpha Plaintiffs met the lower

threshold of proof at the preliminary injunction phase, they were unable to clear the hurdle of preponderance of the evidence at the trial. Accordingly, the Court finds that with the evidence currently before it, Alpha Phi Alpha Plaintiffs were unable to show by a preponderance of the evidence that an additional compact majority-Black district could be drawn in southwest Georgia.

(a) numerosity

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in showing that the Black voting age population in southwest Georgia is large enough to create an additional majority-Black House district. It is undisputed that Cooper HD-171 has an AP BVAP of 58.06%. APAX 1, AA-1. Accordingly, the Court finds that the Black population is sufficiently numerous to constitute an additional majority-Black district in southwest Georgia.

(b) compactness

The Court finds that the Alpha Phi Alpha Plaintiffs have not shown that it is possible to draw an additional majority-Black House district in the area drawn by Cooper HD-171 consistent with traditional redistricting principles. As an initial note, Mr. Cooper explained that the district is drawn in the same general area as Enacted HD-153 and HD-171. APAX 1, ¶ 176 & fig.32. This differs from

the preliminary injunction, where it was only compared to House District 153. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1295–96. Thus, the Court considers the differences between the districts proposed by the Alpha Phi Alpha Plaintiffs in its instant compactness analysis.

i) empirical measures

((a)) population equality

The Court finds that Cooper HD-171 achieves relative population equality. As stated above, the General Assembly did not enumerate the deviation range for the State House Districts. However, using the Enacted House Plan as a guide, the Enacted House Plan has a population deviation range between $\pm 1.40\%$. Stip. ¶ 302. In comparison, Cooper HD-171 has a population deviation of $+1.38\%$, which is within the population deviation of the Enacted House Plan. APAX 1, Ex. AA-1. However, of any of Mr. Cooper’s illustrative districts, this district departs the most from the population deviation in the Enacted Plan. Enacted HD-171 has a population deviation of -0.46% , meaning that it is almost 1 percentage point closer to achieving perfect population deviation than Cooper HD-171. APAX 1, Ex. Z-1. Although Cooper HD-171’s population deviation is within the acceptable

range of, the Court finds that its wide disparity in comparison to the Enacted Plan is of concern.

Thus, while HD-171 district is consistent with the population deviations in Enacted House Plan, the Court finds that it does not respect population equality nearly to the same degree as Enacted HD-171.

((b)) contiguity

The Parties stipulated that Cooper HD-171 is a contiguous district. Stip. ¶ 300. Hence, the Court finds that Cooper HD-171 complies with the traditional redistricting principle of contiguity.

((c)) compactness scores

The Court finds that Enacted HD-171 performs better on both compactness measures than Cooper HD-171. Enacted HD-171 has a Reock score of 0.35 and a Polsby-Popper score of 0.37. APAX 1, Ex. AG-2. Cooper HD-171 has a Reock score of 0.28 and a Polsby-Popper score of 0.20. APAX 1, Ex. AG-1.

At the preliminary injunction, the Court found that Mr. Cooper's illustrative district in this region had comparable compactness scores to its corollary. Alpha Phi Alpha Fraternity, 587 F. Supp. 3d at 1296. However, at the preliminary injunction, Mr. Cooper submitted an illustrative district that

compared to Enacted HD-153, not HD-171. Id. Enacted HD-153 has a Reock score of 0.30 and a Polsby-Popper score of 0.30, which are higher, but much closer to Cooper HD-171's scores of 0.28 and 0.20, respectively. Id., APAX 1, Exs. AG-1, AG-2. However, Mr. Cooper has now changed the configuration of his illustrative district in this region, and now it correlates with Enacted HD-171, which has higher compactness scores in comparison.

Accordingly, the Court finds that Cooper HD-171 is not as compact as Enacted HD-171, nor are the compactness scores as comparable to its corollary district as they were on the preliminary injunction evidence.

((d)) political subdivisions

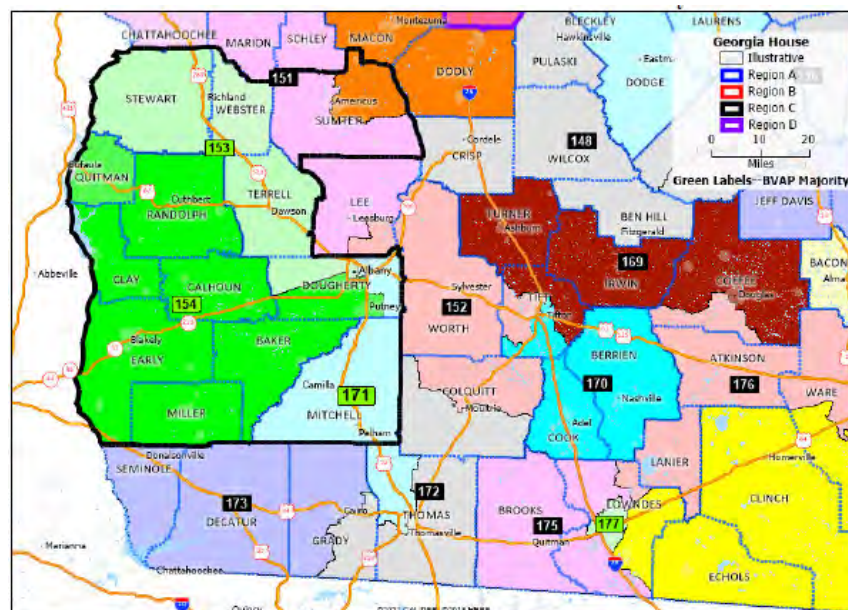
The Court finds that Cooper HD-171 does not respect political subdivisions as well as Enacted HD-171. Cooper HD-171 splits two counties (Dougherty and Thomas) and keeps Mitchell County whole; whereas, Enacted HD-171 only splits Grady County and keeps Decatur and Mitchell Counties whole. APAX 1 ¶¶ 175, 177 & figs.32, 33. Cooper HD-171 splits seven VTDs, but Enacted HD-171 splits only one. APAX 1, Exs. AH-1, AH-3. Additionally, in drawing Cooper HD-171,

Mr. Cooper created a split in neighboring Lee County, which was kept whole in the Enacted House Plan. Tr. 290:23–291:12.⁸⁸

Accordingly, the Court finds that Cooper HD-171 fails to respect political subdivisions as well as Enacted HD-171.

ii) eyeball test

The Court finds that Cooper HD-171 is visually compact under the eyeball test:



⁸⁸ Mr. Cooper testified that the split of Lee County was to eliminate a four way split of Dougherty County. Tr. 290:10–12. Under the Cooper House Plan, Dougherty County is split between three districts (Cooper HD-153, HD-154, and HD-171).

APAX 1 ¶ 177 & fig.33.

Using the mapping tool, the Court finds that at its most distant points, Cooper HD-171 is less than 60 miles long, which is consistent with the surrounding districts in the Enacted House Plan. Id. Ms. Wright testified that because of the decreases in population in the southern portion of the State, the map drawers had to collapse (i.e., consolidate) the prior districts to account for the population changes. Tr. 1623:17–12.

Cooper HD-171 does not contain any tentacles or appendages. In reviewing Cooper HD-171 the Court finds that it is visually compact, and thus passes the eyeball test.

iii) communities of interest

The Court finds Cooper HD-171 preserves communities of interest. Mr. Cooper offered extensive testimony regarding the connections between the communities included in Cooper HD-171, and the Court also received documentary evidence on point. Mr. Cooper pointed out that US-19 and the historic Dixie Highway run as a corridor through Mitchell County between Albany and Thomasville. APAX 1 ¶ 178. The communities along that corridor,

such as Albany, Camilla, Pelham, Meigs, and Thomasville, work together under the auspices of the Southwest Georgia Regional Commission, including to designate the Dixie Highway as a state-recognized scenic byway. Tr. 128:18-129:19, 294:23–295:4; APAX 54 (Corridor Management Plan); APAX 325 (Designation of Historic Dixie Highway Scenic Byway).

Mr. Cooper testified further about the connection between Thomasville and Albany: “there are commonalities between the Black population in Thomasville and the Black population in Albany. The two towns are only about 60 miles apart. It takes you about an hour to get there along Highway 9. They’re in the same high school football leagues.” Tr. 128:22-129:1. Bishop Reginald T. Jackson of the Sixth District AME also testified that Dougherty, Mitchell, and Thomas Counties—all included in Cooper HD-171—share certain similarities, including more “rural and agrarian” communities, similar education attainment levels, and income levels “at the lower end of middle class.” Tr. 382:12–19, 383:11–384:2. Further evidencing the connections between the communities in Cooper HD-171, Plaintiff Janice Stewart lives in Thomasville, but attends church

at Saint Peter AME Church in Camilla, Georgia (in Mitchell County). Stip. ¶¶ 64, 80-81.

Thus, the Court finds that there is sufficient testimony and evidence to show the Black community in Cooper HD-171 interacts with one another and shares a number of similar concerns. Mr. Cooper testified extensively about the communities that are contained within the district, the shared socio-economic factors, and the characteristics that unite them and Plaintiffs submitted lay witness testimonial evidence of the same. Accordingly, the Court finds that Cooper HD-171 preserves communities of interest.

iv) conclusions of law

Ultimately, the Court concludes that the Alpha Phi Alpha Plaintiffs have not met their burden in showing that a compact majority-Black district could be drawn in southwest Georgia. Although the Alpha Phi Alpha Plaintiffs were able to show that the district preserved communities of interest and was visually compact, the district fared far worse on all the objective measures of compactness than Enacted HD-171. Cooper HD-171 had the greatest population deviation disparity of any of Mr. Cooper's illustrative districts. The district is significantly

less compact on both compactness measures. Additionally, the district split more counties than Enacted HD-171 and had the most political subdivision splits of any of Mr. Cooper's new majority-Black districts.

Of all of the illustrative districts submitted in these cases, no other illustrative district performed worse on all objective measures. Even Esselstyn HD-74 and Esselstyn SD-23, in the companion Grant case, and Cooper SD-23, Cooper HD-133, and Cooper HD-145 performed equally or better on at least one objective measure. Moreover, the disparity in the performance on objective measures is stark here and does not lend to a finding that Cooper HD-171 is a reasonably compact district, consistent with traditional redistricting principles. Accordingly, the Court concludes that in southwest Georgia, the Alpha Phi Alpha Plaintiffs did not meet their burden under the first Gingles precondition.

* * * *

In sum, the Court makes the following conclusions with respect to the first Gingles preconditions.

The Alpha Phi Alpha Plaintiffs have proven by a preponderance of the evidence that Black community is sufficiently numerous and compact to create:

- Two additional majority-Black Senate districts in south-metro Atlanta, and
- One additional majority-Black House district in south-metro Atlanta, in the area depicted in Cooper HD-74.

The Grant Plaintiffs have proven by a preponderance of the evidence that the Black community is sufficiently numerous and compact to create:

- Two additional majority-Black Senate districts in south-metro Atlanta,
- One additional majority-Black House district in south-metro Atlanta, in the area depicted in Esselstyn HD-117,
- One additional majority-Black House district in west-metro Atlanta, and
- Two additional majority-Black house districts in the Macon-Bibb region.

Conversely, the Alpha Phi Alpha Plaintiffs have *NOT* proven by a preponderance of the evidence that the Black community is sufficiently numerous and compact to create:

- One additional majority-Black Senate district in the eastern Black Belt region,
- One additional majority-Black House district in south-metro Atlanta, in the area depicted in Cooper HD-117,

- One additional majority-Black House district in the eastern Black Belt region,
- One additional majority-Black House district around the Macon-Bibb region, or
- One additional majority-Black district in southwest Georgia.

The Grant Plaintiffs have *NOT* proven by a preponderance of the evidence that the Black community is sufficiently numerous and compact to create:

- One additional majority-Black Senate district in the eastern Black Belt region, or
- One additional majority-Black House district in south-metro Atlanta, in the area depicted in Esselstyn HD-74.

The Court now determines whether the Alpha Phi Alpha and Grant Plaintiffs have satisfied the remaining two Gingles preconditions, in the areas where they successfully proved the first Gingles precondition.

2. *Second Gingles Precondition*

The Court finds that the Alpha Phi Alpha and Grant Plaintiffs have each proven the second Gingles precondition for all their remaining proposed majority-Black districts.

a) Alpha Phi Alpha

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in establishing the second Gingles precondition in the relevant areas. Dr. Handley evaluated 16 recent (2016-2022) general and runoff statewide elections, including for U.S. Senate, Governor, School Superintendent, Public Service Commission, and Commissioners of Agriculture, Insurance, and Labor. APAX 5, 5; Stip. ¶¶ 316-317. She also looked at 54 recent (2016-2022) State legislative elections in the areas of interest, including 16 State Senate contests and 38 State House contests. Tr. 890:2-12; APAX 5, 7-8; Stip. ¶ 324.

All 2022 State legislative contests in the Enacted Plans identified as districts of interest were analyzed, even if the contest did not include at least one Black candidate. APAX 5, 7-8. In addition, because there has only been one set of State legislative elections under the Enacted Plans (in 2022), Dr. Handley also analyzed biracial State legislative elections held between 2016 and 2020 in the State

legislative districts under the previous State House and State Senate plans in the seven areas of interest. Id.

Dr. Handley focused on elections that include at least one Black candidate, an approach that multiple courts have endorsed in other cases because they are the most probative for measuring racial polarization. Tr. 871:3-6, 872:11-14; see also id. at 871:10-14 (“[I]f I have enough contests that include Black candidates, I focus on those, because the courts have made it clear and because we want to make sure that Black voters are able to elect Black candidates of choice and not just white candidates of choice, if that’s what they choose to do.”); Robinson, 605 F. Supp. 3d at 801 (crediting Dr. Handley’s opinion that “courts consider election contests that include minority candidates to be more probative than contests with only White candidates, because this approach recognizes that it is not sufficient for minority voters to be able to elect their preferred candidate only when that candidate is White”); United States v. City of Eastpointe, 378 F. Supp. 3d 589, 610 (E.D. Mich. 2019) (“These [white-only] elections are, however, less probative because the fact that black voters also support white candidates acceptable to the majority does not negate instances in which a white voting majority operates to

defeat the candidate preferred by black voters when that candidate is a minority.”); United States v. City of Euclid, 580 F. Supp. 2d 584, 598 (N.D. Ohio 2008) (“These contests are probative of racial bloc voting because they . . . featured African–American candidates.”).

Courts, including the Eleventh Circuit, agree that reviewing biracial elections is probative of the polarization inquiry. Davis, 139 F.3d at 1417 n.5 (“[E]vidence drawn from elections involving black candidates is more probative in Section Two cases[.]”); Wright, 301 F. Supp. 3d at 1313 (“While still relevant, elections without a black candidate are less probative in evaluating the Gingles factors.”); see also Tr. 871:5-6; Tr. 2222:11-15. However, the Court wants to make clear, that a Section 2 violation does not require Black voters to vote for Black candidates and white voters to vote in opposition to Black candidates. See DeGrandy, 512 U.S. at 1027 (explaining that this assumption is empirically false).

As the Court addressed in its credibility determinations, the Court agrees with the Alabama State Conference of the NAACP court that although elections with Black and white candidates may be the most helpful in determining polarization, the manner in which Dr. Handley chose her data set makes her

findings less reliable. Ala. State Conf. of NAACP, 612 F. Supp. 3d at 1274. However, the Court notes that the Parties stipulated to her findings and Defendants' expert did not take issue with her data set. Stip. ¶¶ 318–341; 2199:11–2200:4

That Black voters in the seven areas of interest are politically cohesive is not contested. In fact, Defendant stipulated that in the 16 recent statewide general and general runoff elections from 2016–2022, Black voters were “highly cohesive” in their support for their preferred candidate. Stip. ¶¶ 320 (“In these 16 statewide general and general runoff elections from 2016–2022, Black voters were highly cohesive in their support for their preferred candidate.”), 330 (“In the seven areas of interest, Black voters were very cohesive in supporting their preferred candidates in general elections for statewide offices.”). As Dr. Handley concluded and Defendant stipulated, Black-preferred candidates typically received 96.1% of the Black vote in statewide races in these areas and only 11.2% of the White vote. Stip. ¶¶ 321, 322.

Dr. Handley's analysis of State legislative general elections in the areas of interest also found “starkly racially polarized” voting. Tr. 862:4–6; APAX 5, 7. As

with the statewide general elections, “Black voters were very cohesive in support of their preferred candidates and white voters bloc voted against these candidates.” Tr. 890:19-21. Again, this is not contested—the Parties stipulated that, in State legislative general elections, Black voters were highly cohesive in their support for their preferred candidate. Stip. ¶¶ 326 (“In these 54 State legislative elections, Black voters were highly cohesive in their support for their preferred candidates.”), 335 (“In the seven areas of interest, Black voters exhibit cohesive support for a single candidate in State legislative general elections.”).

In all but one of the 54 State legislative elections that Dr. Handley analyzed (i.e., 98.1%) were starkly racially polarized, with Black candidates receiving a very small share of the white vote and the overwhelming support of Black voters. See Tr. 890:16-21; APAX 5, 7. As Dr. Handley concluded and the Parties stipulated, on average, over 97% of Black voters supported their preferred Black State Senate candidates and over 91% supported their preferred Black State House candidates. Stip. ¶ 327.

Defendant’s expert, Dr. Alford, agreed “with [Dr. Handley’s] analysis that Black voters in general elections in the areas of Georgia that she analyzed are very

cohesive in their support for a single preferred candidate.” Tr. 2224:14-18. Consistent with the uncontested evidence, the Court finds that Black voters in the seven areas of Georgia that Dr. Handley analyzed are highly cohesive in supporting a single preferred candidate.⁸⁹ Moreover, the Black voter cohesion is stronger in the relevant areas (between 91 and 98%) than in the voter cohesion in Alabama (92.3%), which the Supreme Court agreed with the three-judge court was “very clear.” Allen, 599 U.S. at 22. Accordingly, the Alpha Phi Alpha Plaintiffs have satisfied the second Gingles precondition in the relevant areas.

b) Grant

The Court finds that the Grant Plaintiffs have proven the second Gingles precondition as well. The Grant Plaintiffs’ expert in racial polarization, Dr. Palmer, determined that Black voters had a clearly identifiable candidate of

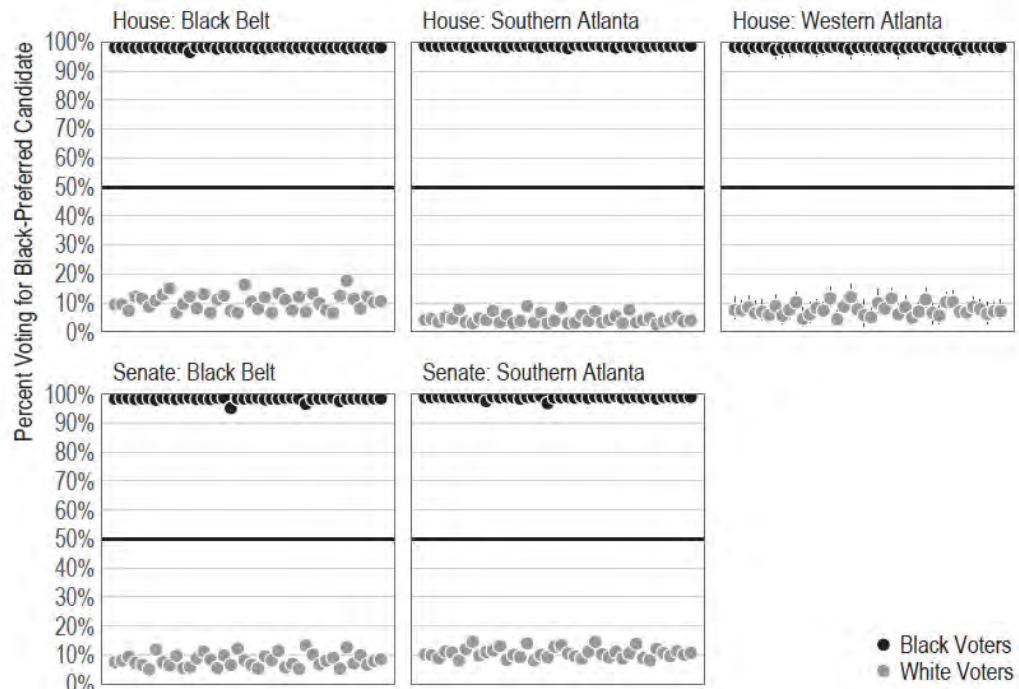
⁸⁹ The Court notes that Dr. Alford opined that the Black preferred candidate was always the Democrat. See, e.g., Tr. 2144:11-25; see also Stip. ¶¶ 319, 325, 331. As noted above and in the Court’s summary judgment order (APA Doc. No. [268]), the Court found that partisan affiliation is not relevant to the second and third Gingles preconditions. Accordingly, Dr. Alford’s conclusions regard partisanship are not relevant, here. However, the Court will consider his conclusions as a part of Senate Factor Two. See Section (D)(4)(b)(3) *infra*.

choice in every election examined, across the focus areas and in each State Senate and House district. Stip. ¶¶ 268, 270; GX 2 ¶ 18, tbl.1 & figs.2-4. On average, Black voters supported their candidates of choice with 98.5% of the vote. Stip. ¶ 269; GX 2 ¶ 18.

Table 1: Average Support for Black-Preferred Candidates by Voters' Race

	Focus Area	Black Voters	White Voters
House	Black Belt	98.1%	10.4%
	Southern Atlanta	98.7%	4.6%
	Western Atlanta	98.2%	7.7%
Senate	Black Belt	98.4%	8.2%
	Southern Atlanta	98.9%	10.7%

GX 2 ¶ 18 & tbl. 1.



GX 2 ¶ 18 & fig.2.

Defendants’ racially polarized voting expert, Dr. Alford, does not dispute Dr. Palmer’s conclusions as to the second Gingles precondition. DX 8, 2-5; Tr. 2251:2-5. However, Dr. Alford notes that in all of the races examined by Dr. Palmer, the Black voters’ candidate of choice was the Democrat candidate. DX 8, 4. As the Court discussed extensively in its Order on the cross-motions for summary judgment, the second and third Gingles preconditions are results based inquiries that do not require plaintiffs to prove that race cause the polarization or

disprove that party caused the polarization. See Grant Doc. No. [229], 51–57. Thus, Dr. Alford’s suggestions about the cause and effect of racial polarization are not persuasive for the Gingles preconditions.

As the data above shows, Black voters in south-Metro and west-Metro Atlanta support the same candidate more than 98% of the time and in the Macon-Bibb region, Black voters supported the same candidate 98.1% of the time. GX 2 ¶ 18 & tbl.1. “Bloc voting by [B]lacks tends to prove that the [B]lack community is politically cohesive, that is, it shows that [B]lacks prefer certain candidates whom they could elect in a single-member, [B]lack majority district.” Gingles, 478 U.S. at 68. As was noted above, Dr. Palmer’s data shows that Black voter cohesion is greater in these areas than it is in Alabama (92.3%), where the Supreme Court credited the lower court’s finding of “very strong” Black voter cohesion. Allen, 599 U.S. at 22. Accordingly, the Court finds that the Grant Plaintiffs have satisfied their burden on the second Gingles precondition. Based on the stipulated facts, expert reports, and testimony provided in this case, the Court concludes that Black voters in the focus areas are politically cohesive.

3. *Third Gingles Precondition*

The Court also finds that the Alpha Phi Alpha and Grant Plaintiffs have proven the third Gingles precondition for all the legislative districts remaining.

a) Alpha Phi Alpha

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in establishing the third Gingles precondition in their remaining proposed legislative districts. Dr. Handley concluded that the starkly racially polarized voting in the areas that she analyzed “substantially impedes” the ability of Black voters to elect candidates of their choice to the Georgia General Assembly unless districts are drawn to provide Black voters with this opportunity. See APAX 5, 22; see also Tr. 892:15-21.

Specifically, in the seven areas of interest, white voters consistently bloc voted to defeat the candidates supported by Black voters. See APAX 5, 21-22. Indeed, Dr. Handley testified that, in general elections, due to White bloc voting, candidates preferred by Black voters were consistently unable to win elections and will likely continue to be unable to win elections outside of majority-Black districts. See Tr. 890:16-21 (noting that in 53 out of 54 State legislative contests, “Black voters were very cohesive in support of their preferred candidates and

white voters bloc voted against these candidates); cf. Tr. 863:9-11 (“In each of the areas, the districts that provided Black voters with an opportunity to elect were districts that were at least 50 percent Black in voting age population.”).

Dr. Handley testified that white voters voted as a bloc against Black-preferred candidates in all the 16 general elections that she analyzed. Tr. 862:4-14, 877:14-21. As Dr. Handley concluded and Defendant stipulated, Black-preferred candidates typically received only 11.2% of the white vote. Stip. ¶¶ 321, 322. Similarly, in the State legislative elections Dr. Handley analyzed, the Black-preferred candidate on average secured the support of only 10.1% of white voters in State Senate races and 9.8% of white voters in State House races. Stip. ¶ 328.

This pattern of white bloc voting against Black-preferred candidates is not contested. In fact, the Parties stipulated that white voters were “very cohesive” in their support for their preferred candidates in both statewide and State legislative general elections (Stip. ¶¶ 332, 336), and that the candidates preferred by white voters in the seven areas of interest are voting against the candidates preferred by Black voters (Stip. ¶ 337).

Defendant's expert, Dr. Alford, similarly agreed that "with small exceptions, white voters are highly cohesive" in "the general elections that Dr. Handley analyzed across the areas of interest in Georgia," and that, in these general elections, "large majorities of Black and white voters are supporting different candidates." Tr. 2224:25-2225:9; see also DX 8, 6.

Due to the low level of white support for Black-preferred candidates, Dr. Handley found that blocs of white voters in the areas of interest were able to consistently defeat Black-preferred candidates in State legislative general elections, except where the districts were majority Black. APAX 5, 22; Tr. 891:5-7 ("Black-preferred Black candidates were successful only in districts that were majority Black in the elections that I looked at."). As Dr. Handley testified and Defendant stipulated, all but one of the successful Black State legislative candidates in the contests that Dr. Handley analyzed were elected from majority Black districts—the one exception being a district that was majority minority in composition. Stip. ¶ 329; Tr. 891:13-21.

"Because voting is starkly polarized in general elections," Dr. Handley concluded that "without drawing districts that provide Black voters with an

opportunity to elect [their candidate of choice] districts in the areas examined will not elect Black-preferred candidates.” Tr. 906:5-8. The Court finds that the uncontested evidence shows white voters in the relevant areas only vote for the Black-preferred candidate between 9.8% to 11.2% of the time. White voters in Georgia vote in opposition to the Black-preferred candidate at a higher rate than in Alabama (where 15.4% of white voters supported the Black-preferred candidate) where the Supreme Court affirmed the three-judge court’s finding of “very clear” racial polarization. Allen, 599 U.S. at 22. Accordingly, the Court finds that the Alpha Phi Alpha Plaintiffs have met their burden and proved that white voters bloc vote in opposition to the Black-preferred candidate. In other words, in the relevant areas, the Black-preferred candidate will typically be defeated by white voters in majority-white districts.

b) Grant

The Court also finds that the Grant Plaintiffs carried their burden on the third Gingles precondition. The Grant Plaintiffs’ expert, Dr. Palmer, demonstrated that white voters in the legislative focus area usually vote as a bloc to defeat Black-preferred candidates. This too has been stipulated by the Parties.

Stip. ¶¶ 271–74. In each legislative district examined and in the focus areas as a whole, white voters had clearly identifiable candidates of choice for every election examined. GX 2 ¶ 18 & fig.2; Tr. 404:20–405:18.

In the elections Dr. Palmer examined, white voters were highly cohesive in voting in opposition to the Black-preferred candidate. Stip. ¶ 271. On average, Dr. Palmer found that white voters supported Black-preferred candidates with only 8.3% of the vote. Id. ¶ 272; see also GX 2 ¶ 18. In other words, on average, 91.7% of the time white voters voted against the Black-preferred candidate.

Dr. Palmer then calculated in the success of Black preferred candidates in districts under the Enacted Plan. GX 2 ¶ 21. In the races examined, Dr. Palmer concluded that the Black-preferred candidate was only successful in majority-Black districts. GX 2 ¶ 21 & fig.4.

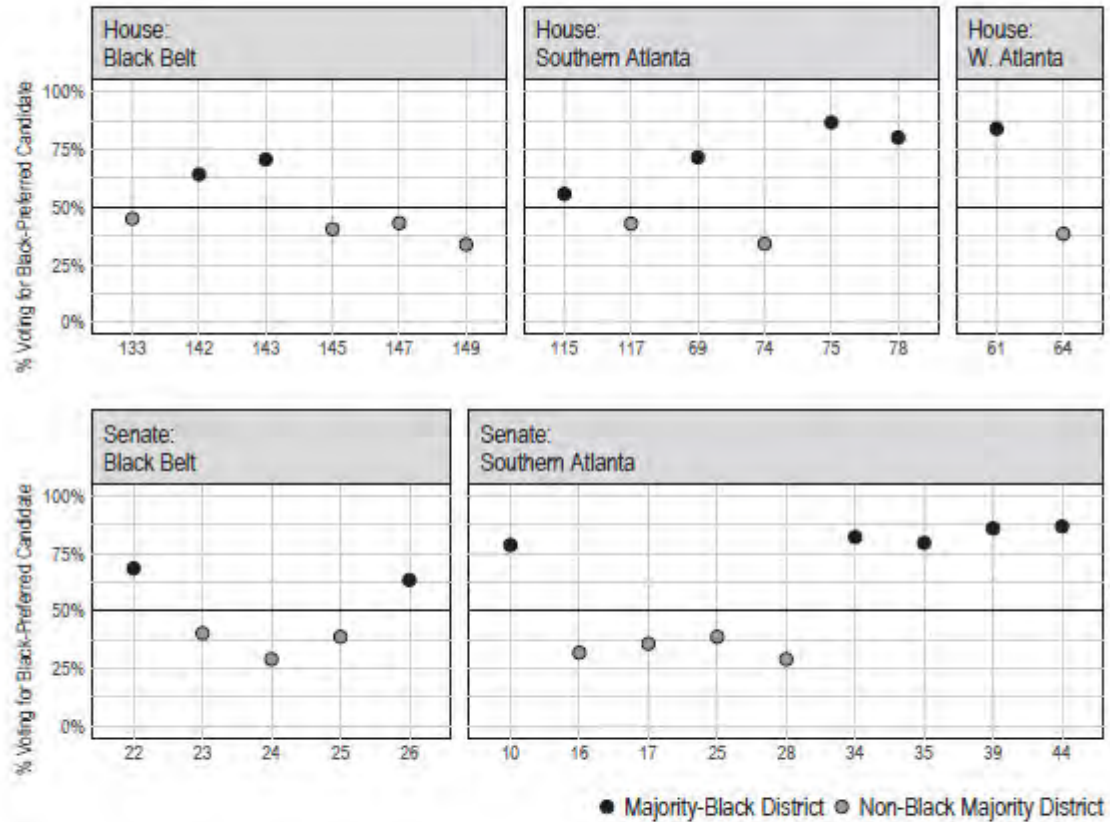


Figure 4: Average Performance of Black-Preferred Candidates by District

GX 2 ¶ 18 & fig.4. When he performed the same analysis with Mr. Esselstyn's illustrative majority-Black districts, he found that the Black-preferred candidate would have been successful in all of the elections that he analyzed. GX 2 ¶¶ 23, 25 & fig.5.

Overall, Dr. Palmer found “strong evidence of racially polarized voting across the areas . . . examined.” GX 2 ¶ 7; see also GX ¶¶ 18–19; Tr. 398:10–16, 407:17–21. As a result of this racially polarized voting, candidates preferred by Black voters have generally been unable to win elections in the focus areas if not in a majority-Black district. Tr. 408:9–409:12; GX 2 ¶¶ 20–21 & fig.4. Dr. Palmer concluded that “Black-preferred candidates win almost every election in the Black-majority districts, but lose almost every election in the non-Black-majority districts.” GX 2 ¶ 21. Defendants’ expert Dr. Alford does not dispute Dr. Palmer’s conclusions as to the third Gingles precondition. DX 8, 2–3; Tr. 2251:6–9. However, Dr. Alford opined once more that in all of the elections that Dr. Palmer reviewed, the Black-preferred candidate was a Democrat and the white-preferred candidate was a Republican. DX 8, 3–5. The Court does not find Dr. Alford’s conclusion relevant to the Gingles preconditions because it relates to the *causes* and not the *effects* of voter behavior. See Section II(D)(1)(b)(2) *supra*.

Using the returns from the 31 statewide elections, Dr. Palmer also analyzed whether Black voters in Mr. Esselstyn’s additional majority-Black State Senate and House districts could elect their candidates of choice. GX 2 ¶¶ 22, 24, 25. He

specifically concluded that “[i]n House Districts 64, 74, and 149, and Senate Districts 23, 25, and 28, the Black-preferred candidate won a larger share of the vote in all 40 statewide elections. In House District 117, the Black-preferred candidate won all 19 elections since 2018.” GX 2 ¶ 24 & tbl.9. Dr. Alford does not dispute Dr. Palmer’s performance analysis of Esselstyn’s Legislative Plan. Tr. 2250:20–22.

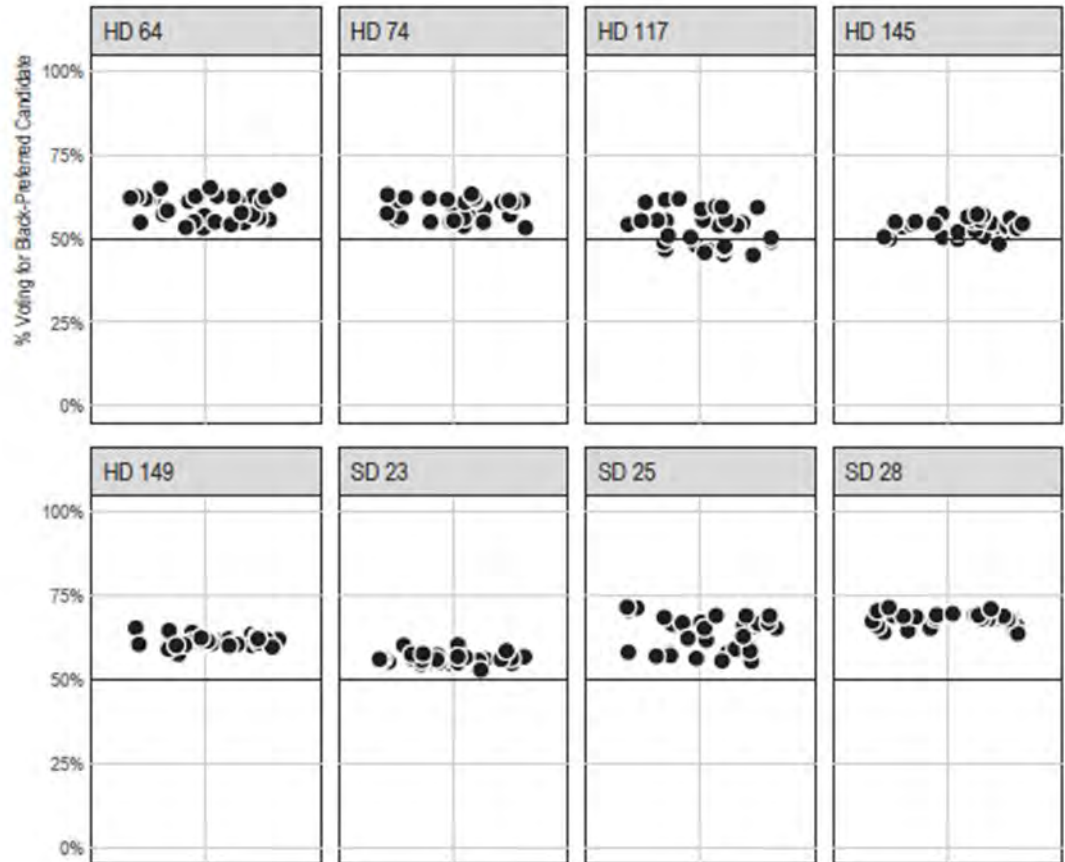


Figure 5: Vote Shares of Black-Preferred Candidates in Under the Illustrative Maps

PX 2 ¶ 25 & fig.5.

Again, the evidence of polarization is stronger in this case than it was in Allen: in the focus areas the highest average support of white voters for the Black-preferred candidate was 10.7%, whereas in Alabama 15.4% of white voters

supported the Black-preferred candidates – which was “very clear” evidence of racially polarized voting. Allen, 599 U.S. at 22. Based on the stipulated facts, expert reports, and testimony provided in this case, the Court concludes that white voters in Esselstyn SD-25, SD-28, HD-64, HD-74, HD-145, and HD-149 “very clearly” vote as a bloc to defeat Black-preferred candidates. Accordingly, the Court finds that the Grant Plaintiffs have satisfied their burden in proving the third Gingles precondition.

* * * *

The Court finds that in Cooper SD-17, SD-28, HD-74, HD-117 and Esselstyn SD-25, SD-28, HD-64, HD-117, HD-145, and HD-149, the Alpha Phi Alpha and Grant Plaintiffs, respectively, have proven all three Gingles preconditions by a preponderance of the evidence. Thus, the Court will evaluate whether, under the totality of the circumstances, the political process is equally open to Black voters in these areas.

4. *Totality of the Circumstances*

The Court now turns to the totality of the circumstances inquiry to determine if Georgia’s political process is equally open to the affected Black

voters. Wright, 979 F.3d at 1288 (“[I]n the words of the Supreme Court, the district court is required to determine, after reviewing the ‘totality of the circumstances’ and, ‘based upon a searching practical evaluation of the past and present reality, whether the political process is equally open to minority voters.’” (quoting Gingles, 478 U.S. at 79))).

For the proposed districts where Plaintiffs satisfied the Gingles preconditions, the Court must now determine if the electoral system is equally open to them. Put differently, the Court must determine if the Black voters in these areas have less of an opportunity to elect a candidate of their choice based on race. Wright, 979 F.3d at 1288.

Again, the Court notes that Georgia has made great strides since the passage of the Voting Rights Act to give Black voters more of an equal opportunity to participate in the political process. For example, Georgia’s current congressional delegation has five Black representatives to the U.S. House of Representatives and one Black senator. However, the Court acknowledges that as far as the State General Assembly’s representation is concerned, the numbers

are less proportional.⁹⁰ See GX 1 ¶¶ 22 (indicating the Enacted State Senate Plan contains 14 majority-Black districts out of 56 districts, or 25%), 45 (indicating the Enacted State House Plan contains 49 majority-Black districts out of 180 districts,⁹¹ or approximately 27.2%).

Like the Pendergrass case, however, the whole of the evidence in the Alpha Phi Alpha and Grant Plaintiffs' case for the totality of the circumstances inquiry shows that, while promising gains have been made in the State of Georgia, the political process is not currently *equally* open to Black Georgians. When evaluating the Senate Factors, the evidence shows that Black voters have *less* of opportunity to partake in the political process than white voters. Thus, the Court determines that the totality of the circumstances inquiry supports finding a Section 2 violation in the Alpha Phi Alpha and the Grant Plaintiffs' case.

⁹⁰ The Court's reference to proportionality here is only to support a general observation regarding the trajectory of minority voters' equal access to the political system in Georgia.

⁹¹ The Georgia Legislative Black Caucus, however, only has 41 members in the Georgia House of Representatives. Stip. ¶ 348.

a) Alpha Phi Alpha

The Court finds that the Alpha Phi Alpha Plaintiffs have proven that, under the totality of the circumstances, Georgia's electoral system is not equally open to Black voters in the districts meeting the Gingles preconditions (i.e., Cooper SD-17, SD-28, SD-74).

(1) *Totality of circumstances inquiry: purpose and framework*

To reiterate, for a Section 2 violation to be found, the Court must conduct “an intensely local appraisal” of the electoral mechanism at issue, as well as a “searching practical evaluation of the ‘past and present reality.’” Allen, 599 U.S. at 19 (citing Gingles, 478 U.S. at 79). The purpose of this appraisal is to determine the “essential inquiry” of a Section 2 case, which is “whether the political process is *equally open* to minority voters.” Ga. State Conf. of the NAACP, 775 F.3d at 1342 (emphasis added) (quoting Gingles, 478 U.S. at 79). Put differently, the totality of the circumstances inquiry ensures that violations of Section 2 may only be found when “members of the protected class have *less opportunity* to participate in the political process.” Chisom, 501 U.S. at 397 (emphasis added).

The legal framework for the totality of the circumstances inquiry is the same applied in the Pendergrass case. In short, in this analysis the Court considers the relevant Senate Factors—Georgia’s history of discrimination and its voting practices enhancing the opportunity for discrimination, racial polarization in elections, socioeconomic factors, use racial appeals, Black-candidate success in elections, elected officials’ responsiveness to the Black community, and the State’s policy justification for the enacted map. Gingles, 478 U.S. at 44–45. The Court also considers the proportionality achieved by the Enacted Legislative Plans. The Court ultimately concludes that the totality of the circumstances’ inquiry weighs in favor of finding a Section 2 violation in the Alpha Phi Alpha case.

(2) *Senate Factors One and Three: historical evidence of discrimination and State’s use of voting procedures enhancing opportunity to discriminate*

The Court first turns to Georgia electoral practices, both past and present, that bear on discrimination against Black voters under Senate Factors One and

Three.⁹² Senate Factor One focuses on “[t]he extent of any history of official discrimination in the state . . . that touched the right of the members of minority group to register, to vote, or otherwise to participate in the democratic process[.]” Gingles, 478 U.S. at 36–37. Senate Factor Three “considers ‘the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting.’” Wright, 979 F.3d at 1295 (quoting Gingles, 478 U.S. at 44–45).

The Court finds that the Alpha Phi Alpha Plaintiffs have presented evidence of both past and present history in Georgia that the State’s voting practices disproportionately effect Black voters. Like in the Pendergrass case, the Court is careful in this analysis to assess both *past and present* efforts that have caused a disproportionate impact on Black voters. Allen, 599 U.S. at 19. Both

⁹² Like in the Pendergrass case, the Court considers both Senate Factors One and Three together because there is significant overlap in the trial evidence for the two factors. Cf., e.g., Singleton, 582 F. Supp. 3d at 1020 (considering Senate Factors One, Three, and Five together).

types of evidence are relevant because certainly “past discrimination cannot, in the manner of original sin, condemn governmental action that is not itself unlawful.” Greater Birmingham Ministries, 992 F.3d at 1325 (quoting Bolden, 446 U.S. at 74). But past discrimination and disproportionate effects cannot be completely overlooked. See Allen, 599 U.S. at 14, 19 (assessing a history of discrimination in Alabama following Reconstruction); League of Women Voters, 81 F.4th at 1333 (asserting that “[p]ast discrimination *is relevant*” and citing to Allen). Accordingly, taking these statements from recent Supreme Court and Eleventh Circuit cases, the Court and evaluates Georgia’s practices of discrimination *past and present* as relevant evidence in the totality of the circumstances inquiry.

(a) historical evidence of discrimination broadly

Courts have continuously found that Georgia has a history of discrimination. Wright, 301 F. Supp. 3d at 1310 (“Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather

than the exception.”); Cofield, 969 F. Supp. at 767 (“African-Americans have in the past been subject to legal and cultural segregation in Georgia[.]”); id. (“Black residents did not enjoy the right to vote until Reconstruction. Moreover, early in this century, Georgia passed a constitutional amendment establishing a literacy test, poll tax, property ownership requirement, and a good-character test for voting. This act was accurately called the ‘Disfranchisement Act.’ Such devices that limited black participation in elections continued into the 1950s.”).

During the trial, Defendant stipulated that “up until 1990 we had historical discrimination in Georgia.” Tr. 1524:14–15. Alpha Phi Alpha Plaintiffs’ experts conclusions are consistent with this assertion. Plaintiffs’ expert Dr. Ward concluded that “Georgia has a long history of state-sanctioned discrimination against Black voters that extended beyond written law to harassment, intimidation and violence.” APAX 4, 1.⁹³ Another expert in these cases,

⁹³ The numbering in Dr. Ward’s report resets after the first two pages. As the substance of Dr. Ward’s report starts on the second page 1, the Court intends for its citations to refer to the pages of Dr. Ward’s substantive findings and conclusions.

Dr. Burton⁹⁴ opined that “[t]hroughout the history of the state of Georgia, voting rights have followed a pattern where after periods of increased nonwhite voter registration and turnout, the state has passed legislation, and often used extralegal means, to disenfranchise minority voters.” PX 4 at 10; see also Tr. 1428:3–24. The Alpha Phi Alpha Plaintiffs’ expert, Dr. Jones, also testified that Georgia has “used basically every expedient . . . associated with Jim Crow to prevent Black voters from voting in the state of Georgia.” Tr. 1162:9–11.

This un rebutted testimony and the extensive accounts of Georgia’s history of discrimination in Alpha Phi Alpha Plaintiffs’ expert reports demonstrate that Georgia’s history—including its voting procedures— spans from the end of the Civil War onward. See, e.g. Tr. 1431:13–17; APAX 2, 7; APAX 4, 3–13. This history has uncontrovertibly burdened Black Georgians. Id.

⁹⁴ The Parties agreed and the Court permitted Alpha Phi Alpha Plaintiffs to incorporate Dr. Burton’s trial testimony and portions of his expert report that were directly testified about into the Alpha Phi Alpha case. Tr. 1464:11–25.

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME V OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

	Docket/Tab #
<u>Volume I</u>	
District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89
<u>Volume II</u>	
Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
<u>Volume III</u>	
Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286
<u>Volume IV</u>	
Opinion and Memorandum of Decision (pp. 191–434).....	286
<u>Volume V</u>	
Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

286

(Pages 435–516)

(b) Georgia practice from the passage of the VRA to 2000

Congress enacted the Voting Rights Act of 1965 to address these discriminatory practices. One of the Voting Rights Act's provisions was the preclearance requirement, which mandated certain jurisdictions with well-documented practices of discrimination (including Georgia) to get approval from the federal government before making changes to their voting laws. 52 U.S.C. § 10304 .

The Voting Rights Act, however, did not instantly translate into equal voting in Georgia. In fact, Dr. Jones opined that “Georgia resisted the VRA from its inception.” APAX 2, 8. In the early years following the passage of the VRA, “Georgia refused to submit new laws for preclearance.” Id. Specifically, between 1965 and 1967, Georgia submitted only one proposed change to DOJ for preclearance. Id. Among states subject to preclearance in their entirety, Georgia ranked second only to Alabama in the disparity in voter registration between its Black and white citizens in 1976. Tr. 1437:10–1438:3. These continued disparities following the VRA were at least caused because “Georgia resisted the Voting Rights Act [and] for a period, it refused to comply.” Tr. 1163:9–17. Even still, from

1965 to 1981, the Department of Justice objected to more than 200 changes submitted by Georgia, which accounted for almost one-third of DOJ's objections for *all* states during that period. APAX 2, 8–9.

Georgia's history of discrimination against Black voters did not end in 1981. When the VRA was reauthorized in 1982, the Senate Report specifically cited to Georgia's discriminatory practices that diminished the voting power of Black voters. S. Rep. 97-417, 9th Cong. 2d Sess. 10, 13 (1982). During the 2006 reauthorization process of the Voting Rights Act, Georgia legislators "took a leadership position in challenging the reauthorization of the [A]ct." Tr. 1164:2–17. As Dr. Jones reminds us, "Georgia's resistance to the VRA is consistent with its history of resisting the expansion of voting rights to Black citizens at every turn." APAX 2, 9. Even following the 2000 Census, the district court in the District of Columbia refused to preclear the General Assembly's Senate plan because the court found "the presence of racially polarized voting" and that "the State ha[d] failed to demonstrate by a preponderance of the evidence that the reapportionment plan for the State will not have a retrogressive effect." Ashcroft, 195 F. Supp. 2d at 94.

(c) more recent voting practices with a disproportionate impact on Black voters

The Court moreover concludes that the Alpha Phi Alpha Plaintiffs submitted evidence of more recent practices in Georgia which disproportionately impact Black voters and have resulted in a discriminatory effect. These practices include county at-large voting systems, polling place closures, voter purges, and the Exact Match requirement. The Alpha Phi Alpha Plaintiffs also rely on the Georgia General Assembly's passage of SB 202 following the 2020 presidential election as evidence of recent and present practice disproportionately affecting Black voters.⁹⁵

⁹⁵ The Court reiterates that Dr. Burton clearly denied that the General Assembly or Georgia Republicans are racist. Tr. 1473:18–1474:9. As articulated by Dr. Burton, “I am not saying that the legislature is [racist]—I am saying that some of the legislation that comes out has a disparity—it affects Black citizens differently than white citizens to the disadvantage on Black citizens, but I am not saying that they are racist. But the effect has a disparate impact among whites and Blacks and other minorities.” Tr. 1474:4–9. Section 2 of the VRA does not require the Court to find that the General Assembly passed the challenged maps to discriminate against Black voters, or that the General Assembly is racist in any way. Nothing in this Order should be construed to indicate otherwise.

As in *Pendergrass*, the evidence in the Alpha Phi Alpha case shows that following Shelby County and the end of pre-clearance, the U.S. Commission on Civil Rights found that Georgia had adopted five of the most common restrictions that impose roadblocks to the franchise for minority voters: (1) voter ID laws, (2) proof of citizenship requirements, (3) voter purges, (4) cuts in early voting⁹⁶, and (5) widespread polling place closures. Tr. 1442:3–12 (referencing PX 4, 48–49). No other State has engaged in all five practices. *Id.* (referencing PX 4, 48–49).

The Court ultimately weighs the evidence submitted and determines that the evidence of Georgia’s present voting practices disproportionately impact Black voters. The Court proceeds by assessing the Alpha Phi Alpha Plaintiffs’ evidence of (i) at-large voting practices, (ii) Georgia’s practice of closing polling places, (iii) Georgia’s Exact Match requirement, (iv) the General Assembly’s passage of SB 202, and (v) the State’s rebuttal evidence of open and fair election

⁹⁶ While it may have been true at the time of this report that Georgia had made cuts to early voting, the Court acknowledges Mr. Germany’s trial testimony was that SB 202 increased early voting opportunities by adding two mandatory Saturdays and expressly permitted counties to hold early voting on Sundays at their discretion. Tr. 2269:8–21.

procedures.⁹⁷ The Court finally (vi) renders its conclusion of law on this Senate Factor.

i) at-large voting

One example of a recent discriminatory practice that Dr. Jones relied on was recent use of at-large voting systems in Georgia. APAX 2, 10–12. It is undisputed that as a state, Georgia does not use at-large voting systems. However, some counties do. In fact, as recently as 2015, a federal court, under Section 2, enjoined Fayette County’s use of at-large voting methods for electing members to the Fayette County Board of Commissioners and Board of Education. Id. (citing Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs, 118 F. Supp. 3d 1338, 1339 (N.D. Ga. 2015)). Following the enactment of the remedial maps, a Black candidate was elected for the first time to the Fayette County Board

⁹⁷ The Court may evaluate statewide evidence to determine whether Black voters have an equal opportunity in the election process. LULAC, 548 U.S. at 438 (“[S]everal of the [] factors in the totality of circumstances have been characterized with reference to the State as a whole.”); see also Allen, 599 U.S. at 22 (crediting the three-judge court’s finding lack of equal openness with respect to state wide evidence (citing Singleton, 582 F. Supp. 3d at 1018–24); Gingles, 478 U.S. at 80 (crediting district court’s findings of lack of equal opportunity that was supported by statewide evidence)).

of Commissioners. APAX 2, 11. This evidence was un rebutted. The Court notes that Cooper SD-28 even contains a portion of Fayette County. APAX 1 ¶ 99. The Court finds that the 2015 district court opinion finding that Fayette County's use of at-large voting violated Section 2 is particularly persuasive in showing recent discriminatory practices in voting given that this county is a part of one of the challenged areas.

ii) polling place closures

The Court finds that there is also compelling evidence that Georgia's recent closure of numerous polling places disproportionately impacts Black voters. Between 2012 and 2018, Georgia closed 214 voter precincts, "decreasing the number of precincts in many minority majority neighborhoods." APAX 2, 29 (citing Patrik Jonsson, "Voting After Shelby: How a 2013 Supreme Court Ruling Shaped the 2018 Election," Christian Science Monitor, November 21, 2018, <https://www.csmonitor.com/USAJustice/2018/1121/Voting-after-Shelby-How-a-2013-Supreme-Court-ruling-shaped-the-2018-election>; The Leadership Conference on Civil and Human Rights, "Democracy Diverted: Polling Place Closures and the Right to Vote," at 32, September 2019,

<https://civilrights.org/democracy-diverted/>). In five of the counties where the polls were closed Black turnout was under 50% in 2020, when it had been between 61.36% and 77.50% in the 2018 election. APAX 2, 29–30 (citing Mark Niese and Maya T. Prabhu, “Voting Locations Closed across Georgia after Supreme Court Ruling,” The Atlanta Journal-Constitution, April 31, 2018, <https://www.ajc.com/news/state--regional-govt--politics/votingprecincts-closed-across-georgia-since-election-oversight-1iftedJbBkHxpflirn0Gp9pKu7dfrN/>; Georgia Secretary of State, “Elections,” 2018. <https://sos.ga.gov/index.php/elections>.)

A 2020 study found that “about two-thirds of the polling places that had to stay open late for the June primary to accommodate waiting voters were in majority-Black neighborhoods, even though they made up only about one-third of the state’s polling places.” APAX 2, 30 (citing Stephen Fowler, “Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours?,” ProPublica (Oct. 17, 2020), <https://www.propublica.org/article/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-their-numbers-have-soared-and-their-polling-places-have-dwindled>). Additionally, on average, the “wait time after 7 p.m.

across Georgia was 51 minutes in polling places that were 90% or more nonwhite, but only 6 minutes in polling places that were 90% white.” Id. The study that Dr. Jones cited for these statements is the same as the one cited by Dr. Burton that found that “[i]n 2020, the nine counties in metro Atlanta that had nearly half of the registered voters (and the majority of the Black voters in the state)[, but] had only 38% of the state’s polling places.” PX 4, 50 n.173. Notably, at trial, both Drs. Jones and Burton testified consistently about polling place closures and that they disproportionately impacted Black voters. Tr. 1432:21–25; 1440:16–1441:21; 1347:10–1348:9.

The Court concludes that the Alpha Phi Alpha Plaintiffs’ evidence of polling place closures—and, notably, in metro-Atlanta where some of the challenged districts are located—is recent evidence of a voting practice with a disproportionate impact on Black voters.

iii) exact match

The Alpha Phi Alpha Plaintiffs’ evidence also shows Georgia’s voting practices include roadblocks to the voting efforts of minority voters in the form

of the Exact Match system and the State's purging of voter registration lists.⁹⁸ APAX 2, 23–28.

These practices, however, have been determined in prior decisions by the Court to *not* be illegal under federal law. The prior decisions upholding the Exact Match requirement and registration list purges certainly impact the weight to afford these voting practices. However, in this case, the evidence shows—without contradicting the prior legal determinations—that these practices have a *disproportionate effect* on Black voters for purposes of the instant totality of the circumstances' inquiry. Specifically, when these prior decisions are considered in the light of the legal frameworks at issue, the Court finds that these practices can be used as evidentiary support of a disproportionate discriminatory impact on Black voters in Georgia without contradicting or minimizing the prior decisions upholding Georgia's laws.

⁹⁸ In light of the Court's ruling allowing Dr. Burton's testimony and specific references to his report to be incorporated into the Alpha Phi Alpha case (1464:11-25), the Court may rely on Dr. Burton's report's analysis of the Commission's report in the Alpha Phi Alpha case. See Tr. 1441:25–1442:15 (Dr. Burton referencing his report and testifying about the U.S. Commission on Civil Rights, An Assessment of Minority Voting Rights Access in the United States: 2018 Statutory Enforcement Report (Washington, 2018), 369).

Specifically, Georgia’s Exact Match procedure was determined to not violate VRA’s Section 2 because when the burden on voters, the disparate impact, and the State’s interest in preventing fraud were considered together, the weighing of these considerations counseled against finding a violation. Fair Fight Action, 634 F. Supp. 3d at 1246. The Exact Match ruling in Fair Fight relied on the Brnovich decision and emphasized that “the modest burdens allegedly imposed by [the Exact Match law], the small size of the disparate impact, and the State’s justifications” did not support a Section 2 violation. Id. at 1245–46 (quoting Brnovich, 141 S. Ct. at 2346). Even without a Section 2 violation, however, the Court found that the Exact Match requirement disproportionately impacted Black voters given that: Black voters were a smaller portion of the electorate but as of January 2020, 69.4% of individuals flagged as “missing identification required” were African American, and 31.6% of the voters flagged for pending citizenship 31.6% were African American, whereas white voters only accounted for 20.9%. Fair Fight Action, 634 F. Supp. 3d at 1160, 1162; Tr. 1283:3–10. Thus, the Court’s decision in Fair Fight itself acknowledged that the Exact Match practice in Georgia has a *discriminatory impact* on Black voters—which is the

inquiry specifically at issue here. When the Court considers Fair Fight's determination in the light of the Civil Rights' Commission's report that generally Exact Match practices are a roadblock to minority voters, the Court concludes that this modern practice in Georgia supports that Georgia's modern voting practices have a discriminatory effect on Black voters.

iv) SB 202's disproportionate impact

The Alpha Phi Alpha Plaintiffs also cite to Georgia's passage of SB 202 as evidence of modern discrimination. The General Assembly passed SB 202 following the 2020 Presidential election. APAX 2, 28–29; Tr. 1182:1–9. A challenge to SB 202 is pending in the Northern District of Georgia and has not been resolved at the time the Court enters this Order.⁹⁹ In re SB 202, 1:21-mi-55555 (N.D. Ga.

⁹⁹ The Court notes that on October 11, 2023, the district court assigned the SB 202 case ruled on a pending motion for preliminary injunction that involves Section 2 and constitutional challenges to several provisions in SB 202. In re SB 202, 1:21-mi-55555, ECF No. 686 (N.D. Ga. Oct. 11, 2023). The court denied the plaintiffs' motions for preliminary injunction and found that there was not a substantial likelihood of success on the merits of any of their claims. Id. at 61. No rulings in that case are binding on this Court. McGinley, 361 F.3d at 1331 (“[A] district judge’s decision neither binds another district judge[.]”). However, the Court is cautious in its discussion of SB 202 to avoid inconsistent rulings and creating confusion.

Dec. 23, 2021). The Court acknowledges that the evidence presented in that case is not presently before this Court.¹⁰⁰ Given this pending challenge to SB 202, the Court proceeds cautiously in an effort of judicial restraint, which counsels against the Court preemptively making any findings that could lead to inconsistent rulings with decisions already made or implicating the ultimate determination of the legality of the law.

With these qualifications in mind, the Court cannot ignore that evidence on SB 202 has been presented by the Plaintiffs as proof of present discriminatory practices in Georgia's treatment of Black voters. See, e.g., APAX 2, 28–29.¹⁰¹ Defendants likewise provided rebuttal testimony. See generally Tr. 2261–2307. The Court, treading cautiously, tethers its findings regarding SB 202 to the

¹⁰⁰ To be abundantly clear, this Court does not have a challenge to SB 202 before it. Plaintiffs' experts have provided evidence regarding potential motivations behind SB 202 and the impact that its passage had on Black voters. See APAX 2, PX 4, GX 4. And Defendants provided counter evidence. See generally Tr. 2261–2307 (testimony of Ryan Germany). The Court evaluates solely the evidence adduced in this case.

¹⁰¹ Drs. Burton and Jones concluded that certain portions of SB 202 have an actual or perceived negative impact on Black voters. See Tr. 1185:17–1186:16 (Dr. Jones opining that Black voters increased use of absentee ballots and their use of drop boxes correlated with the passage of SB 202); Tr. 1445: 1–25 (Dr. Burton opining that certain provisions of SB 202 were put in place because of the gains made by Black voters in the electorate).

testimony and evidence advanced by the Alpha Phi Alpha Plaintiffs' experts *for purposes of the totality of the circumstances inquiry on the Senate Factors*. Namely, the Court considers the passage of SB 202, once again, as some evidence of practices with a disproportionate impact on Black voters. This conclusion is made with the expert conclusion of Dr. Burton in mind that "in Georgia [it] was the pattern that every time . . . that Black citizens made gains in some way or another or were being successful, that the party in power in the state, whether it's Democrat or Republican, found ways or came up with ways to either disenfranchise, but particularly dilute or in some way make less effective the franchise of Black citizens than those of white citizens." Tr. 1428:9–21. Dr. Burton specifically cites the passage of SB 202 as evidence of this pattern in his trial testimony (Tr. 1442:16–1444:25), which was incorporated by the Alpha Phi Alpha Plaintiffs in their case (Tr. 1464:10–25).

Accordingly, the Court considers SB 202 as evidence of a current manifestation of a historical pattern that following an election, the General Assembly responsively passes voting laws that disproportionately impact Black voters in Georgia.

(d) Defendant's rebuttal evidence

The Court now turns to Defendants' rebuttal evidence. Defendants do not affirmatively rebut the Alpha Phi Alpha Plaintiffs' expert evidence with their own expert evidence. Instead, Defendants cross-examined Drs. Jones and Burton on the prior legal determinations upholding some of the voting practices raised. See, e.g., Tr. 1251:16–19. The Court, however, has already determined that it is not inconsistent with these prior rulings to now find that these voting practices have a discriminatory impact on Black voters for purposes of the instant totality of the circumstances. See Section II(D)(4)(a)(2)(iii) *supra* exact match section.

Defendants instead, through lay witness testimony, submitted that Georgia has implemented legislation to make it easier for all voters to participate.¹⁰² In favor of Defendants on these factors, the Court considers Mr. Germany's testimony about SB 202. Mr. Germany indicates that the motive

¹⁰² The Court notes that on cross-examination Mr. Germany explained that SB 202 received numerous complaints; however, he is unable to quantify whether those complaints primarily came from Black voters because the Secretary of State's Office does not analyze the impact of the legislation on particular categories of voters—i.e., white voters v. Black voters. In his opinion, that analysis is not helpful to the overall goal to “make it easy for everyone, regardless of race.” Tr. 2283:2–2285:5.

for passing the law was to alleviate stress on the electoral system and increase voter confidence. Tr. 2265:3–23. Moreover, SB 202, among other things, expanded the number of early voting days in Georgia. Tr. 1476:7–9, 2269:8–21. Mr. Germany testified that Georgia employs no-excuse absentee voting (Tr. 2268:9–16) and was the second state in the country to implement automatic voter registration through the Department of Driver Services, which also allows voters to register the vote using both paper registration and online voter registration (Tr. 2263:12–20). Georgia furthermore offers free, state-issued, identification cards that voters can use to satisfy Georgia’s photo ID laws. Tr. 2264:15–22.

The Court has also been presented additional evidence that immediately prior to Shelby County, the DOJ precleared Georgia’s 2011 Congressional Plan. Tr. 1471:14–20. Moreover, following the passage of SB 202, Georgia experienced record voter turnout in the 2022 midterm election cycle. Tr. 1480:3–8.

(e) **conclusion on Senate Factors One and Three**

In sum, the majority of the evidence before the Court shows that Georgia has a long history of discrimination against Black minority voters. This history

has persisted in the wake of the VRA and even into the present through various voting practices that disproportionately affect Black voters. The Alpha Phi Alpha Plaintiffs have provided concrete recent examples of the discriminatory impact of recent Georgia practices, some specifically in the area of the districts proposed.

Defendants conversely have submitted some recent evidence of Georgia increasing the access and availability of voting. The evidence even shows that *overall* voter turnout has increased in the most recent national election.¹⁰³ These efforts are commendable, and the Court encourages these developments. In the Court's view, however, it is insufficient rebuttal evidence. Thereby, *in toto*, the Court concludes that Georgia has a history – uncontrovertibly in the past, and extending into the present – of voting practices that disproportionately impact Black voters. Thus, Senate Factors One and Three on the whole weigh in favor of finding a Section 2 violation.

¹⁰³ As discussed in greater detail, *infra*, Black voter turnout rate decreased by 15 points from the 2020 election cycle to the 2022 election cycle and recorded the lowest voter turnout rate in a decade. See Section II(D)(4)(e)(1) *infra*.

(3) *Senate Factor Two: racial polarization*

The second Senate Factor assesses “the extent to which voting in the elections of the State or political subdivision is racially polarized.” Wright, 979 F.3d at 1305 (quoting LULAC, 548 U.S. at 426). As indicated in the Alpha Phi Alpha Summary Judgment Order, polarization is a factor to be considered in the totality of circumstances inquiry, in addition to the second and third Gingles preconditions. Alpha Phi Alpha Doc. No. [268], 44. Pursuant to persuasive authority, the Court finds that when a Defendant has raised a race-neutral reason for the polarization, the Court must look beyond the straight empirical conclusions of polarization. See Nipper, 39 F.3d at 1524 (plurality opinion) (finding that Defendants may rebut evidence of polarization by showing racial bias is based on nonracial circumstances); Uno, 72 F.3d at 983 (asserting the evidence of racial polarization on the second and third Gingles preconditions “will endure *unless* and *until* the defendant adduces credible evidence tending to prove the detected voting patterns can most logically be explained by factors unconnected to the intersection of race with the electoral system.”).

Defendants have consistently argued that partisanship is a race-neutral explanation for polarization of voters in Georgia. See, e.g., Tr. 2410:18–2411:14. In an intentional discrimination context, the Eleventh Circuit cautioned courts “against conflating discrimination on the basis of party affiliation with discrimination on the basis of race [e]vidence of *race-based* discrimination is necessary to establish a constitutional violation.” League of Women Voters, 66 F.4th at 924.

The Court acknowledges that whether voter polarization is on account of partisanship or race is a difficult question to disentangle. During an extended colloquy with the Court, Dr. Alford testified that “voting behavior is very complicated” and that in his view democracy is about “voting for a person that follows their philosophy or they think is going to respond to their needs.” Tr. 2182:4–5; 2183:4–8. He went on to clarify that party identity and affiliation is exceptionally strong in this country and starts at a young age. Tr. 2183:8–2184:6.

Dr. Alford concluded that, from the empirical evidence presented by the Alpha Phi Alpha Plaintiffs, one cannot causally determine whether the data is best explained by party affiliation or racial polarization. He specifically testified:

[T]he kind of data that we use here, which is, you know ecological and highly abstract data, cannot demonstrate cohesion in sort of its natural form.

Much of the work on things like individual-level surveys, exit polls, et cetera, also make it very difficult in a non-experimental setting to demonstrate causation. It really takes an experimental setting. So there is some work done in experimental settings, but this is not an area of inquiry that is—scientific causation in the social sciences is very difficult to establish. This is not an area where there has been any work that's established that.

Tr. 2226:7–18.

The Court is not in a position to resolve the global question of what causes voter behavior. Such question is empirically driven, and one in which expert political scientists and statisticians do not agree. The Court can, however, assess the *evidence* of polarization presented at trial. In doing so, the Court determines that the Alpha Phi Alpha Plaintiffs have shown sufficient evidence of racial polarization in Georgia voting for this factor to weigh in favor of finding a Section 2 violation.

First, the Alpha Phi Alpha Plaintiffs present Dr. Handley's report, indicating strong evidence of racial polarization in voting. APAX 5. Plaintiffs also offered testimony about the strong connection between race and partisanship as

it currently exists in Georgia. Dr. Handley testified that Black and white voters have, for over decades, realigned their partisan affiliations based on the political parties' positions with respect to racial equality and civil rights. See Tr. 885:1-886:7. See also APAX 10, 4 ("Researchers have traced Southern realignment—the shift of white voters from overwhelming support for the Democratic party to nearly equally strong support for the Republican party—to the Democratic party's support for civil rights legislation beginning in the 1960s.").

This testimony was supported by various experts in the case. Dr. Burton testified that in the 1960s there was a "huge shift of African-Americans from the party of Lincoln, the Republican party, to the Democratic party and the shift of white conservatives from the Democratic party to the Republican party." Tr. 1445:4-7. Dr. Ward testified that race has consistently been the best predictor of partisan preference since the end of the Civil War. Tr. 1343:14-25. Dr. Ward explained that racially polarized voting has "been the predominant trend through political eras and political cycles" and even though "Black party preference has shifted dramatically from reconstruction to the present, [] more

often than not, that party preference is dramatic and demonstrable.” Tr. 1343:17-20.

Moreover, Dr. Ward described how the composition and positions of political parties in Georgia were forged in response to the history of Black political participation. APAX 4, 3, 19-20. Dr. Burch’s testimony regarding political science studies of the Black Belt is consistent: “living in Black belt areas with . . . legacies of slavery predict white partisan identification and racial attitudes.” APAX 6, 33.

Empirically, Dr. Burton testified about the success of Black candidates in the light of the percentage of white voters in the district.¹⁰⁴ The following chart was displayed during the trial and presents his findings:

¹⁰⁴ Race of a candidate is not dispositive for a polarization inquiry. DeGrandy, 512 U.S. at 1027 (“The assumption that majority-minority districts elect only minority representatives, or that majority-white districts elect only white representatives, is false as an empirical matter. And on a more fundamental level, the assumption reflects the demeaning notion that members of the defined racial groups ascribe to certain minority views that must be different from those of other citizens.” (Kennedy, J, concurring in part) (citation omitted)). The Court, however, finds that an assessment of the success of Black candidates in reference to different percentages of white voters, is good evidence that partisanship is not the best logical explanation of racial voting patterns in Georgia.

Winning Candidates in 2020 in Georgia House of Representatives

Percentage white registered voters in district	White Republicans ¹⁹⁷	Black Democrats	White Democrats
Under 40%	0	48	7
40–46.2%	1	3	2
46.2–54.9	11	1	6
55–62.4%	23	0	5
Over 62.4%	68	0	0

Winning Candidates in 2020 in Georgia State Senate

Percentage white registered voters in district	White Republicans	Black Democrats	White Democrats
Under 47%	0	16	1
47–54.9%	3	0	3
Over 55%	51	0	0

PX 4, 56 (footnote content omitted).

Clearly there is a meaningful difference in Black candidate success depending on the percentage of white voters in a district. When the white voter

Cf. Johnson, 196 F.3d at 1221–22 (“We do not mean to imply that district courts *should* give elections involving [B]lack candidates more weight; rather, we merely note that in light of existing case law district courts may do so without committing clear error.”).

percentage is lowest, Black Democratic candidates have the most success. This effect inverts as the percentage of white voters increases, culminating in *no* Black Democrat candidate success (regardless of party) when the white voter percentage reaches 47% (for the State Senate) or 55% (for the State House). PX 4, 56. These findings are consistent with Dr. Palmer's un rebutted findings about the challenged districts: Black voters voted for the same candidate, on average, 98.4% of the time and white voters voted for a different candidate, on average, 87.6% of the time. Stip. ¶¶ 219, 223.

In contrast to this evidence, Defendants' expert, Dr. Alford, provided the Court with data from the most recent Republican primary election where Herschel Walker was a candidate and received 60% of both Black and white voters votes. DX 8, 9 & tbl. 1; Tr. 2209:3-13. He qualified that the number of Black voters who voted in the Republican primary was small, therefore, he could not conclude that Mr. Walker was the Black-preferred candidate. Tr. 2237:18-19. But rather, the data showed that white voters did not vote as a bloc to defeat Walker's candidacy. Tr. 2237:19-21. His remaining analysis involved descriptive conclusions based on Dr. Handley's data set and, most importantly, did not offer

additional support for a conclusion that voter behavior caused by partisanship rather than race. See generally DX 8.

In light of the foregoing evidence, the Court finds that Senate Factor Two weighs heavily in favor of finding a Section 2 violation.

(4) *Senate Factor Five:* ¹⁰⁵ *socioeconomic disparities*

Senate Factor Five considers socioeconomic disparities between Black and white voters and these disparities' impact on Black voter participation. The Eleventh Circuit recognized in binding precedent that "disproportionate educational, employment, income level, and living conditions arising from past discrimination tend to depress minority political participation." Wright, 979 F.3d at 1294 (quoting Marengo Cnty. Comm'n, 731 F.2d at 1568). "Where these conditions are shown, and where the level of black participation is depressed, plaintiffs need not prove any further causal nexus between their disparate socioeconomic status and the depressed level of political participation." Id. (quoting

¹⁰⁵ Senate Factor Four—a history of candidate slating—is not at issue because Georgia does not use a slating process. Alpha Phi Alpha Fraternity, Inc., 587 F. Supp. 3d at 1317.

Marengo Cnty., 731 F.2d at 1568-69); Dallas Cnty. Comm’n, 739 F.2d at 1537 (“Once lower socio-economic status of [B]lacks has been shown, there is no need to show the causal link of this lower status on political participation.”)).

(a) Black voter participation

The Court finds that the Alpha Phi Alpha Plaintiffs have shown that Black voters have lower voter turnout rates than white voters. Dr. Burch testified that in the 2020 statewide general election that white voters had a turnout rate of 67.4%. Tr. 1051:7–12. Depending on whether she calculated the voting age population for SR Black¹⁰⁶ or Black alone and in combination¹⁰⁷, or registered Black voter turnout¹⁰⁸ ranged between 53.7% to 55.8%. Meaning, that that the disparity between white and Black voter turnout ranged from 11.6 to 13.7%. APAX 6, 6–7; Tr. 1051:7–18. Specifically, in the metro Atlanta clusters, Dr. Burch calculated that in the 2020 election, the east Atlanta cluster had a voter turnout

¹⁰⁶ Voter turnout for SR BVAP is 55.8%. APAX 6, 6–7. The white voting age population’s turnout rate was 67.4%; thus, there was a 11.6% turnout gap. Id.; Tr. 1051:13–16.

¹⁰⁷ Voter turnout for SR BVAP is 53.7%. APAX 6, 6–7. The white voting age population’s turnout rate was 67.4%; thus, there was a 13.7% turnout gap. Id.

¹⁰⁸ Black registered voter turnout was 60.0% and white registered voter turnout was 72.6%; thus, there was a 12.6% turnout gap. Id.; Tr. 1051:16–18.

gap between 11.8% and 14.6%, the southwest Atlanta cluster had a voter turnout gap between 9.2% and 12.4%, and southeast Atlanta cluster had a voter turnout gap between 10.1% and 13.0%. APAX 6, 10 & figs. 1-3.

In the 2022 general election, again, statewide white voter turnout exceeded Black voter turnout between 11.1% and 13.3%. ¹⁰⁹ Tr. 1052:6-13. Dr. Burch determined that the turnout gap also persisted across the county clusters at issue in this case for both 2020 and 2022 general election data. Tr. 1051:22-1052:2 (“So with respect to the county clusters, I saw a pretty sizable turnout gap in 2020 for almost all of the county clusters that I analyzed no matter how I calculated it. And I think the lowest gap was I think – in 2020 was 8.9 percentage points. So even with those county clusters it was a sizable gap.”); id. at 1052: 16-18 (“Again, in 2022, we still see gaps even in all of the turnout clusters—in all of the county

¹⁰⁹ Voter turnout for SR BVAP was 42.3%. APAX 6, 10. The white voting age population’s turnout rate was 53.4%; thus, there was a 11.1% turnout gap. Id. Voter turnout for SR BVAP was 41.4%. Id. The white voting age population’s turnout rate was 53.4%; thus, there was a 12.0% turnout gap. Id. Black registered voter turnout was 45.0% and white registered voter turnout was 58.3%; thus, there was a 13.3% turnout gap. Id.

clusters, Black voters still vote less than white voters in those clusters.”)¹¹⁰; APAX 6, 7–10, 11–13.

Defendants did not put forth rebuttal evidence contesting that Black voter participation in the political process was lower than white voters. Defendants also did not challenge or rebut the accuracy of Dr. Burch’s findings on voter turnout, but rather questioned the choices that she made when considering which elections to consider and what counties were included in which clusters. Tr. 1106:16–1115:6. On cross-examination, Defendant did not rebut that there is a voter turnout gap between white and Black voters in Georgia.

The Court also understands Defendant to argue that Black voter turnout is, at least, in part motivated by voter excitement for the candidate. Tr. 1114:1–22. The Court is not persuaded by this argument. Even assuming that Defendant’s theory of voter mobilization could be a valid legal argument rebutting statistical

¹¹⁰ Specifically, in the metro Atlanta clusters, Dr. Burch calculated that in the 2022 election, the east Atlanta cluster had a voter turnout gap between 10.8% and 13%, the southwest Atlanta cluster had a voter turnout gap between 3.2% and 9.1%, and southeast Atlanta cluster had a voter turnout gap between 5.7% and 10.1%. APAX 6, 11–13 & figs. 4–6.

evidence of depressed Black voter turnout, Defendants submitted no evidence connecting lower Black voter turnout to a lack of motivation to vote. Some nonempirical testimonial evidence on cross examination that the candidates on a ballot impact voter turnout is insufficient to rebut the expert statistical evidence presented by the Alpha Phi Alpha Plaintiffs that Black voter turnout is, on the whole and across elections, disproportionately lower than white voter turnout, and that Black voters participate less in the political process than white voters. Thus, the Court concludes that the Alpha Phi Alpha Plaintiffs submitted evidence that Black Georgians participate in the political process, both generally and in voter turnout, less than white voters.

(b) socio-economic disparities

The Court also concludes that there is sufficient evidence in the Record to show disproportionate educational, employment, income level, and living conditions arising from past discrimination. Black Georgians suffer disparities in socioeconomic status, including in the areas of education, employment, and income. APAX 6, 13-21. As Defendant acknowledged, with respect to “[s]ocioeconomic disparities[,] I don’t think you’ll find a lot of disagreement from

the parties here. The census numbers are what they are.” Tr. 49:4-6. According to Census estimates, the unemployment rate among Black Georgians is 8.7% and the unemployment rate among white Georgians is 4.4%. Stip. ¶ 342.

The Census estimates that 21.5% of Black Georgians are living below the poverty compared to 10.1% of white Georgians. Stip. ¶ 344. Black Georgians also receive SNAP benefits at a higher rate than white Georgians, with 22.7% of Black Georgians receiving SNAP benefits compared to 7.7% of white Georgians. Id. ¶ 345.

According to Census estimates, 13.3% of Black adults in Georgia lack a high school diploma, compared to 9.4% of white adults in Georgia. Stip. ¶ 346. 35% of white Georgians over the age of 25 have obtained a bachelor’s degree or higher, compared to only 24% of Black Georgians over the age of 25. Id. ¶ 347. The rate of poverty for Black Georgians is more than twice that of white Georgians. Tr. 1059:2-4. The median income for Black Georgian households is about \$25,000 less than that of white Georgian households. Tr. 1059:4-6. Black Georgians experience poverty rates more than double those of white Georgians. APAX 6, 19.

Black Georgians fare worse than white Georgians in terms of various health outcomes, such as infant mortality, hypertension, diabetes, obesity, overall mortality rates, and cancer. APAX 6, 31–33; Tr. 1063:22–1064:7. Black Georgians between the age of 19–64 years old are more likely to lack health insurance than white Georgians in the same age demographic, which affects access to health care and health outcomes. APAX 6, 32; Tr. 1064:11–16.

The Court concludes that the Alpha Phi Alpha Plaintiffs have adduced sufficient evidence to show that socio-economic disparities between white and Black Georgians, where Black Georgians are generally impacted more negatively than white Georgians on a number of metrics.

(c) conclusions on Senate Factor Five

Under binding precedent, the Alpha Phi Alpha Plaintiffs have proven that rates of Black voter political participation are depressed as compared to white voters participation. The aforementioned evidence also shows that Black Georgians suffer from significant socioeconomic disparities, including educational attainment, unemployment rates, income levels, and healthcare access. When both of these showings have been made, the law does not require a

causal link be proven between the socioeconomic status and Black voter participation. Wright, 979 F.3d at 1294.¹¹¹ Accordingly, the Court concludes that the socioeconomic evidence and the lower rates of Black voter participation support a finding that Senate Factor Five weighs heavily in favor of a Section 2 violation.

(5) *Senate Factor Six: racial appeals in Georgia's political campaigns*

Senate Factor Six “asks whether political campaigns in the area are characterized by subtle or overt racial appeals.” Wright, 979 F.3d at 1296. Courts have continually affirmed district courts’ findings of “overt and blatant” as well as “subtle and furtive” racial appeals. Gingles, 478 U.S. at 40; see also Allen, 599 U.S. at 22–23. However, in the Alabama district court proceedings, preceding the Allen appeal, the trial court assigned less weight to the evidence of racial appeals because the plaintiffs had only shown three examples of racial appeals in recent campaigns, but did not submit “any systematic or statistical evaluation of the

¹¹¹ While not required as a matter of law, as a matter of social science, Dr. Burch’s report indicates that the academic literature demonstrates a strong and consistent link between socioeconomic status and voter turnout. Tr. 1055:4–10.

extent to which political campaigns are *characterized* by racial appeals” and thus the court could not be evaluate if these appeals “occur frequently, regularly, occasionally, or rarely.” Singleton, 582 F. Supp. 3d at 1024 (emphasis added).

Similarly here, the Court finds that there is evidence of isolated racial appeals in recent Georgia statewide campaigns. However, there is no evidence for the Court to determine if these appeals *characterize* political campaigns in Georgia. Thus, while the Alpha Phi Alpha Plaintiffs submitted evidence of discrete instances¹¹² in recent elections where racial appeals were invoked—

¹¹² The Alpha Phi Alpha Plaintiffs have provided the following evidence of racial appeals used in recent Georgia elections across the past few election cycles:

In the 2018 gubernatorial election, then-Secretary of State Kemp, (now twice-elected Governor) used a social media campaign to associate Stacey Abrams with the Black Panther Party and ran a commercial advertisement where he discussed rounding up illegal immigrants in his pickup truck. APAX 2, 38; Tr. 1364:12–16.

In the 2020 U.S. Senatorial election, then-Senator Kelly Loeffler ran a campaign ad against “a dangerous Raphael Warnock,” whose skin had been darkened, and who was also associated with communism, protests, and civil unrest. Tr. 1193:19–1195:5; APAX 31; APAX 2, 39.

In 2022, during the senatorial race between Senator Warnock and Herschel Walker, Mr. Walker ran an advertisement that aimed to distinguish “between the Black candidate and himself” as the Republican candidate, in order to “associate himself with the white voter [and] mak[e] the Black candidate look menacing and problematic . . .”

which is “some evidence” of political campaigns being characterized by racial appeals – the Court cannot meaningfully evaluate whether these appeals “occur frequently, regularly, occasionally, or rarely” and thereby does not afford great weight to this factor. Singleton, 582 F. Supp. 3d at 1024.

(6) *Senate Factor Seven: minority candidate success*

Senate Factor Seven “focuses on ‘the extent to which members of the minority group have been elected to public office in the jurisdiction.’” Wright, 979 F.3d at 1295 (quoting LULAC, 548 U.S. at 426). Unlike the second and third Gingles preconditions, the Court now must specifically look at the success of *Black* candidates, not just the success of Black preferred candidates. Assessing the results of Georgia’s recent elections, the Court finds that Black candidates have achieved little success, particularly in majority-white districts.

Tr. 1198:9–1199:4; APAX 2, 43–44.

Also in 2022, in the Republican primary for governor, former Senator David Purdue stated in an interview, that Abrams was “demeaning her own race” and to let her “go back where she came from.” APAX 2, 38 (quoting Reid J. Epstein, “David Perdue Makes Racist Remarks about Stacey Abrams as He Ends a Lackluster Campaign, N.Y. Times, (May 23, 2022), <https://www.nytimes.com/2022/05/23/us/politics/david-perdue-staceyabrams-racist-remarks.html>).

As a population, Black Georgians have historically been and continue to be underrepresented by Black elected officials across Georgia's statewide offices. Georgia has never elected a Black governor (Stip. ¶ 349) and Black candidates have otherwise only had isolated success in statewide partisan elections in the last 30-years. Specifically, in 2000, David Burgess was elected Public Service Commissioner, in 2002 and 2006 Mike Thurmond was elected to Labor Commissioner, and in 1998, 2002, and 2006 Thurbert Baker was elected Georgia Attorney General.¹¹³ Stip. ¶ 361. Most recently, after 230 years of exclusively white Senators, Senator Raphael Warnock was twice elected to U.S. Senate and in his most recent election he defeated a Black candidate. APA Doc. No. [284], 11. Finally, nine Black individuals have been elected to statewide nonpartisan office in Georgia. Stip. ¶ 362.

In Georgia's congressional elections, only 12 Black candidates have ever been elected to the Congress. Tr. 1201:1-5. Five Black individuals serve in the

¹¹³ The Court takes judicial notice of the specific elections that each candidate successfully won. See Scott, 2019 WL 4200400, at *3 n. 4 (taking judicial notice of the publicly filed election results); see also n.65 *supra*.

United States House of Representatives from Georgia's current congressional districts. Stip. ¶ 359. Four of these Black congresspersons are elected in majority-Black districts. PX 1, K-1. The other Black Representative, congresswoman Lucy McBath, represents Congressional District 7.

In State legislative districts, the Georgia Legislative Black Caucus has only 14 members in the Georgia State Senate (25%) and 41 members in the Georgia House of Representatives (less than 23%).¹¹⁴ Stip. ¶ 348. As incorporated in the Alpha Phi Alpha case, Dr. Burton's testimony referred to the 2020 and 2022 legislative elections, where Black candidates had little to no success when they did not make up the majority of a district.¹¹⁵ Specifically, Black candidates in the 2020 legislative elections did not have any success when they did not make up at least 45.1% of a House District or 53.8% of a Senate District.

¹¹⁴ The Enacted Senate Plan contains 14 majority-Black districts. Stip. ¶¶ 176, 186; APAX 1, M-1. The Enacted House Plan contains 49 majority-Black districts. Stip. ¶¶ 183, 186, APAX 1, Z-1.

¹¹⁵ Erick Allen was elected to Georgia House District 40 in 2018 and re-elected in 2020, even though House District 40 was not a majority-Black district in 2018 or 2020. Tr. 1012:2-12.

Winning Candidates in 2020 in Georgia House of Representatives

Percentage white registered voters in district	White Republicans ¹⁹⁷	Black Democrats	White Democrats
Under 40%	0	48	7
40–46.2%	1	3	2
46.2–54.9	11	1	6
55–62.4%	23	0	5
Over 62.4%	68	0	0

Winning Candidates in 2020 in Georgia State Senate

Percentage white registered voters in district	White Republicans	Black Democrats	White Democrats
Under 47%	0	16	1
47–54.9%	3	0	3
Over 55%	51	0	0

PX 4, 56.

Although the Court finds that Black candidates have achieved some success in statewide elections following 2000, the Court ultimately concludes Senate Factor Seven weighs heavily in favor of the Alpha Phi Alpha Plaintiffs. The Supreme Court in Gingles, when discussing the success of a select few Black

candidates, cautioned courts in conflating the success of a few minority candidates as dispositive. Gingles, 478 U.S. at 76.

In short, since Reconstruction, Georgia has only elected *four* Black candidates in statewide partisan elections: Mike Thurmond, Thurbert Baker, David Burgess, and Raphael Warnock. Stip. ¶ 361. For statewide non-partisan elections, Georgia has elected nine successful Black candidates: Robert Benham, Leah Ward-Sears, Harold Melton, Verda Colvin, John Ruffin, Clarence Cooper, Herbert Phipps, Yvette Miller, Clyde Reese. Stip. ¶ 362. Georgia has sent twelve successful Black candidates to the U.S. House of Representatives. Tr. 1201:1–5. Currently, there are 55 members of the Georgia General Assembly that are in Georgia’s Legislative Black Caucus (of 236 total members), and all are elected from majority-minority districts. Stip. ¶ 348; APA Doc. No. [284], 8–9. The Court concludes that these isolated successes of Black candidates show that the Black population is underrepresented in Georgia’s statewide elected offices. This conclusion is even stronger in majority-white districts.

To be sure, Dr. Burton acknowledged, and even affirmed that some academic scholarship indicates that “the future electoral prospects of African-

American statewide nominees in growth states such as Georgia are indeed promising.” Tr. 1470:2–24. The Court likewise is hopeful about the prospects increased enfranchisement of all voters and for the potential success of minority candidates in Georgia. However, Dr. Burton also emphasized that, specifically in Georgia, dating back to Reconstruction increased minority success led to “more legislation from whichever party is in power [to] disenfranchise or at least dilute or make the vote count less.” Tr. 1470:14–16. Accordingly, the optimism about Georgia’s future elections does not rebut the contrary evidence of the present success of Black candidates; accordingly, the Court finds that Senate Factor Seven weighs heavily in favor of finding a Section 2 violation.

(7) *Senate Factor Eight: responsiveness to Black residents*

Senate Factor Eight considers whether elected officials are responsive to the particularized needs of Black voters. A lack of responsiveness is “evidence that minorities have insufficient political influence to ensure that their desires are considered by those in power.” Marengo Cnty. Comm’n, 731 F.2d at 1572. The Eleventh Circuit noted that “although a showing of unresponsiveness might have some probative value a showing of responsiveness would have very little.”

Id. Alpha Phi Alpha Plaintiffs' expert, Dr. Burch, discussed the existence of significant socioeconomic disparities between Black and white Georgians, which he concluded contributed to the lower rates at which Blacks engage their elected representatives. APAX 6, 36. Id.

The Court cannot from the evidence before it find that its passage was due to the responsiveness or lack thereof to Black voters. There is no evidence that shows that a particular legislator received a complaint about pieces of legislation and ignored it. Accordingly, the Court finds that evidence about legislation is not persuasive.

Dr. Burch also concluded that socioeconomic disparities such as: education, residential conditions, incarceration rates, and healthcare concerns demonstrate that the Georgia legislature is not responsive to the Black community. APAX 6, 34. A number of lay witnesses testified about socioeconomic issues affecting Black voters. Tr. 639:24-640:25, Eric Woods Dep. Tr. 53:8-54:1; Phil Brown Dep.

Tr. 67:12-68:1.¹¹⁶ However, there is evidence that concerns about healthcare access, education, property taxes, and gun safety are not unique to Black citizens. Tr. 639:24–640:25.

The Court finds that the arguments regarding socioeconomic disparities are not particularly helpful in determining whether Georgia’s elected officials are responsive to Black Georgians. The Court finds that although there is evidence about concerns that Black voters have, there is not sufficient evidence that their representatives are not responsive to their needs.¹¹⁷

¹¹⁶ The Parties submitted designations, counter designations, and objections to the named Plaintiffs’ depositions to the Court prior to the start of the Trial. APA Doc. No. [275], Pendergrass Doc. No. [223], Grant Doc. No. [232]. At the Pretrial Conference, the Parties agreed to the admission of these depositions following the Court’s ruling on the objections. APA Doc. No. [285], Pendergrass Doc. No. [274], Grant Doc. No. [247]. The Court issued rulings on the deposition objections and they are part of the Record. APA Doc. No. [292], Pendergrass Doc. No. [243], Grant Doc. No. [254].

¹¹⁷ The Court notes that Dr. Evans testified that she attempted to call her State Senator, Representative, and county commissioner about redistricting concerns and her calls were generally unanswered. Tr.637:7–19. The Court acknowledges that Dr. Evans’s representatives were unresponsive in this instance; however, the Court cannot extrapolate from this isolated occurrence that, as a whole, Georgia’s elected officials are unresponsive to Black voters.

Ultimately, there is an absence of evidence regarding the level of responsiveness of Georgia's elected representatives to Black voters and white voters. Due to the lack of evidence, the Court finds that Senate Factor Eight does not weigh in favor of finding a Section 2 violation. See Greater Birmingham Ministries, 992 F.3d at 1334 (finding that failure to consider amendments to a particular piece of legislation does not show that legislatures were unresponsive to the needs of minority voters).

(8) *Senate Factor Nine: justification for the Enacted Congressional Plan*

The Court finds that the State's justification for the Enacted State Legislature Plans factor favors Defendants and thus weighs against finding a Section 2 violation.

At the trial, Ms. Wright testified that the Enacted Congressional Plan began with the creation of a blank map that largely balanced population that then could be modified based on input from legislators. Tr. 1622:11-13. Ms. Wright also relied on information obtained from the public hearings on redistricting. Tr. 1668:24-1670:5. Political performance was an important consideration in the design of the Enacted Congressional Plan. Tr. 1669:20-23. In Enacted CD-6

specifically, Ms. Wright justified that the four-way split of Cobb County by asserting that Cobb County was better able to handle a split of a congressional district than a smaller nearby county. Tr. 1672:9–1673:4. She further testified that the inclusion of parts of west Cobb County in Enacted CD-14 was because of population and political considerations, namely putting a democratic area into District 14 instead of District 11 (which was more political competitive). Tr. 1674:6–1675:2.

Similarly, for the Enacted House Plan, Ms. Wright started with a blank map and the ideal district size given the population changes. Tr. 1642:7–23. Initially, she did not consider incumbency and instead drew a map based solely on population. Tr. 1642:15–18. Ms. Wright then integrated information from public hearings regarding the public’s preferences. Tr. 1643–46. In the Macon-Bibb area, specifically, she testified that there were comments about wanting to keep House Districts 142 and 143, majority-Black districts, in Macon-Bibb because the representatives were well-liked in the community. Tr. 1659:6–15. Eventually, she drafted the maps to avoid incumbency pairings and county splits. Tr. 1448:9–21. Ms. Wright testified that the growth in Georgia was concentrated

in the north (i.e., metro-Atlanta), which caused districts to be moved from the south into that area. Tr. 1469:16–19. Again, political performance was an important consideration in drafting the Enacted State House Plan. Tr. 1468:5–8.

The Alpha Phi Alpha Plaintiffs do not challenge that this is the process the State used to draw the Enacted Legislative Plans. Accordingly, the Court finds Defendants’ evidence that the Enacted Legislative Plans were drawn to further partisan goals to be a sufficient, non-tenuous justification. Accordingly, Senate Factor Nine does not weigh in favor of a Section 2 violation.¹¹⁸

(9) *Proportionality*

Finally, the Court determines that proportionality does not weigh against finding a Section 2 violation in the Alpha Phi Alpha Plaintiffs’ case. Currently, 25% of the State Senate and 27.2% of the State House elect members from majority-Black districts and the AP Black population is 33.03% of the State. APAX 1 ¶¶ 15, 17, 41

¹¹⁸ As in the Pendergrass case, however, this factor will be accorded less weight given that, in Alpha Phi Alpha Plaintiffs’ Section 2 case, a legislature’s intent in drawing map is irrelevant.

Defendant argued, however, that Black voters have proportional representation in the General Assembly because 43% of the State House and 41% of the State Senate are Democrats, which is the Black-preferred candidate. Tr. 36:16–23. The Court categorically rejects Defendant’s argument. First, the Court finds that there is no empirical evidence to suggest that every Democrat member of the General Assembly is a Black-preferred candidate.¹¹⁹ This suggestion, absent supporting empirical evidence, leans dangerously close to “the demeaning notion that members of the defined racial group ascribes to certain minority views that must be different from those of other citizens.” DeGrandy, 512 U.S. at 1027.

Furthermore, the number of Black-preferred candidates who are successfully elected is not the proper consideration for proportionality. As the Court’s summary judgment order in the Pendergrass case reflects, the proper metric for determining proportionality is the number of majority-Black districts

¹¹⁹ Although the Black-preferred candidate in all of the races examined by Dr. Handley were Democrats, Dr. Handley’s research was confined to specific areas of the State and she did not evaluate whether all current Democrat members of the General Assembly were the Black-preferred candidate. Stip. ¶¶ 309–15.

in proportion to the Black population, *not* the number of Black-preferred candidates elected. Pendergrass Doc. No. [215], 72; see also De Grandy, 512 U.S. at 1014 n.11 (“‘Proportionality’ as the term is used here links the number of majority-minority voting districts to minority members’ share of the relevant population . . . This proviso speaks to the success of minority candidates, as distinct from the political or electoral power of minority voters.”).

Here, therefore, the relevant numbers to consider in the proportionality analysis are the number of majority-minority districts in the Enacted Legislative Plans. Only 25% of the State Senate districts are majority-Black (14 districts of 56 districts total). APAX 1 ¶ 15. In the State House, 27.2% of the districts are majority-Black (49 districts of the 180 districts total).¹²⁰ APAX 1 ¶ 17. The Alpha Phi Alpha Plaintiffs’ additional two State Senate districts that survive the Gingles preconditions bring the proportion of majority-Black Senate districts only to 28.6% of the total districts.¹²¹ And the Alpha Phi Alpha Plaintiffs’ additional one

¹²⁰ However, the Georgia Legislature’s Black Caucus has only 41 members in the State House. Stip. ¶ 348.

¹²¹ $16/56 = \text{approximately } 28.6\%$.

House district similarly only increases the proportion of majority-Black districts to be 27.8% of the total.¹²² These proportions fall below both the AP Black population in the State (33.03% (Stip. ¶ 97)) and the AP Black voting age population (31.73% (Stip. ¶ 104)). Thus, proportionality is not achieved in the State House or State Senate, under the Enacted Plan or with the addition of two State Senate districts and one State House district. Thus, the Court concludes that proportionality does not weigh against the Alpha Phi Alpha Plaintiffs.

(10) Conclusions of law

The Court finds that the Alpha Phi Alpha Plaintiffs have met their burden in establishing that (1) the Black community in south-metro Atlanta is sufficiently numerous and compact to constitute two additional majority-Black Senate districts and one additional majority-Black House district; (2) the Black community is politically cohesive in this area; and (3) that the white majority votes as a bloc to typically defeat the Black communities' preferred candidate in these areas. The Court also finds that in evaluating the Senate Factors, Georgia's

¹²² 50/180 = approximately 27.8%

electoral system is not equally open to Black voters in these regions of the State. Specifically, the Court finds that Senate Factors One, Two, Three, Five, and Seven weigh in favor of showing the present realities of a lack of opportunity for Black voters. The Court also finds that Senate Factor Six weighs slightly in favor finding a Section 2 violation. Thereby, only Senate Factors Four, Eight¹²³ and Nine did not weigh in favor of finding a Section 2 violation. The Court also found that proportionality does not weigh against the Alpha Phi Alpha Plaintiffs. In sum, the Court finds that a majority of the totality of the circumstances evidence weighs in favor of finding a Section 2 violation in the proposed districts in metro Atlanta. Because the Alpha Phi Alpha Plaintiffs have carried their burden of proof on all of the legal requirements, the Court concludes that SB 1EX and HB 1EX violate Section 2 of the Voting Rights Act.

¹²³ Senate Factor Eight is given little weight. Marengo Cnty. Comm'n, 731 F.2d at 1572.

b) Grant

(1) *Totality of circumstances inquiry standards and incorporation of the Pendergrass Case's Analysis on Senate Factors One, Three, Five¹²⁴, Six, Seven, and Eight*

The standards governing the Court's totality of the circumstances inquiry are the same in Grant Plaintiffs' case as they were in Pendergrass Plaintiffs' case. See Section II(C)(4) *supra*. Hence, the Court considers the aforementioned Senate Factors to determine if Grant Plaintiffs met their burden to show that the political process is not equally open to minority voters in Georgia.

Moreover, the totality of the circumstances evidence in both the Pendergrass case and the Grant case is largely the same. The expert reports

¹²⁴ The evidence on Senate Factor Five is largely the same for the Atlanta and Macon-Bibb region. However, Dr. Collingwood did provide specific evidence that he concluded that the "trend" in the Black Belt region "is very similar to the overall statewide trend for both the 2020 and 2022 general elections." Rep at 20. Dr. Collingwood furthermore determined that "whites vote at higher rates than [] Blacks in the clear majority of the precincts." Rep at 22. These findings are consistent with his findings in the metro Atlanta region where Black voters, generally, had lower turnout rates than white voters. Accordingly, the Court finds that Senate Factor Five weighs in favor of a Section 2 violation in Macon-Bibb region with the same force as the districts in the metro Atlanta region.

submitted (i.e., Dr. Burton¹²⁵ and Dr. Collingwood¹²⁶) are identical in the two cases. At trial, Pendergrass Plaintiffs and Grant Plaintiffs simultaneously questioned and cross-examined the totality of circumstances witnesses. For a number of the Senate Factors, moreover, the evidence submitted would be considered by the Court in an identical manner. Accordingly, to avoid needless duplication, the Court hereby incorporates *in toto* its analysis in the Pendergrass case, *supra*, on Senate Factors Three, Five¹²⁷, Six, Seven, and Eight.¹²⁸

The Court also incorporates Senate Factor One, *see* Section II(C)(4)(a) *supra*, with the following alterations to its analysis regarding polling place closures:

¹²⁵ In Pendergrass, Dr. Burton's report is designated PX 4. In Grant, it is designated GX 4. The report's content and page numbers, however, do not change between the cases.

¹²⁶ In Pendergrass, Dr. Collingwood's report is designated PX 5. In Grant, it is designated GX 5. Again, the content and pages numbers in the report are identical in the cases.

¹²⁷ As noted in the Pendergrass case, for Senate Factor Five's consideration of minority voter participation in the political process, in 2022, voter turnout in Clayton, Henry, and Rockdale counties "slightly exceeded" white voter turnout. GX 5, 16. While these counties are directly implicated in the districts satisfying the Gingles preconditions in Grant Plaintiffs' Illustrative plan, the Court does not find this "slight" evidence to outweigh the strong evidence otherwise that Black Georgians participate less than white Georgians in the political process. *See* Section II(C)(4)(d) *supra*.

¹²⁸ Again, Senate Factor Four – a history of candidate slating for elections – is not at issue because Georgia's elections do not use a slating process.

With respect to the legislative districts in the metro Atlanta region, the Court in Pendergrass credited Dr. Burton's findings discussing polling place closures in Union City, Georgia. GX 4, 51. Union City, Georgia is located in the southwestern portion of the Fulton County. Both Esselstyn HD-64, and SD-28 have portions of their districts that are in southwest Fulton County. GX 1 ¶ 31 & fig.7; ¶ 49 & fig.14. Unlike Illustrative CD-6, which clearly shows city designations, Esselstyn HD-64 and SD-28 do not delineate which cities are contained within a specific district. Compare PX 1 ¶ 46 & fig.10, with GX 1 ¶ 31 & fig.7; ¶ 49 & fig.14. Thus, the Court will not rely on the specific evidence of polling place closures in Union City as evidence of discrimination in the specific districts. However, this evidence is relevant because it shows disproportionate impact of polling place closures in the vicinity of the illustrative districts. Thus, the evidence of the polling place closures in Union City is relevant, but less persuasive with respect to Mr. Esselstyn's Atlanta districts than it was with respect to Illustrative CD-6.

The Court also finds that there is evidence that 38% of the State's polling places are in metro Atlanta, meanwhile nearly half of Georgia's voters and the majority of Black voters are registered to vote in metro Atlanta. GX 4, 51.

In the Macon-Bibb region, Dr. Burton discusses the number of polling places dropping in Macon-Bibb county from forty to thirty-two. GX 4, 49. These closures took place in primarily Black neighborhoods. Id. He also cites to a 2020 study that found that "about two-thirds of the polling places that had to stay open late for the June primary to accommodate waiting voters were in majority-Black neighborhoods, even though they made up only about one-third of the state's polling places." GX 4, at 50 (citing Fowler, "Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours?"). Defendants did not rebut this evidence.

The Court finds that a reasonable inference can be drawn to find that within the last decade that polling place closures, like those in Macon-Bibb County disproportionately impacted Black voters. Macon-Bibb closed 20% of their polling places, primarily in majority-Black neighborhoods. Also, in the June 2020 primary, polling places that were in predominately Black neighbors disproportionately were forced to stay open late.

Accordingly, the Court finds that there is evidence supporting the reasonable inference that the large number of closed polling places in the metro Atlanta and the Macon-Bibb regions disproportionately impacts Black voters. Thus, the Court finds that the evidence of polling place closures supports a conclusion that there are present realities of discrimination in voting for Senate Factor One.

The Court will separately address Senate Factors Two (racial polarization) and Nine (justification for the Enacted State House and Senate Plans) as well as the proportionality analysis, because the evidence presented on these factors differ, even if ever-so-slightly, between the cases. Ultimately, like in the Pendergrass case, the Court concludes that the totality of the circumstances inquiry weighs in favor of finding a Section 2 violation in the Grant Plaintiffs' case.

(2) *Senate Factor Two: racial polarization*

The evidence presented in Grant Plaintiffs' case on racial polarization again draws on the *cause* of polarization: race or partisanship. Defendants have consistently argued that partisanship is a race-neutral explanation for

polarization of voters in Georgia. See, e.g., Tr. 2410:18–2411:14. Like in the Pendergrass case, the Court acknowledges that whether voter polarization is on account of partisanship and race is a difficult question to answer and again the Court focuses on the evidence before it of polarization in the Grant Plaintiffs’ case. See Section II(C)(4)(b) *supra*.

Grant Plaintiffs’ polarization expert indicated that “there is . . . strong evidence of racially polarized voting within the districts comprising the five focus areas [(i.e., the areas near-and-around the proposed Illustrative districts)].” GX 2 ¶ 19; see also id. (“There is consistent evidence of racially polarized voting in every House district analyzed, and in 12 of the 14 Senate districts. Voting is generally less polarized in Senate District 44, and not polarized in Senate District 39.”).

In addressing Defendants’ polarization argument, Plaintiffs also offered testimony about the strong connection between race and partisanship as it

currently exists in Georgia.¹²⁹ Tr. 424:5–8 (affirming that “race and party cannot be separated for the purpose of [Dr. Palmer’s] racial polarization analysis”); 1460:11–15 (“[O]ne party is highly supporting . . . issues that are most important to minorities, particularly African Americans. And another party is not getting a good grade on how they’re voting for them.”); GX 4, 75–76 (indicating the “opposing positions that members of Georgia’s Democratic and Republican parties take on issues inexplicably linked to race.”).

In contrast to Grant Plaintiffs’ evidence, Defendants’ expert, Dr. Alford, only rendered descriptive conclusions based on Dr. Palmer’s data set and, most importantly, did not offer additional support for a conclusion that voter behavior was caused by partisanship rather than race. DX 8. To be sure, Defendants did not offer any quantitative or qualitative evidence to support their theory that partisanship, not race, is controlling voting patterns in Georgia. Based on this

¹²⁹ The Court also finds Dr. Burton’s assessment that the success of Black candidates depends on the percentage of white voters in a district to be persuasive in Grant Plaintiffs’ case on this Senate Factor. See supra Pendergrass.

evidence, the Court finds that Senate Factor Two weighs in favor of finding a Section 2 violation.

(3) *Senate Factor Nine: justification for the Enacted Legislative Plans*

The Court finds that the State's justification for the Enacted State Legislature Plans factor weighs in favor of Defendants and thus weighs against finding a Section 2 violation.

At the trial, Ms. Wright testified that she began drawing the Enacted Senate Plan by determining the new ideal district size given the population changes and then starting with a blank map. Tr. 1621. She used a visual layer of existing districts in an attempt to retain the core districts. Tr. 1621. From here, Ms. Wright collapsed and built districts based on the population changes. Tr. 1623. She did not pair incumbents seeking reelection and avoided county splits. Tr. 1627. She tried to accommodate elected officials' requests. Tr. 1631. Admittedly, political performance was an important consideration in drafting the Enacted State Senate Plan. Tr. 1626.

Similarly, for the Enacted House Plan, Ms. Wright started with a blank map and the ideal district size given the population changes. Tr. 1641. Initially,

she did not consider incumbency and instead drew a map based solely on population. Tr. 1641. Ms. Wright then integrated information from public hearings regarding the public's preferences. Tr. 1643–46. In the Macon-Bibb area, specifically, she testified that there were comments about wanting to keep House districts 142 and 143, majority-Black districts, in Macon-Bibb because the representatives were well-liked in the community. Tr. 1658:6–15. Eventually, she drafted the maps to avoid incumbency pairings and county splits. Tr. 1467. Ms. Wright testified that the growth in Georgia was concentrated in the north (i.e., metro-Atlanta), which caused districts to be moved from the south into that area. Tr. 1468. Again, political performance was an important consideration in drafting the Enacted State House Plan. Tr. 1467.

Grant Plaintiffs do not contest Ms. Wright's testimony on the process the State used to draw the Enacted maps and the Court has found Ms. Wright to be highly credible. Accordingly, the Court finds Defendants' evidence that the Enacted State House and Senate Plans were drawn to further partisan goals to be

a sufficient, non-tenuous justification. Accordingly, Senate Factor Nine does not weigh in favor of a Section 2 violation.¹³⁰

(4) *Proportionality*

Finally, the Court determines that, even more so than in Pendergrass Plaintiffs' case, proportionality does not weigh against finding a Section 2 violation in Grant Plaintiffs' case. In the Grant case, Defendants focus on the representation of Black *preferred* candidates as part of their proportionality analysis, submitting that both of Georgia's U.S. Senators are Black-preferred (and one himself is Black) and that 35.7% of the U.S. House of Representatives from Georgia are Black and Black-preferred. In the Georgia General Assembly, 43% of the members of the House of Representatives are Black-preferred (i.e., Democrats) and 41% of the Senators are Black-preferred (i.e., Democrats).

The argument about proportionality and the evidence submitted relate equally to Alpha Phi Alpha and Grant. Accordingly, the Court incorporates its analysis of proportionality in Alpha Phi Alpha (Section II(D)(4)(a)(9)) as fully set

¹³⁰ As in the Pendergrass case, however, this factor will be accorded less weight given that, in Grant Plaintiffs' Section 2 case, a legislature's intent in drawing map is irrelevant.

forth herein. Ultimately, the Court concludes that proportionality does not weigh against a Section 2 violation in the Grant Plaintiffs' case.

(5) *Conclusions of Law*

The Court finds that Grant Plaintiffs have met their burden in establishing that (1) the Black community in the western-Atlanta metro area is sufficiently numerous and compact to constitute an additional majority-Black House district, in the Black community in southwestern Atlanta metro area is sufficiently numerous and compact to create one additional majority-Black House districts and two additional majority-Black Senate districts, and the Black community in the Macon-Bibb region is sufficiently numerous and compact to create two additional majority-Black House districts; (2) the Black community is politically cohesive in these areas; and (3) that the white majority votes as a bloc to typically defeat the Black communities' preferred candidate in these areas. The Court also finds that in evaluating the Senate Factors, Georgia's electoral system is not equally open to Black voters in these regions of the State. Specifically, the Court finds that Senate Factors One, Two, Three, Five, and Seven weigh in favor of showing the present realities of lack of opportunity for Black voters. The Court

also finds that Senate Factor Six weighs slightly in favor finding a Section 2 violation. Accordingly, only Senate Factors Four, Eight¹³¹ and Nine did not weigh in favor of finding a Section 2 violation. The Court also found that proportionality does not weigh against Grant Plaintiffs. In sum, the Court finds that a majority of the totality of the circumstances evidence weighs in favor of finding a Section 2 violation in the proposed districts in the metro Atlanta and Macon-Bibb regions. Because Grant Plaintiffs have carried their burden of proof on all of the legal requirements, the Court concludes that SB 1EX and HB 1EX violate Section 2 of the Voting Rights Act.

E. Injunction Factors

To obtain a permanent injunction, Plaintiffs must demonstrate (1) that they have suffered an irreparable injury; (2) that remedies available at law are inadequate to compensate for that injury; (3) that, considering the balance of hardships between Plaintiffs and Defendants, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.

¹³¹ The Eleventh Circuit found that Senate Factor Eight is given little weight. Marengo Cnty. Comm'n, 731 F.2d at 1572.

eBay Inc. v. MercExchange, LLC, 547 U.S. 388, 391 (2006). “[W]hether a permanent injunction is appropriate . . . turns on whether [Plaintiffs] can establish by a preponderance of the evidence that this form of equitable relief is necessary.” Sheely v. MRI Radiology Network, P.A., 505 F.3d 1173, 1182 n.10 (11th Cir. 2007). “The decision to grant or deny permanent injunctive relief is an act of equitable discretion by the district court.” eBay Inc., 547 U.S. at 391. However, the Supreme Court has held that “[a]n injunction should issue only if the traditional four-factor test is satisfied.” Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139, 157 (2010).

1. *Irreparable Harm and Inadequate Remedies at Law*

The Eleventh Circuit has explained that an injury is irreparable “if it cannot be undone through monetary remedies.” Cunningham v. Adams, 808 F.2d 815, 821 (11th Cir. 1987) (citation omitted). It has also been held that “[a]bridgement or dilution of a right so fundamental as the right to vote constitutes irreparable injury.” Cardona v. Oakland Unified Sch. Dist., 785 F. Supp. 837, 840 (N.D. Cal. 1992); see also League of Women Voters of N.C. v. North Carolina, 769 F.3d 224,

247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.”) (citations omitted).

In view of this Court’s finding, *supra*, that the Enacted Plans violate Section 2 of the Voting Rights Act,¹³² this Court further finds that Plaintiffs have met their burden of establishing by the preponderance of the evidence that the resulting injury of having to vote under unlawful plans cannot be undone through any form of monetary or post-election relief. See League of Women Voters, 769 F.3d at 247 (“[O]nce the election occurs, there can be no do-over and no redress.”). Defendants also do not contend that adequate legal remedies are available.

2. *Balance of Hardships and Public Interest*

The last two requirements for a permanent injunction involve a balancing of the equities between the Parties and the public. eBay Inc., 547 U.S. at 391.

“Where the government is the party opposing the . . . injunction, its interest and harm—the third and fourth elements—merge with the public

¹³² See generally Section II(D)–(F) *supra*.

interest.” Florida v. Dep’t of Health & Hum. Servs., 19 F.4th 1271, 1293 (11th Cir. 2021). (citation omitted).¹³³ All Defendants in each of the cases at issue were named in their official capacities as governmental actors and oppose the permanent injunction. Therefore, the Court will address the third and fourth permanent injunction factors together in a merged format in accordance with applicable authority. See Swain v. Junior, 961 F.3d 1276, 1293 (11th Cir. 2020) (indicating that the balance of the equities and public interest factors “‘merge’ when, as here, ‘the Government is the opposing party’” (quoting Nken v. Holder, 556 U.S. 418, 435 (2009))).

¹³³ The Court recognizes that the Florida case, cited above, involved a preliminary injunction determination and that a permanent, rather than preliminary injunction is at issue in the cases *sub judice*. Nevertheless, considering the overlapping language in the permanent injunction and preliminary injunction standards (as set forth in the Court’s preliminary injunction order), it appears to the Court that this principle of merging the government’s interest and harm with the public interest applies equally in the permanent injunction context. See Amoco Prod. Co. v. Vill. of Gambell, AK, 480 U.S. 531, 546 n.12 (1987) (“The standard for a preliminary injunction is essentially the same as for a permanent injunction with the exception that the plaintiff must show a likelihood of success on the merits rather than actual success.”).

Thus, the Court proceeds to the issue of whether the threatened injuries to Plaintiffs outweigh the harm that the permanent injunction would cause Defendants and the public.

As an initial matter, the Court notes that Defendants offered little to no evidence or argument at trial regarding what harm, if any, the public would suffer if a permanent injunction were to be issued. The State also offered no evidence or argument of what hardships it would suffer if it was enjoined from using the redistricting plans at issue. However, it is without doubt that the State would have to endure the cost of a special session of the General Assembly to create new redistricting plans. Nevertheless, placing an actual value on the monetary hardship would be a matter of speculation because the State has not specified its anticipated costs.

At the preliminary injunction phase, the State did offer specific evidence of harm and hardship. “More specifically, the evidence at the preliminary injunction hearing showed that elections are complex and election calendars are finely calibrated processes, and significant upheaval and voter confusion can result if changes are made late in the process.” Alpha Phi Alpha Fraternity, 587

F. Supp. 3d at 1324. This Court found that based upon that evidence “the public interest of the State of Georgia would be significantly undermined by altering the election calendar and unwinding the electoral process at this point.” Id. Similar temporal concerns are not at issue at the present stage of these cases.

This Court acknowledges that the Supreme Court has held that court orders affecting elections “can themselves result in voter confusion and consequent incentive to remain away from the polls[,]” and that “[a]s an election draws closer, that risk will increase.” Purcell, 549 U.S. at 4–5 (per curiam). But even by issuing an injunction in October 2023 in these three cases, this Court is not “alter[ing] the election rules on the eve of an election” for the Congressional, State House, and Senate districts subject to elections set for November 2024. Republican Nat’l Comm. v. Democratic Nat’l Comm., 598 U.S. ----, 140 S. Ct. 1205, 1207 (2020). Therefore, the risk articulated in the Purcell jurisprudence is *de minimis* where, as here, the State has not alleged any harm which would result due to a shortly impending election. The Court also notes when the Court inquired as to if there is a “cutoff date” for the Secretary of State to prepare for the 2024 General Election in the event of an injunction, Defense Counsel

represented in a pretrial conference call that there is no “magic day.” Grant Doc. No. [255], Tr. 16:15–16. Counsel further indicated that to give the “county officials time to get information entered into the voter registration database,” the new maps should be in place by “late January, early February.” APA Doc. No. [293], Tr. 16:15–22; see also Doc. No. [285], Pendergrass, Doc. Nos. [285], [296], Grant Doc. Nos. [247], [255].

Where, as here, a permanent injunction would require a government defendant merely to comply with federal law, both the balance of hardships between the parties and the public interest weigh in favor of its issuance. See, e.g., Project Vote/Voting For Am., Inc. v. Long, 813 F. Supp. 2d 738, 744 (E.D. Va. 2011), aff’d and remanded, 682 F.3d 331 (4th Cir. 2012) (“The balance of hardships does not weigh in favor of the defendants, as a permanent injunction will simply compel the defendants to comply with their responsibilities under the NVRA and, thus, will prevent them from denying the public of a statutory right.”).

Further, an injunction issued to prevent the continuous denial by the State of a statutorily-guaranteed right is necessarily in the public interest. “[I]t would not be equitable or in the public’s interest to allow the state to violate the

requirements of federal law, especially when there are no adequate remedies available.” Montana Med. Ass’n v. Knudsen, 591 F. Supp. 3d 905, 917 (D. Mont. 2022) (cleaned up); see also id. (noting that “it is inherently against the public interest” to allow any State’s laws to violate federal law).

Congress has also recognized that the public is benefitted when voting rights are enforced. Cf. Torres v. Sachs, 69 F.R.D. 343, 347 (S.D. N.Y. 1975) (construing 42 U.S.C. § 1973l(e), voting rights enforcement proceedings).

Lacking direct evidence of how the State faces a legally cognizable hardship, or how its enjoinder would be contrary to the public interest, the balance of the final two factors weighs in favor of permanently enjoining the State’s usage of the redistricting plans at issue in these three cases.

F. Affirmative Defenses

In this section, the Court addresses Defendants’ affirmative defenses. While these defenses were not specifically argued by Defendants during the bench trial, they were set forth in the Pretrial Order. Grant Doc. No. [243], 26; Pendergrass Doc. No. [231], 28-29; APA Doc. No. [280], 23-24. The affirmative defenses raised in each case are the same: (1) that Eleventh Amendment and

sovereign immunity bars these cases, (2) that there is no private right of action under Section 2, (3) that these cases should be heard by a three-judge court, and (4) that to afford the Plaintiffs the requested relief requires interpreting the VRA in a way that violates the Constitution.¹³⁴ As notated below, the Court has previously rejected Defendants' affirmative defenses regarding Section 2's private right of action and that a three-judge court is required in these cases. APA Doc. No. [65], 6-34; Grant Doc. No. [43], 7-33; Pendergrass Doc. No. [50], 6-20. The Court now considers each of these affirmative defenses below.

1. Eleventh Amendment Immunity and Sovereign Immunity

The Eleventh Amendment to the United States Constitution prohibit suits against a State by a citizen of that State. Hans v. Louisiana, 134 U.S. 1, 10-15 (1890)). Under the Fourteenth and Fifteenth Amendments, however, Congress can abrogate States' sovereign immunity to redress discriminatory state action when Congress unequivocally expresses the intent to do so. Ala. State Conference

¹³⁴ Defendants also raised affirmative defenses regarding constitutional and statutory standing. Grant Doc. No. [243] at 26; Pendergrass Doc. No. [231] at 28; APA Doc. No. [280] at 23. However, these issues have been addressed above. See Section I(A)*supra*.

of the Nat'l Ass'n for the Advancement of Colored People v. Alabama, 949 F.3d 647, 649–50, 654–55 (11th Cir. 2020), judgment vacated as moot, 141 S. Ct. 2618 (2021) (hereinafter “Alabama NAACP”). The Eleventh Circuit held that the VRA does just that:

By design, the VRA was intended to intrude on state sovereignty to eradicate state-sponsored racial discrimination in voting. Because the Fifteenth Amendment permits this intrusion, [the State] is not immune from suit under § 2 of the VRA. Nor is § 2 any great indignity to the State. Indeed, “it is a small thing and not a great intrusion into state autonomy to require the [S]tates to live up to their obligation to avoid discriminatory practices in the election process.”

Id. at 655 (footnote omitted) (second alteration in original) (quoting Marengo Cnty. Comm’n, 731 F.2d at 1561).

Alabama NAACP also noted that the Fifth and Sixth Circuits, and a three-judge panel in this district, have reached the same conclusion. Id. at 651 (citing OCA-Greater Houston v. Texas, 867 F.3d 604, 614 (5th Cir. 2017); Mixon v. Ohio, 193 F.3d 389, 398–99 (6th Cir. 1999); Ga. State Conf. of NAACP v. Georgia, 269 F. Supp. 3d 1266, 1274-75 (N.D. Ga. 2017)).

Of course, the Court recognizes that Alabama NAACP is no longer controlling because the judgment was ultimately vacated as moot. Ala. State Conf. of the NAACP, 141 S. Ct. 2618. Nevertheless, the analysis contained in the opinion is persuasive. See, e.g., Friends of the Everglades v. S. Fla. Water Mgmt. Dist., 570 F.3d 1210, 1218 (11th Cir. 2009) (“We are free to give statements in a vacated opinion persuasive value if we think they deserve it.”); Tallahassee Branch of NAACP v. Leon Cnty., 827 F.2d 1436, 1440 (11th Cir. 1987) (noting that court was free to consider a vacated opinion as persuasive even though not binding).

In Kimel v. Florida Board of Regents, the Supreme Court held that, to abrogate a State’s sovereign immunity, Congress must (1) make its intention to do so “unmistakably clear in the language of the statute” and (2) act pursuant to a valid Grant of constitutional authority. 528 U.S. 62, 73 (2000) (cleaned up); accord Alabama NAACP, 949 F.3d at 650 (citing Bd. of Trs. of Univ. of Ala. v. Garrett, 531 U.S. 356, 363 (2001)). However, “an express abrogation clause is not required. Instead, a court may look to the entire statute, and its amendments, to determine whether Congress clearly abrogated sovereign immunity.” Alabama

NAACP, 949 F.3d at 650 (citing, *inter alia*, Kimel, 528 U.S. at 76 (“[O]ur cases have never required that Congress make its clear statement in a single section or in statutory provisions enacted at the same time.”)).

Alabama NAACP concluded that the first part of this test was met because the VRA explicitly permits private parties to sue to enforce its provisions, which prohibit States and political subdivisions from imposing practices or procedures that abridge a citizen’s right to vote on account of race. 949 F.3d at 651–52. Specifically, the Eleventh Circuit stated:

The VRA, as amended, clearly expresses an intent to allow private parties to sue the States. The language of § 2 and § 3, read together, imposes direct liability on States for discrimination in voting and explicitly provides remedies to private parties to address violations under the statute. . . . It is implausible that Congress designed a statute that primarily prohibits certain state conduct, made that statute enforceable by private parties, but did not intend for private parties to be able to sue States.

Id. at 652. This Court agrees.

As to the second part of the Kimel test, Alabama NAACP concluded that Congress can abrogate a State’s sovereign immunity pursuant to its powers under the Fourteenth Amendment to “redress discriminatory state action.” 949

F.3d at 649; see also id. at 654 (“While Congress may not abrogate a State’s immunity when acting pursuant to its Article I powers, it may do so under its enforcement powers pursuant to § 5 of the Fourteenth Amendment. . . . [I]f § 5 of the Fourteenth Amendment permits Congress to abrogate state sovereign immunity, so too must § 2 of the Fifteenth Amendment.”).

Notably, even though no longer controlling, Alabama NAACP was not the first Eleventh Circuit case to conclude that Congress acted pursuant to a valid Grant of authority under the Fourteenth and Fifteenth Amendments in adopting Section 2. In determining that Section 2 was a proper exercise of that Grant of authority, Alabama NAACP relied on the prior Eleventh Circuit decision in Marengo County. In Marengo County, the United States and private citizens challenged a county’s at-large system of electing commissioners under the Fourteenth and Fifteenth Amendments, as well as Section 2. 731 F.2d at 1552. In considering the Section 2 claims, the Eleventh Circuit made clear that “[t]he Civil War Amendments overrode state autonomy apparently embodied in the Tenth and Eleventh Amendments.” Id. at 1560–61 (citations omitted). The Fourteenth and Fifteenth Amendments thus provided direct authority for Congress to

abrogate any sovereign immunity to which States might otherwise have been entitled under the Eleventh Amendment.

Given the aforementioned, the Court comfortably concludes that Section 2 is a valid expression of congressional enforcement power under the Fourteenth and Fifteenth Amendments. Hence Defendants affirmative defenses asserting sovereign immunity and Eleventh Amendment immunity are without merit.

2. Section 2 Private Right of Action

In adjudicating Defendants' Motions to Dismiss, the Court rejected their contentions that there is no private right of action under Section 2 of the VRA. APA Doc. No. [65], 31-34; Grant Doc. No. [43], 30-33; Pendergrass Doc. No. [50], 17-20. Defendants maintain their contentions to perfect the record on appeal, but otherwise have offered no new arguments or evidence in favor of this defense. Thereby, the Court incorporates in this Order its prior conclusions of law from the Orders on Defendants' Motions to Dismiss. APA Doc. No. [65], 31-34; Grant Doc. No. [43], 30-33; Pendergrass Doc. No. [50], 17-20. The Court also acknowledges that recently, the Supreme Court affirmed an Alabama three-judge court's preliminary injunction, which found that the private plaintiffs had a

substantial likelihood of success in proving that Alabama congressional map violated Section 2. Allen, 143 S. Ct. 1487.¹³⁵ Accordingly, the Court rejects Defendants' argument and affirmative defense that Section 2 does not contain a private right of action.

3. *28 U.S.C. § 2284: Three-Judge Court*

In the Court's Orders denying Defendants' Motions to Dismiss the Court also addressed in great detail Defendants' affirmative defenses that Plaintiffs' claims require adjudication by a three-judge court. APA Doc. No. [65], 6-31; Grant Doc. No. [43], 7-28; Pendergrass Doc. No. [50], 6-17. Defendants maintain their assertions for purposes of appeal, but again have not raised new arguments or evidence in support of this affirmative defense. Thus, the Court incorporates its prior analysis from its Orders on the Motions to Dismiss into this Order and rejects Defendants' contentions and affirmative defense that these cases ought to

¹³⁵ Although the Supreme Court did not comment on the private right of action issue, it affirmed a preliminary injunction order that analyzed whether Section 2 created a private right of action. Allen, 143 S. Ct. at 1517; Singleton, 582 F. Supp. 3d at 1031-32.

have been heard by a three-judge court. APA Doc. No. [65], 6-31; Grant Doc. No. [43], 7-28], Pendergrass Doc. No. [50], 6-17.

4. *Section 2's Constitutionality*

In Attachment D to the Pretrial Order, Defendants assert as an affirmative defense in each case that “[t]o Grant the relief Plaintiffs seek, the Court must interpret the Voting Rights Act in a way that violates the U.S. Constitution.” APA Doc. No. [280], 24; Grant Doc. No. [243], 26; Pendergrass Doc. No. [231], 29. Defendants offered no argument or support for this assertion through motion practice or at trial. To the extent that Defendants are arguing generally that Section 2 of the VRA is unconstitutional, the Supreme recently rejected the same argument urged by the State of Alabama in Allen v. Milligan, 599 U.S. 1, 41, (2023). Accordingly, the Court concludes that there is no merit to the affirmative defenses challenging the constitutionality of Section 2 in the cases pending in this Court.

G. Remedy

As correctly noted by Defense Counsel in his closing argument at trial, the parameters and the instructions around what the State of Georgia is supposed to do to comply with Section 2 of the VRA is a critical part of this Court’s order, now

that the Court has found in favor of Plaintiffs. Tr. 2394:1–14. The remedy involves an additional majority-Black congressional district in west-metro Atlanta; two additional majority-Black Senate districts in south-metro Atlanta; two additional majority-Black House districts in south-metro Atlanta, one additional majority-Black House district in west-metro Atlanta, and two additional majority-Black House districts in and around Macon-Bibb.¹³⁶

The Court is conscious of the powerful concerns for comity involved in interfering with the State’s legislative responsibilities. As the Supreme Court has repeatedly recognized, “redistricting and reapportioning legislative bodies is a legislative task with the federal courts should make every effort not to preempt.” Wise v. Lipscomb, 437 U.S. 535, 539 (1978). As such, it is “appropriate, whenever practicable, to afford a reasonable opportunity for the legislature to meet” the requirements of Voting Rights Act “by adopting a substitute measure rather than for the federal court to devise . . . its own plan.” Id. at 540. The State cannot

¹³⁶ The Court notes that there is significant overlap in the metro Atlanta districts drawn by Mr. Cooper and Mr. Esselstyn. The Court **ORDERS** the above remedy collectively for Alpha Phi Alpha and Grant Plaintiffs.

remedy the Section 2 violations described herein by eliminating minority opportunity districts elsewhere in the plans.

The Court also recognizes that Plaintiffs and other Black voters in Georgia whose voting rights have been injured by the violation of Section 2 of the Voting Rights Act have suffered significant harm. Those citizens are entitled to vote as soon as possible for their representatives under a lawful apportionment plan. Therefore, the Court will require that new legislative maps be drawn forthwith to remedy the Section 2 violation.

The Court will provide the General Assembly the opportunity to adopt a remedial Congressional plan, Senate plan, and House plan by December 8, 2023, and consistent with, this Order.

This Court retains jurisdiction to determine whether the remedial plans adopted by the General Assembly remedy the Section 2 violations by incorporating additional legislative districts in which Black voters have a demonstrable opportunity to elect their candidates of choice.

An acceptable remedy must “completely remed[y] the prior dilution of minority voting strength and fully provide[] equal opportunity for minority

citizens to participate and to elect candidates of their choice.” United States v. Dallas Cnty. Comm’n, 850 F.2d 1433, 1437–38 (11th Cir. 1988) (quoting S.REP. No. 97-417, at 31 (1982)); see also Dillard v. Crenshaw Cnty., 831 F.2d 246, 252–53 (11th Cir. 1987) (“This Court cannot authorize an element of an election proposal that will not with certitude completely remedy the Section 2 violation.”). This will require the Court to evaluate a remedial proposal under the Gingles standard to determine whether it provides Black voters with an additional opportunity district. Id.

In the event that the State is unable or unwilling to enact remedial plans by December 8, 2023 that satisfy the requirements set forth above, the Court will proceed to draw or adopt remedial plans.

III. CONCLUSION

Having held a non-jury trial and considered the evidence and arguments of the Parties, based on the Court’s holistic analysis and searching local appraisal of the facts under the Section 2 standard of the Voting Rights Act, the Court finds and concludes that:

Pendergrass and Grant Plaintiffs lack standing to bring suit against the members of the State Election Board; thus, Sarah Tindall Ghazal, Janice W. Johnston, Edward Lindsey, and Matthew Mashburn are **DISMISSED** from this case.¹³⁷

Alpha Phi Alpha Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plans, SB 1EX and HB 1EX, SB 1EX and HB 1EX, as to the following enacted districts/areas: Enacted Senate Districts 10, 16, 17, 34, 43, 44, and Enacted House Districts 74 and 78.¹³⁸ Alpha Phi Alpha Plaintiffs have not met their burden as to the remaining challenged districts.

¹³⁷ As stated herein, the Clerk is **DIRECTED** to terminate William Duffey, Jr. as a named party based upon his September 1, 2023 resignation from the State Election Board.

¹³⁸ These districts are derived from Alpha Phi Alpha Plaintiffs' Complaint (APA Doc. No. [141]) and Mr. Cooper's expert report (APAX 1).

Pendergrass Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plan, SB 2EX, as to the following enacted district/ areas: Enacted Congressional Districts 3, 6, 11, 13, and 14.

Grant Plaintiffs have carried their burden of demonstrating a lack of equal openness in Georgia's election system as a result of the challenged redistricting plans, SB 1EX and HB 1EX, SB 1EX and HB 1EX, as to the following enacted districts/areas: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 44, and Enacted House Districts 61, 64, 78, 117, 133, 142, 143, 145, 147, and 149.¹³⁹ Grant Plaintiffs have not met their burden as to the remaining challenged districts.

¹³⁹ These districts are derived from Grant Plaintiffs' Complaint (Grant Doc. No. [118]) and Mr. Esselstyn's expert report (GX 1).

This Court further concludes that declaratory and permanent injunctive relief are appropriate. The Court, therefore, **DECLARES** the rights of the parties as follows.

SB 2EX violates Section 2 of the Voting Rights Act as to the following districts/areas: Enacted Congressional Districts 3, 6, 11, 13, and 14.

SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44.

HB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149.

The Court **PERMANENTLY ENJOINS** Defendant Raffensperger, as well as his agents and successors in office, from using SB 2EX, SB 1EX, and HB 1EX in any future election.

The Court's injunction affords the State a limited opportunity to enact new plans that comply with the Voting Rights Act by **DECEMBER 8, 2023**. This timeline balances the relevant equities and serves the public interest by providing

the General Assembly with its rightful opportunity to craft a remedy in the first instance, while also ensuring that, if an acceptable remedy is not produced, there will be time for the Court to fashion one—as the Court will not allow another election cycle on redistricting plans that the Court has determined on a full trial record to be unlawful.

The Court is confident that the General Assembly can accomplish its task by **DECEMBER 8, 2023**: the General Assembly enacted the Plans quickly in 2021; the Legislature has been on notice since at least the time that this litigation was commenced nearly 22 months ago that new maps might be necessary; the General Assembly already has access to an experienced cartographer; and the General Assembly has an illustrative remedial plan to consult.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter judgment in favor of the Alpha Phi Alpha Plaintiffs (in Civil Action No. 1:21-cv-05337), Pendergrass Plaintiffs (in Civil Action No. 1:21-cv-05339), and Grant Plaintiffs (in Civil Action No. 1:22-cv-00122) and against Brad Raffensperger. Attorneys' fees and costs are also awarded to each set of Plaintiffs pursuant to 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988.

After entry of judgment, the Clerk is **DIRECTED** to close these three cases. The Court will retain jurisdiction over these matters for oversight and further remedial proceedings, if necessary.

* * * * *

The Court reiterates that Georgia has made great strides since 1965 towards equality in voting. However, the evidence before this Court shows that Georgia has not reached the point where the political process has equal openness and equal opportunity for everyone. Accordingly, the Court issues this Order to ensure that Georgia continues to move toward equal openness and equal opportunity for everyone to participate in the electoral system.

IT IS SO ORDERED this 26th day of October, 2023.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

312

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

ALPHA PHI ALPHA FRATERNITY
INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

FILE NO. 1:21-CV-05337-SCJ

COAKLEY PENDERGRASS, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

ANNIE LOIS GRANT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

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

NOTICE OF ADOPTION OF REMEDIAL PLANS

INTRODUCTION

On October 26, 2023, this Court provided the State of Georgia with “the opportunity to adopt a remedial Congressional plan, Senate plan, and House plan by December 8, 2023.” [APA Doc. 333, pp. 510, 514]; [Grant Doc. 294, pp. 510, 514]; [Pendergrass Doc. 286, pp. 510, 514]. The same day, Governor Brian Kemp called the General Assembly into a special session beginning on November 29, 2023, for that purpose. The special session adjourned *sine die* on December 7, 2023.

Defendant Secretary of State Brad Raffensperger hereby notifies the Court that Governor Kemp signed the following bills from the special session into law on December 8, 2023:

1. SB 1EX, which is a remedial state Senate plan;
2. HB 1EX, which is a remedial state House plan; and
3. SB 3EX, which is a remedial Congressional plan.

Each bill became effective upon the signature of the Governor, as indicated by Section 4 of each Act. Further, the maps associated with each Act are posted on the General Assembly’s Joint Reapportionment Office website (<https://www.legis.ga.gov/joint-office/reapportionment>) under the “Proposed Plans” tab.

Respectfully submitted this 8th day of December, 2023.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Frank B. Strickland
Georgia Bar No. 687600
fstrickland@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Diane Festin LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Donald P. Boyle, Jr.
Georgia Bar No. 073519
dboyle@taylorenghish.com
Daniel H. Weigel
Georgia Bar No. 956419
dweigel@taylorenghish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339

Telephone: 678-336-7249

*Counsel for Defendant Secretary of State
Brad Raffensperger*

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Notice has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
Bryan P. Tyson

317

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

**PLAINTIFFS' OBJECTIONS TO THE GEORGIA GENERAL
ASSEMBLY'S REMEDIAL CONGRESSIONAL PLAN**

TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND	2
I. The Court struck down Georgia’s congressional plan and provided the State with clear guidance on a proper remedy.....	2
II. The General Assembly adopted a congressional plan that defies this Court’s ruling.....	4
LEGAL STANDARD	5
ARGUMENT	5
I. SB 3EX fails to fully remedy Georgia’s Section 2 violation.	5
A. SB 3EX does not sufficiently remedy the actual vote dilution identified by the Court.	6
B. SB 3EX cannot remedy the Section 2 violation by denying minority electoral opportunities elsewhere in Georgia.	8
II. SB 3EX independently violates Section 2.....	12
A. <i>Gingles</i> One: The minority population in old CD 7 is sufficiently large and compact to form a majority in a single-member district.	12
B. <i>Gingles</i> Two: The minority community in the old CD 7 was politically cohesive.	15
C. <i>Gingles</i> Three: White Georgians engage in bloc voting to defeat minority-preferred candidates in new CD 7.	17
D. Under the totality of the circumstances, SB 3EX denies minority voters equal opportunities to elect their preferred candidates to Congress.....	18
CONCLUSION	25

INTRODUCTION

The Court’s detailed ruling gave the General Assembly a simple task: create an additional majority-Black congressional district in an explicitly defined vote dilution area encompassing Congressional Districts (“CDs”) 3, 6, 11, 13, and 14 while maintaining the existing minority opportunity districts elsewhere in the state. Rather than follow this Court’s clear guidance, the General Assembly (1) shuffled Black voters from *outside* of the vote-dilution area into the new majority-Black district, while excluding over 50,000 Black voters from *within* the vote-dilution area from any remedy whatsoever, and (2) dismantled CD 7, a majority-minority district anchored in majority-minority Gwinnett County that it had no need to alter—let alone eliminate—in creating the new majority-Black district in west-metro Atlanta. In so doing, the General Assembly’s “remedial” congressional plan openly defies this Court’s order, fails to fully remedy the Section 2 violation, and independently violates Section 2.

This Court has engaged in nearly two years of proceedings leading up to its careful determination that Georgia’s congressional map violates Section 2 and its detailed instructions on the proper remedy for that violation. The General Assembly’s purported remedy makes a mockery of that process, the Court’s ruling, and the Voting Rights Act, and reflects the State’s continued refusal to afford minority voters equal opportunity to participate in the electoral process. Plaintiffs

have waited nearly two years and an entire election cycle for the relief to which they are entitled. This Court must enjoin the General Assembly’s new congressional plan and proceed to adopt a lawful congressional plan in time for the 2024 elections.

BACKGROUND

I. The Court struck down Georgia’s congressional plan and provided the State with clear guidance on a proper remedy.

On October 26, 2023, the Court found that Georgia’s 2021 congressional plan (SB 2EX) violated Section 2 of the Voting Rights Act. Doc. 286 at 273–74, *Pendergrass v. Raffensperger*, No. 1:21-CV-05339-SCJ (N.D. Ga. Oct. 26, 2023). The Court made several careful and critical determinations in coming to its conclusion. *First*, based on the illustrative map submitted by Plaintiffs’ expert Bill Cooper, the Court found that Georgia’s Black population is sufficiently large and geographically compact to constitute a majority in an additional congressional district in west-metro Atlanta, and that such a district could be drawn while adhering to traditional redistricting principles (*Gingles* 1). Doc. 286 at 174–75.

Second—relying on the analysis of Plaintiffs’ expert Dr. Maxwell Palmer and concessions from Defendant’s expert Dr. John Alford—the Court found that “Black voters in Georgia are extremely politically cohesive” (*Gingles* 2), Doc. 286 at 204, and that “white voters were highly cohesive in voting in opposition to the Black candidate of choice” (*Gingles* 3), *id.* at 206. The Court concluded that there was “‘very clear’ evidence of racially polarized voting” across the focus area as a whole

and in each individual congressional district Dr. Palmer examined. *Id.* at 207–08 (quoting *Allen v. Milligan*, 599 U.S. 1, 22 (2023)).

Third, in finding that the totality of the circumstances demonstrates that the political process is not currently equally open to Black Georgians, the Court endorsed Plaintiffs’ expert Dr. Vernon Burton’s observation “of a historical pattern that following an election, the General Assembly responsively passes voting laws that disproportionately impact Black voters in Georgia”—a pattern that continues to the present with the recent passage of SB 202. Doc. 286 at 230. The Court observed that “[d]espite the growth in the Black population in the affected areas and the voter polarization between white and Black Georgians . . . the Enacted Congressional Plan did not increase the number of majority-Black districts in the Atlanta metro area . . . [which] in effect dilutes and diminishes the Black population’s voting power in that area of the State.” *Id.* at 272.

Based on the well-established legal standard, the Court concluded that “SB 2EX violates Section 2 of the Voting Rights Act as to the following districts/areas: Enacted Congressional Districts 3, 6, 11, 13, and 14.” *Id.* at 514. The Court provided the General Assembly more than six weeks to adopt a remedial congressional plan “consistent with[its] Order.” *Id.* at 510; *see also id.* at 508–09 (“[T]he parameters and the instructions around what the State of Georgia is supposed to do to comply with Section 2 of the VRA is a critical part of this Court’s order.”). The Court held

that an appropriate remedy “involves an additional majority-Black congressional district in west-metro Atlanta.” *Id.* at 509. It further instructed that the “State cannot remedy the Section 2 violation[] described herein by eliminating minority opportunity districts elsewhere in the plan[].” *Id.* at 509–10.

II. The General Assembly adopted a congressional plan that defies this Court’s ruling.

On December 8, 2023, Georgia enacted purported remedial plan SB 3EX. Doc. 312. SB 3EX creates a new majority-Black CD 6 in west-metro Atlanta, encompassing parts of Cobb, Fulton, Douglas, and Fayette Counties. *See* Remedial Expert Report of Bill Cooper (“Cooper Remedial Rep.”) ¶ 8. Twenty-five percent of new CD 6 draws from old CD 5, a majority-Black district wholly outside the Section 2 violation area. *Id.* ¶ 21.

SB 3EX also drastically reconfigures CD 7, stretching it across six counties and transforming it from a majority-minority district to a majority-white district. Old CD 7 comprised a 57.81% minority citizen voting age population (CVAP). Cooper Remedial Rep. Ex. A-3. New CD 7, however, cuts the minority CVAP by more than half. *Id.* Ex. A-2.

SB 3EX thus eliminates a minority opportunity district. While minority voters in old CD 7 had the opportunity to elect their candidates of choice 76% of the time, new CD 7 will never enable minority voters to elect their preferred candidates. Remedial Expert Report of Dr. Maxwell Palmer (“Palmer Remedial Rep.”) at ¶ 17.

As a result, rather than creating “an additional opportunity district” as instructed by this Court, Doc. 286 at 511, SB 3EX maintains the same number of minority opportunity districts as the previous map.

LEGAL STANDARD

Section 2 violations demand relief that “completely remedies the prior dilution of minority voting strength and fully provides equal opportunity for minority citizens to participate and to elect candidates of their choice.” *United States v. Dall. Cnty. Comm’n*, 850 F.2d 1433, 1442 (11th Cir. 1988) (quoting S. Rep. No. 97-417 at 31, 97th Cong., 2d Sess. 31 (1982)); *see also White v. Alabama*, 74 F.3d 1058, 1069 n.36 (11th Cir. 1996) (same). “This Court cannot authorize an element of an election proposal that will not with certitude *completely* remedy the Section 2 violation.” *Dillard v. Crenshaw Cnty.*, 831 F.2d 246, 252–53 (11th Cir. 1987).

SB 3EX falls far short of this standard.

ARGUMENT

I. SB 3EX fails to fully remedy Georgia’s Section 2 violation.

By adopting a new congressional plan that purports to remedy the vote dilution in *west*-metro Atlanta by reaching *outside* the area where this Court found a Section 2 violation and simultaneously eliminating a minority opportunity district in *east*-metro Atlanta, the General Assembly has failed to adequately remedy the Section 2 violation identified by the Court.

A. SB 3EX does not sufficiently remedy the actual vote dilution identified by the Court.

Despite this Court’s detailed ruling specifying the precise location of the Section 2 violation—and thus the Section 2 remedy—new CD 6 only partially draws from that area, drawing in voters outside of the vote-dilution area who already had an opportunity to elect their preferred candidates at the expense of providing an opportunity district for those voters this Court found had suffered a vote-dilution injury. *See Shaw v. Hunt*, 517 U.S. 899, 917 (1996) (“If a § 2 violation is proved for a particular area . . . [t]he vote-dilution injuries suffered by these persons are not remedied by creating a safe majority-black district somewhere else in the State.”).

This Court specifically defined the area of Georgia where the Section 2 violation occurred: “Enacted CDs 3, 6, 11, 13, and 14.” Doc. 286 at 514. Plaintiffs’ illustrative majority-Black CD 6 drew exclusively from this area. *See Cooper Remedial Rep.* ¶ 21. As a result, all of the Black voters in Plaintiffs’ illustrative CD 6 were located in an area where their votes were diluted in violation of Section 2.

By contrast, the new majority-Black CD 6 under SB 3EX only partially draws from this area of proven vote dilution. More than a *quarter* of the district’s population is drawn from old CD 5—which lies entirely outside the location of the Section 2 violation, *id.*, and which, indeed, already elected Black-preferred congressional candidates under the previous map, Palmer Remedial Rep. ¶ 20 & fig.5. The 2023 Plan excludes 51,717 Black Georgians of voting age in the vote

dilution area who would have had an opportunity to elect their preferred candidates in Plaintiffs’ Illustrative CD 6 but are shut out of a Section 2 remedy in the 2023 Plan. Cooper Remedial Rep. ¶ 22. Consequently, SB 3EX purports to remedy the Section 2 violation by ignoring Black Georgians whose voting strength was—and still is—unlawfully diluted, instead populating the new CD 6 with Black voters who already had the opportunity to elect their candidates of choice.

SB 3EX also reconfigures CD 7 in a manner antithetical to the vote dilution found in west-metro Atlanta. Old CD 7, like CD 5, fell entirely outside the area found to be in violation of Section 2. Nevertheless, new CD 7 takes 74% of its population from the vote dilution area, including CD 6, the majority of which are white voters. *See* Cooper Remedial Rep. ¶ 20. The remaining 26% of the new district’s population (drawn from the previous CDs 5, 7, and 9) is also majority white. *See id.* In other words, new CD 7 stretches across six counties to draw in white voters as far north as Lumpkin County and connect them with Black voters who reside in the area where the Court ruled that their voting strength was unlawfully diluted. These Black voters are placed in a newly fabricated majority-white district where they are still denied the opportunity to elect their candidates of choice.

Thus, rather than “*completely* remed[ying] the prior dilution of minority voting strength,” *Dall. Cnty. Comm’n*, 850 F.2d at 1442 (emphases added), SB 3EX fails to fully remedy the “significant harm” suffered by those Black voters in Georgia

“whose voting rights have been injured by the violation of the Section 2.” Doc. 286 at 510. This Court should reject the General Assembly’s plan for failing to fully remedy the prior map’s Section 2 violation. *See, e.g., Cane v. Worcester County*, 35 F.3d 921, 927 (4th Cir. 1994) (affirming rejection of Section 2 remedy that perpetuated challenged vote dilution).

B. SB 3EX cannot remedy the Section 2 violation by denying minority electoral opportunities elsewhere in Georgia.

This Court’s ruling specified that “the State cannot remedy the Section 2 violation[]” identified in SB 2EX “by eliminating minority opportunity districts elsewhere in the plan[].” Doc. 286 at 509–10. This instruction is consistent with “controlling precedent,” which makes clear that the “appropriate remedy” in a Section 2 redistricting case “is a congressional redistricting plan that includes either an *additional* majority-Black congressional district, or an *additional* district in which Black voters otherwise have an opportunity to elect a representative of their choice.” *Singleton v. Allen*, No. 2:21-cv-1291-AMM, 2023 WL 6567895, at *1 (N.D. Ala. Oct. 5, 2023) (per curiam) (three-judge court) (emphases added) (citing *Bartlett v. Strickland*, 556 U.S. 1, 24 (2009); *see also, e.g., Wright v. Sumter Cnty. Bd. of Elections & Registration*, 979 F.3d 1282, 1309 (11th Cir. 2020) (affirming Section 2 remedy that included “one more” minority opportunity district than afforded by the previous plan). States cannot “trade off” “the rights of some minority voters under § 2 . . . against the rights of other members of the same minority class” by offsetting

minority gains in one part of the map with minority losses in other parts of the map. *Johnson v. De Grandy*, 512 U.S. 997, 1019 (1994); *see also LULAC v. Perry*, 548 U.S. 399, 441–42 (2006) (finding Section 2 violation where “[t]he State chose to break apart a Latino opportunity district to protect the incumbent congressman from the growing dissatisfaction of the cohesive and politically active Latino community” and “then purported to compensate for this harm by creating an entirely new district” elsewhere).

Rather than heed the Court’s direction, however, the General Assembly “chose to break apart” a minority opportunity district in east-metro Atlanta. Specifically, SB 3EX dismantled old CD 7, which was a majority-minority district, *see* Doc. 286 at 264, anchored in majority-minority Gwinnett County, Cooper Remedial Rep. ¶ 16. As Dr. Palmer explains, old CD 7 provided Black, Latino, and Asian voters the opportunity to elect their preferred candidates: Minority-preferred candidates “were able to win 76% of the elections from 2012 to 2022, . . . and every statewide election after 2016, with an average of 56.4% of the vote.” Palmer Remedial Rep. ¶ 17 & fig.4, tbl.3. This includes the 2022 congressional election, the only election actually conducted under the old CD 7. *Id.*

Under SB 3EX, CD 7 has been dismantled, stretched across six counties from the top of Fulton County up through Dawson and Lumpkin Counties, and redrawn as a majority-white district in which minority-preferred candidates would no longer

prevail in *any* of the elections analyzed. Cooper Remedial Rep. ¶ 20; Palmer Remedial Rep. ¶ 17 & fig.4, tbl.3. Accordingly, although new CD 6 provides (some) Black voters in the vote-dilution area the opportunity to elect their preferred candidates, the elimination of a minority-opportunity district in CD 7 means that Georgia’s purported “remedy” to the Section 2 violation zeroes out the number of minority-opportunity districts statewide.

Significantly, neither the dismantling of CD 7 nor the denial of preexisting minority opportunity generally was required to remedy the Section 2 violation in this case. Plaintiffs’ illustrative congressional plan, for instance, added a new majority-Black district in west-metro Atlanta without reaching outside the vote dilution area, without changing CD 7, and without eliminating or diminishing minority opportunity statewide. Cooper Remedial Rep. ¶ 9. In so doing, the illustrative plan better advanced the State’s own redistricting criteria than SB 3EX. The illustrative plan on balance scores higher on the Reock and Polsby-Popper scales than SB 3EX overall, Cooper Remedial Rep. ¶ 31 & fig.3, and with respect to CD 6 and CD 7 specifically. The illustrative plan also contains fewer split counties, individual county splits, municipality splits, and regional commission splits. *Id.* ¶¶ 33–37 & figs.4–5.

* * *

Ultimately, the General Assembly’s disregard for this Court’s order and insistence on capping minority voting strength is unsettlingly familiar. This is not the first time a state has openly defied a court order mandating a Section 2 remedy. *Singleton v. Allen*, No. 2:21-CV-1291-AMM, 2023 WL 5691156, at *3–4 (N.D. Ala. Sept. 5, 2023), *appeal dismissed sub nom. Milligan v. Co-Chairs of Alab. Permanent Legis. Comm. on Reapportionment*, No. 23-12922-D, 2023 WL 6568350 (11th Cir. Oct. 3, 2023) (“[W]e are deeply troubled that the State enacted a map that the State readily admits does not provide the remedy we said federal law requires. . . and [w]e are disturbed by the evidence that the State. . . ultimately did not even nurture the ambition to provide the required remedy.”). In fact, Section 2 itself “springs from the demonstrated ingenuity of state and local governments in hobbling minority voting power,” *De Grandy*, 512 U.S. at 1018, and was designed to combat states’ increasingly creative means of voting discrimination. The General Assembly’s attempt to minimize and zero out minority voting opportunity in a purported “remedy” to the State’s Section 2 violation is precisely the sort of gamesmanship Section 2 was meant to stamp out.

But fortunately for Georgia voters, it is the Court, and not the General Assembly, who determines “what the law is.” *Marbury v. Madison*, 5 U.S. 137, 177 (1803). Separation-of-powers principles and the basic rule of law foreclose the State

from ignoring a court order, even if the basis for its intransigence is the hope that the law might change. *See, e.g., Cooper v. Aaron*, 358 U.S. 1, 17–20 (1958) (per curiam) (“If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the constitution itself becomes a solemn mockery[.]” (quoting *United States v. Peters*, 9 U.S. 115, 136 (1809))). The General Assembly might not like what the Court has ordered, but it must abide by it. Here, it failed to do so. This Court must enjoin SB 3EX as an unlawful and insufficient remedy to the Section 2 violation.

II. SB 3EX independently violates Section 2.

“It is clear that any proposal to remedy a Section 2 violation must itself conform with Section 2.” *Dall. Cnty. Comm’n*, 850 F.2d at 1437 (quoting *Dillard*, 831 F.2d at 249). SB 3EX does not clear this bar: Because old CD 7 was protected under Section 2, its dismantling independently constitutes unlawful vote dilution.

A. *Gingles* One: The minority population in old CD 7 is sufficiently large and compact to form a majority in a single-member district.

Old CD 7 consisted of the southern portion of Gwinnett County and the northeastern tip of neighboring Fulton County. This iteration of the district satisfied the numerosity and compactness requirements of the first *Gingles* precondition.

Numerosity. Under the 2022 enacted plan, CD 7’s combined Black, Latino, and Asian CVAP¹ well exceeds 50%, *see* Cooper Remedial Rep. ¶ 13—thus satisfying the numerosity requirement of the first *Gingles* precondition. *See Bartlett*, 556 U.S. at 18 (numerosity requirement involves “straightforward,” “objective, numerical test: Do minorities make up more than 50 percent of the voting-age population in the relevant geographic area?”).

Significantly, the Eleventh Circuit has long recognized that Section 2 protects “coalition” districts, in which politically cohesive minority populations are aggregated to satisfy the numerosity requirement. In *Concerned Citizens of Hardee County v. Hardee County Board of Commissioners*, the Eleventh Circuit observed that “[t]wo minority groups (in th[at] case blacks and hispanics) may be a single section 2 minority if they can establish that they behave in a politically cohesive manner.” 906 F.2d 524, 526 (11th Cir. 1990). In other words, so long as different minority communities cohesively support the same candidates, they can be counted together for purposes of the first *Gingles* precondition. This holding has been consistently applied by this and other district courts in the Eleventh Circuit. *See, e.g.*,

¹ Although Plaintiffs’ original Section 2 claim primarily employed the Black voting-age population as the relevant metric for this precondition, courts have concluded that CVAP is the appropriate measure in Section 2 cases involving Latino, Asian, and other “population[s that] include[] a substantial number of immigrants.” *Negron v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997).

Ga. State Conf. of NAACP v. Gwinnett Cnty. Bd. of Registrations & Elections, No. 1:16-cv-2852-AT, 2017 WL 4250535, at *2 (N.D. Ga. May 12, 2017); *Ala. Legis. Black Caucus v. Alabama*, 989 F. Supp. 2d 1227, 1279–80 (M.D. Ala. 2013) (three-judge court), *vacated on other grounds*, 575 U.S. 254 (2015); *Broward Citizens for Fair Districts v. Broward County*, No. 12-60317-CIV, 2012 WL 1110053, at *6 (S.D. Fla. Apr. 3, 2012); *Johnson v. Hamrick*, 155 F. Supp. 2d 1355, 1368 (N.D. Ga. 2001).²

Compactness. Under the first *Gingles* precondition, compactness requires “an electoral district[] consistent with traditional districting principles.” There can be no dispute that old CD 7 satisfied this requirement. The population of old CD 7 was only one person greater than the ideal district population. *See* Cooper Trial Rep., Ex. G. In terms of mathematical compactness, old CD 7 was more compact than the

² Although a recent decision of this Court suggested that *Hardee County*’s “assertion about coalition districts was dicta,” *Ga. State Conf. of NAACP v. Georgia*, No. 1:21-cv-05338-ELB-SCJ-SDG, 2023 WL 7093025, at *16 (N.D. Ga. Oct. 26, 2023) (per curiam) (three-judge court), another three-judge panel in this circuit concluded that they “[we]re bound by” *Hardee County* and its recognition of coalition claims. *Ala. Legis. Black Caucus*, 989 F. Supp. 2d at 1280. Moreover, the U.S. Supreme Court previously cited *Hardee County* when it “[a]ssum[ed] (without deciding) that it was permissible . . . to combine distinct ethnic and language minority groups for purposes of assessing compliance with § 2.” *Grove v. Emison*, 507 U.S. 25, 41 (1993). Courts in other circuits have cited to *Hardee County* for the same proposition. *See Pope v. County of Albany*, 687 F.3d 565, 572 n.5 (2d Cir. 2012); *Holloway v. City of Virginia Beach*, 531 F. Supp. 3d 1015, 1048 (E.D. Va. 2021), *vacated as moot*, 42 F.4th 266 (4th Cir. 2022); *Frank v. Forest Cnty.*, 336 F.3d 570, 575 (7th Cir. 2003).

average district in the old congressional plan using the Reock score and the *most* compact of the districts using the Polsby-Popper score, *see* Doc. 286 at 52—a conclusion confirmed using the eyeball test, *see id.* at 185. Old CD 7 included just two counties—Gwinnett and Fulton. Cooper Trial Rep., Ex. G. Finally, like Plaintiffs’ illustrative CD 6, old CD 7 “combine[d] areas of suburban metro Atlanta,” “communities [that were] relatively close in proximity.” *Id.* at 191. In short, there is little doubt that old CD 7—drawn by the General Assembly and preserved in Plaintiffs’ illustrative plan—was reasonably compact for purposes of the first *Gingles* precondition.

B. *Gingles* Two: The minority community in the old CD 7 was politically cohesive.

Old CD 7 consisted of a politically cohesive minority community, in satisfaction of the second *Gingles* precondition. As Dr. Palmer demonstrates, minority voters in the focus area that comprises old CD 7 vote cohesively for the same candidates in each of the 41 statewide electoral contests examined from 2012 to 2022. Palmer Remedial Rep. ¶¶ 13–14 & fig.3. Specifically, Black, Latino, and Asian voters all voted cohesively, individually and as a group, in support of the same candidates. *Id.* The estimated vote share of minority-preferred candidates in any given election Dr. Palmer analyzed was always significantly above 75% for Black, Latino, and Asian voters in the focus area. *Id.*; *see Thornburg v. Gingles*, 478 U.S. 30, 56 (1986) (“A showing that a significant number of minority group members

usually vote for the same candidates is one way of proving [] political cohesiveness[.]”).

Further, testimony from the Georgia General Assembly Special Session hearings bolster this statistical evidence. Jennifer Lee, the policy director for Asian Americans Advancing-Justice Atlanta, testified before the House Reapportionment and Redistricting Committee on December 5, 2023, explaining that western Gwinnett County is very racially and ethnically diverse, and 1 in 3 residents are immigrants. Hr’g on SB 3EX at 1:44:54 (Ga. 2023).³ She shared that one of her staff members, whose family originated from Mexico, was asked why he worked for an Asian American organization, and he replied that while attending a diverse high school in Lilburn, he realized his experience translating for his parents—who did not speak English and faced barriers as a result—was similarly shared by his Asian and Black immigrant friends, which drew him to an organization that worked in coalition with other immigrant communities to advance causes important to these minority groups, such as language accessibility. *Id.* at 1:45:45. This story highlights not only the coalition building that occurred in CD 7, but the shared lived experiences of these minority groups.

³ Available at <https://vimeo.com/showcase/8988912?video=891095002> (last accessed Dec. 11, 2023).

C. *Gingles* Three: White Georgians engage in bloc voting to defeat minority-preferred candidates in new CD 7.

Plaintiffs also satisfy the third *Gingles* precondition because in the focus area “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Gingles*, 478 U.S. at 51. Dr. Palmer found high levels of white bloc voting in new CDs 4, 7, 9, 10 and 13—portions of which together comprised old CD 7—in opposition to minority-preferred candidates. Palmer Remedial Rep. ¶¶ 11, 13 & figs. 2–3. The estimated white vote share for minority-preferred candidates in any given election Dr. Palmer analyzed never reached 25 % in the focus area. *Id.* fig.3.

As Dr. Palmer concluded, under old CD 7, minority-preferred candidates “were able to win 76% of the elections from 2012 to 2022, including the 2022 U.S. House election and every statewide election after 2016, with an average of 56.4% of the vote.” *Id.* ¶ 17. But under SB 3 EX, minority-preferred candidates “would not have won *any of these elections*, and average only 32.9% of the vote.” *Id.* (emphasis added). Thus, the evidence shows racially polarized voting in the focus area where white voters vote cohesively in opposition to defeat the minority preferred candidate, unless minority voters comprise the majority of the district. *Id.* ¶¶ 16–17.

D. Under the totality of the circumstances, SB 3EX denies minority voters equal opportunities to elect their preferred candidates to Congress.

Finally, this is not “the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* [preconditions] but still have failed to establish a violation of § 2 under the totality of circumstances.” *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm’rs*, 775 F.3d 1336, 1342 (11th Cir. 2015) (quotation omitted). This Court has already determined that both the past and present reality in Georgia demonstrate that the political process is not equally open to Black voters. Doc. 286 at 273; *See Dall. Cnty. Comm’n*, 850 F.2d at 1438–40 (readopting prior findings related to factors 2, 3, 5, and 7 to hold that a remedial plan “perpetuates rather than ameliorates the inequities” in the prior plan). The Court’s prior ruling applies with equal force to the minority coalition, as Plaintiffs are not required to demonstrate that each minority voter suffers the *exact* circumstances. *See Holloway v. City of Virginia Beach*, 531 F. Supp. 3d 1015, 1082 (E.D. Va. 2021), *vacated and remanded on other grounds*, 42 F.4th 266 (4th Cir. 2022) (acknowledging that “Asian, Hispanic, and Black communities have experienced different forms of discrimination” but nonetheless satisfied the Senate Factors as a coalition).⁴

⁴ *Cf. Holloway*, 42 F.4th at 300 (Gregory, C.J., dissenting) (noting that “the district court was not required to find evidence showing that all nine factors were met—much less evidence that *each* factor was satisfied with respect to *each* discreet minority group” because such a legal standard would result in “an inflexible rule that runs counter to the textual command of § 2, which requires that a determination of

Here, Plaintiffs supplement their evidence to demonstrate that the political process is also not equally open to Latino and Asian voters in the area in and around CD 7:

Senate Factor 1. Georgia has a history of passing laws that disproportionately impact minority communities, including Latino and Asian communities. In early 2007, for example, Georgia began providing lists to county officials of persons “flagged as potentially ineligible [to vote] based on, inter alia, non-citizenship.” Expert Rep. of Joseph Bagley, Ph.D. at 236–37, *Common Cause et al. v. Raffensperger*, No. 1:22-CV-00090 (Jan. 13, 2023), Doc. 82. After the matching system was submitted for Section 5 preclearance, the Justice Department found that: (1) the system was inaccurate, (2) the errors disproportionately affected minority voters, and (3) “applicants who are Hispanic, Asian or African American are more likely than white applicants, to statistically significant degrees, to be flagged for additional scrutiny.” *Id.* at 237 (citing *Morales v. Handel*, No. 1:08-CV-3 172-JTC (N.D. Ga., Oct. 27, 2008); Loretta King, Acting Assistant Attorney General, Civil Rights Division, to Hon. Thurbert E. Baker, May 29, 2009, Civil Rights Division Section 5 Objection Letters). As another example: Following the 2012 redistricting cycle, then-House Minority Leader Stacy Abrams argued that the new maps

whether a violation has occurred be based on the totality of the circumstances” (cleaned up)).

“destroyed any remaining coalition districts and amounted to ‘a resegregation of Georgia into a party of white Republicans and black Democrats, leaving Latinos and Asians to fend for themselves.’” Expert Rep. of Joseph Bagley, Ph.D., *Common Cause et al. v. Raffensperger*, No. 1:22-CV-00090 (Jan. 13, 2023) (citing Charles Bullock, “The History of Redistricting in Georgia,” *Georgia Law Review*, Vol. 52, No. 4, pp. 1095–96).

Senate Factor 5. As Dr. Loren Collingwood’s expert report demonstrates, “[w]hite households and individuals have clear socio-economic and health advantages over minorities in Gwinnett singly and Gwinnett and Fulton combined”—the two counties that comprised old CD 7. Remedial Expert Report of Loren Collingwood (“Collingwood Remedial Rep.”) at 1. Based on his analysis of a variety of metrics, Dr. Collingwood concludes that particularly in Gwinnett County, “minorities are broadly cohesive on a variety of socio-economic measures . . . and share experiences especially related to the poverty line and income.” *Id.* at 3.

Senate Factor 7. Lack of minority electoral success also supports the coalition. Just as Georgia has never had a Black Governor, Doc. 32-1 at 25, Georgia has also never had a Latino or Asian Governor.⁵ Nor has Georgia ever elected a

⁵ Former Georgia Governors, *Nat’l Governors Ass’n*, available at <https://www.nga.org/former-governors/georgia/> (last accessed Dec. 8, 2023).

Latino or Asian Georgian to the U.S. Senate or House of Representatives.⁶ Defendants themselves, in asking the Court to take judicial notice of minority candidate election results, only identified one Latino (Commissioner John King) and one Asian American (Justice Carla McMillian) as evidence of minority electoral success. Doc. 224 at 5–6.

Senate Factor 8. The State’s proposed remedy in response to the Section 2 injury suffered and proved by Black Georgians demonstrates its determination to impose a ceiling on minority opportunity in the State and only underscores how unresponsive elected officials are to the needs of the State’s minority voters.

Senate Factor 9. Finally, the policies underlying the State’s proposed remedial map are tenuous at best and reprehensible at worst. The General Assembly did not have to eliminate CD 7 in order to remedy vote dilution in west-metro Atlanta. Any suggestion to the contrary, *see, e.g.*, Hr’g on SB 3EX before the Georgia Senate on December 5, 2023 at 3:13:13, 2023 Gen. Assemb. (Ga. 2023)⁷ (Sen. John Kennedy claiming that “[d]rawing the new sixth district . . . impacted the surrounding districts, . . . [which] created pressure on the seventh district”), is

⁶ Members of the U.S. Congress from Georgia, available at <https://www.congress.gov/members?q=%7B%22member-state%22%3A%22Georgia%22%7D> (last accessed Dec. 8, 2023).

⁷ Available at <https://vimeo.com/showcase/9076378?video=891194231> (last accessed Dec. 11, 2023).

entirely pretextual. *See Veasey v. Abbott*, 830 F.3d 216, 235–36 (5th Cir. 2016) (explaining that pretextual justifications are circumstantial evidence of intentional discrimination). The General Assembly was well aware that the Illustrative Plan—found by this Court to be a lawful remedy to the Section 2 violation, Doc. 286 at 198–200, demonstrated the ability to draw a new minority opportunity district without undoing existing minority opportunities statewide. *See e.g.*, Hr’g on SB 3EX Before the House of Representatives on December 7, 2023 at 2:15:19, 2023 Ga. Assemb. (Ga. 2023)⁸ (minority leader stating that Plaintiffs’ illustrative map was introduced with a few changes and new map dismantles minority opportunity district in Gwinnett County).

Nor was the General Assembly’s reconfiguration of CD 7 in service of traditional districting principles. To the contrary, CD 7’s Reock score drops from 0.50 to 0.34, and its Polsby-Popper score drops from 0.39 to 0.24. Cooper Remedial Rep. fig.3. While it used to include just two counties, CD 7 now stretches across six counties, splitting six additional municipalities in the process. *Id.* fig.4.

The General Assembly not only disregarded its own redistricting criteria in redrawing CD 7, it also disregarded binding Eleventh Circuit precedent concluding that Section 2 protects coalition districts. *See Concerned Citizens of Hardee Cnty.*,

⁸ Available at <https://vimeo.com/showcase/8988696?video=891910081> (last accessed Dec. 11, 2023).

906 F.2d at 526. Despite this Court’s admonition that “the [S]tate cannot remedy the Section 2 violations described herein by eliminating minority opportunity districts elsewhere in the plans,” Doc. 286 at 509–10, several legislators insisted that “minority opportunity” meant “majority-Black” because Section 2 protects only majority-Black districts. 12/5 Senate Hr’g at 2:08:00 (statement of Senator Shelly Echols stating “while [Judge Jones] doesn’t define that term, it’s clear he’s referencing to existing majority-Black districts”), despite Eleventh Circuit precedent to the contrary, 12/7 Hr’g at 2:21:35 (Rep. James Beverly discussing *Concerned Citizens of Hardee County* as the “leading case” in the Eleventh Circuit recognizing the protection of coalition districts “like the one in Gwinnett”). The General Assembly’s decision to eliminate a coalition district thus rested on “a legal mistake.” *Cooper*, 581 U.S. at 306.

Indeed, the fact that the General Assembly “intentionally drew district lines in order to destroy” CD 7, an “otherwise effective” coalition district, “raise[s] serious questions under both the Fourteenth and Fifteenth Amendments.” *Bartlett*, 556 U.S. at 24. The General Assembly was well aware of CD 7’s status as a coalition district, *see, e.g.*, 12/7 Hr’g at 2:09:01 (noting SB 3EX “eliminates a minority opportunity district in Gwinnett County by obliterating Georgia’s 7th congressional district, a majority-minority district where 67% of the voting age population is comprised of Black, Hispanic, and Asian-American voters”); Doc. 286 at 264–65. The

contemporaneous statements of legislators indicate that race was top of mind when they decided to eliminate minority opportunity in CD 7. One legislator insisted that he “thought [the] 2021 plans were fair” because the state’s five Black members of Congress are “more than a third of the 14 [Georgia] ha[s],” even though Georgia is “a state with 31% [Black] population,” further stating that the new congressional plan “essentially guaranteed that there will be five [Black members of Congress] going forward if our racially polarized voting patterns continue, and Blacks still choose candidates of their own race.” Hr’g on SB 3EX before the Georgia Senate on December 5, 2023 at 2:54:20, Gen. Assemb. (Ga. 2023).⁹ These statements are not only eerily similar to remarks the Eleventh Circuit found “particularly disturbing” in *Dillard v. City of Greensboro* for perpetuating an unfounded belief in “the propensity of [B]lack voters allegedly to vote only for [B]lack candidates,” 74 F.3d 230, 234 (11th Cir. 1996), they completely disregard this Court’s thorough proportionality analysis, *see* Doc. 286 at 262-67, as well as Section 2’s emphasis on the rights of minority voters rather than the existence of minority candidates, *see id.* at 237 (“Race of a candidate is not dispositive for a polarization inquiry.”).

* * *

⁹ Available at <https://vimeo.com/showcase/9076378?video=891194231> (last accessed Dec. 11, 2023).

In sum, the totality of the circumstances supports a finding that SB 3EX fails to provide minority voters equal opportunity to elect their candidates of choice.

CONCLUSION

The General Assembly’s task was clear: it must provide Black voters in the vote-dilution area the opportunity to elect their candidates of choice while preserving existing minority opportunity districts. It has failed. Plaintiffs respectfully ask the Court to enjoin SB 3EX for failing to remedy the original Section 2 violation and independently violating Section 2 anew. Because the State has proven “unwilling to enact [a] remedial plan . . . that satisf[ies] [the Court’s] requirements,” this Court should “proceed to draw or adopt remedial plans,” Doc. 286 at 511, to ensure Plaintiffs obtain relief in time for the 2024 election.

Dated: December 12, 2023

By: **Adam M. Sparks**

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,
Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Respectfully submitted,

Abha Khanna*

Jonathan P. Hawley*

Makeba A.K. Rutahindurwa*

ELIAS LAW GROUP LLP

1700 Seventh Avenue,
Suite 2100

Seattle, Washington 98101

Phone: (206) 656-0177

Facsimile: (206) 656-0180

Email: AKhanna@elias.law

Email: JHawley@elias.law

Email: MRutahindurwa@elias.law

Michael B. Jones

Georgia Bar No. 721264

ELIAS LAW GROUP LLP

250 Massachusetts Avenue NW,
Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **PLAINTIFFS' OBJECTIONS TO THE GEORGIA LEGISLATURE'S REMEDIAL CONGRESSIONAL PLAN** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using font types of Times New Roman, point size of 14, and Century Schoolbook, point size of 13.

Dated: December 12, 2023

Adam M. Sparks

Adam M. Sparks

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **PLAINTIFFS' OBJECTIONS TO THE GEORGIA LEGISLATURE'S REMEDIAL CONGRESSIONAL PLAN** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: December 12, 2023

Adam M. Sparks

Adam M. Sparks

Counsel for Plaintiffs

317-1

Expert Report of William S. Cooper

Pendergrass v. Raffensperger, No. 1:21-CV-05339-SCJ (N.D. Ga.)

December 12, 2023

Bill Cooper

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

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

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

Defendants.

CIVIL ACTION FILE

NO. 1:21-CV-05339-SCJ

DECLARATION OF WILLIAM S. COOPER

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. § 1746, Federal Rule of Civil Procedure 26(a)(2)(B), and Federal Rules of Evidence 702 and 703, does hereby declare and say:

I. INTRODUCTION

1. My name is William S. Cooper. I have a B.A. in Economics from Davidson College. As a private consultant, I serve as a demographic and redistricting expert for the Plaintiffs.

2. I testified at trial as an expert witness on redistricting and demographics on behalf of the plaintiffs in this lawsuit in February 2022 (preliminary injunction) and at the full trial in September 2023.

3. To date, following the release of the 2020 Decennial Census, I have testified at trial in federal court in nine Section 2 redistricting cases, including *Allen v. Milligan*. Since my September 2023 appearance in this case, I testified at trial on November 26, 2023 in *Nairne v. Ardoin*, a Section 2 lawsuit challenging post-2020 House and Senate districts in Louisiana. I was also deposed on December 5, 2023 in *NAACP v. Reeves*, a Section 2 lawsuit challenging post-2020 House and Senate districts in Mississippi.

II. PURPOSE OF REPORT

4. The Defendants' 2023 Congressional Plan ("2023 Plan") was passed by the Georgia Legislature on December 7, 2023 and signed into law by Governor Kemp on December 8, 2023.

5. The Plaintiffs' attorneys asked me to assess the 2023 Plan vis-à-vis the 2021 Enacted Plan ("2021 Plan") and the Plaintiffs' Illustrative Plan presented at trial, including a comparison of the three plans along standard redistricting metrics.

III. SUMMARY CONCLUSION

6. This Court's October 26, 2023 order required the Defendants to create an additional majority-Black¹ Congressional district in western Metro Atlanta.

¹ In this declaration, "African American" refers to persons who are Single Race Black or Any Part Black (i.e., persons of two or more races and some part Black), including Hispanic Black. In some instances (e.g., for historical comparisons), numerical or percentage references identify Single Race Black as "SR Black" and Any Part Black as "AP Black." Unless noted otherwise, "Black" means AP Black. It is my understanding that following the U.S. Supreme Court decision

Specifically, the court ruled that an area comprised of five CDs -- 3, 6, 11, 13, and 14 -- in the 2021 Enacted Plan violates Section 2. Furthermore, the Court's order instructed that the "[t]he State cannot remedy the Section 2 violations described herein by eliminating minority opportunity elsewhere." (pp. 509-510)

7. Rather than limiting the bulk of the changes in the congressional map to the Section 2 violation area defined by the Court, the 2023 Plan reaches well outside that area to redraw congressional districts in other parts of the state. The 2023 Plan changes nine of the 14 districts, as compared to the 2021 Plan.

8. The 2023 Plan adds a new majority-Black district in western Metro Atlanta in Cobb, Fulton, Douglas, and Fayette Counties but also abolishes majority-minority CD 7 in Gwinnett and Fulton Counties under the 2021 Plan.

9. By contrast, the Illustrative Plan changes the boundaries of just eight of the 2021 Plan districts. The Illustrative Plan creates a new majority-Black District 6 in Cobb, Fulton, Douglas, and Fayette Counties, with no change to CD 7 under the 2021 Plan, which lies entirely outside the Section 2 violation area encompassed by the six CDs noted *supra*.

10. In sum, the 2023 Plan shifts population around to create new majority-Black CD 6, while simultaneously eliminating existing majority-minority CD 7 under the 2021 Plan and the Illustrative Plan.

in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), the "Any Part" definition is an appropriate Census classification to use in most Section 2 cases.

IV. ANALYSIS

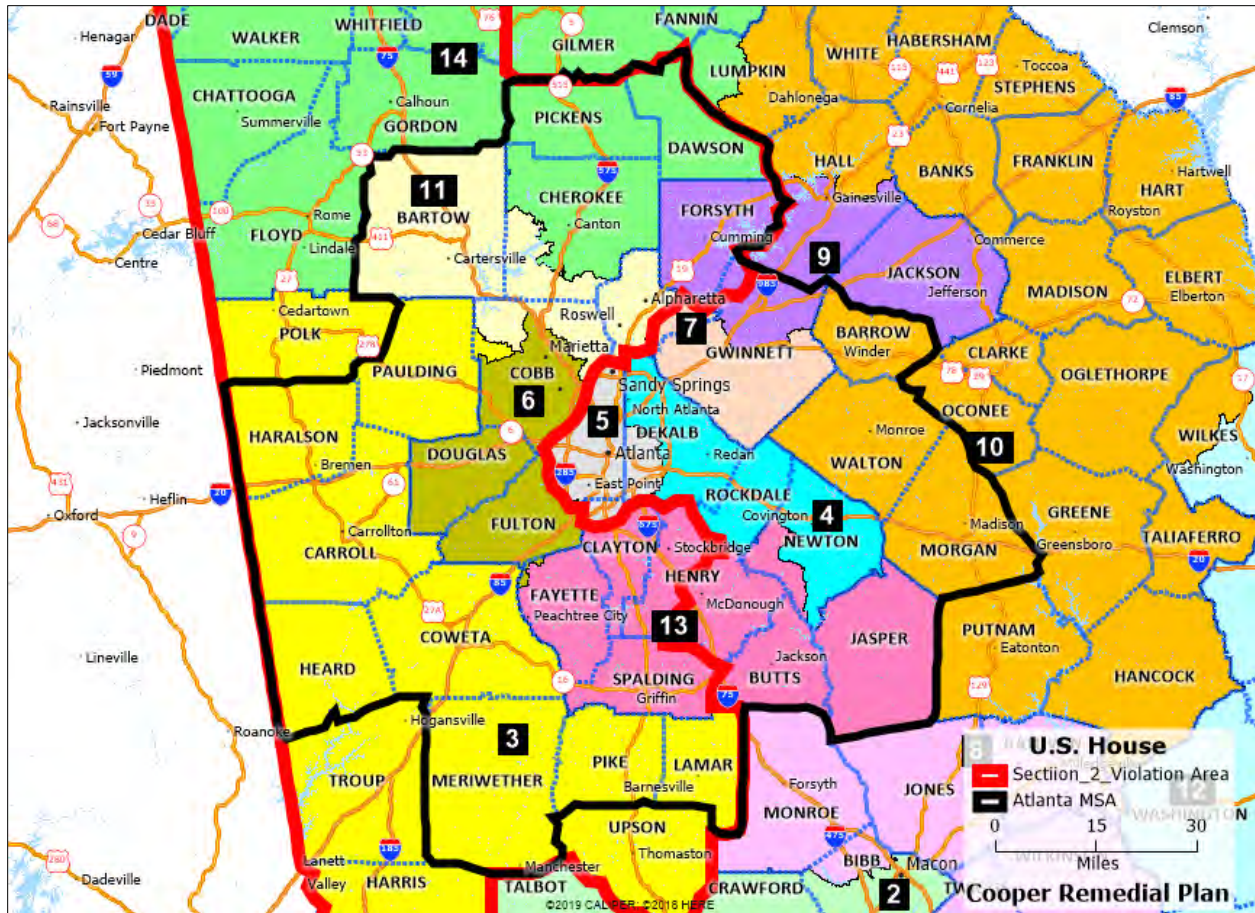
A. Vote Dilution Overview – Inside & Outside the Section 2 Violation Area

11. **Exhibit A-1** summarizes population by race/ethnicity, voting age, and citizen voting age under the Illustrative Plan. **Exhibit A-2** (2023 Plan) and **Exhibit A-3** (2021 Plan) provide the same demographic breakout.

12. The map in **Figure 1** depicts the Atlanta MSA (black lines) under the Illustrative Plan, with an overlay of the Section 2 violation area (red lines).

District 6, the additional majority-Black district, is anchored in Cobb, Douglas, and Fulton Counties, along with a small part of Fayette County. District 7 is in Gwinnett and Fulton Counties. District 7 remains outside the violation area and is exactly the same as CD 7 under the 2021 Plan. Gwinnett County encompasses CD 7 and CD 9 to the north.

Figure 1
Illustrative Plan: Atlanta MSA (Black lines)
Sec. 2 Violation Area (Red lines – partial display)



13. As the population and CVAP summaries in the Exhibit A series make clear, CD 7 in the 2021 Enacted Plan is a majority-minority district based on VAP (67.22% minority) and based on CVAP (58.21% minority).² CD 7 in the Enacted

² The citizen voting age population (“CVAP”) reported herein are based on block group level estimates published by the U.S. Census Bureau’s American Communities Survey (“ACS”). In the summary population exhibits that I have prepared for each plan, I report the “NH DOJ Black CVAP” metric. The “NH DOJ Black CVAP” category includes voting age citizens who are either non-Hispanic (“NH”) single-race (“SR”) Black or NH Black and White. An “Any Part NH Black CVAP” category cannot be calculated from the 5-Year ACS Census Bureau Special Tabulation.

The most current 5-year ACS data available is from the 2017-2021 ACS Special Tabulation, with a survey midpoint of July 1, 2019. It is available at:

<https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>.

Plan is a majority-minority congressional district in Metro Atlanta, where the minority population has increased by 1.74 million persons since 2000³—accounting for two thirds (68.9%) of the statewide population increase this century—and where, according to the Governor’s Office of Planning and Budget, the minority population will continue to increase over the course of this decade.⁴

14. The Illustrative Plan preserves CD 7 as a majority-minority district. Thus, the Illustrative Plan contains six majority-minority districts – one more than the 2021 Plan and one more than the 2023 Plan.

15. By contrast, under the 2023 Plan, the minority CVAP in CD 7 drops to 23%. And CD 7’s Gwinnett County neighbor, CD 9, stretches north all the way from suburban Gwinnett County to rural Rabun Gap and the North Carolina state line. CD 9 has a minority CVAP of just 27.44%.

16. The map in **Figure 2** depicts the Atlanta MSA (black lines) under the 2023 Plan, with an overlay of the Section 2 violation area (red lines). The Figure 2 map shows how the area encompassed by CD 7 under the 2021 Plan has been modified in an area outside the Section 2 violation area. Gwinnett County— a

The block-level disaggregation is based on a publicly available file from the Redistricting Data Hub. It is available at:

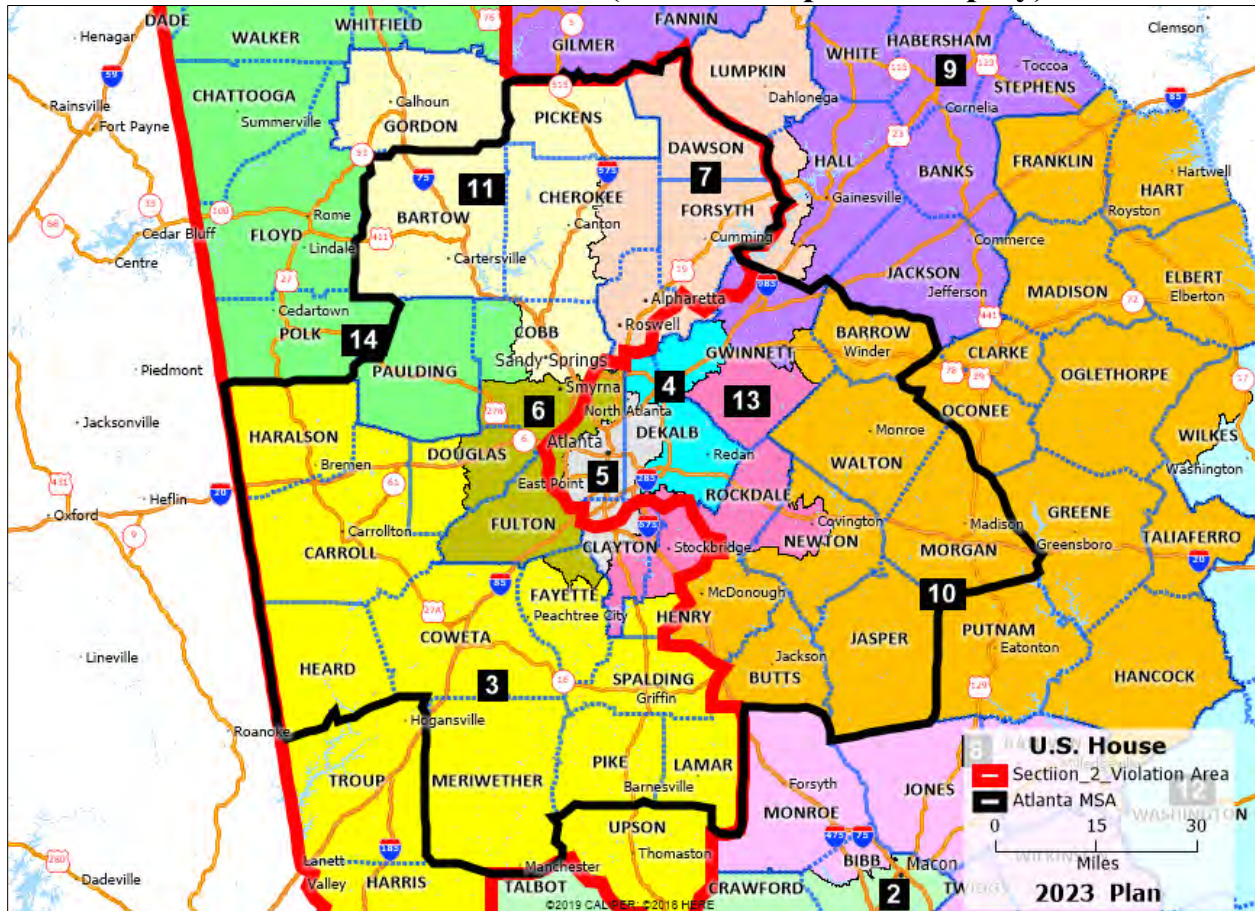
<https://redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-2020-block-level-2021/>.

³ See Figure 4, p.12, Cooper Declaration, Dec.4, 2023.

majority-minority county—is split into four pieces – CDs 4, 9, 10, and 13. In effect, the 2023 Plan replaces a 4-way split in diverse Cobb County in the 2021 Plan with a new 4-way split in diverse Gwinnet County.

Figure 2

**2023 Plan: Atlanta MSA (Black Lines)
Section 2 Violation Area (Red lines – partial display)**



17. County level population assignments by district are found in **Exhibit B-1** (Illustrative Plan), **Exhibit B-2** (2023 Enacted Plan) and **Exhibit B-3** (2021 Enacted Plan). **Exhibit B-4** is a table that reports 2020 county-level population by race and ethnicity.

18. Under the 2023 Plan, nearly half of CD 9’s population (321,360, of whom 183,335 (57.05%) are non-white) comes from Gwinnett County (see **Exhibit B-2**, p 18). This part of the 2023 Plan map in Gwinnett County thus “cracks” the

minority population from what used to be a majority-minority district into a majority white district.

19. Under the 2023 Plan, the bulk of the minority population in the Gwinnett County portion of prior CD 7 is assigned to CD 13, which wraps around the core of Metro Atlanta all the way to Clayton-Fayette-Spalding county line (see **Exhibit B-2**, p 28). This part of the 2023 Plan in Gwinnett County demonstrates “packing” of the minority population into an already existing majority-minority district.

20. As shown in **Exhibit C-1**, 2021 CD 7 is not part of the Section 2 violation area. But the 2023 Plan modifies CD 7 so that 74% of its population comes from inside the Section 2 violation area. The remaining 26% of its population comes from outside the Section 2 violation area – 2021 CDs 5, 7, and 9. Under the 2023 Plan CD 7, both the Section 2 violation area component and the non-Section 2 violation area component are majority-White – resulting in converting District 7 from a majority-minority district in the 2021 Plan to a majority-White district in the 2023 Plan.

21. As shown in **Exhibit C-2**, majority-Black District 6 under the Illustrative Plan is created entirely from the Section 2 violation area in the 2021 Plan. By comparison, under the 2023 Plan, only about 75% of District 6 comes from the Section 2 violation area, including part of CD 3 running from suburban Cobb County all the way to the Tennessee line and suburban Chattanooga. The remaining 25% draws from Enacted 2021 majority-Black District 5, which is unchanged in the Illustrative Plan and wholly outside the Section 2 violation area.

22. Furthermore, as shown in **Exhibit C-2**, the 2023 Plan excludes 51,717 Black voters in the vote dilution area who would have had an opportunity to elect their preferred candidates in Plaintiffs' Illustrative CD 6 but are not included in CD 6 (or any majority-minority district) under the 2023 Plan.

23. **B. Supplemental Plan Metrics**

24. **Exhibit D-1** contains a map packet included with my December 5, 2022 Declaration depicting the Illustrative Plan.

25. **Exhibit D-2** contains a map packet depicting the 2023 Enacted Plan, with corresponding Census 2020 statistics, prepared by the Georgia Legislative & Congressional Reapportionment Office (“GLCRO”). **Exhibit D-3** contains a map packet depicting the 2021 Enacted Plan, with corresponding Census 2020 statistics, prepared by GLCRO.

26. To view the Illustrative Plan core components built from districts in the 2021 Plan, refer to **Exhibit E-1** – “Core Constituencies”. Boundaries for six of the 14 districts in the 2021 Plan are the same under the Illustrative Plan –CDs 1, 2, 5, 7, 8, and 12.

27. To view the 2023 Plan core components built from districts in the 2021 Plan, refer to **Exhibit E-2** – “Core Constituencies”. Boundaries for five of the 14 districts in the 2021 Plan are the same under the 2023 Plan –CDs 1, 2, 3, 8, and 12.

28. Additional redistricting metrics comparing the Illustrative Plan with the 2023 Plan are described in below.

(a) Compactness

29. **Exhibit F-1** contains district-by-district compactness scores generated by Maptitude for all districts in the Illustrative Plan, alongside scores for the 2023 Plan (**Exhibit F-2**) and the 2021 Plan (**Exhibit F-3**)

30. The table in **Figure 3** (condensed from the Exhibit F series) reports mean and minimum Reock⁵ and Polsby-Popper⁶ scores.

31. On balance, the Illustrative Plan scores higher than the 2023 Plan according to the widely referenced Reock and Polsby-Popper measures.

32. As reported in Figure 3, the Illustrative Plan has higher compactness scores in both CD 6 and CD 7 than the 2023 Plan.

⁵ “The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.” Caliper Corporation, *Maptitude For Redistricting* Software Documentation.

⁶ The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi \text{Area}/(\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan. See Caliper Corporation, *Maptitude For Redistricting* Software Documentation.

Figure 3
Compactness Scores

	Reock		Polsby-Popper	
	Mean	Low	Mean	Low
Cooper Illustrative Plan	.43	.28	.27	.18
Cooper Illustrative CD 6	.45	NA	.27	NA
Cooper Illustrative CD 7	.50	NA	.39	NA
2023 Plan	.42	.29	.24	.13
2023 CD 6	.40	NA	.25	NA
2023 CD 7	.34	NA	.24	NA
2021 Plan	.44	.31	.27	.16

(b) Political Subdivision Splits

33. This section summarizes Maptitude generated reports for splits of key geographic areas in Georgia—from VTDs to regional commissions—under the Illustrative Plan, the 2023 Plan, and the 2021 Plan.

34. **Exhibit G-1** contains a county and VTD split report for the Illustrative Plan. **Exhibit G-2** reports on the same for the 2023 Plan. **Exhibit G-3** reports on the 2021 Plan.

35. **Exhibit H-1** contains a split report for all 531 municipalities (including the 53 cities and towns that spill over into another county) for the Illustrative Plan. **Exhibit H-2** reports on the same for the 2023 Plan. **Exhibit H-2** reports on the 2021 Plan.

36. The table in **Figure 4** summarizes split counts for counties and 2020 VTDs. The Illustrative Plan scores better than the 2023 Plan on county and municipal splits.

Figure 4

County, VTD, and Municipal Splits

	Split Counties*	County Splits*	2020 VTD Splits*	Split Cities/ Towns[#]	City/ Town Splits*
Illustrative Plan	15	18	43	37	78
2023 Plan	16	22	37	43	91
2021 Plan	15	21	46	43	91

*Excludes unpopulated areas

[#] Out of 531 municipalities (calculated by subtracting the number of whole cities in the Maptitude report from 531)

(c) Regional Splits

37. The table in **Figure 5** shows regional splits, defined by the 12 state-designated regional commissions and the 15 federally-designated metropolitan statistical areas (“MSAs”).⁷ Regional split reports are found in the **Exhibit I** series.

38. The Illustrative Plan scores higher than the 2023 Plan in two of the three categories, with the same number of whole MSAs.

⁷ <https://www2.census.gov/geo/pdfs/reference/GARM/Ch13GARM.pdf>

Figure 5
Split Regional Commissions and MSAs

	Regional Commission Splits	Whole MSAs	MSA Splits
Illustrative Plan	38	8	12
2023 Plan	39	8	22
2021 Plan	37	9	20

###

I reserve the right to continue to supplement my report in light of additional facts, testimony, and/or materials that might come to light.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 12, 2023

WILLIAM S. COOPER

Population Summary Report

Georgia U.S. House -- CVAP -- Illustrative Plan

District	% NH Single- Race Black CVAP*	% NH DOJ Black CVAP**	% Latino CVAP	% SR NH White CVAP	% SR NH Asian CVAP	% Minority CVAP
001	29.01%	29.52%	4.69%	62.75%	1.68%	37.25%
002	49.39%	49.830%	3.43%	44.46%	1.25%	55.54%
003	19.96%	20.36%	3.79%	73.64%	1.34%	26.36%
004	55.76%	56.49%	4.13%	34.57%	3.71%	65.43%
005	50.36%	51.05%	3.69%	40.51%	3.36%	59.49%
006	51.39%	52.34%	6.45%	37.69%	2.35%	62.31%
007	32.39%	33.16%	11.55%	42.19%	10.09%	57.81%
008	30.41%	30.80%	4.07%	62.88%	1.52%	37.12%
009	11.40%	11.79%	9.71%	70.03%	7.91%	29.97%
010	15.03%	15.42%	4.14%	77.83%	1.79%	22.17%
011	12.80%	13.34%	6.02%	74.62%	5.34%	25.38%
012	36.67%	37.37%	3.64%	56.34%	1.64%	43.66%
013	50.07%	50.97%	5.40%	39.38%	3.02%	60.62%
014	4.89%	5.27%	5.91%	86.61%	0.95%	13.39%

CVAP Source:

* 2017-2021 ACS Special Tabulation <https://redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-block-lev>

Note: Citizen Voting Age Population (CVAP) <https://redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-t>

* Single race NH Black CVAP, **NH DOJ Black= SR NH Black CVAP+SR NH Black/White CVAP

el-2020/
block-level-2020/

Population Summary Report

Georgia U.S. House -- 2020 Census -- Illustrative Plan

District	18+ Pop	18+ SR Black	% 18+ SR Black	18+ AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	NH18_BLK	% NH18_BLK	NH18 ASN	% NH18 ASN	18+ NH White	% 18+ NH White
001	589266	157770	26.77%	166025	28.17%	39938	6.78%	155810	26.44%	13909	2.36%	355947	60.41%
002	587555	281564	47.92%	289612	49.29%	30074	5.12%	279765	47.62%	8281	1.41%	251047	42.73%
003	580018	112454	19.39%	118709	20.47%	31852	5.49%	111318	19.19%	8692	1.50%	405926	69.99%
004	590640	298897	50.61%	311670	52.77%	58947	9.98%	295959	50.11%	35933	6.08%	177832	30.11%
005	621515	295885	47.61%	308271	49.60%	41432	6.67%	293005	47.14%	28127	4.53%	235652	37.92%
006	587247	282051	48.03%	294976	50.23%	71798	12.23%	279023	47.51%	18798	3.20%	192370	32.76%
007	566934	157650	27.81%	169071	29.82%	120604	21.27%	155029	27.35%	84873	14.97%	185838	32.78%
008	585857	170421	29.09%	175967	30.04%	35732	6.10%	168984	28.84%	9389	1.60%	354572	60.52%
009	564244	59821	10.60%	65790	11.66%	83453	14.79%	58802	10.42%	66506	11.79%	335720	59.50%
010	602127	81481	13.53%	86178	14.31%	39876	6.62%	80886	13.43%	12594	2.09%	447109	74.25%
011	588795	72303	12.28%	80507	13.67%	55168	9.37%	71112	12.08%	41604	7.07%	393920	66.90%
012	588119	207872	35.35%	215958	36.72%	28628	4.87%	206189	35.06%	11446	1.95%	321394	54.65%
013	576337	283204	49.14%	294669	51.13%	46150	8.01%	280414	48.65%	21384	3.71%	207154	35.94%
014	591620	27046	4.57%	30583	5.17%	59266	10.02%	26637	4.50%	6069	1.03%	477852	80.77%
Total	8220274	2488419	30.27%	2607986	31.73%	742918	9.04%	2462933	29.96%	367605	4.47%	4342333	52.82%

317-2

EXPERT REPORT OF MAXWELL PALMER, PH.D.

1. My name is Maxwell Palmer. I am currently an Associate Professor of Political Science at Boston University. I previously submitted reports in this case on December 12, 2022 and December 22, 2022. My first report sets forth my qualifications in detail. A copy of my most recent curriculum vitae is attached as Exhibit A.
2. I testified in this matter in the February 2022 preliminary injunction proceedings and the October 2023 trial. I was accepted by the Court in both proceedings as an expert in redistricting and data analysis. The Court found me to be a credible expert witness and credited my testimony on racially polarized voting and performance in its October 26, 2023 opinion.
3. In my original report in this matter, I found strong evidence of racially polarized voting across the 3rd, 6th, 11th, 13th, and 14th Congressional Districts under the 2021 redistricting map. I found that Black and White voters consistently support different candidates and that Black-preferred candidates were largely unable to win elections except in the 13th District. I also found that under the Plaintiffs' illustrative map, Black-preferred candidates would be able to win elections in the new 6th Congressional District.
4. In its October 26, 2023 order, the Court required the drawing of an additional new Black-opportunity congressional district. I was asked by the plaintiffs in this litigation to evaluate the number of Black-opportunity districts under the 2021 Plan and the new Remedial Plan enacted by the Georgia legislature on December 7, 2023. I was also asked to offer an expert opinion on the extent to which voting is racially polarized in the area around the 7th Congressional District under the Enacted and Remedial Maps.
5. For clarity, I will refer to the plan used for the 2022 elections as the "Enacted Plan," and the 2023 plan passed by the state legislature as the "Remedial Plan."
6. To analyze the performance of districts under the Enacted and Remedial Plans, I relied on precinct-level election results from the 2012-2022 general and runoff elections. To analyze racially polarized voting I used ecological inference, a statistical procedure to infer group-level behavior from aggregate data, using precinct-level election results and data on voter turnout by race. My original report in this matter describes these datasets and my methodology.

Racially Polarized Voting and Cohesion Among Minority Groups in Georgia

7. I was asked to opine on the extent to which voting is racially polarized across the state of Georgia, and the extent to which different minority groups share the same candidates of choice. Using statewide data and ecological inference, I estimated the support for statewide candidates across 41 elections for Black, Hispanic, AAPI (Asian and Pacific Islanders), White, and Other voters.¹
8. Figure 1 presents the estimates of support for the Democratic candidate for each racial group for all 41 electoral contests. For each election, the solid dots correspond to an estimate in a particular election, and the horizontal lines behind each dot are the 95% confidence intervals for the estimate. The full results are provided in Table 1.
9. Examining Figure 1, the estimates for support for Democratic candidates for Black, Hispanic, AAPI, and Other voters are all significantly above 50%. There are high levels of cohesion among Black, Hispanic, AAPI, and Other voters. While each group is internally cohesive in support for a clear candidate of choice, there is also clear cohesion across the four groups of voters of color analyzed here; all four groups share the same candidate of choice in each election. In contrast to the four groups of voters of color, White voters are highly cohesive in voting in opposition to the candidate of choice of voters of color in every election. On average, White voters supported Democratic candidates with 14.3% of the vote, and in no election did this estimate exceed 20%.
10. These results demonstrate that Black, Hispanic, AAPI, and Other voters of color share the same preferred candidates in Georgia.

¹I submitted a report and testified on racially polarized voting in Georgia in *In Re: Georgia Senate Bill 202* (1:12-MI-55555-JPB) before the U.S. District Court for the Northern District of Georgia. The results below reproduce my results in that report.

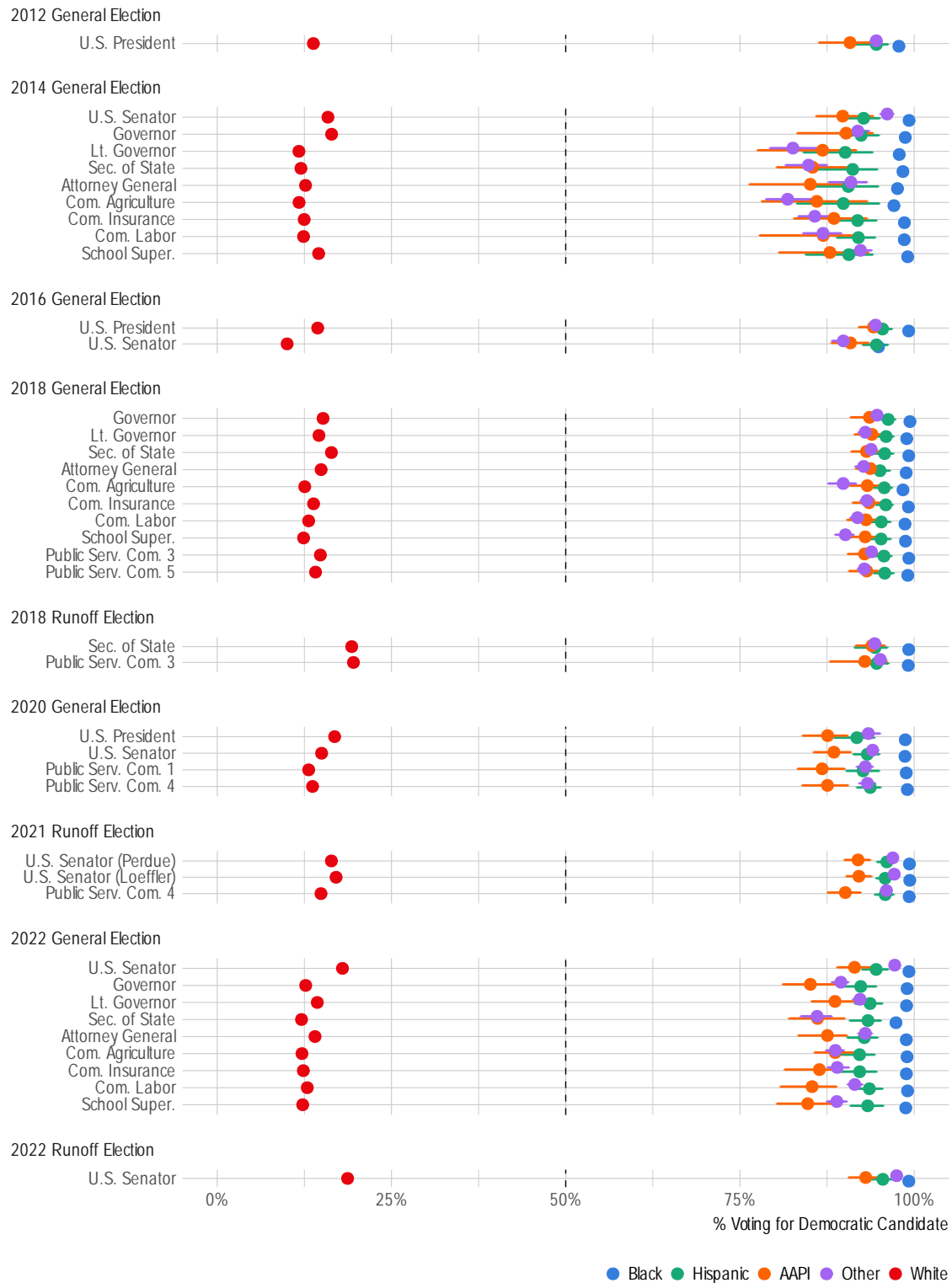


Figure 1: Racially Polarized Voting Estimates by Election, Statewide

Racially Polarized Voting and Performance for Minority-Preferred Candidates in the 7th Congressional District

11. I was asked to analyze racially polarized voting in the area around the Enacted 7th District. Under the Remedial Map, the Enacted District 7 was divided among the 4th, 7th, 9th, 10th, and 13th districts. Consistent with my prior reports in this matter, I defined a focus area consisting of these districts. Figure 2 plots the focus area, with Enacted District 7 outlined in black.

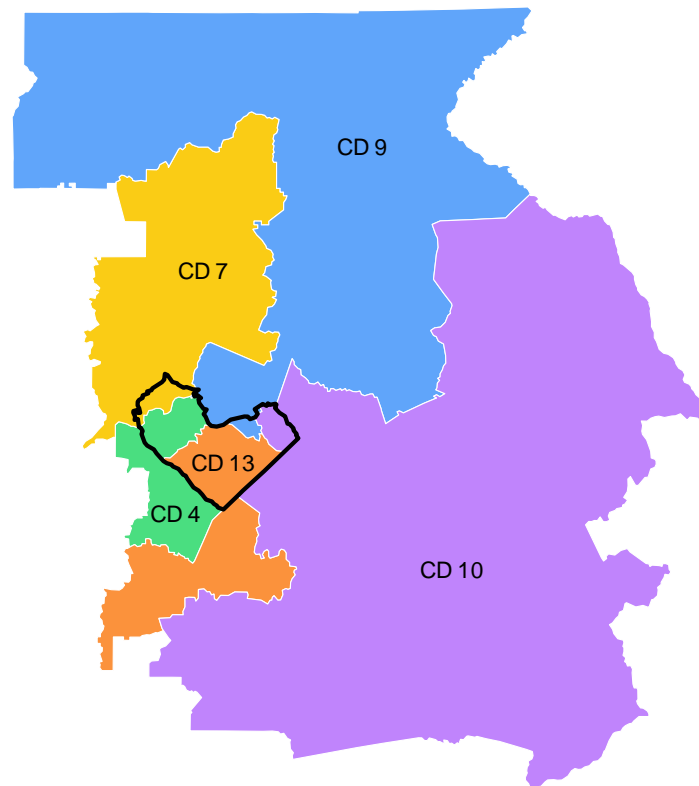


Figure 2: Map of Focus Area

12. I estimated ecological inference models for each of the 41 statewide contests in Georgia from 2012 to 2022. I analyzed five racial groups, based on voters' self-identified race when registering to vote: Black, Hispanic, Asian, White, and Other.
13. Figure 3 plots the results of this analysis. For each election, the solid dots correspond to an estimate in a particular election, and the horizontal lines behind each dot are the 95% confidence intervals for the estimate. In the District 7 Focus Area I find that all five racial or ethnic groups are politically cohesive; in all 41 elections I find that each group has a clearly identifiable candidate of choice. Furthermore in all 41 elections, Black, Hispanic, AAPI, and Other voters all share the same candidate of choice, and White voters strongly prefer the opposing candidate. The full results are provided in

Table 2.

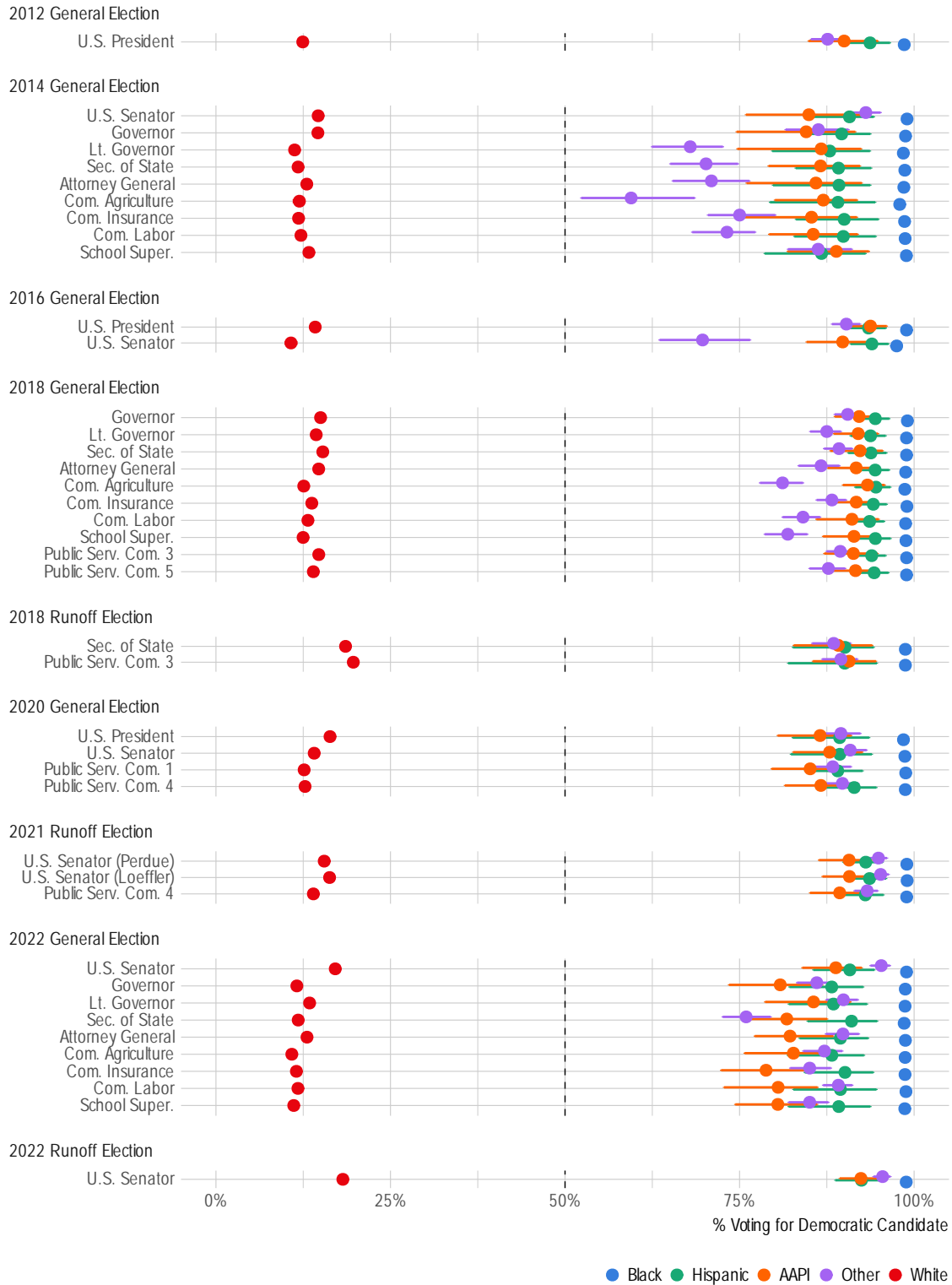


Figure 3: Racially Polarized Voting Estimates by Election, CD 7 Focus Area

14. As shown in Figure 3, there are high levels of cohesion among Black, Hispanic, AAPI, and Other voters. While each group is internally cohesive in support for a clear candidate of choice, there is also clear cohesion across the four groups of voters of color analyzed here; all four groups share the same candidate of choice in each election.
15. Having identified the Minority-preferred candidate in each election, I now turn to their ability to win elections in the focus area and in the 7th District under both plans. Figure 4 and Table 3 present the results of this analysis.

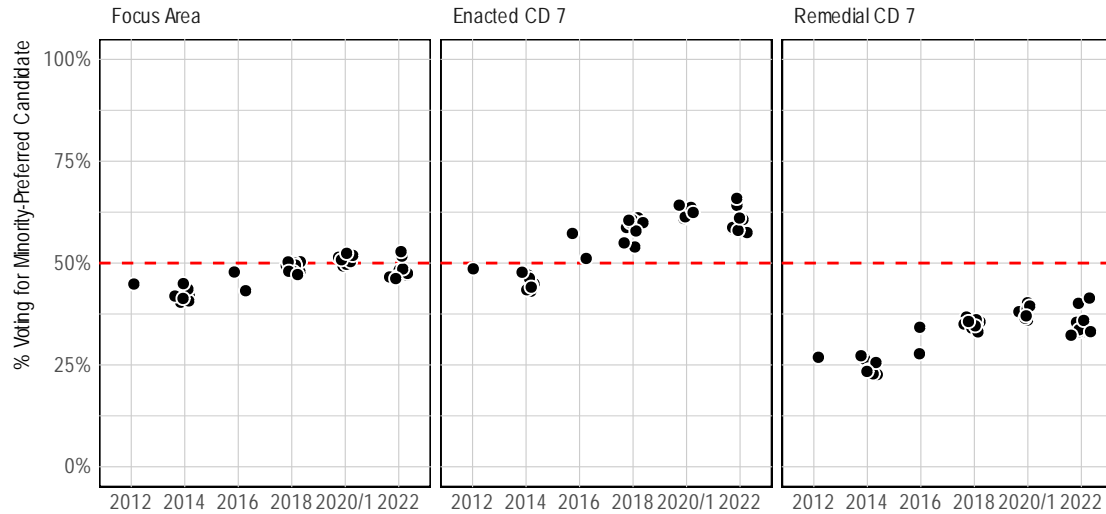


Figure 4: Performance of Minority-Preferred Candidates in the 7th District

16. Minority-Preferred candidates are generally not able to win elections in the Focus Area. Minority-preferred candidates averaged 47.4% of the vote in the Focus Area, and won 24% of the elections from 2012 to 2022.
17. In Enacted CD 7, Minority-preferred candidates were able to win 76% of the elections from 2012 to 2022, including the 2022 U.S. House election and every statewide election after 2016, with an average of 56.4% of the vote. In contrast, in Remedial CD 7, Minority-preferred candidates would not have won any of these elections, and average only 32.9% of the vote.

Performance of Minority-Preferred Candidates

18. I was also asked to analyze the performance of minority-preferred candidates in each district of the Enacted and Remedial Maps. This analysis requires two steps. First, I used ecological inference to identify the minority-preferred candidate in each district for each statewide election. Second, having identified the minority-preferred candidate, I calculated the share of the vote that candidate would receive. This analysis requires estimating 1,148 ecological inference models. I have included the full results as an attachment to this report.
19. Figure 5 presents the results of this analysis. The panel on the left shows the performance of each congressional district under the Enacted Map, and the panel on the right shows performance under the Remedial Map. Each gray circle corresponds to one of the 41 statewide contests analyzed, and the green circle is the average performance of Minority-preferred candidates in each district. Tables 4 and 5 provide the full results.
20. Figure 5 shows that there are five congressional districts (Districts 2, 4, 5, 7 and 13) where Minority-preferred candidates were able to win elections under the Enacted Map. Under the Remedial Map, there are also five districts where Minority-preferred candidates are able to win (Districts 2, 4, 5, 6, and 13).

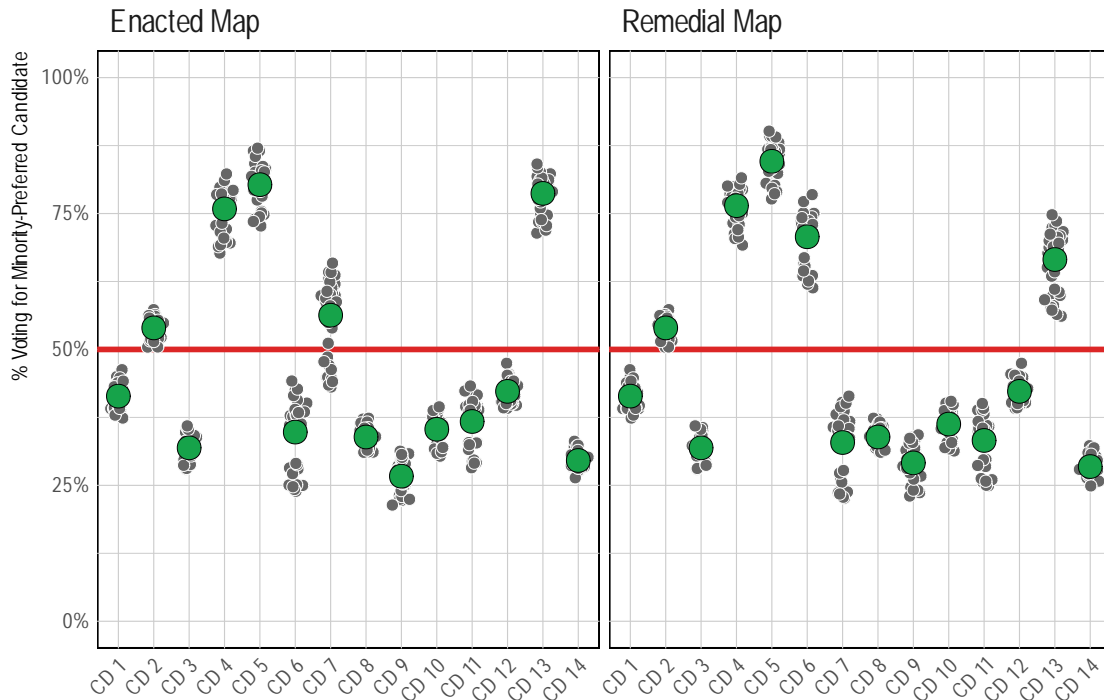


Figure 5: Performance of Minority-Preferred Candidates Under the Enacted and Illustrative Maps

Table 1: Ecological Inference Results — Statewide

		Black	Latino	AAPI	Other	White
2012 General	U.S. President	97.8% (97.6, 98.0)	94.6% (91.6, 96.3)	90.8% (86.3, 93.8)	94.6% (93.7, 95.3)	13.8% (13.6, 14.0)
2014 General	U.S. Senator	99.3% (99.1, 99.4)	92.7% (89.8, 95.1)	89.7% (85.9, 94.1)	96.1% (95.1, 97.0)	15.9% (15.7, 16.0)
	Governor	98.7% (98.5, 98.9)	92.4% (89.5, 94.9)	90.2% (83.2, 94.1)	91.9% (90.1, 93.5)	16.4% (16.2, 16.6)
	Lt. Governor	97.9% (97.5, 98.2)	90.1% (84.1, 94.0)	86.9% (77.5, 91.7)	82.6% (79.3, 86.1)	11.7% (11.5, 11.9)
	Sec. of State	98.4% (98.1, 98.7)	91.2% (86.0, 94.7)	85.4% (80.3, 90.3)	84.8% (81.6, 87.5)	12.0% (11.8, 12.2)
	Attorney General	97.6% (97.3, 97.9)	90.5% (85.7, 94.8)	85.1% (76.4, 91.7)	90.9% (87.7, 93.2)	12.7% (12.5, 12.9)
	Com. Agriculture	97.1% (96.7, 97.4)	89.8% (83.2, 95.0)	86.0% (78.1, 93.3)	81.8% (78.8, 86.0)	11.7% (11.5, 12.0)
	Com. Insurance	98.6% (98.4, 98.8)	91.9% (88.3, 94.6)	88.5% (82.8, 93.2)	85.7% (83.4, 88.2)	12.5% (12.3, 12.7)
	Com. Labor	98.6% (98.3, 98.8)	92.0% (88.9, 94.4)	87.0% (77.8, 92.1)	86.9% (84.0, 89.6)	12.4% (12.2, 12.6)
	School Super.	99.1% (98.9, 99.2)	90.6% (84.4, 94.1)	87.9% (80.6, 93.4)	92.3% (90.5, 93.9)	14.5% (14.4, 14.7)
2016 General	U.S. President	99.2% (99.1, 99.3)	95.5% (93.8, 96.8)	94.2% (92.1, 96.2)	94.5% (93.6, 95.2)	14.4% (14.3, 14.6)
	U.S. Senator	94.9% (94.6, 95.2)	94.6% (92.6, 96.2)	90.9% (88.1, 93.5)	89.8% (88.2, 91.1)	10.0% (9.8, 10.2)
2018 General	Governor	99.4% (99.3, 99.5)	96.3% (95.0, 97.3)	93.6% (90.9, 95.8)	94.7% (93.9, 95.3)	15.2% (15.0, 15.3)
	Lt. Governor	98.9% (98.8, 99.1)	96.0% (94.6, 97.1)	93.9% (91.5, 96.0)	93.0% (92.0, 93.9)	14.6% (14.4, 14.7)
	Sec. of State	99.2% (99.1, 99.3)	95.8% (94.1, 97.0)	93.2% (91.0, 95.2)	93.8% (93.0, 94.6)	16.4% (16.2, 16.5)
	Attorney General	98.9% (98.7, 99.0)	95.1% (93.5, 96.5)	93.7% (91.6, 95.7)	92.8% (91.6, 93.8)	14.9% (14.7, 15.1)
	Com. Agriculture	98.4% (98.1, 98.7)	95.7% (94.2, 96.9)	93.3% (90.7, 95.3)	89.8% (87.7, 91.7)	12.6% (12.4, 12.8)
	Com. Insurance	99.2% (99.0, 99.3)	95.9% (94.5, 97.0)	93.5% (91.2, 95.7)	93.2% (92.3, 94.1)	13.8% (13.7, 14.0)
	Com. Labor	98.7% (98.5, 98.8)	95.3% (93.7, 96.6)	93.1% (90.4, 95.2)	91.9% (90.8, 92.9)	13.1% (13.0, 13.3)
	School Super.	98.8% (98.6, 98.9)	95.3% (93.6, 96.6)	93.0% (89.9, 95.4)	90.1% (88.7, 91.3)	12.4% (12.2, 12.6)
	Public Serv. Com. 3	99.2% (99.1, 99.3)	95.7% (94.2, 96.8)	92.9% (90.5, 95.0)	93.9% (93.0, 94.6)	14.8% (14.7, 15.0)
	Public Serv. Com. 5	99.1% (98.9, 99.2)	95.8% (94.2, 97.1)	93.2% (90.6, 95.4)	92.8% (91.9, 93.7)	14.1% (13.9, 14.3)
2018 Runoff	Sec. of State	99.2% (99.1, 99.3)	94.4% (91.5, 96.2)	93.9% (91.6, 95.8)	94.3% (93.4, 95.2)	19.3% (19.1, 19.4)
	Public Serv. Com. 3	99.1% (99.0, 99.3)	94.6% (92.2, 96.3)	92.9% (87.9, 96.1)	95.1% (94.1, 96.0)	19.5% (19.4, 19.7)

Table 1: Ecological Inference Results — Statewide (*continued*)

		Black	Latino	AAPI	Other	White
2020 General	U.S. President	98.7% (98.5, 98.9)	91.8% (88.5, 94.3)	87.6% (84.0, 90.5)	93.4% (91.7, 95.1)	16.8% (16.6, 17.1)
	U.S. Senator	98.7% (98.5, 98.8)	93.3% (91.3, 95.0)	88.5% (85.6, 90.9)	94.0% (93.1, 94.9)	15.0% (14.8, 15.2)
	Public Serv. Com. 1	98.9% (98.7, 99.0)	92.7% (90.3, 95.0)	86.8% (83.3, 90.0)	93.0% (91.8, 94.1)	13.1% (12.9, 13.3)
	Public Serv. Com. 4	99.0% (98.9, 99.2)	93.7% (91.8, 95.2)	87.6% (83.9, 90.5)	93.3% (92.1, 94.4)	13.7% (13.5, 13.9)
2021 Runoff	U.S. Senator (Perdue)	99.3% (99.2, 99.4)	96.1% (94.7, 97.2)	91.9% (90.0, 93.7)	96.9% (96.4, 97.5)	16.4% (16.2, 16.5)
	U.S. Senator (Loeffler)	99.4% (99.3, 99.5)	95.8% (94.6, 96.9)	92.1% (90.3, 93.9)	97.1% (96.5, 97.7)	17.0% (16.9, 17.2)
	Public Serv. Com. 4	99.3% (99.2, 99.4)	95.8% (94.4, 97.1)	90.1% (87.6, 92.3)	96.0% (95.3, 96.7)	14.9% (14.7, 15.0)
2022 General	U.S. Senator	99.2% (99.1, 99.4)	94.5% (92.5, 96.3)	91.4% (88.9, 93.9)	97.2% (96.6, 97.7)	18.0% (17.8, 18.1)
	Governor	99.0% (98.8, 99.1)	92.3% (89.5, 94.6)	85.1% (81.1, 89.5)	89.5% (88.2, 90.6)	12.7% (12.5, 12.9)
	Lt. Governor	98.9% (98.7, 99.1)	93.7% (91.5, 95.4)	88.6% (85.3, 91.4)	92.2% (91.2, 93.2)	14.4% (14.2, 14.5)
	Sec. of State	97.4% (97.0, 97.8)	93.4% (90.7, 95.2)	86.1% (82.0, 90.0)	86.1% (83.7, 88.2)	12.1% (11.9, 12.3)
	Attorney General	98.9% (98.7, 99.0)	92.8% (90.4, 94.8)	87.6% (83.4, 90.4)	93.0% (92.0, 94.0)	14.0% (13.9, 14.2)
	Com. Agriculture	99.0% (98.8, 99.1)	92.2% (89.4, 94.3)	88.7% (85.7, 92.0)	88.7% (87.3, 89.9)	12.2% (12.0, 12.3)
	Com. Insurance	98.9% (98.7, 99.0)	92.2% (89.3, 94.6)	86.4% (81.4, 89.5)	89.0% (87.6, 90.7)	12.3% (12.2, 12.5)
	Com. Labor	99.0% (98.9, 99.2)	93.6% (91.4, 95.5)	85.4% (80.8, 88.9)	91.5% (90.4, 92.6)	12.9% (12.7, 13.1)
	School Super.	98.8% (98.6, 99.0)	93.3% (90.9, 95.6)	84.7% (80.3, 88.2)	88.9% (87.5, 90.3)	12.3% (12.1, 12.5)
2022 Runoff	U.S. Senator	99.2% (99.1, 99.3)	95.5% (93.7, 97.0)	93.0% (90.6, 95.1)	97.5% (96.9, 98.0)	18.7% (18.6, 18.9)

Table 2: Ecological Inference Results — CD 7 Focus Area

		Black	Latino	AAPI	Other	White
2012 General	U.S. President	98.6% (98.2, 98.9)	93.7% (89.5, 96.6)	90.0% (84.9, 94.8)	87.6% (85.3, 89.6)	12.4% (12.1, 12.8)
2014 General	U.S. Senator	99.0% (98.7, 99.2)	90.7% (85.4, 94.2)	84.9% (75.9, 92.5)	93.1% (90.8, 95.2)	14.6% (14.3, 14.9)
	Governor	98.8% (98.5, 99.0)	89.6% (84.6, 93.7)	84.5% (74.6, 91.6)	86.3% (81.6, 90.6)	14.6% (14.1, 15.1)
	Lt. Governor	98.5% (98.0, 98.9)	87.9% (79.7, 93.7)	86.7% (74.7, 92.4)	67.9% (62.5, 72.6)	11.3% (10.8, 11.8)
	Sec. of State	98.7% (98.3, 99.0)	89.2% (83.0, 93.9)	86.6% (79.2, 92.2)	70.2% (65.1, 74.8)	11.8% (11.3, 12.3)
	Attorney General	98.5% (98.2, 98.8)	89.2% (79.8, 93.7)	85.9% (76.0, 92.5)	71.0% (65.4, 76.4)	13.0% (12.4, 13.6)
	Com. Agriculture	97.9% (97.4, 98.4)	89.1% (79.4, 94.4)	87.0% (80.1, 91.8)	59.5% (52.3, 68.6)	11.9% (11.2, 12.6)
	Com. Insurance	98.6% (98.3, 98.9)	90.0% (83.1, 94.9)	85.3% (74.7, 91.8)	75.0% (70.5, 80.1)	11.8% (11.3, 12.3)
	Com. Labor	98.7% (98.4, 99.0)	89.9% (82.9, 94.5)	85.5% (79.2, 91.9)	73.2% (68.2, 77.2)	12.2% (11.7, 12.7)
	School Super.	98.9% (98.6, 99.1)	86.7% (78.6, 93.1)	88.9% (81.9, 93.5)	86.3% (81.9, 91.1)	13.3% (12.8, 13.8)
2016 General	U.S. President	98.9% (98.6, 99.2)	93.5% (90.2, 96.0)	93.7% (90.3, 96.1)	90.3% (88.2, 92.3)	14.2% (13.8, 14.6)
	U.S. Senator	97.5% (96.7, 98.1)	94.0% (90.9, 96.3)	89.8% (84.6, 93.7)	69.7% (63.5, 76.5)	10.7% (10.0, 11.5)
2018 General	Governor	99.0% (98.8, 99.3)	94.4% (91.5, 96.4)	92.1% (88.6, 95.0)	90.5% (88.6, 92.1)	15.0% (14.6, 15.4)
	Lt. Governor	98.9% (98.6, 99.2)	93.8% (90.9, 95.9)	92.0% (88.5, 94.8)	87.5% (85.1, 89.5)	14.4% (14.0, 14.8)
	Sec. of State	98.9% (98.6, 99.2)	93.8% (90.6, 96.0)	92.3% (88.0, 95.5)	89.2% (87.1, 91.1)	15.3% (14.9, 15.7)
	Attorney General	98.8% (98.5, 99.1)	94.4% (91.8, 96.4)	91.7% (87.6, 94.5)	86.7% (83.5, 89.3)	14.7% (14.2, 15.3)
	Com. Agriculture	98.7% (98.3, 99.0)	94.5% (91.6, 96.6)	93.3% (89.8, 95.8)	81.2% (77.9, 84.1)	12.6% (12.1, 13.1)
	Com. Insurance	99.0% (98.7, 99.2)	94.2% (91.8, 96.1)	91.7% (88.0, 94.7)	88.2% (86.0, 90.3)	13.7% (13.3, 14.1)
	Com. Labor	98.8% (98.5, 99.1)	93.6% (90.7, 95.7)	91.1% (86.0, 94.9)	84.1% (81.2, 86.5)	13.2% (12.7, 13.7)
	School Super.	98.8% (98.5, 99.1)	94.4% (91.5, 96.6)	91.4% (87.0, 94.6)	81.9% (78.6, 84.7)	12.5% (12.0, 13.0)
	Public Serv. Com. 3	98.9% (98.6, 99.2)	93.9% (91.5, 95.9)	91.3% (87.1, 94.8)	89.4% (87.5, 91.2)	14.7% (14.4, 15.1)
2018 Runoff	Public Serv. Com. 5	98.9% (98.6, 99.2)	94.3% (91.7, 96.3)	91.6% (87.1, 94.9)	87.7% (85.0, 90.1)	14.0% (13.5, 14.4)
	Sec. of State	98.7% (98.4, 99.1)	90.1% (82.6, 94.2)	89.1% (82.8, 94.0)	88.5% (85.4, 90.9)	18.6% (18.1, 19.0)
	Public Serv. Com. 3	98.7% (98.4, 99.1)	90.1% (82.0, 94.7)	90.7% (85.5, 94.5)	89.5% (86.8, 91.9)	19.7% (19.3, 20.1)

Table 2: Ecological Inference Results — CD 7 Focus Area (*continued*)

		Black	Latino	AAPI	Other	White
2020 General	U.S. President	98.5% (98.1, 98.8)	89.3% (82.6, 93.6)	86.5% (80.5, 91.0)	89.5% (86.4, 92.3)	16.3% (15.8, 16.9)
	U.S. Senator	98.7% (98.3, 99.0)	89.4% (82.4, 93.9)	87.9% (82.7, 92.6)	90.8% (88.2, 93.2)	14.1% (13.6, 14.6)
	Public Serv. Com. 1	98.8% (98.5, 99.0)	89.1% (84.4, 92.6)	85.1% (79.6, 89.5)	88.3% (85.3, 91.0)	12.6% (12.2, 13.2)
	Public Serv. Com. 4	98.7% (98.4, 99.0)	91.4% (87.1, 94.6)	86.6% (81.5, 90.7)	89.7% (87.3, 92.0)	12.8% (12.3, 13.3)
2021 Runoff	U.S. Senator (Perdue)	99.0% (98.7, 99.2)	93.1% (89.9, 95.5)	90.7% (86.4, 93.9)	94.9% (93.5, 96.1)	15.5% (15.1, 15.9)
	U.S. Senator (Loeffler)	99.0% (98.7, 99.2)	93.6% (90.3, 96.0)	90.7% (86.9, 94.1)	95.2% (93.9, 96.4)	16.3% (15.9, 16.7)
	Public Serv. Com. 4	98.9% (98.6, 99.2)	93.0% (89.9, 95.6)	89.3% (85.1, 92.7)	93.3% (91.5, 94.8)	14.0% (13.6, 14.4)
2022 General	U.S. Senator	98.9% (98.6, 99.2)	90.8% (85.6, 94.3)	88.8% (84.0, 92.5)	95.3% (93.8, 96.5)	17.1% (16.7, 17.5)
	Governor	98.7% (98.4, 99.0)	88.2% (82.2, 92.7)	80.8% (73.5, 86.8)	86.1% (83.2, 88.5)	11.6% (11.1, 12.1)
	Lt. Governor	98.7% (98.3, 99.0)	88.4% (82.1, 93.3)	85.6% (78.7, 90.9)	89.9% (87.4, 91.9)	13.4% (12.9, 13.9)
	Sec. of State	98.6% (98.2, 98.9)	91.0% (84.8, 94.7)	81.8% (75.7, 87.5)	75.9% (72.6, 79.5)	11.8% (11.2, 12.4)
	Attorney General	98.8% (98.4, 99.1)	89.4% (83.6, 93.4)	82.2% (77.2, 88.4)	89.8% (87.4, 92.1)	13.0% (12.6, 13.5)
	Com. Agriculture	98.7% (98.4, 99.0)	88.2% (81.9, 92.8)	82.7% (75.7, 88.6)	87.2% (84.1, 89.7)	10.9% (10.4, 11.4)
	Com. Insurance	98.7% (98.3, 99.0)	90.1% (84.3, 94.2)	78.8% (72.4, 84.9)	85.0% (82.3, 88.1)	11.5% (11.0, 12.0)
	Com. Labor	98.8% (98.5, 99.1)	89.4% (82.7, 94.6)	80.5% (72.8, 86.2)	89.2% (87.0, 91.1)	11.7% (11.2, 12.2)
	School Super.	98.7% (98.3, 99.0)	89.2% (82.0, 93.7)	80.5% (74.4, 86.1)	85.0% (82.0, 87.7)	11.1% (10.7, 11.6)
2022 Runoff	U.S. Senator	98.9% (98.6, 99.1)	92.5% (88.7, 95.3)	92.4% (89.3, 94.9)	95.5% (94.2, 96.6)	18.2% (17.9, 18.5)

Table 3: Election Results in the 7th Congressional District — Vote Share of Minority-Preferred Candidates

		Focus Area	Enacted CD 7	Remedial CD 7
2012 GEN	U.S. President	44.9%	48.6%	26.9%
2014 GEN	U.S. Senator	45.0%	47.7%	27.3%
	Governor	44.3%	47.0%	26.4%
	Lt. Governor	40.7%	43.4%	22.8%
	Sec. of State	41.3%	44.1%	23.4%
	Attorney General	42.1%	44.8%	24.1%
	Com. Agriculture	40.4%	43.1%	22.6%
	Com. Insurance	41.9%	44.9%	23.8%
	Com. Labor	41.9%	44.6%	23.6%
	School Super.	43.6%	46.3%	25.6%
2016 GEN	U.S. President	47.8%	57.3%	34.2%
	U.S. Senator	43.2%	51.1%	27.7%
2018 GEN	Governor	50.3%	61.1%	36.8%
	Lt. Governor	49.3%	59.9%	35.6%
	Sec. of State	50.3%	60.5%	36.1%
	Attorney General	49.6%	59.9%	35.7%
	Com. Agriculture	47.9%	58.3%	33.8%
	Com. Insurance	49.4%	60.0%	35.0%
	Com. Labor	48.5%	58.7%	34.0%
	School Super.	47.9%	57.9%	33.1%
	Public Serv. Com. 3	50.1%	60.6%	35.8%
	Public Serv. Com. 5	49.5%	59.9%	35.1%
2018 RUN	Sec. of State	47.2%	54.0%	34.6%
	Public Serv. Com. 3	48.0%	55.0%	35.7%
2020 GEN	U.S. President	51.4%	63.1%	40.3%
	U.S. Senator	50.4%	62.0%	38.1%
	Public Serv. Com. 1	49.3%	60.9%	36.0%
	Public Serv. Com. 4	49.7%	61.4%	36.5%
2021 RUN	U.S. Senator (Perdue)	51.9%	63.7%	38.7%
	U.S. Senator (Loeffler)	52.4%	64.2%	39.5%
	Public Serv. Com. 4	50.8%	62.4%	37.1%
2022 GEN	U.S. Senator	51.7%	64.2%	40.1%
	Governor	47.0%	58.7%	33.6%
	Lt. Governor	48.6%	60.7%	35.9%
	Sec. of State	46.2%	57.5%	32.3%
	Attorney General	48.3%	60.1%	35.5%
	Com. Agriculture	46.8%	58.7%	33.2%
	Com. Insurance	46.8%	58.4%	33.2%
	Com. Labor	47.5%	59.4%	34.0%
	School Super.	46.6%	58.0%	33.2%
	U.S. Representative	—	61.1%	—
2022 RUN	U.S. Senator	52.8%	65.9%	41.4%

Table 4: Election Results by Congressional Districts — Enacted Map — Vote Share of Minority-Preferred Candidates

		CD 1	CD 2	CD 3	CD 4	CD 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12	CD 13	CD 14
2012 GEN	U.S. President	43.0%	57.3%	31.8%	72.8%	78.2%	28.2%	48.6%	37.2%	24.7%	35.0%	32.9%	45.5%	75.1%	29.8%
2014 GEN	U.S. Senator	42.2%	55.6%	32.2%	73.2%	79.2%	28.8%	47.7%	36.0%	25.7%	35.0%	32.8%	43.3%	76.0%	30.6%
	Governor	42.1%	56.4%	32.6%	72.1%	78.0%	28.0%	47.0%	37.3%	24.9%	35.2%	32.9%	42.8%	75.1%	33.1%
	Lt. Governor	39.1%	52.8%	28.1%	68.9%	74.0%	24.2%	43.4%	32.9%	21.4%	30.9%	28.2%	39.7%	71.9%	27.8%
	Sec. of State	39.1%	53.1%	28.8%	69.2%	74.4%	24.8%	44.1%	33.2%	22.4%	31.2%	29.1%	40.0%	72.8%	28.3%
	Attorney General	39.4%	53.5%	29.7%	69.6%	74.8%	25.0%	44.8%	34.0%	23.1%	32.6%	29.2%	40.2%	73.5%	28.7%
	Com. Agriculture	39.1%	52.8%	28.0%	67.7%	72.7%	23.9%	43.1%	33.1%	22.2%	30.4%	28.3%	40.1%	71.4%	27.5%
	Com. Insurance	40.4%	53.6%	29.1%	70.0%	75.4%	25.1%	44.9%	33.8%	22.4%	31.7%	29.4%	40.9%	73.4%	28.6%
	Com. Labor	39.7%	53.5%	29.2%	69.7%	75.1%	25.1%	44.6%	33.5%	23.0%	32.1%	29.7%	40.4%	73.5%	28.9%
	School Super.	41.3%	55.1%	30.9%	71.6%	77.5%	27.2%	46.3%	35.2%	24.6%	33.8%	31.6%	42.7%	74.7%	30.8%
2016 GEN	U.S. President	41.5%	54.5%	31.6%	76.9%	83.5%	36.0%	57.3%	34.3%	26.5%	35.1%	37.1%	43.2%	77.9%	27.7%
	U.S. Senator	37.4%	50.4%	28.7%	70.5%	73.5%	29.0%	51.1%	31.1%	24.0%	32.0%	32.5%	39.2%	73.9%	26.4%
2018 GEN	Governor	42.5%	55.1%	32.9%	78.9%	84.2%	38.8%	61.1%	34.3%	28.2%	36.5%	40.1%	43.2%	81.1%	30.0%
	Lt. Governor	41.9%	53.9%	32.3%	77.5%	82.1%	37.6%	59.9%	33.6%	28.1%	36.0%	39.5%	42.4%	80.2%	30.0%
	Sec. of State	45.0%	55.8%	33.2%	78.5%	83.2%	38.1%	60.5%	35.9%	28.7%	37.5%	39.8%	47.5%	80.8%	30.6%
	Attorney General	42.2%	54.8%	33.3%	77.2%	81.2%	37.6%	59.9%	34.4%	28.6%	36.5%	39.6%	43.1%	80.1%	30.5%
	Com. Agriculture	40.9%	53.2%	31.4%	75.5%	78.8%	35.6%	58.3%	32.6%	26.7%	34.4%	37.7%	41.5%	79.0%	29.1%
	Com. Insurance	41.5%	54.4%	32.1%	77.7%	81.9%	36.9%	60.0%	33.7%	27.6%	35.9%	38.8%	42.3%	80.5%	29.9%
	Com. Labor	41.3%	53.8%	31.7%	76.3%	80.3%	36.0%	58.7%	33.4%	27.3%	35.3%	38.1%	42.1%	79.5%	29.6%
	School Super.	41.0%	53.5%	31.2%	75.7%	79.1%	35.0%	57.9%	32.8%	26.7%	35.2%	37.4%	41.8%	79.2%	29.1%
	Public Serv. Com. 3	42.1%	54.9%	32.9%	78.4%	82.6%	37.8%	60.6%	34.3%	28.4%	36.6%	39.7%	42.9%	80.9%	30.3%
	Public Serv. Com. 5	42.0%	54.6%	32.3%	77.7%	81.8%	37.0%	59.9%	34.0%	27.8%	36.1%	38.9%	42.8%	80.4%	30.0%
2018 RUN	Sec. of State	46.3%	55.6%	30.4%	77.2%	86.5%	36.6%	54.0%	33.6%	25.2%	35.7%	36.1%	45.3%	77.1%	28.1%
	Public Serv. Com. 3	44.8%	54.9%	31.5%	77.7%	86.6%	37.6%	55.0%	32.8%	26.5%	36.1%	37.2%	42.5%	77.6%	29.0%
2020 GEN	U.S. President	43.2%	55.2%	34.8%	79.2%	83.7%	42.5%	63.1%	36.0%	30.8%	38.1%	42.2%	44.9%	80.5%	31.1%
	U.S. Senator	42.7%	54.3%	33.9%	78.2%	81.6%	40.1%	62.0%	35.1%	29.8%	37.2%	40.8%	43.8%	80.6%	30.7%
	Public Serv. Com. 1	41.5%	54.0%	32.6%	77.6%	80.5%	38.0%	60.9%	34.0%	28.6%	36.2%	39.2%	43.0%	80.2%	29.6%
	Public Serv. Com. 4	41.9%	54.4%	33.1%	77.9%	80.8%	38.5%	61.4%	34.7%	29.0%	36.5%	39.7%	43.3%	80.7%	30.2%
2021 RUN	U.S. Senator (Perdue)	43.8%	56.1%	35.2%	79.3%	82.0%	40.7%	63.7%	36.5%	30.8%	38.6%	41.6%	45.1%	82.3%	32.2%
	U.S. Senator (Loeffler)	43.9%	56.2%	35.6%	79.8%	82.9%	41.5%	64.2%	36.6%	31.3%	39.0%	42.3%	45.3%	82.6%	32.4%
	Public Serv. Com. 4	42.9%	55.4%	34.2%	78.5%	81.1%	39.0%	62.4%	35.6%	29.8%	37.6%	40.4%	44.1%	81.8%	31.4%

Table 4: Election Results by Congressional Districts — Enacted Map — Vote Share of Minority-Preferred Candidates *(continued)*

		CD 1	CD 2	CD 3	CD 4	CD 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12	CD 13	CD 14
2022 GEN	U.S. Senator	43.1%	54.7%	35.3%	81.1%	85.5%	42.7%	64.2%	34.8%	30.1%	38.8%	42.4%	43.3%	83.4%	31.9%
	Governor	39.4%	51.9%	31.3%	77.1%	80.7%	36.0%	58.7%	31.8%	25.5%	34.8%	37.0%	40.2%	80.6%	27.8%
	Lt. Governor	40.2%	52.1%	32.4%	78.6%	82.7%	38.4%	60.7%	32.1%	27.2%	36.0%	38.8%	40.6%	81.5%	29.2%
	Sec. of State	37.9%	50.5%	30.8%	75.1%	78.2%	34.5%	57.5%	31.1%	25.5%	34.4%	36.3%	39.3%	79.1%	27.5%
	Attorney General	40.4%	52.2%	32.4%	77.9%	81.8%	37.9%	60.1%	32.6%	27.2%	36.0%	38.6%	41.0%	81.2%	29.2%
	Com. Agriculture	39.1%	51.5%	30.8%	76.8%	80.0%	35.5%	58.7%	31.2%	25.4%	34.3%	36.5%	40.0%	80.8%	27.9%
	Com. Insurance	39.3%	51.6%	31.2%	76.2%	79.3%	35.4%	58.4%	31.8%	25.9%	34.8%	36.7%	40.1%	80.3%	28.3%
	Com. Labor	39.7%	52.0%	31.5%	77.8%	81.2%	36.3%	59.4%	32.0%	26.1%	35.1%	37.3%	40.3%	81.2%	28.4%
	School Super.	39.2%	51.5%	31.1%	76.2%	79.1%	35.6%	58.0%	31.5%	25.8%	34.3%	37.0%	40.0%	80.4%	28.3%
2022 RUN	U.S. Senator	44.2%	55.8%	35.9%	82.3%	87.0%	44.2%	65.9%	35.5%	30.7%	39.4%	43.3%	44.2%	84.1%	32.1%

Table 5: Election Results by Congressional Districts — Remedial Map — Vote Share of Minority-Preferred Candidates

		CD 1	CD 2	CD 3	CD 4	CD 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12	CD 13	CD 14
2012 GEN	U.S. President	43.0%	57.3%	31.8%	75.1%	82.7%	65.9%	26.9%	37.2%	26.5%	35.8%	29.2%	45.5%	59.8%	27.6%
2014 GEN	U.S. Senator	42.2%	55.6%	32.2%	74.3%	84.1%	66.9%	27.3%	36.0%	27.4%	35.7%	29.7%	43.3%	60.5%	28.2%
	Governor	42.1%	56.4%	32.6%	73.2%	83.1%	65.8%	26.4%	37.3%	26.7%	35.9%	29.8%	42.8%	59.9%	30.3%
	Lt. Governor	39.1%	52.8%	28.1%	70.4%	79.0%	62.0%	22.8%	32.9%	23.0%	31.7%	25.0%	39.7%	56.4%	25.3%
	Sec. of State	39.1%	53.1%	28.8%	70.7%	79.6%	62.6%	23.4%	33.2%	24.1%	31.9%	25.8%	40.0%	57.2%	25.8%
	Attorney General	39.4%	53.5%	29.7%	70.9%	80.1%	63.0%	24.1%	34.0%	24.8%	33.3%	25.6%	40.2%	58.1%	26.1%
	Com. Agriculture	39.1%	52.8%	28.0%	69.2%	77.7%	61.3%	22.6%	33.1%	23.7%	31.3%	24.9%	40.1%	56.1%	25.1%
	Com. Insurance	40.4%	53.6%	29.1%	71.6%	80.6%	63.6%	23.8%	33.8%	24.1%	32.5%	26.0%	40.9%	57.9%	26.1%
	Com. Labor	39.7%	53.5%	29.2%	71.2%	80.2%	63.5%	23.6%	33.5%	24.7%	32.9%	26.3%	40.4%	57.7%	26.4%
	School Super.	41.3%	55.1%	30.9%	73.0%	82.4%	65.3%	25.6%	35.2%	26.3%	34.5%	28.5%	42.7%	59.1%	28.2%
2016 GEN	U.S. President	41.5%	54.5%	31.6%	78.5%	86.9%	71.9%	34.2%	34.3%	28.9%	36.0%	33.6%	43.2%	65.1%	26.8%
	U.S. Senator	37.4%	50.4%	28.7%	72.0%	78.6%	64.4%	27.7%	31.1%	26.1%	32.9%	28.7%	39.2%	61.1%	24.9%
2018 GEN	Governor	42.5%	55.1%	32.9%	80.0%	88.0%	74.4%	36.8%	34.3%	31.0%	37.5%	36.3%	43.2%	69.4%	29.2%
	Lt. Governor	41.9%	53.9%	32.3%	78.6%	86.3%	72.8%	35.6%	33.6%	30.8%	37.0%	35.7%	42.4%	68.4%	29.2%
	Sec. of State	45.0%	55.8%	33.2%	79.5%	87.2%	73.8%	36.1%	35.9%	31.5%	38.4%	36.1%	47.5%	69.2%	29.6%
	Attorney General	42.2%	54.8%	33.3%	78.3%	85.5%	72.5%	35.7%	34.4%	31.2%	37.5%	35.9%	43.1%	68.6%	29.5%
	Com. Agriculture	40.9%	53.2%	31.4%	76.8%	83.1%	70.8%	33.8%	32.6%	29.4%	35.4%	33.9%	41.5%	67.2%	28.1%
	Com. Insurance	41.5%	54.4%	32.1%	78.9%	86.2%	72.9%	35.0%	33.7%	30.4%	36.9%	34.9%	42.3%	68.7%	28.9%
	Com. Labor	41.3%	53.8%	31.7%	77.5%	84.5%	71.5%	34.0%	33.4%	30.0%	36.3%	34.2%	42.1%	67.7%	28.5%
	School Super.	41.0%	53.5%	31.2%	77.0%	83.4%	70.9%	33.1%	32.8%	29.4%	36.2%	33.5%	41.8%	67.2%	27.9%
	Public Serv. Com. 3	42.1%	54.9%	32.9%	79.4%	86.8%	73.5%	35.8%	34.3%	31.2%	37.5%	35.9%	42.9%	69.3%	29.2%
2018 RUN	Public Serv. Com. 5	42.0%	54.6%	32.3%	78.8%	86.1%	72.8%	35.1%	34.0%	30.6%	37.1%	35.0%	42.8%	68.8%	28.9%
2020 GEN	Sec. of State	46.3%	55.6%	30.4%	77.4%	89.2%	72.7%	34.6%	33.6%	27.3%	36.2%	33.7%	45.3%	63.5%	27.1%
	Public Serv. Com. 3	44.8%	54.9%	31.5%	78.0%	89.2%	73.1%	35.7%	32.8%	28.6%	36.6%	34.9%	42.5%	64.3%	28.0%
2020 GEN	U.S. President	43.2%	55.2%	34.8%	79.2%	86.8%	75.0%	40.3%	36.0%	33.7%	39.2%	38.8%	44.9%	70.5%	31.0%
	U.S. Senator	42.7%	54.3%	33.9%	78.3%	85.6%	73.5%	38.1%	35.1%	32.7%	38.3%	37.2%	43.8%	70.3%	30.4%
	Public Serv. Com. 1	41.5%	54.0%	32.6%	77.8%	84.7%	72.5%	36.0%	34.0%	31.4%	37.3%	35.4%	43.0%	69.8%	29.0%
	Public Serv. Com. 4	41.9%	54.4%	33.1%	78.1%	85.0%	73.0%	36.5%	34.7%	31.8%	37.7%	36.0%	43.3%	70.2%	29.6%
2021 RUN	U.S. Senator (Perdue)	43.8%	56.1%	35.2%	79.5%	86.4%	74.4%	38.7%	36.5%	33.8%	39.8%	38.1%	45.1%	72.4%	31.6%
	U.S. Senator (Loeffler)	43.9%	56.2%	35.6%	80.1%	87.0%	75.1%	39.5%	36.6%	34.3%	40.1%	38.8%	45.3%	72.8%	31.9%
	Public Serv. Com. 4	42.9%	55.4%	34.2%	78.7%	85.5%	73.5%	37.1%	35.6%	32.8%	38.7%	36.8%	44.1%	71.7%	30.7%

Table 5: Election Results by Congressional Districts — Remedial Map — Vote Share of Minority-Preferred Candidates
(continued)

		CD 1	CD 2	CD 3	CD 4	CD 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12	CD 13	CD 14
2022 GEN	U.S. Senator	43.1%	54.7%	35.3%	80.4%	89.1%	77.2%	40.1%	34.8%	32.9%	39.8%	39.2%	43.3%	73.6%	31.9%
	Governor	39.4%	51.9%	31.3%	76.3%	85.2%	72.3%	33.6%	31.8%	28.2%	35.9%	33.5%	40.2%	70.0%	27.4%
	Lt. Governor	40.2%	52.1%	32.4%	77.8%	86.8%	74.2%	35.9%	32.1%	29.9%	37.1%	35.5%	40.6%	71.2%	29.0%
	Sec. of State	37.9%	50.5%	30.8%	74.6%	82.8%	70.3%	32.3%	31.1%	28.1%	35.4%	32.7%	39.3%	68.9%	27.0%
	Attorney General	40.4%	52.2%	32.4%	77.2%	85.9%	73.7%	35.5%	32.6%	29.8%	37.1%	35.2%	41.0%	70.9%	28.9%
	Com. Agriculture	39.1%	51.5%	30.8%	76.2%	84.4%	72.2%	33.2%	31.2%	28.1%	35.4%	33.0%	40.0%	70.1%	27.5%
	Com. Insurance	39.3%	51.6%	31.2%	75.5%	83.8%	71.6%	33.2%	31.8%	28.5%	35.9%	33.2%	40.1%	69.8%	27.8%
	Com. Labor	39.7%	52.0%	31.5%	77.0%	85.7%	73.0%	34.0%	32.0%	28.8%	36.2%	33.8%	40.3%	70.6%	28.1%
	School Super.	39.2%	51.5%	31.1%	75.5%	83.5%	71.8%	33.2%	31.5%	28.4%	35.5%	33.5%	40.0%	69.5%	27.9%
2022 RUN	U.S. Senator	44.2%	55.8%	35.9%	81.6%	90.2%	78.5%	41.4%	35.5%	33.7%	40.5%	40.1%	44.2%	74.8%	32.3%

317-3

Ecological Inference Appendix Tables

Table A1: Ecological Inference Results — Enacted CD 1

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	97.6% (96.8, 98.3)	13.9% (13.4, 14.4)	Barack Obama
2014 General	U.S. Senator	97.9% (97.1, 98.5)	15.4% (15.0, 15.9)	Michelle Nunn
	Governor	97.1% (96.0, 98.0)	15.8% (15.2, 16.4)	Jason Carter
	Lt. Governor	97.5% (96.7, 98.2)	11.2% (10.8, 11.7)	Connie Stokes
	Sec. of State	97.1% (96.3, 97.9)	11.3% (10.8, 11.8)	Doreen Carter
	Attorney General	97.2% (96.2, 98.0)	11.8% (11.3, 12.3)	Gregory Hecht
	Com. Agriculture	97.0% (96.0, 97.8)	11.5% (11.0, 12.0)	Christopher Irvin
	Com. Insurance	98.0% (97.2, 98.7)	12.5% (12.1, 13.0)	Elizabeth Johnson
	Com. Labor	97.3% (96.4, 98.1)	11.9% (11.4, 12.4)	Robbin Shipp
	School Super.	97.8% (97.0, 98.4)	14.1% (13.7, 14.6)	Valarie Wilson
2016 General	U.S. President	97.4% (96.4, 98.2)	12.2% (11.7, 12.7)	Hillary Clinton
	U.S. Senator	93.5% (92.4, 94.6)	8.3% (7.7, 8.9)	Jim Barksdale
2018 General	Governor	96.7% (95.6, 97.6)	12.9% (12.4, 13.5)	Stacey Abrams
	Lt. Governor	96.5% (95.3, 97.5)	12.5% (12.0, 13.2)	Sarah Riggs Amico
	Sec. of State	97.1% (96.0, 98.1)	16.7% (16.2, 17.4)	John Barrow
	Attorney General	97.1% (96.0, 97.9)	12.4% (12.0, 13.1)	Charlie Bailey
	Com. Agriculture	95.9% (94.7, 96.9)	11.0% (10.5, 11.7)	Fred Swann
	Com. Insurance	96.7% (95.5, 97.6)	11.6% (11.1, 12.2)	Janice Laws
	Com. Labor	96.6% (95.4, 97.5)	11.3% (10.8, 11.9)	Richard Keatley
	School Super.	96.5% (95.3, 97.4)	11.0% (10.4, 11.6)	Otha Thornton
	Public Serv. Com. 3	97.1% (96.0, 98.0)	12.2% (11.7, 12.9)	Lindy Miller
	Public Serv. Com. 5	97.3% (96.1, 98.2)	11.9% (11.4, 12.6)	Dawn Randolph
2018 Runoff	Sec. of State	96.9% (95.6, 97.9)	15.9% (15.3, 16.7)	John Barrow
	Public Serv. Com. 3	97.2% (96.0, 98.1)	13.9% (13.3, 14.6)	Lindy Miller
2020 General	U.S. President	95.8% (94.3, 97.1)	10.8% (10.2, 11.6)	Joe Biden
	U.S. Senator	95.0% (93.5, 96.3)	10.4% (9.8, 11.2)	Jon Ossoff
	Public Serv. Com. 1	94.8% (93.1, 96.0)	8.9% (8.3, 9.7)	Robert Bryant
	Public Serv. Com. 4	95.2% (93.6, 96.4)	9.4% (8.8, 10.2)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	96.7% (95.2, 97.9)	11.6% (10.9, 12.3)	Jon Ossoff
	U.S. Senator (Loeffler)	96.6% (95.0, 97.8)	11.7% (11.0, 12.5)	Raphael Warnock
	Public Serv. Com. 4	96.8% (95.5, 97.9)	10.3% (9.7, 11.0)	Daniel Blackman
2022 General	U.S. Senator	95.9% (93.5, 97.7)	7.4% (6.7, 8.2)	Raphael Warnock
	Governor	92.0% (89.1, 94.1)	4.6% (3.9, 5.5)	Stacey Abrams
	Lt. Governor	93.6% (91.4, 95.4)	5.0% (4.4, 5.7)	Charlie Bailey
	Sec. of State	90.8% (88.1, 92.8)	3.7% (3.1, 4.6)	Bee Nguyen
	Attorney General	93.6% (91.2, 95.4)	5.3% (4.7, 6.1)	Jennifer "Jen" Jordan
	Com. Agriculture	91.8% (89.2, 93.9)	4.5% (3.8, 5.4)	Nakita Hemingway
	Com. Insurance	93.5% (90.9, 95.2)	4.4% (3.8, 5.2)	Janice Laws Robinson
	Com. Labor	93.5% (91.1, 95.2)	4.5% (4.0, 5.3)	William "Will" Boddie, Jr
	School Super.	92.6% (90.2, 94.6)	4.6% (3.9, 5.4)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.5% (94.5, 98.0)	7.5% (6.9, 8.2)	Raphael Warnock

Table A2: Ecological Inference Results — Enacted CD 2

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	99.2% (98.9, 99.5)	10.2% (9.8, 10.7)	Barack Obama
2014 General	U.S. Senator	99.0% (98.6, 99.3)	12.0% (11.5, 12.5)	Michelle Nunn
	Governor	98.5% (98.0, 98.9)	14.1% (13.6, 14.7)	Jason Carter
	Lt. Governor	98.0% (97.4, 98.5)	7.9% (7.4, 8.6)	Connie Stokes
	Sec. of State	98.4% (97.9, 98.8)	7.9% (7.4, 8.5)	Doreen Carter
	Attorney General	98.1% (97.6, 98.5)	9.1% (8.5, 9.7)	Gregory Hecht
	Com. Agriculture	98.0% (97.5, 98.5)	8.0% (7.4, 8.5)	Christopher Irvin
	Com. Insurance	98.5% (98.0, 98.9)	8.6% (8.1, 9.1)	Elizabeth Johnson
	Com. Labor	98.5% (98.1, 98.9)	8.4% (7.9, 8.9)	Robbin Shipp
	School Super.	98.8% (98.4, 99.2)	11.2% (10.7, 11.8)	Valarie Wilson
2016 General	U.S. President	98.9% (98.5, 99.2)	8.3% (7.9, 8.8)	Hillary Clinton
	U.S. Senator	94.7% (94.0, 95.4)	5.1% (4.4, 5.8)	Jim Barksdale
2018 General	Governor	99.2% (98.9, 99.5)	7.0% (6.5, 7.5)	Stacey Abrams
	Lt. Governor	98.7% (98.3, 99.1)	6.2% (5.8, 6.8)	Sarah Riggs Amico
	Sec. of State	99.0% (98.6, 99.3)	9.1% (8.6, 9.6)	John Barrow
	Attorney General	98.7% (98.3, 99.0)	7.3% (6.9, 7.9)	Charlie Bailey
	Com. Agriculture	98.2% (97.7, 98.6)	4.9% (4.4, 5.4)	Fred Swann
	Com. Insurance	99.1% (98.7, 99.3)	6.2% (5.8, 6.7)	Janice Laws
	Com. Labor	98.8% (98.4, 99.1)	5.2% (4.8, 5.6)	Richard Keatley
	School Super.	98.6% (98.2, 98.9)	4.8% (4.4, 5.3)	Otha Thornton
	Public Serv. Com. 3	99.0% (98.6, 99.3)	6.9% (6.4, 7.4)	Lindy Miller
	Public Serv. Com. 5	99.0% (98.6, 99.3)	6.4% (5.9, 6.9)	Dawn Randolph
2018 Runoff	Sec. of State	98.9% (98.4, 99.2)	10.4% (9.7, 11.1)	John Barrow
	Public Serv. Com. 3	98.8% (98.3, 99.2)	9.4% (8.8, 10.2)	Lindy Miller
2020 General	U.S. President	98.8% (98.4, 99.2)	8.0% (7.6, 8.6)	Joe Biden
	U.S. Senator	98.2% (97.7, 98.7)	7.0% (6.5, 7.5)	Jon Ossoff
	Public Serv. Com. 1	98.6% (98.2, 99.0)	5.6% (5.2, 6.1)	Robert Bryant
	Public Serv. Com. 4	98.8% (98.3, 99.1)	6.3% (5.9, 6.9)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	99.1% (98.7, 99.4)	9.0% (8.5, 9.6)	Jon Ossoff
	U.S. Senator (Loeffler)	99.1% (98.7, 99.4)	9.3% (8.8, 9.8)	Raphael Warnock
	Public Serv. Com. 4	99.1% (98.7, 99.4)	7.5% (7.0, 8.0)	Daniel Blackman
2022 General	U.S. Senator	98.7% (97.9, 99.2)	10.1% (9.5, 10.8)	Raphael Warnock
	Governor	98.4% (97.8, 98.9)	5.1% (4.6, 5.7)	Stacey Abrams
	Lt. Governor	98.3% (97.6, 98.8)	6.0% (5.4, 6.6)	Charlie Bailey
	Sec. of State	96.6% (95.7, 97.3)	4.4% (3.8, 5.1)	Bee Nguyen
	Attorney General	98.6% (98.0, 99.1)	5.9% (5.4, 6.5)	Jennifer "Jen" Jordan
	Com. Agriculture	98.2% (97.4, 98.7)	4.8% (4.3, 5.5)	Nakita Hemingway
	Com. Insurance	98.4% (97.8, 98.9)	4.8% (4.4, 5.4)	Janice Laws Robinson
	Com. Labor	98.6% (98.0, 99.0)	5.4% (4.9, 6.0)	William "Will" Boddie, Jr
	School Super.	98.1% (97.4, 98.6)	4.9% (4.4, 5.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.6% (97.9, 99.1)	10.0% (9.3, 10.7)	Raphael Warnock

Table A3: Ecological Inference Results — Enacted CD 3

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	96.1% (94.6, 97.1)	8.2% (7.7, 8.7)	Barack Obama
2014 General	U.S. Senator	97.2% (95.9, 98.2)	10.5% (10.1, 11.0)	Michelle Nunn
	Governor	96.5% (94.9, 97.7)	11.3% (10.8, 11.9)	Jason Carter
	Lt. Governor	96.0% (94.6, 97.1)	5.6% (5.2, 6.2)	Connie Stokes
	Sec. of State	96.2% (94.7, 97.3)	6.4% (6.0, 6.9)	Doreen Carter
	Attorney General	96.8% (95.6, 97.9)	7.4% (7.0, 7.9)	Gregory Hecht
	Com. Agriculture	94.9% (93.1, 96.3)	5.8% (5.3, 6.5)	Christopher Irvin
	Com. Insurance	96.6% (95.2, 97.7)	6.5% (6.1, 7.0)	Elizabeth Johnson
	Com. Labor	96.4% (95.0, 97.5)	6.9% (6.4, 7.4)	Robbin Shipp
	School Super.	96.9% (95.7, 98.0)	8.8% (8.4, 9.3)	Valarie Wilson
2016 General	U.S. President	98.0% (97.1, 98.7)	6.7% (6.4, 7.1)	Hillary Clinton
	U.S. Senator	95.1% (93.6, 96.3)	3.9% (3.5, 4.5)	Jim Barksdale
2018 General	Governor	98.0% (97.0, 98.7)	6.4% (6.1, 6.9)	Stacey Abrams
	Lt. Governor	97.7% (96.7, 98.4)	6.0% (5.7, 6.5)	Sarah Riggs Amico
	Sec. of State	98.0% (97.1, 98.7)	7.0% (6.6, 7.4)	John Barrow
	Attorney General	97.4% (96.4, 98.3)	7.4% (7.0, 7.9)	Charlie Bailey
	Com. Agriculture	97.3% (96.3, 98.0)	4.7% (4.3, 5.1)	Fred Swann
	Com. Insurance	97.9% (97.0, 98.6)	5.5% (5.2, 5.9)	Janice Laws
	Com. Labor	97.8% (96.9, 98.5)	4.9% (4.6, 5.4)	Richard Keatley
	School Super.	97.4% (96.4, 98.1)	4.4% (4.0, 4.8)	Otha Thornton
	Public Serv. Com. 3	98.1% (97.2, 98.7)	6.5% (6.1, 6.9)	Lindy Miller
	Public Serv. Com. 5	97.8% (97.0, 98.5)	5.8% (5.4, 6.2)	Dawn Randolph
2018 Runoff	Sec. of State	97.4% (96.3, 98.4)	8.6% (8.2, 9.2)	John Barrow
	Public Serv. Com. 3	97.4% (96.0, 98.4)	10.0% (9.5, 10.6)	Lindy Miller
2020 General	U.S. President	98.0% (97.1, 98.7)	8.1% (7.7, 8.5)	Joe Biden
	U.S. Senator	97.8% (96.9, 98.6)	6.9% (6.5, 7.4)	Jon Ossoff
	Public Serv. Com. 1	98.0% (97.1, 98.6)	5.0% (4.7, 5.5)	Robert Bryant
	Public Serv. Com. 4	98.1% (97.3, 98.7)	5.7% (5.4, 6.1)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.1% (97.2, 98.8)	8.5% (8.1, 9.0)	Jon Ossoff
	U.S. Senator (Loeffler)	98.1% (97.2, 98.8)	9.1% (8.7, 9.5)	Raphael Warnock
	Public Serv. Com. 4	98.2% (97.4, 98.8)	6.9% (6.6, 7.3)	Daniel Blackman
2022 General	U.S. Senator	97.8% (96.7, 98.6)	8.6% (8.2, 9.1)	Raphael Warnock
	Governor	96.4% (95.4, 97.3)	3.6% (3.3, 4.1)	Stacey Abrams
	Lt. Governor	97.1% (96.0, 97.9)	5.0% (4.5, 5.5)	Charlie Bailey
	Sec. of State	96.2% (95.3, 97.1)	3.1% (2.7, 3.5)	Bee Nguyen
	Attorney General	97.5% (96.7, 98.3)	4.6% (4.3, 5.1)	Jennifer "Jen" Jordan
	Com. Agriculture	96.0% (94.9, 96.9)	3.2% (2.8, 3.7)	Nakita Hemingway
	Com. Insurance	96.4% (95.4, 97.3)	3.5% (3.2, 4.0)	Janice Laws Robinson
	Com. Labor	96.5% (95.5, 97.4)	3.9% (3.5, 4.3)	William "Will" Boddie, Jr
	School Super.	96.5% (95.6, 97.3)	3.4% (3.1, 3.8)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	97.8% (96.7, 98.6)	8.8% (8.3, 9.3)	Raphael Warnock

Table A4: Ecological Inference Results — Enacted CD 4

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.6% (98.0, 99.1)	29.0% (28.2, 30.0)	Barack Obama
2014 General	U.S. Senator	98.1% (97.4, 98.7)	35.9% (34.9, 37.0)	Michelle Nunn
	Governor	97.0% (96.2, 97.7)	34.9% (33.9, 36.1)	Jason Carter
	Lt. Governor	95.4% (94.5, 96.2)	29.1% (28.0, 30.5)	Connie Stokes
	Sec. of State	95.8% (95.0, 96.5)	29.3% (28.2, 30.5)	Doreen Carter
	Attorney General	95.3% (94.4, 96.1)	30.9% (29.7, 32.3)	Gregory Hecht
	Com. Agriculture	93.8% (92.8, 94.6)	28.5% (27.3, 29.9)	Christopher Irvin
	Com. Insurance	95.9% (95.0, 96.6)	30.1% (28.9, 31.5)	Elizabeth Johnson
	Com. Labor	96.1% (95.2, 96.8)	29.5% (28.4, 30.8)	Robbin Shipp
	School Super.	97.5% (96.7, 98.2)	32.5% (31.4, 33.7)	Valarie Wilson
2016 General	U.S. President	97.6% (96.7, 98.4)	40.7% (39.4, 42.2)	Hillary Clinton
	U.S. Senator	93.8% (92.9, 94.7)	30.7% (29.3, 32.2)	Jim Barksdale
2018 General	Governor	98.1% (97.4, 98.8)	43.4% (42.1, 44.7)	Stacey Abrams
	Lt. Governor	97.3% (96.5, 98.1)	41.9% (40.4, 43.4)	Sarah Riggs Amico
	Sec. of State	97.9% (97.0, 98.5)	42.8% (41.6, 44.5)	John Barrow
	Attorney General	96.7% (95.8, 97.5)	41.6% (40.1, 43.3)	Charlie Bailey
	Com. Agriculture	95.8% (94.8, 96.6)	38.2% (36.7, 40.0)	Fred Swann
	Com. Insurance	97.6% (96.7, 98.3)	40.9% (39.5, 42.5)	Janice Laws
	Com. Labor	96.3% (95.3, 97.2)	39.6% (38.0, 41.3)	Richard Keatley
	School Super.	96.6% (95.6, 97.5)	37.2% (35.6, 39.1)	Otha Thornton
	Public Serv. Com. 3	97.6% (96.7, 98.4)	42.6% (41.2, 44.2)	Lindy Miller
	Public Serv. Com. 5	97.1% (96.2, 98.0)	41.5% (40.0, 43.3)	Dawn Randolph
2018 Runoff	Sec. of State	97.8% (96.7, 98.6)	49.8% (48.6, 51.3)	John Barrow
	Public Serv. Com. 3	97.9% (96.9, 98.7)	50.9% (49.8, 52.4)	Lindy Miller
2020 General	U.S. President	95.9% (94.9, 97.0)	46.3% (44.2, 48.6)	Joe Biden
	U.S. Senator	96.8% (95.7, 97.8)	42.6% (40.7, 44.9)	Jon Ossoff
	Public Serv. Com. 1	96.8% (95.8, 97.7)	40.5% (38.6, 42.7)	Robert Bryant
	Public Serv. Com. 4	97.0% (95.9, 97.9)	41.0% (39.0, 43.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.9% (96.8, 98.6)	44.3% (42.8, 46.6)	Jon Ossoff
	U.S. Senator (Loeffler)	98.4% (97.6, 98.9)	44.8% (43.6, 46.4)	Raphael Warnock
	Public Serv. Com. 4	98.0% (97.2, 98.6)	42.0% (40.5, 43.5)	Daniel Blackman
2022 General	U.S. Senator	98.1% (97.1, 98.8)	48.8% (47.2, 50.8)	Raphael Warnock
	Governor	96.2% (94.8, 97.4)	42.0% (39.6, 44.7)	Stacey Abrams
	Lt. Governor	97.0% (95.7, 98.0)	44.6% (42.5, 47.2)	Charlie Bailey
	Sec. of State	93.6% (92.4, 94.8)	41.5% (39.1, 44.0)	Bee Nguyen
	Attorney General	96.6% (95.4, 97.6)	43.6% (41.6, 46.1)	Jennifer "Jen" Jordan
	Com. Agriculture	97.1% (95.8, 98.1)	39.3% (37.3, 41.9)	Nakita Hemingway
	Com. Insurance	95.8% (94.7, 96.9)	40.5% (38.3, 42.9)	Janice Laws Robinson
	Com. Labor	97.2% (95.9, 98.1)	41.9% (39.8, 44.4)	William "Will" Boddie, Jr
	School Super.	95.9% (94.8, 97.0)	39.8% (37.6, 42.2)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.1% (97.0, 98.8)	51.8% (50.2, 54.1)	Raphael Warnock

Table A5: Ecological Inference Results — Enacted CD 5

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	99.1% (98.8, 99.3)	43.4% (43.0, 44.0)	Barack Obama
2014 General	U.S. Senator	98.6% (98.3, 98.9)	52.1% (51.5, 52.6)	Michelle Nunn
	Governor	97.3% (96.9, 97.7)	51.0% (50.4, 51.7)	Jason Carter
	Lt. Governor	95.4% (94.9, 95.9)	44.1% (43.4, 44.9)	Connie Stokes
	Sec. of State	96.5% (96.0, 96.9)	43.5% (42.8, 44.2)	Doreen Carter
	Attorney General	95.8% (95.4, 96.3)	45.5% (44.8, 46.3)	Gregory Hecht
	Com. Agriculture	94.7% (94.2, 95.2)	41.9% (41.1, 42.6)	Christopher Irvin
	Com. Insurance	96.4% (95.9, 96.8)	45.3% (44.7, 46.1)	Elizabeth Johnson
	Com. Labor	96.9% (96.5, 97.3)	44.0% (43.3, 44.7)	Robbin Shipp
	School Super.	97.8% (97.4, 98.2)	48.8% (48.1, 49.4)	Valarie Wilson
2016 General	U.S. President	98.0% (97.6, 98.4)	62.2% (61.6, 62.9)	Hillary Clinton
	U.S. Senator	93.3% (92.7, 93.9)	45.8% (44.9, 46.7)	Jim Barksdale
2018 General	Governor	98.7% (98.3, 99.0)	63.9% (63.4, 64.5)	Stacey Abrams
	Lt. Governor	97.7% (97.2, 98.1)	60.9% (60.3, 61.6)	Sarah Riggs Amico
	Sec. of State	98.0% (97.6, 98.4)	62.6% (62.0, 63.3)	John Barrow
	Attorney General	97.2% (96.7, 97.7)	59.2% (58.5, 60.0)	Charlie Bailey
	Com. Agriculture	96.8% (96.3, 97.2)	54.1% (53.4, 54.8)	Fred Swann
	Com. Insurance	98.1% (97.7, 98.5)	59.3% (58.7, 60.0)	Janice Laws
	Com. Labor	97.3% (96.8, 97.7)	56.6% (55.9, 57.3)	Richard Keatley
	School Super.	97.2% (96.7, 97.7)	53.9% (53.2, 54.6)	Otha Thornton
	Public Serv. Com. 3	98.2% (97.7, 98.6)	60.8% (60.2, 61.5)	Lindy Miller
	Public Serv. Com. 5	97.7% (97.2, 98.1)	59.5% (58.9, 60.2)	Dawn Randolph
2018 Runoff	Sec. of State	98.2% (97.7, 98.6)	73.6% (73.0, 74.2)	John Barrow
	Public Serv. Com. 3	98.1% (97.6, 98.6)	73.8% (73.2, 74.5)	Lindy Miller
2020 General	U.S. President	96.2% (95.6, 96.7)	66.8% (66.0, 67.5)	Joe Biden
	U.S. Senator	96.9% (96.3, 97.4)	61.3% (60.6, 62.1)	Jon Ossoff
	Public Serv. Com. 1	97.1% (96.6, 97.6)	58.3% (57.6, 59.0)	Robert Bryant
	Public Serv. Com. 4	97.4% (96.8, 97.9)	58.6% (57.9, 59.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.5% (98.0, 98.8)	60.6% (60.1, 61.3)	Jon Ossoff
	U.S. Senator (Loeffler)	98.6% (98.2, 98.9)	62.3% (61.8, 62.9)	Raphael Warnock
	Public Serv. Com. 4	98.3% (97.9, 98.7)	58.5% (57.9, 59.1)	Daniel Blackman
2022 General	U.S. Senator	98.3% (97.8, 98.6)	65.8% (65.2, 66.5)	Raphael Warnock
	Governor	97.4% (96.8, 97.9)	55.7% (55.0, 56.6)	Stacey Abrams
	Lt. Governor	97.5% (96.9, 98.0)	60.2% (59.4, 61.1)	Charlie Bailey
	Sec. of State	95.3% (94.7, 95.9)	52.5% (51.6, 53.4)	Bee Nguyen
	Attorney General	97.2% (96.7, 97.7)	58.7% (58.0, 59.5)	Jennifer "Jen" Jordan
	Com. Agriculture	97.7% (97.2, 98.2)	53.6% (52.9, 54.4)	Nakita Hemingway
	Com. Insurance	97.2% (96.6, 97.7)	52.8% (52.0, 53.6)	Janice Laws Robinson
	Com. Labor	97.9% (97.4, 98.4)	56.1% (55.4, 56.8)	William "Will" Boddie, Jr
	School Super.	97.3% (96.8, 97.8)	52.2% (51.5, 53.0)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.4% (98.0, 98.8)	69.3% (68.7, 70.0)	Raphael Warnock

Table A6: Ecological Inference Results — Enacted CD 6

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	88.6% (85.2, 91.3)	13.4% (12.6, 14.3)	Barack Obama
2014 General	U.S. Senator	94.5% (90.6, 97.1)	14.4% (13.7, 15.3)	Michelle Nunn
	Governor	94.3% (91.0, 96.8)	13.5% (12.9, 14.3)	Jason Carter
	Lt. Governor	91.5% (87.7, 94.3)	9.4% (8.8, 10.3)	Connie Stokes
	Sec. of State	92.3% (88.7, 95.1)	9.9% (9.2, 10.7)	Doreen Carter
	Attorney General	93.7% (90.5, 96.2)	9.9% (9.3, 10.6)	Gregory Hecht
	Com. Agriculture	90.4% (86.9, 93.3)	9.3% (8.6, 10.1)	Christopher Irvin
	Com. Insurance	91.9% (87.4, 94.8)	10.4% (9.7, 11.5)	Elizabeth Johnson
	Com. Labor	92.0% (88.1, 95.1)	10.3% (9.6, 11.3)	Robbin Shipp
	School Super.	94.2% (90.4, 96.7)	12.4% (11.8, 13.3)	Valarie Wilson
2016 General	U.S. President	88.4% (83.0, 92.7)	19.0% (17.5, 20.8)	Hillary Clinton
	U.S. Senator	85.5% (81.0, 88.9)	10.6% (9.5, 12.2)	Jim Barksdale
2018 General	Governor	81.4% (75.3, 86.2)	22.8% (20.9, 25.2)	Stacey Abrams
	Lt. Governor	80.4% (75.6, 84.5)	21.5% (19.9, 23.4)	Sarah Riggs Amico
	Sec. of State	80.2% (73.9, 85.7)	22.3% (20.2, 24.8)	John Barrow
	Attorney General	80.6% (74.6, 85.4)	21.5% (19.6, 23.9)	Charlie Bailey
	Com. Agriculture	80.2% (75.3, 84.6)	18.8% (17.1, 20.8)	Fred Swann
	Com. Insurance	80.9% (75.0, 86.1)	20.4% (18.4, 22.8)	Janice Laws
	Com. Labor	80.7% (75.8, 84.9)	19.1% (17.4, 21.0)	Richard Keatley
	School Super.	79.1% (74.7, 83.8)	18.4% (16.5, 20.1)	Otha Thornton
	Public Serv. Com. 3	80.8% (76.1, 85.6)	21.7% (19.8, 23.5)	Lindy Miller
	Public Serv. Com. 5	80.6% (75.1, 85.5)	20.6% (18.6, 22.8)	Dawn Randolph
2018 Runoff	Sec. of State	73.8% (63.9, 81.2)	25.9% (23.6, 28.9)	John Barrow
	Public Serv. Com. 3	74.4% (65.4, 82.3)	27.1% (24.7, 29.8)	Lindy Miller
2020 General	U.S. President	83.4% (78.9, 87.9)	25.4% (23.4, 27.4)	Joe Biden
	U.S. Senator	82.3% (76.5, 87.3)	22.5% (20.3, 25.0)	Jon Ossoff
	Public Serv. Com. 1	80.3% (75.0, 84.5)	20.4% (18.5, 22.7)	Robert Bryant
	Public Serv. Com. 4	80.8% (75.3, 85.3)	20.9% (18.9, 23.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	84.7% (79.0, 89.1)	23.0% (21.1, 25.3)	Jon Ossoff
	U.S. Senator (Loeffler)	84.7% (79.6, 90.1)	24.1% (21.9, 26.2)	Raphael Warnock
	Public Serv. Com. 4	82.3% (77.9, 86.5)	21.6% (19.8, 23.4)	Daniel Blackman
2022 General	U.S. Senator	85.8% (80.5, 91.0)	25.4% (23.3, 27.6)	Raphael Warnock
	Governor	77.3% (69.9, 83.0)	19.5% (17.2, 22.6)	Stacey Abrams
	Lt. Governor	81.3% (74.6, 86.1)	21.2% (19.2, 24.0)	Charlie Bailey
	Sec. of State	77.5% (71.5, 83.2)	17.4% (15.0, 19.9)	Bee Nguyen
	Attorney General	80.0% (73.4, 85.5)	21.0% (18.8, 23.8)	Jennifer "Jen" Jordan
	Com. Agriculture	77.6% (72.1, 82.5)	18.7% (16.7, 21.0)	Nakita Hemingway
	Com. Insurance	77.4% (71.8, 82.5)	18.7% (16.6, 21.0)	Janice Laws Robinson
	Com. Labor	77.7% (71.6, 83.3)	19.8% (17.5, 22.4)	William "Will" Boddie, Jr
	School Super.	76.7% (70.1, 81.9)	19.2% (17.1, 21.9)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	87.5% (80.9, 92.7)	26.8% (24.6, 29.5)	Raphael Warnock

Table A7: Ecological Inference Results — Enacted CD 7

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	97.1% (96.1, 97.9)	9.7% (9.0, 10.5)	Barack Obama
2014 General	U.S. Senator	96.8% (95.4, 97.9)	12.7% (11.9, 13.7)	Michelle Nunn
	Governor	96.9% (95.6, 97.9)	11.5% (10.7, 12.4)	Jason Carter
	Lt. Governor	94.9% (93.1, 96.2)	7.0% (6.1, 8.2)	Connie Stokes
	Sec. of State	95.7% (94.2, 96.9)	7.4% (6.6, 8.4)	Doreen Carter
	Attorney General	95.8% (94.3, 97.1)	8.6% (7.7, 9.6)	Gregory Hecht
	Com. Agriculture	94.6% (92.9, 95.9)	6.6% (5.7, 7.6)	Christopher Irvin
	Com. Insurance	96.7% (95.5, 97.7)	8.0% (7.2, 8.8)	Elizabeth Johnson
	Com. Labor	96.2% (94.8, 97.2)	7.8% (7.1, 8.8)	Robbin Shipp
	School Super.	96.8% (95.4, 97.8)	10.3% (9.5, 11.3)	Valarie Wilson
2016 General	U.S. President	96.9% (95.6, 97.9)	15.8% (14.8, 17.1)	Hillary Clinton
	U.S. Senator	93.9% (92.4, 95.0)	6.8% (5.8, 8.2)	Jim Barksdale
2018 General	Governor	97.1% (96.0, 98.0)	16.9% (15.8, 18.1)	Stacey Abrams
	Lt. Governor	96.6% (95.4, 97.5)	15.0% (13.9, 16.5)	Sarah Riggs Amico
	Sec. of State	96.7% (95.4, 97.7)	16.0% (14.8, 17.4)	John Barrow
	Attorney General	96.8% (95.5, 97.8)	14.6% (13.4, 16.1)	Charlie Bailey
	Com. Agriculture	96.5% (95.2, 97.4)	11.4% (10.4, 12.9)	Fred Swann
	Com. Insurance	96.4% (95.0, 97.5)	14.9% (13.7, 16.5)	Janice Laws
	Com. Labor	96.7% (95.6, 97.6)	12.1% (11.1, 13.4)	Richard Keatley
	School Super.	95.9% (94.6, 97.0)	11.2% (10.0, 12.7)	Otha Thornton
	Public Serv. Com. 3	97.2% (96.0, 98.0)	15.4% (14.4, 16.7)	Lindy Miller
	Public Serv. Com. 5	97.0% (95.9, 97.9)	14.2% (13.2, 15.6)	Dawn Randolph
2018 Runoff	Sec. of State	95.2% (93.1, 96.8)	20.3% (19.0, 22.0)	John Barrow
	Public Serv. Com. 3	95.6% (93.5, 97.2)	21.8% (20.5, 23.5)	Lindy Miller
2020 General	U.S. President	89.8% (87.4, 92.2)	24.6% (21.4, 27.9)	Joe Biden
	U.S. Senator	91.6% (89.2, 93.8)	19.6% (16.5, 22.8)	Jon Ossoff
	Public Serv. Com. 1	92.5% (90.5, 94.5)	15.4% (12.8, 18.1)	Robert Bryant
	Public Serv. Com. 4	92.7% (90.5, 94.5)	16.1% (13.8, 19.2)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	96.0% (94.5, 97.1)	18.7% (17.2, 20.7)	Jon Ossoff
	U.S. Senator (Loeffler)	96.4% (95.2, 97.4)	19.4% (18.2, 21.1)	Raphael Warnock
	Public Serv. Com. 4	95.6% (94.0, 96.8)	16.2% (14.6, 18.3)	Daniel Blackman
2022 General	U.S. Senator	94.2% (91.6, 96.4)	24.9% (22.0, 28.3)	Raphael Warnock
	Governor	90.9% (88.3, 93.1)	16.8% (14.0, 20.1)	Stacey Abrams
	Lt. Governor	91.9% (89.1, 94.4)	20.0% (16.8, 23.6)	Charlie Bailey
	Sec. of State	90.5% (88.1, 92.4)	14.5% (12.0, 17.5)	Bee Nguyen
	Attorney General	92.3% (89.4, 94.6)	18.3% (15.4, 22.0)	Jennifer "Jen" Jordan
	Com. Agriculture	91.9% (89.4, 93.9)	15.5% (12.9, 18.5)	Nakita Hemingway
	Com. Insurance	91.4% (89.0, 93.6)	15.3% (12.5, 18.5)	Janice Laws Robinson
	Com. Labor	91.9% (89.4, 94.1)	17.0% (14.2, 20.3)	William "Will" Boddie, Jr
	School Super.	91.0% (88.8, 92.8)	15.1% (12.7, 17.8)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	94.6% (92.5, 96.6)	27.5% (24.8, 30.2)	Raphael Warnock

Table A8: Ecological Inference Results — Enacted CD 8

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.2% (97.3, 98.8)	8.9% (8.5, 9.4)	Barack Obama
2014 General	U.S. Senator	97.5% (96.1, 98.4)	11.6% (11.1, 12.2)	Michelle Nunn
	Governor	97.3% (95.9, 98.4)	13.5% (13.0, 14.1)	Jason Carter
	Lt. Governor	97.4% (96.2, 98.3)	7.3% (6.9, 7.8)	Connie Stokes
	Sec. of State	97.2% (95.9, 98.2)	7.9% (7.4, 8.4)	Doreen Carter
	Attorney General	96.9% (95.5, 98.0)	9.0% (8.5, 9.7)	Gregory Hecht
	Com. Agriculture	96.6% (95.2, 97.7)	8.0% (7.4, 8.6)	Christopher Irvin
	Com. Insurance	97.7% (96.4, 98.6)	8.4% (7.9, 8.9)	Elizabeth Johnson
	Com. Labor	97.2% (95.9, 98.2)	8.2% (7.8, 8.8)	Robbin Shipp
	School Super.	97.5% (96.3, 98.5)	10.4% (9.9, 10.9)	Valarie Wilson
2016 General	U.S. President	98.1% (97.2, 98.8)	6.9% (6.5, 7.3)	Hillary Clinton
	U.S. Senator	95.3% (93.8, 96.5)	3.8% (3.4, 4.5)	Jim Barksdale
2018 General	Governor	98.1% (97.0, 98.8)	5.3% (4.9, 5.9)	Stacey Abrams
	Lt. Governor	97.3% (96.2, 98.1)	5.1% (4.7, 5.6)	Sarah Riggs Amico
	Sec. of State	98.0% (97.0, 98.8)	7.9% (7.5, 8.4)	John Barrow
	Attorney General	97.6% (96.6, 98.4)	5.8% (5.4, 6.3)	Charlie Bailey
	Com. Agriculture	97.0% (96.0, 97.8)	3.6% (3.2, 4.1)	Fred Swann
	Com. Insurance	98.0% (97.1, 98.6)	4.7% (4.3, 5.1)	Janice Laws
	Com. Labor	97.5% (96.3, 98.2)	4.4% (4.0, 5.0)	Richard Keatley
	School Super.	97.4% (96.5, 98.1)	3.7% (3.3, 4.1)	Otha Thornton
	Public Serv. Com. 3	97.8% (96.7, 98.5)	5.7% (5.2, 6.2)	Lindy Miller
	Public Serv. Com. 5	97.7% (96.6, 98.4)	5.2% (4.8, 5.7)	Dawn Randolph
2018 Runoff	Sec. of State	97.7% (96.5, 98.6)	8.2% (7.6, 8.8)	John Barrow
	Public Serv. Com. 3	97.9% (96.8, 98.7)	7.0% (6.5, 7.6)	Lindy Miller
2020 General	U.S. President	98.3% (97.4, 98.9)	6.6% (6.2, 7.0)	Joe Biden
	U.S. Senator	97.7% (96.6, 98.4)	5.6% (5.2, 6.1)	Jon Ossoff
	Public Serv. Com. 1	97.1% (96.1, 97.9)	4.2% (3.8, 4.7)	Robert Bryant
	Public Serv. Com. 4	97.7% (96.8, 98.4)	4.9% (4.5, 5.4)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.2% (97.3, 98.9)	7.2% (6.8, 7.7)	Jon Ossoff
	U.S. Senator (Loeffler)	98.5% (97.6, 99.1)	7.3% (6.9, 7.8)	Raphael Warnock
	Public Serv. Com. 4	98.3% (97.4, 98.9)	5.9% (5.5, 6.3)	Daniel Blackman
2022 General	U.S. Senator	98.1% (96.9, 98.9)	6.6% (6.2, 7.2)	Raphael Warnock
	Governor	96.5% (94.9, 97.5)	3.2% (2.7, 3.9)	Stacey Abrams
	Lt. Governor	96.7% (95.5, 97.6)	3.7% (3.2, 4.2)	Charlie Bailey
	Sec. of State	95.1% (93.7, 96.3)	2.8% (2.3, 3.4)	Bee Nguyen
	Attorney General	97.2% (96.0, 98.1)	4.0% (3.6, 4.6)	Jennifer "Jen" Jordan
	Com. Agriculture	94.5% (92.8, 95.8)	3.2% (2.7, 3.9)	Nakita Hemingway
	Com. Insurance	96.4% (95.0, 97.5)	3.2% (2.7, 3.8)	Janice Laws Robinson
	Com. Labor	96.3% (94.9, 97.3)	3.6% (3.1, 4.2)	William "Will" Boddie, Jr
	School Super.	96.2% (94.9, 97.2)	2.9% (2.5, 3.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.2% (97.2, 99.0)	6.4% (6.0, 7.0)	Raphael Warnock

Table A9: Ecological Inference Results — Enacted CD 9

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	89.8% (84.4, 94.2)	11.4% (10.5, 12.5)	Barack Obama
2014 General	U.S. Senator	86.3% (80.0, 91.8)	14.7% (13.6, 15.8)	Michelle Nunn
	Governor	85.7% (79.2, 91.4)	13.9% (12.8, 15.1)	Jason Carter
	Lt. Governor	78.9% (72.0, 85.2)	10.9% (9.8, 12.2)	Connie Stokes
	Sec. of State	80.2% (73.6, 85.8)	11.9% (10.8, 13.2)	Doreen Carter
	Attorney General	81.5% (75.4, 86.9)	12.5% (11.4, 13.6)	Gregory Hecht
	Com. Agriculture	76.8% (70.7, 83.1)	12.3% (11.1, 13.5)	Christopher Irvin
	Com. Insurance	83.5% (77.5, 89.2)	11.3% (10.3, 12.5)	Elizabeth Johnson
	Com. Labor	81.1% (74.8, 87.2)	12.3% (11.2, 13.5)	Robbin Shipp
	School Super.	85.2% (78.8, 91.0)	13.5% (12.5, 14.8)	Valarie Wilson
2016 General	U.S. President	94.7% (91.8, 96.8)	9.2% (8.6, 10.0)	Hillary Clinton
	U.S. Senator	84.5% (80.7, 88.0)	8.7% (7.8, 9.7)	Jim Barksdale
2018 General	Governor	96.9% (95.4, 98.2)	8.5% (8.1, 9.0)	Stacey Abrams
	Lt. Governor	96.3% (94.2, 97.9)	8.5% (8.0, 9.2)	Sarah Riggs Amico
	Sec. of State	96.7% (95.0, 98.0)	9.3% (8.8, 9.8)	John Barrow
	Attorney General	96.2% (94.3, 97.7)	9.1% (8.7, 9.7)	Charlie Bailey
	Com. Agriculture	95.5% (93.5, 97.1)	7.0% (6.5, 7.6)	Fred Swann
	Com. Insurance	96.4% (94.5, 97.9)	7.9% (7.5, 8.5)	Janice Laws
	Com. Labor	95.8% (93.7, 97.4)	7.6% (7.1, 8.3)	Richard Keatley
	School Super.	95.7% (93.6, 97.3)	6.9% (6.4, 7.5)	Otha Thornton
	Public Serv. Com. 3	96.7% (94.8, 98.2)	8.9% (8.4, 9.5)	Lindy Miller
	Public Serv. Com. 5	96.2% (94.3, 97.6)	8.3% (7.8, 8.8)	Dawn Randolph
2018 Runoff	Sec. of State	95.9% (93.2, 97.8)	11.6% (11.1, 12.2)	John Barrow
	Public Serv. Com. 3	95.8% (93.5, 97.5)	13.1% (12.6, 13.6)	Lindy Miller
2020 General	U.S. President	95.5% (93.5, 97.0)	9.2% (8.7, 10.0)	Joe Biden
	U.S. Senator	94.4% (92.4, 96.1)	8.3% (7.7, 9.0)	Jon Ossoff
	Public Serv. Com. 1	93.1% (90.9, 95.1)	7.2% (6.5, 8.0)	Robert Bryant
	Public Serv. Com. 4	93.5% (90.7, 95.3)	7.5% (6.8, 8.4)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.2% (95.7, 98.3)	9.7% (9.3, 10.2)	Jon Ossoff
	U.S. Senator (Loeffler)	97.4% (95.8, 98.5)	10.2% (9.8, 10.8)	Raphael Warnock
	Public Serv. Com. 4	96.4% (94.7, 97.7)	8.6% (8.1, 9.2)	Daniel Blackman
2022 General	U.S. Senator	96.2% (94.3, 97.6)	10.4% (9.9, 11.0)	Raphael Warnock
	Governor	92.7% (90.1, 94.7)	5.5% (4.9, 6.3)	Stacey Abrams
	Lt. Governor	94.9% (92.8, 96.6)	7.1% (6.5, 7.7)	Charlie Bailey
	Sec. of State	92.0% (89.6, 94.0)	5.4% (4.8, 6.2)	Bee Nguyen
	Attorney General	95.2% (93.2, 96.8)	6.9% (6.4, 7.5)	Jennifer "Jen" Jordan
	Com. Agriculture	93.0% (90.6, 94.8)	5.3% (4.7, 6.0)	Nakita Hemingway
	Com. Insurance	93.3% (90.8, 95.3)	5.8% (5.2, 6.5)	Janice Laws Robinson
	Com. Labor	93.8% (91.3, 95.7)	5.9% (5.4, 6.7)	William "Will" Boddie, Jr
	School Super.	92.7% (90.2, 94.8)	5.8% (5.2, 6.6)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.4% (94.4, 97.8)	11.1% (10.6, 11.7)	Raphael Warnock

Table A10: Ecological Inference Results — Enacted CD 10

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	89.8% (87.4, 91.7)	13.4% (12.6, 14.4)	Barack Obama
2014 General	U.S. Senator	96.2% (94.4, 97.6)	14.4% (13.8, 15.0)	Michelle Nunn
	Governor	96.3% (94.6, 97.7)	14.6% (14.0, 15.2)	Jason Carter
	Lt. Governor	91.1% (88.5, 93.2)	10.7% (10.0, 11.7)	Connie Stokes
	Sec. of State	92.4% (90.1, 94.3)	10.7% (10.0, 11.5)	Doreen Carter
	Attorney General	94.6% (92.7, 96.1)	11.8% (11.2, 12.5)	Gregory Hecht
	Com. Agriculture	91.7% (89.3, 93.7)	9.9% (9.1, 10.7)	Christopher Irvin
	Com. Insurance	93.1% (90.8, 95.0)	11.1% (10.4, 11.9)	Elizabeth Johnson
	Com. Labor	93.5% (90.9, 95.5)	11.5% (10.8, 12.4)	Robbin Shipp
	School Super.	95.4% (93.2, 97.0)	13.1% (12.5, 13.8)	Valarie Wilson
2016 General	U.S. President	93.7% (91.6, 95.3)	12.5% (11.9, 13.4)	Hillary Clinton
	U.S. Senator	89.9% (87.5, 91.9)	9.9% (9.1, 10.9)	Jim Barksdale
2018 General	Governor	95.3% (93.7, 96.6)	12.4% (11.8, 13.1)	Stacey Abrams
	Lt. Governor	93.9% (91.8, 95.5)	12.5% (11.8, 13.4)	Sarah Riggs Amico
	Sec. of State	94.7% (92.5, 96.3)	14.0% (13.3, 15.0)	John Barrow
	Attorney General	94.9% (92.7, 96.6)	12.7% (12.0, 13.6)	Charlie Bailey
	Com. Agriculture	93.3% (91.1, 94.8)	10.3% (9.7, 11.3)	Fred Swann
	Com. Insurance	94.2% (92.2, 95.7)	12.1% (11.4, 12.9)	Janice Laws
	Com. Labor	93.5% (91.6, 95.2)	11.5% (10.8, 12.3)	Richard Keatley
	School Super.	92.5% (90.5, 94.1)	11.8% (11.0, 12.6)	Otha Thornton
	Public Serv. Com. 3	95.1% (93.4, 96.5)	12.5% (11.9, 13.3)	Lindy Miller
	Public Serv. Com. 5	94.9% (92.9, 96.3)	12.0% (11.3, 12.8)	Dawn Randolph
2018 Runoff	Sec. of State	95.4% (93.3, 97.1)	18.3% (17.6, 19.0)	John Barrow
	Public Serv. Com. 3	96.4% (94.6, 97.8)	18.4% (17.9, 19.1)	Lindy Miller
2020 General	U.S. President	97.4% (95.9, 98.4)	13.1% (12.6, 13.8)	Joe Biden
	U.S. Senator	96.9% (95.5, 98.0)	12.1% (11.6, 12.8)	Jon Ossoff
	Public Serv. Com. 1	95.8% (94.2, 97.0)	11.1% (10.5, 11.8)	Robert Bryant
	Public Serv. Com. 4	96.3% (94.7, 97.5)	11.3% (10.8, 12.0)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.6% (96.3, 98.6)	13.9% (13.4, 14.6)	Jon Ossoff
	U.S. Senator (Loeffler)	97.6% (95.9, 98.6)	14.5% (14.0, 15.3)	Raphael Warnock
	Public Serv. Com. 4	97.4% (96.0, 98.3)	12.6% (12.1, 13.2)	Daniel Blackman
2022 General	U.S. Senator	97.1% (95.7, 98.3)	14.8% (14.2, 15.4)	Raphael Warnock
	Governor	93.8% (92.1, 95.2)	10.6% (10.0, 11.3)	Stacey Abrams
	Lt. Governor	95.6% (93.5, 97.0)	11.7% (11.1, 12.6)	Charlie Bailey
	Sec. of State	92.3% (89.9, 94.1)	10.5% (9.8, 11.5)	Bee Nguyen
	Attorney General	95.5% (93.7, 96.9)	11.7% (11.1, 12.5)	Jennifer "Jen" Jordan
	Com. Agriculture	93.2% (91.2, 94.7)	10.2% (9.5, 11.0)	Nakita Hemingway
	Com. Insurance	93.6% (91.8, 95.2)	10.7% (10.1, 11.5)	Janice Laws Robinson
	Com. Labor	94.0% (91.9, 95.5)	11.1% (10.5, 12.0)	William "Will" Boddie, Jr
	School Super.	93.4% (91.6, 94.9)	10.1% (9.5, 10.9)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	97.2% (95.8, 98.3)	15.4% (14.8, 16.0)	Raphael Warnock

Table A11: Ecological Inference Results — Enacted CD 11

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	95.8% (94.2, 97.1)	14.1% (13.6, 14.6)	Barack Obama
2014 General	U.S. Senator	96.8% (95.1, 98.1)	16.0% (15.5, 16.5)	Michelle Nunn
	Governor	96.8% (95.0, 98.2)	16.0% (15.5, 16.6)	Jason Carter
	Lt. Governor	97.1% (95.3, 98.4)	9.9% (9.5, 10.5)	Connie Stokes
	Sec. of State	96.9% (95.2, 98.2)	11.0% (10.6, 11.5)	Doreen Carter
	Attorney General	96.8% (95.0, 98.2)	11.1% (10.7, 11.7)	Gregory Hecht
	Com. Agriculture	97.1% (95.5, 98.2)	9.9% (9.4, 10.4)	Christopher Irvin
	Com. Insurance	96.7% (95.1, 98.0)	11.6% (11.2, 12.1)	Elizabeth Johnson
	Com. Labor	97.0% (95.4, 98.3)	11.7% (11.3, 12.3)	Robbin Shipp
	School Super.	97.0% (95.2, 98.3)	14.3% (13.8, 14.9)	Valarie Wilson
2016 General	U.S. President	96.9% (95.1, 98.2)	16.8% (16.3, 17.5)	Hillary Clinton
	U.S. Senator	97.8% (96.5, 98.8)	9.9% (9.4, 10.4)	Jim Barksdale
2018 General	Governor	96.6% (94.6, 98.0)	19.2% (18.6, 20.1)	Stacey Abrams
	Lt. Governor	96.7% (94.8, 98.2)	18.2% (17.6, 19.0)	Sarah Riggs Amico
	Sec. of State	97.1% (95.3, 98.4)	18.6% (18.0, 19.4)	John Barrow
	Attorney General	97.4% (95.8, 98.5)	18.0% (17.4, 18.7)	Charlie Bailey
	Com. Agriculture	97.0% (95.1, 98.2)	15.5% (14.9, 16.3)	Fred Swann
	Com. Insurance	97.0% (95.3, 98.2)	17.1% (16.6, 17.8)	Janice Laws
	Com. Labor	97.0% (95.2, 98.3)	16.0% (15.4, 16.8)	Richard Keatley
	School Super.	97.6% (96.2, 98.7)	14.8% (14.3, 15.5)	Otha Thornton
	Public Serv. Com. 3	97.0% (95.5, 98.3)	18.3% (17.8, 19.0)	Lindy Miller
	Public Serv. Com. 5	97.0% (95.3, 98.3)	17.2% (16.6, 17.9)	Dawn Randolph
2018 Runoff	Sec. of State	95.9% (93.7, 97.7)	19.8% (19.2, 20.6)	John Barrow
	Public Serv. Com. 3	95.6% (92.9, 97.5)	21.3% (20.6, 22.2)	Lindy Miller
2020 General	U.S. President	97.0% (95.2, 98.2)	20.1% (19.5, 20.9)	Joe Biden
	U.S. Senator	96.9% (95.3, 98.2)	18.1% (17.5, 18.8)	Jon Ossoff
	Public Serv. Com. 1	97.0% (95.3, 98.2)	15.7% (15.1, 16.4)	Robert Bryant
	Public Serv. Com. 4	97.4% (96.1, 98.4)	16.2% (15.7, 16.9)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.0% (95.4, 98.3)	19.7% (19.1, 20.5)	Jon Ossoff
	U.S. Senator (Loeffler)	97.3% (95.8, 98.4)	20.6% (20.1, 21.3)	Raphael Warnock
	Public Serv. Com. 4	97.1% (94.9, 98.4)	18.0% (17.4, 18.9)	Daniel Blackman
2022 General	U.S. Senator	96.6% (94.6, 98.1)	21.2% (20.6, 22.1)	Raphael Warnock
	Governor	96.0% (93.6, 97.6)	13.9% (13.2, 14.9)	Stacey Abrams
	Lt. Governor	96.2% (93.9, 97.9)	16.5% (15.7, 17.5)	Charlie Bailey
	Sec. of State	96.7% (94.9, 98.1)	12.5% (11.9, 13.3)	Bee Nguyen
	Attorney General	97.0% (95.1, 98.3)	15.9% (15.3, 16.7)	Jennifer "Jen" Jordan
	Com. Agriculture	96.1% (94.0, 97.7)	13.3% (12.6, 14.2)	Nakita Hemingway
	Com. Insurance	96.2% (94.2, 97.7)	13.4% (12.8, 14.3)	Janice Laws Robinson
	Com. Labor	96.4% (94.5, 97.8)	14.3% (13.7, 15.1)	William "Will" Boddie, Jr
	School Super.	96.7% (94.9, 98.1)	13.6% (13.0, 14.3)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.3% (94.1, 97.8)	22.2% (21.5, 23.1)	Raphael Warnock

Table A12: Ecological Inference Results — Enacted CD 12

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	94.8% (94.0, 95.6)	11.0% (10.4, 11.6)	Barack Obama
2014 General	U.S. Senator	97.9% (97.2, 98.5)	10.2% (9.8, 10.7)	Michelle Nunn
	Governor	97.0% (96.2, 97.7)	10.0% (9.5, 10.5)	Jason Carter
	Lt. Governor	97.3% (96.5, 97.9)	5.1% (4.7, 5.6)	Connie Stokes
	Sec. of State	97.4% (96.7, 98.0)	5.4% (5.0, 5.9)	Doreen Carter
	Attorney General	97.0% (96.2, 97.6)	6.0% (5.6, 6.5)	Gregory Hecht
	Com. Agriculture	97.3% (96.6, 97.9)	5.6% (5.2, 6.1)	Christopher Irvin
	Com. Insurance	97.7% (97.0, 98.2)	6.4% (6.0, 6.9)	Elizabeth Johnson
	Com. Labor	97.4% (96.7, 98.0)	5.9% (5.5, 6.4)	Robbin Shipp
	School Super.	97.9% (97.3, 98.5)	9.2% (8.7, 9.6)	Valarie Wilson
2016 General	U.S. President	98.7% (98.3, 99.1)	6.0% (5.6, 6.4)	Hillary Clinton
	U.S. Senator	94.4% (93.6, 95.0)	2.7% (2.4, 3.2)	Jim Barksdale
2018 General	Governor	98.8% (98.4, 99.2)	5.1% (4.8, 5.5)	Stacey Abrams
	Lt. Governor	98.2% (97.6, 98.6)	4.8% (4.4, 5.2)	Sarah Riggs Amico
	Sec. of State	98.5% (97.9, 98.9)	12.6% (12.1, 13.0)	John Barrow
	Attorney General	98.3% (97.8, 98.7)	5.5% (5.1, 5.9)	Charlie Bailey
	Com. Agriculture	97.6% (97.0, 98.1)	3.5% (3.2, 3.9)	Fred Swann
	Com. Insurance	98.4% (97.9, 98.8)	4.0% (3.7, 4.4)	Janice Laws
	Com. Labor	98.2% (97.7, 98.6)	3.9% (3.6, 4.3)	Richard Keatley
	School Super.	97.9% (97.3, 98.3)	3.6% (3.3, 4.0)	Otha Thornton
	Public Serv. Com. 3	98.6% (98.2, 99.0)	4.7% (4.4, 5.1)	Lindy Miller
	Public Serv. Com. 5	98.6% (98.1, 99.0)	4.6% (4.2, 4.9)	Dawn Randolph
2018 Runoff	Sec. of State	98.4% (97.7, 98.9)	11.8% (11.3, 12.4)	John Barrow
	Public Serv. Com. 3	98.4% (97.8, 98.9)	7.4% (6.8, 7.9)	Lindy Miller
2020 General	U.S. President	98.5% (98.0, 98.9)	7.3% (6.9, 7.8)	Joe Biden
	U.S. Senator	98.0% (97.4, 98.5)	6.2% (5.8, 6.7)	Jon Ossoff
	Public Serv. Com. 1	98.2% (97.7, 98.7)	4.5% (4.2, 4.9)	Robert Bryant
	Public Serv. Com. 4	98.4% (98.0, 98.8)	4.9% (4.5, 5.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.7% (98.2, 99.1)	7.7% (7.3, 8.2)	Jon Ossoff
	U.S. Senator (Loeffler)	98.7% (98.1, 99.1)	8.0% (7.6, 8.5)	Raphael Warnock
	Public Serv. Com. 4	98.7% (98.2, 99.0)	6.2% (5.8, 6.6)	Daniel Blackman
2022 General	U.S. Senator	98.5% (97.9, 99.0)	8.0% (7.5, 8.5)	Raphael Warnock
	Governor	97.4% (96.7, 98.0)	4.3% (3.9, 4.8)	Stacey Abrams
	Lt. Governor	97.2% (96.4, 97.8)	5.0% (4.6, 5.6)	Charlie Bailey
	Sec. of State	95.6% (94.8, 96.4)	3.7% (3.3, 4.3)	Bee Nguyen
	Attorney General	97.8% (97.2, 98.3)	5.2% (4.8, 5.7)	Jennifer "Jen" Jordan
	Com. Agriculture	97.2% (96.4, 97.8)	4.1% (3.7, 4.6)	Nakita Hemingway
	Com. Insurance	97.4% (96.6, 98.0)	4.1% (3.7, 4.6)	Janice Laws Robinson
	Com. Labor	97.7% (97.0, 98.3)	4.4% (4.0, 4.9)	William "Will" Boddie, Jr
	School Super.	97.0% (96.3, 97.6)	4.3% (3.9, 4.8)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.5% (97.9, 99.0)	7.9% (7.4, 8.4)	Raphael Warnock

Table A13: Ecological Inference Results — Enacted CD 13

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	99.2% (98.9, 99.4)	11.5% (10.7, 12.3)	Barack Obama
2014 General	U.S. Senator	99.0% (98.7, 99.3)	14.4% (13.5, 15.3)	Michelle Nunn
	Governor	98.2% (97.7, 98.6)	13.6% (12.5, 14.9)	Jason Carter
	Lt. Governor	95.9% (95.4, 96.4)	8.2% (7.1, 9.5)	Connie Stokes
	Sec. of State	97.0% (96.4, 97.4)	8.3% (7.2, 9.6)	Doreen Carter
	Attorney General	97.1% (96.6, 97.6)	10.2% (9.0, 11.5)	Gregory Hecht
	Com. Agriculture	95.3% (94.7, 95.8)	8.0% (6.8, 9.4)	Christopher Irvin
	Com. Insurance	97.3% (96.8, 97.8)	9.2% (8.0, 10.6)	Elizabeth Johnson
	Com. Labor	97.5% (97.0, 98.0)	9.2% (8.1, 10.4)	Robbin Shipp
	School Super.	98.5% (98.1, 98.9)	11.1% (10.1, 12.2)	Valarie Wilson
2016 General	U.S. President	98.8% (98.5, 99.1)	14.6% (13.7, 15.6)	Hillary Clinton
	U.S. Senator	94.7% (94.1, 95.2)	10.7% (9.2, 12.4)	Jim Barksdale
2018 General	Governor	99.1% (98.7, 99.3)	16.9% (15.9, 18.1)	Stacey Abrams
	Lt. Governor	98.4% (98.0, 98.7)	15.9% (14.7, 17.3)	Sarah Riggs Amico
	Sec. of State	98.8% (98.5, 99.1)	16.3% (15.3, 17.5)	John Barrow
	Attorney General	98.0% (97.6, 98.4)	16.1% (14.7, 17.6)	Charlie Bailey
	Com. Agriculture	97.3% (96.8, 97.7)	13.7% (12.2, 15.3)	Fred Swann
	Com. Insurance	98.8% (98.4, 99.1)	14.5% (13.4, 15.8)	Janice Laws
	Com. Labor	97.8% (97.4, 98.2)	13.8% (12.5, 15.3)	Richard Keatley
	School Super.	97.6% (97.2, 98.0)	13.1% (11.9, 14.6)	Otha Thornton
	Public Serv. Com. 3	98.7% (98.4, 99.0)	16.6% (15.6, 17.9)	Lindy Miller
	Public Serv. Com. 5	98.5% (98.1, 98.8)	15.2% (14.1, 16.5)	Dawn Randolph
2018 Runoff	Sec. of State	98.9% (98.5, 99.2)	18.0% (16.9, 19.4)	John Barrow
	Public Serv. Com. 3	98.9% (98.4, 99.2)	19.9% (18.6, 21.3)	Lindy Miller
2020 General	U.S. President	96.5% (95.9, 97.0)	20.5% (18.7, 22.8)	Joe Biden
	U.S. Senator	97.2% (96.6, 97.7)	18.0% (16.2, 20.0)	Jon Ossoff
	Public Serv. Com. 1	97.2% (96.6, 97.6)	15.9% (14.3, 17.8)	Robert Bryant
	Public Serv. Com. 4	97.6% (97.1, 98.0)	16.5% (15.0, 18.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.7% (98.4, 99.0)	18.7% (17.6, 20.0)	Jon Ossoff
	U.S. Senator (Loeffler)	98.8% (98.5, 99.1)	19.9% (18.8, 21.3)	Raphael Warnock
	Public Serv. Com. 4	98.7% (98.4, 99.0)	16.3% (15.3, 17.5)	Daniel Blackman
2022 General	U.S. Senator	98.9% (98.5, 99.2)	22.8% (21.6, 24.2)	Raphael Warnock
	Governor	97.3% (96.9, 97.7)	14.8% (13.5, 16.4)	Stacey Abrams
	Lt. Governor	97.9% (97.5, 98.3)	17.6% (16.3, 19.2)	Charlie Bailey
	Sec. of State	95.2% (94.6, 95.7)	15.4% (13.4, 17.6)	Bee Nguyen
	Attorney General	97.5% (97.1, 97.9)	17.2% (15.8, 19.0)	Jennifer "Jen" Jordan
	Com. Agriculture	97.7% (97.3, 98.0)	14.0% (12.7, 15.6)	Nakita Hemingway
	Com. Insurance	97.0% (96.5, 97.5)	14.6% (13.0, 16.5)	Janice Laws Robinson
	Com. Labor	98.0% (97.5, 98.3)	15.3% (14.0, 16.9)	William "Will" Boddie, Jr
	School Super.	97.1% (96.7, 97.5)	14.9% (13.5, 16.6)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.9% (98.6, 99.2)	24.0% (22.6, 25.4)	Raphael Warnock

Table A14: Ecological Inference Results — Enacted CD 14

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	93.4% (89.5, 96.8)	15.0% (14.1, 16.0)	Barack Obama
2014 General	U.S. Senator	94.1% (90.2, 96.8)	15.7% (14.9, 16.7)	Michelle Nunn
	Governor	91.4% (86.7, 95.4)	19.4% (18.3, 20.6)	Jason Carter
	Lt. Governor	89.0% (84.0, 93.5)	13.4% (12.3, 14.7)	Connie Stokes
	Sec. of State	91.6% (87.2, 95.3)	13.5% (12.5, 14.6)	Doreen Carter
	Attorney General	90.5% (86.1, 94.3)	14.1% (13.2, 15.3)	Gregory Hecht
	Com. Agriculture	90.4% (85.3, 94.7)	12.7% (11.7, 14.0)	Christopher Irvin
	Com. Insurance	93.7% (90.6, 96.4)	13.3% (12.6, 14.1)	Elizabeth Johnson
	Com. Labor	93.3% (89.4, 96.2)	13.8% (13.0, 14.8)	Robbin Shipp
	School Super.	92.3% (88.3, 95.8)	16.4% (15.5, 17.4)	Valarie Wilson
2016 General	U.S. President	96.9% (95.0, 98.2)	8.1% (7.6, 8.7)	Hillary Clinton
	U.S. Senator	94.5% (92.0, 96.4)	6.9% (6.3, 7.7)	Jim Barksdale
2018 General	Governor	97.6% (96.2, 98.7)	8.6% (8.2, 9.2)	Stacey Abrams
	Lt. Governor	97.4% (95.7, 98.5)	8.8% (8.3, 9.4)	Sarah Riggs Amico
	Sec. of State	97.7% (96.2, 98.8)	9.5% (9.0, 10.0)	John Barrow
	Attorney General	97.4% (95.8, 98.5)	9.4% (8.9, 9.9)	Charlie Bailey
	Com. Agriculture	97.4% (95.9, 98.5)	7.5% (7.0, 8.0)	Fred Swann
	Com. Insurance	97.6% (96.1, 98.7)	8.5% (8.1, 9.1)	Janice Laws
	Com. Labor	97.6% (96.1, 98.7)	8.0% (7.6, 8.6)	Richard Keatley
	School Super.	97.5% (96.0, 98.6)	7.4% (7.0, 8.0)	Otha Thornton
	Public Serv. Com. 3	97.3% (95.7, 98.6)	9.1% (8.6, 9.7)	Lindy Miller
	Public Serv. Com. 5	97.4% (95.9, 98.6)	8.6% (8.2, 9.2)	Dawn Randolph
2018 Runoff	Sec. of State	96.8% (94.1, 98.5)	10.6% (10.0, 11.5)	John Barrow
	Public Serv. Com. 3	96.8% (94.5, 98.3)	11.7% (11.1, 12.4)	Lindy Miller
2020 General	U.S. President	97.3% (95.7, 98.4)	9.2% (8.8, 9.7)	Joe Biden
	U.S. Senator	97.0% (95.6, 98.1)	8.8% (8.4, 9.3)	Jon Ossoff
	Public Serv. Com. 1	97.1% (95.6, 98.2)	7.2% (6.7, 7.7)	Robert Bryant
	Public Serv. Com. 4	97.5% (96.1, 98.4)	7.8% (7.4, 8.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.4% (96.0, 98.5)	10.6% (10.2, 11.1)	Jon Ossoff
	U.S. Senator (Loeffler)	97.7% (96.3, 98.7)	10.7% (10.3, 11.2)	Raphael Warnock
	Public Serv. Com. 4	97.9% (96.5, 98.8)	9.4% (9.0, 9.9)	Daniel Blackman
2022 General	U.S. Senator	97.1% (95.3, 98.3)	11.3% (10.8, 11.8)	Raphael Warnock
	Governor	97.3% (95.8, 98.4)	5.7% (5.3, 6.2)	Stacey Abrams
	Lt. Governor	97.3% (95.3, 98.5)	7.8% (7.4, 8.5)	Charlie Bailey
	Sec. of State	97.4% (95.9, 98.4)	5.1% (4.7, 5.6)	Bee Nguyen
	Attorney General	97.2% (95.3, 98.4)	7.8% (7.3, 8.3)	Jennifer "Jen" Jordan
	Com. Agriculture	97.3% (95.9, 98.4)	6.0% (5.6, 6.4)	Nakita Hemingway
	Com. Insurance	97.4% (95.8, 98.4)	6.4% (6.0, 6.9)	Janice Laws Robinson
	Com. Labor	97.6% (96.3, 98.6)	6.7% (6.3, 7.1)	William "Will" Boddie, Jr
	School Super.	97.6% (96.3, 98.6)	6.3% (5.9, 6.8)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	97.1% (95.3, 98.3)	11.1% (10.7, 11.7)	Raphael Warnock

Table A15: Ecological Inference Results — Remedial CD 1

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	97.6% (96.7, 98.3)	13.9% (13.4, 14.4)	Barack Obama
2014 General	U.S. Senator	97.6% (96.7, 98.4)	15.6% (15.1, 16.1)	Michelle Nunn
	Governor	97.1% (96.1, 97.9)	15.8% (15.3, 16.3)	Jason Carter
	Lt. Governor	97.8% (97.0, 98.4)	11.1% (10.7, 11.5)	Connie Stokes
	Sec. of State	97.4% (96.6, 98.1)	11.2% (10.7, 11.6)	Doreen Carter
	Attorney General	97.4% (96.5, 98.1)	11.7% (11.2, 12.2)	Gregory Hecht
	Com. Agriculture	97.1% (96.2, 97.8)	11.5% (11.0, 12.0)	Christopher Irvin
	Com. Insurance	97.9% (97.1, 98.6)	12.5% (12.1, 13.0)	Elizabeth Johnson
	Com. Labor	97.6% (96.7, 98.2)	11.8% (11.4, 12.3)	Robbin Shipp
	School Super.	97.9% (97.1, 98.6)	14.0% (13.6, 14.5)	Valarie Wilson
2016 General	U.S. President	97.5% (96.4, 98.3)	12.2% (11.7, 12.8)	Hillary Clinton
	U.S. Senator	93.7% (92.5, 94.7)	8.2% (7.7, 8.8)	Jim Barksdale
2018 General	Governor	96.6% (95.4, 97.6)	13.0% (12.4, 13.6)	Stacey Abrams
	Lt. Governor	96.5% (95.3, 97.4)	12.5% (12.0, 13.2)	Sarah Riggs Amico
	Sec. of State	97.3% (96.1, 98.2)	16.6% (16.1, 17.3)	John Barrow
	Attorney General	96.9% (95.9, 97.7)	12.5% (12.0, 13.1)	Charlie Bailey
	Com. Agriculture	96.0% (94.8, 96.9)	11.0% (10.5, 11.7)	Fred Swann
	Com. Insurance	96.6% (95.4, 97.6)	11.6% (11.1, 12.3)	Janice Laws
	Com. Labor	96.5% (95.4, 97.4)	11.3% (10.8, 11.9)	Richard Keatley
	School Super.	96.1% (95.0, 97.1)	11.1% (10.6, 11.8)	Otha Thornton
	Public Serv. Com. 3	97.0% (95.9, 97.9)	12.3% (11.7, 12.9)	Lindy Miller
	Public Serv. Com. 5	97.1% (96.0, 97.9)	12.0% (11.5, 12.6)	Dawn Randolph
2018 Runoff	Sec. of State	96.9% (95.5, 97.9)	15.9% (15.3, 16.7)	John Barrow
	Public Serv. Com. 3	97.2% (95.9, 98.1)	13.9% (13.3, 14.6)	Lindy Miller
2020 General	U.S. President	95.6% (93.6, 96.9)	11.0% (10.3, 11.9)	Joe Biden
	U.S. Senator	95.0% (93.5, 96.3)	10.4% (9.8, 11.2)	Jon Ossoff
	Public Serv. Com. 1	94.8% (93.2, 96.0)	8.9% (8.3, 9.7)	Robert Bryant
	Public Serv. Com. 4	95.2% (93.3, 96.5)	9.4% (8.7, 10.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.1% (95.6, 98.2)	11.4% (10.8, 12.1)	Jon Ossoff
	U.S. Senator (Loeffler)	96.8% (95.3, 98.0)	11.6% (10.9, 12.3)	Raphael Warnock
	Public Serv. Com. 4	96.9% (95.5, 97.9)	10.3% (9.8, 11.0)	Daniel Blackman
2022 General	U.S. Senator	95.7% (93.4, 97.4)	7.4% (6.8, 8.2)	Raphael Warnock
	Governor	92.2% (89.6, 94.2)	4.5% (3.8, 5.4)	Stacey Abrams
	Lt. Governor	93.5% (90.9, 95.3)	5.1% (4.4, 5.9)	Charlie Bailey
	Sec. of State	90.7% (88.0, 92.7)	3.8% (3.1, 4.7)	Bee Nguyen
	Attorney General	93.7% (91.5, 95.5)	5.3% (4.7, 6.0)	Jennifer "Jen" Jordan
	Com. Agriculture	91.8% (89.1, 93.8)	4.5% (3.8, 5.4)	Nakita Hemingway
	Com. Insurance	93.0% (90.6, 94.9)	4.5% (3.9, 5.3)	Janice Laws Robinson
	Com. Labor	93.2% (90.7, 95.1)	4.6% (4.0, 5.5)	William "Will" Boddie, Jr
	School Super.	92.5% (90.1, 94.5)	4.6% (3.9, 5.4)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.5% (94.5, 97.9)	7.5% (6.9, 8.2)	Raphael Warnock

Table A16: Ecological Inference Results — Remedial CD 2

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	99.2% (98.9, 99.5)	10.2% (9.8, 10.6)	Barack Obama
2014 General	U.S. Senator	98.9% (98.5, 99.3)	12.1% (11.6, 12.7)	Michelle Nunn
	Governor	98.5% (98.1, 98.9)	14.1% (13.6, 14.7)	Jason Carter
	Lt. Governor	98.1% (97.6, 98.5)	7.9% (7.3, 8.4)	Connie Stokes
	Sec. of State	98.3% (97.9, 98.7)	8.0% (7.5, 8.5)	Doreen Carter
	Attorney General	98.2% (97.7, 98.6)	9.0% (8.4, 9.5)	Gregory Hecht
	Com. Agriculture	98.0% (97.5, 98.5)	8.0% (7.4, 8.6)	Christopher Irvin
	Com. Insurance	98.6% (98.2, 98.9)	8.5% (8.0, 9.0)	Elizabeth Johnson
	Com. Labor	98.5% (98.1, 98.9)	8.4% (7.9, 8.9)	Robbin Shipp
	School Super.	98.9% (98.5, 99.2)	11.1% (10.6, 11.7)	Valarie Wilson
2016 General	U.S. President	98.8% (98.4, 99.1)	8.4% (8.0, 8.9)	Hillary Clinton
	U.S. Senator	94.7% (93.9, 95.3)	5.1% (4.4, 5.9)	Jim Barksdale
2018 General	Governor	99.2% (98.8, 99.4)	7.0% (6.6, 7.5)	Stacey Abrams
	Lt. Governor	98.8% (98.4, 99.1)	6.2% (5.8, 6.7)	Sarah Riggs Amico
	Sec. of State	99.0% (98.6, 99.3)	9.1% (8.6, 9.6)	John Barrow
	Attorney General	98.8% (98.4, 99.1)	7.3% (6.8, 7.8)	Charlie Bailey
	Com. Agriculture	98.2% (97.8, 98.6)	4.8% (4.3, 5.3)	Fred Swann
	Com. Insurance	99.1% (98.7, 99.4)	6.1% (5.6, 6.6)	Janice Laws
	Com. Labor	98.4% (98.0, 98.8)	5.5% (5.0, 6.0)	Richard Keatley
	School Super.	98.7% (98.3, 99.0)	4.8% (4.4, 5.3)	Otha Thornton
	Public Serv. Com. 3	99.0% (98.5, 99.3)	6.9% (6.4, 7.5)	Lindy Miller
	Public Serv. Com. 5	99.0% (98.6, 99.3)	6.4% (5.9, 6.9)	Dawn Randolph
2018 Runoff	Sec. of State	98.9% (98.4, 99.3)	10.4% (9.7, 11.1)	John Barrow
	Public Serv. Com. 3	98.9% (98.4, 99.2)	9.3% (8.7, 10.0)	Lindy Miller
2020 General	U.S. President	98.9% (98.4, 99.2)	8.0% (7.5, 8.5)	Joe Biden
	U.S. Senator	98.2% (97.7, 98.6)	6.9% (6.4, 7.6)	Jon Ossoff
	Public Serv. Com. 1	98.7% (98.3, 99.0)	5.6% (5.2, 6.1)	Robert Bryant
	Public Serv. Com. 4	98.8% (98.4, 99.1)	6.3% (5.9, 6.8)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	99.0% (98.5, 99.3)	9.1% (8.6, 9.7)	Jon Ossoff
	U.S. Senator (Loeffler)	99.1% (98.6, 99.4)	9.3% (8.8, 9.9)	Raphael Warnock
	Public Serv. Com. 4	99.1% (98.7, 99.4)	7.5% (7.0, 8.0)	Daniel Blackman
2022 General	U.S. Senator	98.7% (98.0, 99.2)	10.1% (9.4, 10.8)	Raphael Warnock
	Governor	98.6% (97.9, 99.0)	5.0% (4.5, 5.5)	Stacey Abrams
	Lt. Governor	98.4% (97.7, 98.9)	5.9% (5.4, 6.5)	Charlie Bailey
	Sec. of State	96.6% (95.7, 97.3)	4.4% (3.9, 5.2)	Bee Nguyen
	Attorney General	98.5% (97.9, 99.0)	5.9% (5.4, 6.5)	Jennifer "Jen" Jordan
	Com. Agriculture	98.2% (97.5, 98.7)	4.8% (4.3, 5.5)	Nakita Hemingway
	Com. Insurance	98.3% (97.6, 98.8)	4.9% (4.4, 5.5)	Janice Laws Robinson
	Com. Labor	98.5% (97.8, 99.0)	5.4% (4.9, 6.1)	William "Will" Boddie, Jr
	School Super.	98.1% (97.2, 98.6)	4.9% (4.4, 5.6)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.6% (97.9, 99.2)	9.9% (9.2, 10.7)	Raphael Warnock

Table A17: Ecological Inference Results — Remedial CD 3

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	96.0% (94.5, 97.2)	8.2% (7.7, 8.8)	Barack Obama
2014 General	U.S. Senator	97.2% (95.9, 98.2)	10.5% (10.1, 11.1)	Michelle Nunn
	Governor	96.7% (95.2, 97.9)	11.2% (10.7, 11.8)	Jason Carter
	Lt. Governor	95.7% (94.1, 97.0)	5.7% (5.2, 6.3)	Connie Stokes
	Sec. of State	96.2% (94.8, 97.3)	6.4% (5.9, 6.9)	Doreen Carter
	Attorney General	96.9% (95.6, 98.0)	7.4% (6.9, 7.9)	Gregory Hecht
	Com. Agriculture	95.2% (93.6, 96.5)	5.7% (5.2, 6.3)	Christopher Irvin
	Com. Insurance	96.7% (95.5, 97.7)	6.5% (6.1, 6.9)	Elizabeth Johnson
	Com. Labor	96.4% (94.9, 97.6)	6.9% (6.4, 7.4)	Robbin Shipp
	School Super.	96.8% (95.4, 97.9)	8.9% (8.4, 9.4)	Valarie Wilson
2016 General	U.S. President	97.9% (97.0, 98.7)	6.8% (6.4, 7.2)	Hillary Clinton
	U.S. Senator	95.8% (94.4, 96.8)	3.7% (3.3, 4.2)	Jim Barksdale
2018 General	Governor	98.0% (97.0, 98.7)	6.4% (6.0, 6.9)	Stacey Abrams
	Lt. Governor	97.7% (96.8, 98.5)	6.0% (5.7, 6.5)	Sarah Riggs Amico
	Sec. of State	97.7% (96.6, 98.5)	7.1% (6.7, 7.6)	John Barrow
	Attorney General	97.7% (96.7, 98.5)	7.3% (6.9, 7.8)	Charlie Bailey
	Com. Agriculture	97.5% (96.6, 98.2)	4.6% (4.3, 5.0)	Fred Swann
	Com. Insurance	97.8% (97.0, 98.5)	5.5% (5.2, 5.9)	Janice Laws
	Com. Labor	97.9% (97.0, 98.6)	4.9% (4.5, 5.3)	Richard Keatley
	School Super.	97.4% (96.4, 98.1)	4.4% (4.0, 4.8)	Otha Thornton
	Public Serv. Com. 3	97.8% (96.9, 98.5)	6.6% (6.2, 7.1)	Lindy Miller
	Public Serv. Com. 5	97.9% (97.0, 98.6)	5.7% (5.4, 6.2)	Dawn Randolph
2018 Runoff	Sec. of State	97.4% (96.1, 98.3)	8.7% (8.2, 9.2)	John Barrow
	Public Serv. Com. 3	97.2% (95.8, 98.3)	10.1% (9.6, 10.7)	Lindy Miller
2020 General	U.S. President	97.9% (96.9, 98.6)	8.1% (7.7, 8.6)	Joe Biden
	U.S. Senator	98.1% (97.1, 98.8)	6.8% (6.4, 7.3)	Jon Ossoff
	Public Serv. Com. 1	98.0% (97.1, 98.6)	5.0% (4.6, 5.4)	Robert Bryant
	Public Serv. Com. 4	98.4% (97.6, 98.9)	5.6% (5.2, 5.9)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.1% (97.3, 98.8)	8.5% (8.1, 8.9)	Jon Ossoff
	U.S. Senator (Loeffler)	98.1% (97.2, 98.8)	9.1% (8.7, 9.5)	Raphael Warnock
	Public Serv. Com. 4	98.0% (97.1, 98.7)	7.0% (6.6, 7.5)	Daniel Blackman
2022 General	U.S. Senator	97.7% (96.7, 98.5)	8.6% (8.2, 9.1)	Raphael Warnock
	Governor	96.6% (95.6, 97.4)	3.5% (3.2, 4.0)	Stacey Abrams
	Lt. Governor	97.1% (96.1, 97.9)	4.9% (4.5, 5.4)	Charlie Bailey
	Sec. of State	96.1% (94.9, 96.9)	3.1% (2.8, 3.6)	Bee Nguyen
	Attorney General	97.6% (96.8, 98.3)	4.6% (4.2, 5.0)	Jennifer "Jen" Jordan
	Com. Agriculture	96.0% (95.0, 96.9)	3.2% (2.8, 3.6)	Nakita Hemingway
	Com. Insurance	96.5% (95.5, 97.3)	3.5% (3.1, 4.0)	Janice Laws Robinson
	Com. Labor	96.5% (95.5, 97.4)	3.9% (3.5, 4.4)	William "Will" Boddie, Jr
	School Super.	96.5% (95.6, 97.3)	3.4% (3.1, 3.9)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	97.9% (96.7, 98.7)	8.7% (8.3, 9.3)	Raphael Warnock

Table A18: Ecological Inference Results — Remedial CD 4

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.9% (98.5, 99.2)	23.5% (22.8, 24.4)	Barack Obama
2014 General	U.S. Senator	98.5% (98.1, 98.9)	29.5% (28.7, 30.4)	Michelle Nunn
	Governor	97.6% (97.1, 98.0)	28.1% (27.2, 29.1)	Jason Carter
	Lt. Governor	96.4% (95.9, 96.9)	22.3% (21.4, 23.4)	Connie Stokes
	Sec. of State	96.5% (96.0, 97.0)	22.7% (21.8, 23.7)	Doreen Carter
	Attorney General	96.1% (95.6, 96.6)	24.3% (23.3, 25.4)	Gregory Hecht
	Com. Agriculture	94.9% (94.3, 95.4)	21.6% (20.5, 22.6)	Christopher Irvin
	Com. Insurance	96.7% (96.2, 97.2)	23.9% (22.9, 24.9)	Elizabeth Johnson
	Com. Labor	96.8% (96.3, 97.3)	23.2% (22.3, 24.2)	Robbin Shipp
	School Super.	98.1% (97.6, 98.5)	26.1% (25.3, 27.0)	Valarie Wilson
2016 General	U.S. President	97.8% (97.2, 98.3)	35.6% (34.5, 36.9)	Hillary Clinton
	U.S. Senator	94.3% (93.6, 94.9)	23.6% (22.3, 25.0)	Jim Barksdale
2018 General	Governor	98.4% (97.9, 98.9)	38.2% (37.1, 39.5)	Stacey Abrams
	Lt. Governor	97.9% (97.3, 98.4)	35.9% (34.6, 37.2)	Sarah Riggs Amico
	Sec. of State	98.2% (97.6, 98.7)	37.0% (35.8, 38.4)	John Barrow
	Attorney General	97.3% (96.8, 97.8)	35.5% (34.3, 36.8)	Charlie Bailey
	Com. Agriculture	96.7% (96.1, 97.3)	31.9% (30.5, 33.3)	Fred Swann
	Com. Insurance	98.0% (97.5, 98.5)	35.1% (34.0, 36.4)	Janice Laws
	Com. Labor	97.1% (96.5, 97.7)	33.2% (31.9, 34.7)	Richard Keatley
	School Super.	97.1% (96.5, 97.7)	31.3% (30.0, 32.7)	Otha Thornton
	Public Serv. Com. 3	98.0% (97.5, 98.5)	37.0% (35.8, 38.4)	Lindy Miller
	Public Serv. Com. 5	97.7% (97.1, 98.2)	35.7% (34.5, 37.1)	Dawn Randolph
2018 Runoff	Sec. of State	98.3% (97.6, 98.8)	43.6% (42.5, 44.9)	John Barrow
	Public Serv. Com. 3	98.3% (97.7, 98.8)	45.1% (44.0, 46.3)	Lindy Miller
2020 General	U.S. President	95.4% (94.5, 96.4)	39.7% (37.2, 42.2)	Joe Biden
	U.S. Senator	96.2% (95.4, 97.0)	35.6% (33.6, 37.9)	Jon Ossoff
	Public Serv. Com. 1	96.3% (95.5, 97.0)	33.3% (31.3, 35.5)	Robert Bryant
	Public Serv. Com. 4	96.6% (95.8, 97.3)	33.6% (31.7, 35.7)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.9% (97.2, 98.4)	37.3% (35.9, 39.0)	Jon Ossoff
	U.S. Senator (Loeffler)	98.1% (97.4, 98.6)	38.4% (36.9, 40.1)	Raphael Warnock
	Public Serv. Com. 4	97.8% (97.1, 98.3)	34.7% (33.2, 36.5)	Daniel Blackman
2022 General	U.S. Senator	97.8% (97.0, 98.4)	41.4% (39.9, 43.2)	Raphael Warnock
	Governor	96.1% (95.3, 96.9)	32.5% (30.7, 34.5)	Stacey Abrams
	Lt. Governor	96.7% (95.8, 97.4)	36.1% (34.3, 38.2)	Charlie Bailey
	Sec. of State	94.6% (93.7, 95.3)	30.4% (28.6, 32.5)	Bee Nguyen
	Attorney General	96.5% (95.7, 97.3)	34.6% (32.8, 36.6)	Jennifer "Jen" Jordan
	Com. Agriculture	96.7% (95.8, 97.3)	30.7% (29.1, 32.7)	Nakita Hemingway
	Com. Insurance	96.0% (95.2, 96.7)	30.4% (28.8, 32.4)	Janice Laws Robinson
	Com. Labor	96.8% (96.1, 97.5)	33.0% (31.3, 34.8)	William "Will" Boddie, Jr
	School Super.	96.0% (95.1, 96.8)	30.2% (28.4, 32.4)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.0% (97.3, 98.6)	44.4% (43.0, 46.2)	Raphael Warnock

Table A19: Ecological Inference Results — Remedial CD 5

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.1% (97.6, 98.6)	54.3% (53.4, 55.3)	Barack Obama
2014 General	U.S. Senator	97.4% (96.8, 98.0)	63.3% (62.4, 64.2)	Michelle Nunn
	Governor	96.0% (95.4, 96.6)	62.9% (62.0, 63.8)	Jason Carter
	Lt. Governor	93.7% (93.0, 94.4)	56.1% (55.1, 57.2)	Connie Stokes
	Sec. of State	95.1% (94.4, 95.7)	55.6% (54.7, 56.6)	Doreen Carter
	Attorney General	94.6% (93.9, 95.2)	57.5% (56.6, 58.5)	Gregory Hecht
	Com. Agriculture	93.2% (92.5, 93.8)	53.5% (52.5, 54.6)	Christopher Irvin
	Com. Insurance	94.9% (94.2, 95.5)	57.6% (56.6, 58.7)	Elizabeth Johnson
	Com. Labor	95.5% (94.9, 96.1)	55.9% (55.0, 57.0)	Robbin Shipp
	School Super.	96.3% (95.7, 96.9)	60.4% (59.5, 61.4)	Valarie Wilson
2016 General	U.S. President	96.2% (95.6, 96.8)	71.6% (70.7, 72.6)	Hillary Clinton
	U.S. Senator	91.9% (91.1, 92.6)	57.8% (56.7, 59.0)	Jim Barksdale
2018 General	Governor	96.9% (96.3, 97.4)	74.1% (73.3, 75.0)	Stacey Abrams
	Lt. Governor	96.0% (95.3, 96.5)	71.4% (70.6, 72.4)	Sarah Riggs Amico
	Sec. of State	96.3% (95.7, 96.8)	73.1% (72.2, 74.0)	John Barrow
	Attorney General	95.4% (94.8, 96.0)	69.9% (69.1, 70.9)	Charlie Bailey
	Com. Agriculture	95.1% (94.5, 95.7)	64.5% (63.6, 65.5)	Fred Swann
	Com. Insurance	96.3% (95.7, 96.9)	70.2% (69.3, 71.2)	Janice Laws
	Com. Labor	95.5% (94.9, 96.1)	67.3% (66.3, 68.3)	Richard Keatley
	School Super.	95.5% (94.9, 96.1)	64.5% (63.6, 65.5)	Otha Thornton
	Public Serv. Com. 3	96.5% (95.9, 97.1)	71.6% (70.7, 72.5)	Lindy Miller
	Public Serv. Com. 5	95.9% (95.3, 96.5)	70.6% (69.7, 71.6)	Dawn Randolph
2018 Runoff	Sec. of State	95.7% (94.8, 96.6)	82.2% (81.1, 83.2)	John Barrow
	Public Serv. Com. 3	95.6% (94.7, 96.5)	82.3% (81.4, 83.4)	Lindy Miller
2020 General	U.S. President	93.5% (92.9, 94.2)	77.6% (76.6, 78.7)	Joe Biden
	U.S. Senator	94.4% (93.7, 95.0)	73.6% (72.6, 74.7)	Jon Ossoff
	Public Serv. Com. 1	94.6% (93.9, 95.2)	71.0% (70.0, 72.0)	Robert Bryant
	Public Serv. Com. 4	95.0% (94.3, 95.5)	71.1% (70.1, 72.1)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	96.3% (95.7, 96.8)	73.0% (72.2, 73.9)	Jon Ossoff
	U.S. Senator (Loeffler)	96.4% (95.9, 96.9)	74.4% (73.6, 75.3)	Raphael Warnock
	Public Serv. Com. 4	96.1% (95.4, 96.6)	71.3% (70.4, 72.2)	Daniel Blackman
2022 General	U.S. Senator	95.8% (95.2, 96.4)	79.3% (78.3, 80.3)	Raphael Warnock
	Governor	94.8% (94.1, 95.4)	71.3% (70.2, 72.5)	Stacey Abrams
	Lt. Governor	95.0% (94.3, 95.6)	75.0% (74.0, 76.1)	Charlie Bailey
	Sec. of State	93.0% (92.3, 93.7)	67.9% (66.8, 69.2)	Bee Nguyen
	Attorney General	94.7% (94.0, 95.3)	73.2% (72.2, 74.3)	Jennifer "Jen" Jordan
	Com. Agriculture	95.1% (94.4, 95.7)	69.2% (68.1, 70.3)	Nakita Hemingway
	Com. Insurance	94.7% (94.0, 95.3)	68.3% (67.3, 69.5)	Janice Laws Robinson
	Com. Labor	95.4% (94.7, 96.0)	71.7% (70.6, 72.8)	William "Will" Boddie, Jr
	School Super.	94.9% (94.3, 95.6)	67.2% (66.1, 68.3)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.1% (95.5, 96.6)	81.8% (80.9, 82.8)	Raphael Warnock

Table A20: Ecological Inference Results — Remedial CD 6

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.8% (98.3, 99.2)	19.5% (18.9, 20.3)	Barack Obama
2014 General	U.S. Senator	98.4% (97.9, 98.9)	22.2% (21.5, 23.1)	Michelle Nunn
	Governor	97.2% (96.5, 97.8)	21.4% (20.5, 22.4)	Jason Carter
	Lt. Governor	95.1% (94.3, 95.8)	15.4% (14.3, 16.4)	Connie Stokes
	Sec. of State	96.0% (95.3, 96.7)	15.3% (14.4, 16.3)	Doreen Carter
	Attorney General	96.1% (95.3, 96.7)	16.3% (15.3, 17.3)	Gregory Hecht
	Com. Agriculture	94.5% (93.7, 95.2)	14.5% (13.5, 15.6)	Christopher Irvin
	Com. Insurance	96.4% (95.7, 97.1)	16.4% (15.5, 17.4)	Elizabeth Johnson
	Com. Labor	96.8% (96.1, 97.4)	15.9% (15.1, 16.9)	Robbin Shipp
	School Super.	97.6% (96.9, 98.2)	19.2% (18.4, 20.2)	Valarie Wilson
2016 General	U.S. President	97.5% (96.7, 98.2)	30.1% (29.0, 31.3)	Hillary Clinton
	U.S. Senator	94.2% (93.4, 94.9)	17.8% (16.7, 19.0)	Jim Barksdale
2018 General	Governor	98.5% (97.9, 99.0)	31.4% (30.5, 32.5)	Stacey Abrams
	Lt. Governor	97.5% (96.7, 98.1)	29.8% (28.7, 31.1)	Sarah Riggs Amico
	Sec. of State	97.9% (97.3, 98.5)	30.7% (29.8, 31.9)	John Barrow
	Attorney General	97.2% (96.4, 97.8)	29.0% (27.8, 30.3)	Charlie Bailey
	Com. Agriculture	96.5% (95.8, 97.2)	25.4% (24.2, 26.7)	Fred Swann
	Com. Insurance	98.1% (97.5, 98.7)	27.8% (26.8, 29.0)	Janice Laws
	Com. Labor	96.9% (96.2, 97.6)	26.4% (25.2, 27.7)	Richard Keatley
	School Super.	97.0% (96.4, 97.6)	24.7% (23.6, 25.9)	Otha Thornton
	Public Serv. Com. 3	97.9% (97.2, 98.4)	29.9% (28.9, 31.1)	Lindy Miller
	Public Serv. Com. 5	97.6% (96.9, 98.2)	28.3% (27.3, 29.5)	Dawn Randolph
2018 Runoff	Sec. of State	97.9% (97.0, 98.6)	35.3% (34.2, 36.6)	John Barrow
	Public Serv. Com. 3	97.9% (97.0, 98.5)	36.4% (35.3, 37.7)	Lindy Miller
2020 General	U.S. President	95.8% (94.9, 96.6)	37.6% (36.1, 39.1)	Joe Biden
	U.S. Senator	96.7% (96.0, 97.4)	32.1% (30.9, 33.5)	Jon Ossoff
	Public Serv. Com. 1	96.8% (96.0, 97.5)	28.9% (27.7, 30.3)	Robert Bryant
	Public Serv. Com. 4	97.1% (96.3, 97.7)	29.6% (28.5, 31.0)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.5% (97.9, 98.9)	31.4% (30.5, 32.3)	Jon Ossoff
	U.S. Senator (Loeffler)	98.5% (97.9, 99.0)	33.2% (32.3, 34.2)	Raphael Warnock
	Public Serv. Com. 4	98.3% (97.7, 98.8)	29.1% (28.2, 30.2)	Daniel Blackman
2022 General	U.S. Senator	98.2% (97.6, 98.7)	39.8% (38.9, 41.0)	Raphael Warnock
	Governor	96.9% (96.1, 97.5)	28.9% (27.7, 30.3)	Stacey Abrams
	Lt. Governor	97.2% (96.4, 97.8)	33.7% (32.6, 35.1)	Charlie Bailey
	Sec. of State	94.5% (93.7, 95.2)	27.3% (26.1, 28.8)	Bee Nguyen
	Attorney General	96.7% (95.9, 97.4)	33.2% (31.9, 34.5)	Jennifer "Jen" Jordan
	Com. Agriculture	97.4% (96.7, 98.0)	27.2% (26.0, 28.5)	Nakita Hemingway
	Com. Insurance	96.6% (95.9, 97.3)	27.2% (26.0, 28.5)	Janice Laws Robinson
	Com. Labor	97.6% (96.9, 98.2)	29.2% (28.2, 30.5)	William "Will" Boddie, Jr
	School Super.	96.8% (96.1, 97.4)	27.6% (26.4, 28.9)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.3% (97.6, 98.8)	42.0% (40.9, 43.3)	Raphael Warnock

Table A21: Ecological Inference Results — Remedial CD 7

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	91.9% (89.0, 94.3)	10.6% (10.0, 11.3)	Barack Obama
2014 General	U.S. Senator	94.8% (91.7, 97.1)	11.5% (11.0, 12.3)	Michelle Nunn
	Governor	93.7% (89.9, 96.3)	10.8% (10.2, 11.7)	Jason Carter
	Lt. Governor	91.9% (88.2, 94.6)	6.8% (6.2, 7.7)	Connie Stokes
	Sec. of State	92.6% (88.8, 95.2)	7.4% (6.8, 8.2)	Doreen Carter
	Attorney General	93.6% (90.3, 96.2)	8.0% (7.4, 8.8)	Gregory Hecht
	Com. Agriculture	90.3% (86.4, 93.5)	7.0% (6.3, 7.9)	Christopher Irvin
	Com. Insurance	93.5% (90.8, 95.8)	7.6% (7.1, 8.3)	Elizabeth Johnson
	Com. Labor	92.4% (88.5, 95.1)	7.7% (7.1, 8.6)	Robbin Shipp
	School Super.	94.2% (91.0, 96.5)	9.7% (9.1, 10.5)	Valarie Wilson
2016 General	U.S. President	91.2% (86.6, 94.6)	14.4% (13.3, 16.0)	Hillary Clinton
	U.S. Senator	85.9% (82.3, 88.6)	7.6% (6.7, 8.8)	Jim Barksdale
2018 General	Governor	85.1% (79.5, 89.1)	17.1% (15.5, 19.4)	Stacey Abrams
	Lt. Governor	85.2% (80.5, 88.8)	15.5% (14.1, 17.4)	Sarah Riggs Amico
	Sec. of State	84.7% (80.0, 88.9)	16.4% (14.7, 18.3)	John Barrow
	Attorney General	84.4% (78.9, 88.6)	16.0% (14.3, 18.2)	Charlie Bailey
	Com. Agriculture	84.5% (80.1, 88.1)	13.3% (11.8, 15.0)	Fred Swann
	Com. Insurance	83.9% (78.3, 88.1)	15.3% (13.6, 17.5)	Janice Laws
	Com. Labor	83.7% (78.7, 87.3)	14.0% (12.6, 16.0)	Richard Keatley
	School Super.	82.3% (77.8, 86.2)	13.2% (11.7, 15.0)	Otha Thornton
	Public Serv. Com. 3	84.2% (79.0, 88.6)	16.2% (14.4, 18.3)	Lindy Miller
	Public Serv. Com. 5	84.7% (79.6, 88.4)	15.0% (13.5, 17.0)	Dawn Randolph
2018 Runoff	Sec. of State	79.7% (73.0, 85.3)	20.1% (18.3, 22.2)	John Barrow
	Public Serv. Com. 3	80.6% (72.7, 86.9)	21.2% (19.2, 23.7)	Lindy Miller
2020 General	U.S. President	87.6% (82.2, 91.7)	19.5% (17.7, 21.8)	Joe Biden
	U.S. Senator	85.8% (80.2, 89.4)	17.1% (15.6, 19.5)	Jon Ossoff
	Public Serv. Com. 1	83.8% (79.6, 87.5)	15.1% (13.5, 16.9)	Robert Bryant
	Public Serv. Com. 4	84.0% (79.3, 87.6)	15.7% (14.1, 17.6)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	89.0% (84.6, 92.1)	17.4% (16.0, 19.2)	Jon Ossoff
	U.S. Senator (Loeffler)	89.6% (85.2, 93.4)	18.2% (16.6, 20.0)	Raphael Warnock
	Public Serv. Com. 4	85.3% (81.5, 89.1)	16.6% (15.0, 18.2)	Daniel Blackman
2022 General	U.S. Senator	88.8% (83.8, 92.4)	20.1% (18.6, 22.1)	Raphael Warnock
	Governor	80.5% (76.1, 84.8)	14.4% (12.7, 16.2)	Stacey Abrams
	Lt. Governor	83.8% (78.9, 87.9)	16.3% (14.7, 18.3)	Charlie Bailey
	Sec. of State	79.2% (74.8, 83.3)	13.0% (11.3, 14.8)	Bee Nguyen
	Attorney General	83.0% (77.4, 87.6)	16.0% (14.1, 18.3)	Jennifer "Jen" Jordan
	Com. Agriculture	80.3% (75.9, 84.4)	13.9% (12.3, 15.7)	Nakita Hemingway
	Com. Insurance	80.1% (74.3, 84.6)	14.0% (12.2, 16.3)	Janice Laws Robinson
	Com. Labor	80.5% (75.7, 84.7)	14.9% (13.2, 16.8)	William "Will" Boddie, Jr
	School Super.	80.7% (76.3, 84.7)	13.7% (12.1, 15.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	90.3% (85.4, 94.0)	21.3% (19.8, 23.3)	Raphael Warnock

Table A22: Ecological Inference Results — Remedial CD 8

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.4% (97.6, 99.0)	8.8% (8.4, 9.2)	Barack Obama
2014 General	U.S. Senator	97.5% (96.1, 98.5)	11.6% (11.1, 12.2)	Michelle Nunn
	Governor	97.3% (95.9, 98.3)	13.5% (13.0, 14.1)	Jason Carter
	Lt. Governor	97.4% (96.1, 98.3)	7.3% (6.9, 7.9)	Connie Stokes
	Sec. of State	97.2% (95.9, 98.2)	7.9% (7.4, 8.4)	Doreen Carter
	Attorney General	97.0% (95.6, 98.1)	9.0% (8.5, 9.6)	Gregory Hecht
	Com. Agriculture	96.2% (94.6, 97.5)	8.1% (7.6, 8.8)	Christopher Irvin
	Com. Insurance	97.3% (96.1, 98.3)	8.5% (8.0, 9.0)	Elizabeth Johnson
	Com. Labor	97.1% (95.8, 98.2)	8.3% (7.8, 8.9)	Robbin Shipp
	School Super.	97.3% (95.9, 98.3)	10.4% (9.9, 11.1)	Valarie Wilson
2016 General	U.S. President	98.0% (97.0, 98.8)	6.9% (6.5, 7.4)	Hillary Clinton
	U.S. Senator	95.1% (93.7, 96.2)	4.0% (3.5, 4.6)	Jim Barksdale
2018 General	Governor	98.1% (97.1, 98.8)	5.3% (4.9, 5.8)	Stacey Abrams
	Lt. Governor	97.3% (96.2, 98.1)	5.1% (4.6, 5.6)	Sarah Riggs Amico
	Sec. of State	97.7% (96.6, 98.5)	8.0% (7.6, 8.6)	John Barrow
	Attorney General	97.5% (96.6, 98.3)	5.8% (5.4, 6.3)	Charlie Bailey
	Com. Agriculture	97.0% (95.9, 97.8)	3.6% (3.2, 4.1)	Fred Swann
	Com. Insurance	97.8% (96.8, 98.5)	4.8% (4.4, 5.3)	Janice Laws
	Com. Labor	97.7% (96.8, 98.3)	4.3% (4.0, 4.8)	Richard Keatley
	School Super.	97.4% (96.5, 98.1)	3.7% (3.3, 4.1)	Otha Thornton
	Public Serv. Com. 3	97.9% (96.9, 98.6)	5.6% (5.2, 6.1)	Lindy Miller
	Public Serv. Com. 5	97.8% (96.7, 98.5)	5.1% (4.7, 5.6)	Dawn Randolph
2018 Runoff	Sec. of State	98.0% (96.9, 98.8)	8.1% (7.6, 8.6)	John Barrow
	Public Serv. Com. 3	97.8% (96.7, 98.6)	7.1% (6.6, 7.6)	Lindy Miller
2020 General	U.S. President	98.1% (97.1, 98.8)	6.6% (6.2, 7.2)	Joe Biden
	U.S. Senator	97.7% (96.6, 98.4)	5.6% (5.2, 6.1)	Jon Ossoff
	Public Serv. Com. 1	97.1% (96.0, 97.8)	4.2% (3.7, 4.7)	Robert Bryant
	Public Serv. Com. 4	97.9% (97.0, 98.6)	4.8% (4.5, 5.3)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.4% (97.3, 99.1)	7.1% (6.7, 7.7)	Jon Ossoff
	U.S. Senator (Loeffler)	98.5% (97.7, 99.1)	7.3% (6.9, 7.8)	Raphael Warnock
	Public Serv. Com. 4	98.2% (97.3, 98.9)	5.9% (5.5, 6.4)	Daniel Blackman
2022 General	U.S. Senator	98.0% (96.9, 98.8)	6.6% (6.2, 7.2)	Raphael Warnock
	Governor	96.4% (94.9, 97.5)	3.2% (2.7, 3.9)	Stacey Abrams
	Lt. Governor	96.9% (95.6, 97.8)	3.6% (3.1, 4.1)	Charlie Bailey
	Sec. of State	95.1% (93.7, 96.3)	2.8% (2.3, 3.4)	Bee Nguyen
	Attorney General	97.2% (96.0, 98.1)	4.0% (3.6, 4.5)	Jennifer "Jen" Jordan
	Com. Agriculture	94.3% (92.7, 95.6)	3.3% (2.8, 4.0)	Nakita Hemingway
	Com. Insurance	96.5% (95.1, 97.4)	3.2% (2.7, 3.8)	Janice Laws Robinson
	Com. Labor	96.1% (94.8, 97.3)	3.6% (3.1, 4.2)	William "Will" Boddie, Jr
	School Super.	96.3% (94.8, 97.3)	2.9% (2.5, 3.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.1% (97.0, 98.9)	6.5% (6.0, 7.1)	Raphael Warnock

Table A23: Ecological Inference Results — Remedial CD 9

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	92.8% (88.7, 96.2)	10.4% (9.6, 11.4)	Barack Obama
2014 General	U.S. Senator	90.3% (84.7, 94.6)	13.5% (12.5, 14.8)	Michelle Nunn
	Governor	89.5% (83.9, 94.7)	12.8% (11.6, 14.1)	Jason Carter
	Lt. Governor	84.0% (79.2, 88.4)	9.6% (8.6, 10.7)	Connie Stokes
	Sec. of State	84.9% (80.2, 89.1)	10.7% (9.7, 11.8)	Doreen Carter
	Attorney General	85.3% (79.8, 90.0)	11.4% (10.4, 12.7)	Gregory Hecht
	Com. Agriculture	82.7% (78.0, 87.1)	10.7% (9.7, 11.7)	Christopher Irvin
	Com. Insurance	87.2% (82.0, 91.7)	10.2% (9.2, 11.4)	Elizabeth Johnson
	Com. Labor	85.8% (80.9, 90.2)	11.1% (10.1, 12.3)	Robbin Shipp
	School Super.	88.5% (83.6, 92.6)	12.5% (11.6, 13.7)	Valarie Wilson
2016 General	U.S. President	95.7% (93.5, 97.3)	8.8% (8.2, 9.5)	Hillary Clinton
	U.S. Senator	86.6% (83.3, 89.7)	7.9% (6.9, 9.0)	Jim Barksdale
2018 General	Governor	97.0% (95.4, 98.2)	8.5% (8.0, 9.1)	Stacey Abrams
	Lt. Governor	96.8% (95.0, 98.1)	8.3% (7.8, 9.0)	Sarah Riggs Amico
	Sec. of State	97.4% (95.9, 98.4)	9.0% (8.5, 9.5)	John Barrow
	Attorney General	96.9% (95.2, 98.2)	8.7% (8.2, 9.3)	Charlie Bailey
	Com. Agriculture	96.3% (94.3, 97.7)	6.5% (5.9, 7.2)	Fred Swann
	Com. Insurance	96.7% (95.0, 98.1)	7.7% (7.2, 8.4)	Janice Laws
	Com. Labor	96.5% (94.6, 97.8)	7.2% (6.7, 7.9)	Richard Keatley
	School Super.	95.9% (94.0, 97.3)	6.6% (6.1, 7.3)	Otha Thornton
	Public Serv. Com. 3	97.0% (95.3, 98.3)	8.7% (8.2, 9.4)	Lindy Miller
	Public Serv. Com. 5	96.9% (95.4, 98.1)	7.9% (7.4, 8.5)	Dawn Randolph
2018 Runoff	Sec. of State	96.2% (93.9, 97.8)	11.5% (11.0, 12.1)	John Barrow
	Public Serv. Com. 3	96.5% (94.6, 98.1)	13.0% (12.5, 13.6)	Lindy Miller
2020 General	U.S. President	94.8% (92.9, 96.4)	9.4% (8.7, 10.2)	Joe Biden
	U.S. Senator	94.5% (92.5, 96.2)	8.2% (7.5, 9.0)	Jon Ossoff
	Public Serv. Com. 1	93.3% (91.2, 95.1)	7.0% (6.2, 7.9)	Robert Bryant
	Public Serv. Com. 4	93.9% (91.7, 95.8)	7.2% (6.4, 8.1)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.6% (96.4, 98.6)	9.5% (9.0, 10.0)	Jon Ossoff
	U.S. Senator (Loeffler)	97.3% (95.9, 98.4)	10.2% (9.8, 10.8)	Raphael Warnock
	Public Serv. Com. 4	97.2% (95.9, 98.3)	8.2% (7.7, 8.7)	Daniel Blackman
2022 General	U.S. Senator	96.4% (94.6, 97.8)	10.3% (9.8, 11.0)	Raphael Warnock
	Governor	92.7% (90.5, 94.5)	5.4% (4.8, 6.2)	Stacey Abrams
	Lt. Governor	95.8% (93.9, 97.2)	6.7% (6.1, 7.4)	Charlie Bailey
	Sec. of State	91.7% (89.6, 93.6)	5.5% (4.8, 6.3)	Bee Nguyen
	Attorney General	94.7% (92.8, 96.3)	6.9% (6.3, 7.6)	Jennifer "Jen" Jordan
	Com. Agriculture	93.1% (90.8, 94.9)	5.2% (4.6, 6.0)	Nakita Hemingway
	Com. Insurance	93.0% (90.7, 94.9)	5.7% (5.1, 6.5)	Janice Laws Robinson
	Com. Labor	93.8% (91.5, 95.6)	5.9% (5.2, 6.7)	William "Will" Boddie, Jr
	School Super.	92.6% (90.3, 94.4)	5.7% (5.0, 6.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.7% (95.1, 98.1)	11.1% (10.6, 11.8)	Raphael Warnock

Table A24: Ecological Inference Results — Remedial CD 10

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	90.2% (88.1, 91.9)	13.6% (12.8, 14.5)	Barack Obama
2014 General	U.S. Senator	96.1% (94.1, 97.6)	14.6% (14.0, 15.3)	Michelle Nunn
	Governor	96.3% (94.6, 97.7)	14.7% (14.2, 15.4)	Jason Carter
	Lt. Governor	90.7% (88.1, 92.8)	11.2% (10.5, 12.2)	Connie Stokes
	Sec. of State	92.4% (90.0, 94.4)	10.9% (10.2, 11.8)	Doreen Carter
	Attorney General	94.1% (92.0, 95.8)	12.2% (11.5, 13.0)	Gregory Hecht
	Com. Agriculture	91.0% (88.4, 93.1)	10.6% (9.9, 11.6)	Christopher Irvin
	Com. Insurance	92.9% (90.9, 94.7)	11.5% (10.8, 12.2)	Elizabeth Johnson
	Com. Labor	93.3% (91.1, 95.2)	11.8% (11.1, 12.6)	Robbin Shipp
	School Super.	95.3% (93.4, 96.9)	13.3% (12.7, 14.0)	Valarie Wilson
2016 General	U.S. President	94.1% (92.1, 95.6)	12.6% (12.0, 13.5)	Hillary Clinton
	U.S. Senator	89.4% (87.0, 91.4)	10.4% (9.6, 11.4)	Jim Barksdale
2018 General	Governor	95.4% (93.6, 96.7)	12.5% (11.9, 13.4)	Stacey Abrams
	Lt. Governor	94.7% (93.0, 96.0)	12.3% (11.7, 13.1)	Sarah Riggs Amico
	Sec. of State	95.2% (93.5, 96.6)	14.0% (13.3, 14.8)	John Barrow
	Attorney General	95.4% (93.8, 96.8)	12.6% (12.0, 13.3)	Charlie Bailey
	Com. Agriculture	93.4% (91.6, 94.8)	10.5% (9.9, 11.4)	Fred Swann
	Com. Insurance	95.0% (93.4, 96.2)	11.9% (11.3, 12.6)	Janice Laws
	Com. Labor	93.7% (92.0, 95.1)	11.7% (11.0, 12.4)	Richard Keatley
	School Super.	93.0% (91.1, 94.7)	11.7% (11.0, 12.6)	Otha Thornton
	Public Serv. Com. 3	96.1% (94.4, 97.2)	12.3% (11.7, 13.0)	Lindy Miller
	Public Serv. Com. 5	95.3% (93.7, 96.5)	12.0% (11.4, 12.7)	Dawn Randolph
2018 Runoff	Sec. of State	96.0% (94.2, 97.4)	18.1% (17.5, 18.7)	John Barrow
	Public Serv. Com. 3	96.7% (95.0, 98.0)	18.3% (17.7, 18.9)	Lindy Miller
2020 General	U.S. President	97.3% (96.1, 98.3)	13.3% (12.8, 13.9)	Joe Biden
	U.S. Senator	97.3% (96.1, 98.3)	12.0% (11.5, 12.6)	Jon Ossoff
	Public Serv. Com. 1	95.8% (94.3, 96.9)	11.3% (10.8, 12.0)	Robert Bryant
	Public Serv. Com. 4	96.6% (95.3, 97.6)	11.4% (10.9, 12.1)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.8% (96.4, 98.7)	14.0% (13.5, 14.7)	Jon Ossoff
	U.S. Senator (Loeffler)	97.8% (96.5, 98.7)	14.5% (14.0, 15.2)	Raphael Warnock
	Public Serv. Com. 4	97.4% (96.1, 98.3)	12.8% (12.3, 13.4)	Daniel Blackman
2022 General	U.S. Senator	97.4% (96.1, 98.4)	14.8% (14.3, 15.5)	Raphael Warnock
	Governor	93.7% (92.0, 95.1)	10.9% (10.3, 11.7)	Stacey Abrams
	Lt. Governor	95.0% (93.4, 96.3)	12.2% (11.7, 12.9)	Charlie Bailey
	Sec. of State	92.3% (90.5, 94.0)	10.7% (10.0, 11.5)	Bee Nguyen
	Attorney General	95.6% (93.9, 96.9)	11.9% (11.3, 12.7)	Jennifer "Jen" Jordan
	Com. Agriculture	93.6% (91.9, 94.9)	10.3% (9.7, 11.1)	Nakita Hemingway
	Com. Insurance	93.8% (92.1, 95.1)	10.9% (10.3, 11.7)	Janice Laws Robinson
	Com. Labor	94.5% (92.6, 96.0)	11.1% (10.5, 12.0)	William "Will" Boddie, Jr
	School Super.	94.1% (92.3, 95.4)	10.1% (9.5, 10.9)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	97.6% (96.3, 98.6)	15.4% (14.9, 16.0)	Raphael Warnock

Table A25: Ecological Inference Results — Remedial CD 11

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	90.7% (88.2, 92.8)	14.6% (14.0, 15.3)	Barack Obama
2014 General	U.S. Senator	95.7% (92.9, 97.6)	16.8% (16.4, 17.5)	Michelle Nunn
	Governor	95.7% (92.6, 97.8)	16.9% (16.4, 17.6)	Jason Carter
	Lt. Governor	96.1% (94.1, 97.8)	11.1% (10.7, 11.6)	Connie Stokes
	Sec. of State	95.8% (93.4, 97.6)	12.1% (11.6, 12.6)	Doreen Carter
	Attorney General	96.0% (93.7, 97.7)	11.8% (11.4, 12.4)	Gregory Hecht
	Com. Agriculture	96.5% (94.6, 98.0)	10.9% (10.6, 11.4)	Christopher Irvin
	Com. Insurance	96.1% (93.9, 97.8)	12.4% (11.9, 12.9)	Elizabeth Johnson
	Com. Labor	95.7% (93.2, 97.5)	12.7% (12.2, 13.2)	Robbin Shipp
	School Super.	95.6% (93.0, 97.6)	15.3% (14.9, 15.9)	Valarie Wilson
2016 General	U.S. President	95.8% (93.0, 97.7)	17.2% (16.6, 18.0)	Hillary Clinton
	U.S. Senator	96.7% (94.7, 98.1)	10.6% (10.1, 11.2)	Jim Barksdale
2018 General	Governor	96.2% (94.0, 97.9)	19.1% (18.5, 19.8)	Stacey Abrams
	Lt. Governor	95.8% (93.1, 97.6)	18.5% (17.9, 19.3)	Sarah Riggs Amico
	Sec. of State	96.1% (93.8, 97.8)	18.9% (18.3, 19.6)	John Barrow
	Attorney General	96.0% (93.3, 97.9)	18.6% (17.9, 19.4)	Charlie Bailey
	Com. Agriculture	96.5% (93.9, 98.1)	15.9% (15.3, 16.7)	Fred Swann
	Com. Insurance	96.5% (94.2, 98.1)	17.2% (16.7, 17.9)	Janice Laws
	Com. Labor	95.9% (93.5, 97.7)	16.5% (15.9, 17.3)	Richard Keatley
	School Super.	96.4% (94.2, 97.9)	15.3% (14.8, 16.0)	Otha Thornton
	Public Serv. Com. 3	96.0% (93.7, 97.6)	18.6% (18.1, 19.4)	Lindy Miller
	Public Serv. Com. 5	96.1% (93.7, 97.8)	17.4% (16.9, 18.2)	Dawn Randolph
2018 Runoff	Sec. of State	94.7% (91.2, 97.2)	20.8% (20.1, 21.6)	John Barrow
	Public Serv. Com. 3	95.1% (92.0, 97.3)	22.2% (21.6, 22.9)	Lindy Miller
2020 General	U.S. President	96.0% (93.7, 97.8)	20.3% (19.6, 21.1)	Joe Biden
	U.S. Senator	96.3% (94.1, 97.9)	18.1% (17.5, 18.8)	Jon Ossoff
	Public Serv. Com. 1	96.3% (94.1, 97.9)	15.7% (15.1, 16.4)	Robert Bryant
	Public Serv. Com. 4	96.3% (94.3, 97.8)	16.4% (15.9, 17.1)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	97.0% (95.0, 98.3)	19.5% (19.1, 20.2)	Jon Ossoff
	U.S. Senator (Loeffler)	96.4% (94.3, 97.9)	20.7% (20.2, 21.4)	Raphael Warnock
	Public Serv. Com. 4	95.8% (93.7, 97.6)	18.1% (17.5, 18.9)	Daniel Blackman
2022 General	U.S. Senator	95.5% (92.5, 97.4)	21.3% (20.7, 22.3)	Raphael Warnock
	Governor	94.8% (92.1, 96.8)	14.2% (13.5, 15.1)	Stacey Abrams
	Lt. Governor	95.5% (92.8, 97.4)	16.6% (16.0, 17.5)	Charlie Bailey
	Sec. of State	95.5% (92.6, 97.3)	12.9% (12.3, 13.9)	Bee Nguyen
	Attorney General	96.0% (93.8, 97.7)	16.1% (15.5, 16.8)	Jennifer "Jen" Jordan
	Com. Agriculture	94.9% (92.3, 97.0)	13.5% (12.8, 14.3)	Nakita Hemingway
	Com. Insurance	95.9% (93.6, 97.6)	13.5% (12.9, 14.2)	Janice Laws Robinson
	Com. Labor	95.7% (93.4, 97.5)	14.4% (13.8, 15.1)	William "Will" Boddie, Jr
	School Super.	96.2% (94.1, 97.8)	13.8% (13.2, 14.5)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	95.2% (92.6, 97.2)	22.4% (21.7, 23.3)	Raphael Warnock

Table A26: Ecological Inference Results — Remedial CD 12

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	94.9% (94.1, 95.6)	10.9% (10.3, 11.5)	Barack Obama
2014 General	U.S. Senator	98.0% (97.4, 98.5)	10.2% (9.7, 10.7)	Michelle Nunn
	Governor	97.3% (96.5, 97.9)	9.8% (9.3, 10.4)	Jason Carter
	Lt. Governor	97.3% (96.6, 97.9)	5.1% (4.7, 5.6)	Connie Stokes
	Sec. of State	97.6% (97.0, 98.1)	5.3% (4.9, 5.8)	Doreen Carter
	Attorney General	96.8% (96.0, 97.5)	6.1% (5.6, 6.7)	Gregory Hecht
	Com. Agriculture	97.0% (96.2, 97.7)	5.8% (5.3, 6.3)	Christopher Irvin
	Com. Insurance	97.8% (97.2, 98.4)	6.3% (5.9, 6.8)	Elizabeth Johnson
	Com. Labor	97.3% (96.6, 97.9)	6.0% (5.5, 6.5)	Robbin Shipp
	School Super.	98.0% (97.4, 98.5)	9.1% (8.7, 9.6)	Valarie Wilson
2016 General	U.S. President	98.6% (98.1, 99.0)	6.1% (5.7, 6.5)	Hillary Clinton
	U.S. Senator	94.7% (94.1, 95.3)	2.5% (2.2, 2.9)	Jim Barksdale
2018 General	Governor	98.8% (98.5, 99.2)	5.1% (4.8, 5.5)	Stacey Abrams
	Lt. Governor	98.2% (97.6, 98.6)	4.8% (4.5, 5.2)	Sarah Riggs Amico
	Sec. of State	98.5% (97.9, 99.0)	12.6% (12.1, 13.0)	John Barrow
	Attorney General	98.2% (97.7, 98.7)	5.5% (5.1, 5.9)	Charlie Bailey
	Com. Agriculture	97.6% (97.0, 98.1)	3.5% (3.1, 3.9)	Fred Swann
	Com. Insurance	98.5% (98.1, 98.9)	4.0% (3.7, 4.3)	Janice Laws
	Com. Labor	98.0% (97.5, 98.5)	4.1% (3.7, 4.5)	Richard Keatley
	School Super.	97.8% (97.3, 98.3)	3.6% (3.3, 4.0)	Otha Thornton
	Public Serv. Com. 3	98.5% (98.0, 98.9)	4.8% (4.4, 5.2)	Lindy Miller
	Public Serv. Com. 5	98.5% (98.1, 98.9)	4.6% (4.2, 5.0)	Dawn Randolph
2018 Runoff	Sec. of State	98.5% (97.8, 99.0)	11.7% (11.2, 12.3)	John Barrow
	Public Serv. Com. 3	98.5% (97.9, 98.9)	7.3% (6.8, 7.9)	Lindy Miller
2020 General	U.S. President	98.5% (98.0, 98.9)	7.3% (6.9, 7.8)	Joe Biden
	U.S. Senator	98.0% (97.4, 98.5)	6.2% (5.8, 6.7)	Jon Ossoff
	Public Serv. Com. 1	98.3% (97.7, 98.7)	4.6% (4.2, 5.0)	Robert Bryant
	Public Serv. Com. 4	98.4% (97.9, 98.8)	5.0% (4.6, 5.4)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.7% (98.2, 99.1)	7.7% (7.3, 8.2)	Jon Ossoff
	U.S. Senator (Loeffler)	98.8% (98.3, 99.2)	7.9% (7.5, 8.4)	Raphael Warnock
	Public Serv. Com. 4	98.6% (98.2, 99.0)	6.2% (5.8, 6.6)	Daniel Blackman
2022 General	U.S. Senator	98.6% (98.0, 99.0)	8.0% (7.5, 8.5)	Raphael Warnock
	Governor	97.3% (96.7, 97.9)	4.3% (3.9, 4.8)	Stacey Abrams
	Lt. Governor	97.6% (96.9, 98.1)	4.9% (4.4, 5.3)	Charlie Bailey
	Sec. of State	95.6% (94.8, 96.3)	3.7% (3.3, 4.2)	Bee Nguyen
	Attorney General	97.7% (97.1, 98.3)	5.3% (4.8, 5.7)	Jennifer "Jen" Jordan
	Com. Agriculture	97.3% (96.6, 97.9)	4.0% (3.6, 4.5)	Nakita Hemingway
	Com. Insurance	97.4% (96.6, 98.0)	4.1% (3.7, 4.6)	Janice Laws Robinson
	Com. Labor	97.6% (96.9, 98.2)	4.5% (4.1, 5.0)	William "Will" Boddie, Jr
	School Super.	97.0% (96.3, 97.7)	4.3% (3.9, 4.8)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.6% (98.0, 99.0)	7.9% (7.4, 8.4)	Raphael Warnock

Table A27: Ecological Inference Results — Remedial CD 13

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	98.9% (98.4, 99.3)	7.2% (6.6, 7.9)	Barack Obama
2014 General	U.S. Senator	98.8% (98.3, 99.2)	10.3% (9.6, 11.1)	Michelle Nunn
	Governor	98.6% (98.0, 99.1)	9.3% (8.5, 10.1)	Jason Carter
	Lt. Governor	96.2% (95.4, 96.9)	4.6% (3.8, 5.6)	Connie Stokes
	Sec. of State	97.4% (96.6, 98.0)	4.9% (4.1, 5.9)	Doreen Carter
	Attorney General	97.5% (96.8, 98.1)	6.5% (5.6, 7.4)	Gregory Hecht
	Com. Agriculture	95.6% (94.7, 96.3)	4.7% (3.8, 5.7)	Christopher Irvin
	Com. Insurance	97.9% (97.2, 98.5)	5.2% (4.4, 6.1)	Elizabeth Johnson
	Com. Labor	97.7% (97.0, 98.3)	5.4% (4.7, 6.4)	Robbin Shipp
	School Super.	98.6% (98.1, 99.0)	7.4% (6.7, 8.2)	Valarie Wilson
2016 General	U.S. President	98.8% (98.3, 99.2)	9.4% (8.6, 10.3)	Hillary Clinton
	U.S. Senator	95.7% (94.9, 96.3)	4.5% (3.5, 5.7)	Jim Barksdale
2018 General	Governor	98.8% (98.3, 99.1)	10.4% (9.6, 11.4)	Stacey Abrams
	Lt. Governor	98.5% (98.0, 98.9)	8.6% (7.7, 9.7)	Sarah Riggs Amico
	Sec. of State	98.6% (98.1, 99.0)	10.1% (9.2, 11.2)	John Barrow
	Attorney General	98.2% (97.7, 98.7)	9.3% (8.3, 10.5)	Charlie Bailey
	Com. Agriculture	97.5% (96.8, 98.1)	6.7% (5.6, 8.1)	Fred Swann
	Com. Insurance	98.7% (98.2, 99.0)	8.6% (7.8, 9.6)	Janice Laws
	Com. Labor	98.1% (97.5, 98.6)	7.0% (6.0, 8.3)	Richard Keatley
	School Super.	97.8% (97.2, 98.2)	6.1% (5.2, 7.2)	Otha Thornton
	Public Serv. Com. 3	98.6% (98.1, 99.0)	10.3% (9.4, 11.3)	Lindy Miller
	Public Serv. Com. 5	98.6% (98.1, 99.0)	8.8% (7.9, 9.9)	Dawn Randolph
2018 Runoff	Sec. of State	98.5% (97.8, 99.0)	12.6% (11.6, 13.7)	John Barrow
	Public Serv. Com. 3	98.4% (97.7, 99.1)	14.6% (13.6, 15.9)	Lindy Miller
2020 General	U.S. President	96.6% (95.7, 97.4)	10.8% (9.0, 12.9)	Joe Biden
	U.S. Senator	97.4% (96.7, 97.9)	8.7% (7.5, 10.3)	Jon Ossoff
	Public Serv. Com. 1	97.3% (96.6, 97.8)	6.8% (5.6, 8.3)	Robert Bryant
	Public Serv. Com. 4	97.7% (97.1, 98.1)	7.1% (6.1, 8.4)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	98.6% (98.2, 98.9)	11.7% (10.8, 12.7)	Jon Ossoff
	U.S. Senator (Loeffler)	98.6% (98.2, 99.0)	12.7% (11.8, 13.8)	Raphael Warnock
	Public Serv. Com. 4	98.4% (98.0, 98.8)	9.6% (8.7, 10.7)	Daniel Blackman
2022 General	U.S. Senator	98.4% (97.8, 98.8)	14.6% (13.5, 15.8)	Raphael Warnock
	Governor	97.0% (96.4, 97.5)	6.2% (5.1, 7.6)	Stacey Abrams
	Lt. Governor	97.7% (97.0, 98.2)	8.5% (7.3, 10.1)	Charlie Bailey
	Sec. of State	94.9% (94.1, 95.6)	7.1% (5.6, 9.1)	Bee Nguyen
	Attorney General	97.5% (96.9, 98.0)	7.9% (6.8, 9.3)	Jennifer "Jen" Jordan
	Com. Agriculture	97.3% (96.7, 97.8)	5.7% (4.7, 7.1)	Nakita Hemingway
	Com. Insurance	96.7% (95.9, 97.2)	6.4% (5.3, 8.0)	Janice Laws Robinson
	Com. Labor	97.7% (97.1, 98.1)	6.7% (5.6, 8.1)	William "Will" Boddie, Jr
	School Super.	96.5% (95.8, 97.0)	5.8% (4.7, 7.3)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	98.6% (98.1, 99.0)	15.7% (14.7, 17.0)	Raphael Warnock

Table A28: Ecological Inference Results — Remedial CD 14

		Minority Voters	White Voters	Minority Pref. Cand.
2012 General	U.S. President	87.6% (80.8, 92.8)	14.6% (13.5, 16.1)	Barack Obama
2014 General	U.S. Senator	92.0% (86.5, 95.9)	15.2% (14.3, 16.3)	Michelle Nunn
	Governor	87.7% (79.3, 94.3)	18.5% (17.1, 20.3)	Jason Carter
	Lt. Governor	87.1% (79.8, 92.5)	12.7% (11.5, 14.2)	Connie Stokes
	Sec. of State	88.3% (81.5, 93.4)	13.0% (11.9, 14.5)	Doreen Carter
	Attorney General	89.0% (81.7, 94.7)	13.3% (12.0, 14.8)	Gregory Hecht
	Com. Agriculture	86.9% (78.9, 92.5)	12.5% (11.3, 14.2)	Christopher Irvin
	Com. Insurance	89.9% (84.1, 94.2)	13.0% (12.1, 14.3)	Elizabeth Johnson
	Com. Labor	89.8% (82.9, 94.6)	13.4% (12.4, 14.9)	Robbin Shipp
	School Super.	89.1% (81.9, 94.3)	15.8% (14.6, 17.3)	Valarie Wilson
2016 General	U.S. President	96.2% (93.7, 97.9)	9.3% (8.8, 10.0)	Hillary Clinton
	U.S. Senator	93.3% (89.6, 95.8)	7.5% (6.8, 8.4)	Jim Barksdale
2018 General	Governor	96.7% (94.8, 98.1)	10.5% (10.0, 11.1)	Stacey Abrams
	Lt. Governor	96.4% (94.1, 98.1)	10.5% (9.9, 11.2)	Sarah Riggs Amico
	Sec. of State	96.7% (94.5, 98.2)	10.9% (10.4, 11.6)	John Barrow
	Attorney General	96.5% (94.2, 98.2)	10.8% (10.3, 11.6)	Charlie Bailey
	Com. Agriculture	97.0% (95.1, 98.3)	8.8% (8.4, 9.4)	Fred Swann
	Com. Insurance	96.5% (94.2, 98.1)	10.0% (9.5, 10.7)	Janice Laws
	Com. Labor	96.8% (94.8, 98.3)	9.4% (8.9, 10.0)	Richard Keatley
	School Super.	96.9% (95.0, 98.3)	8.7% (8.2, 9.3)	Otha Thornton
	Public Serv. Com. 3	97.1% (95.0, 98.4)	10.4% (9.9, 11.0)	Lindy Miller
	Public Serv. Com. 5	96.5% (94.3, 98.2)	10.1% (9.5, 10.8)	Dawn Randolph
2018 Runoff	Sec. of State	95.1% (91.9, 97.4)	12.0% (11.3, 12.8)	John Barrow
	Public Serv. Com. 3	94.9% (91.6, 97.2)	13.1% (12.4, 14.0)	Lindy Miller
2020 General	U.S. President	95.8% (93.6, 97.4)	11.9% (11.4, 12.5)	Joe Biden
	U.S. Senator	95.8% (93.3, 97.5)	11.0% (10.5, 11.7)	Jon Ossoff
	Public Serv. Com. 1	96.7% (94.8, 98.0)	8.9% (8.4, 9.4)	Robert Bryant
	Public Serv. Com. 4	96.0% (93.8, 97.7)	9.8% (9.3, 10.5)	Daniel Blackman
2021 Runoff	U.S. Senator (Perdue)	96.4% (94.4, 97.9)	12.6% (12.1, 13.2)	Jon Ossoff
	U.S. Senator (Loeffler)	96.1% (93.8, 97.8)	13.0% (12.5, 13.7)	Raphael Warnock
	Public Serv. Com. 4	96.4% (94.3, 98.0)	11.4% (10.8, 12.0)	Daniel Blackman
2022 General	U.S. Senator	96.3% (93.9, 97.9)	13.4% (12.9, 14.1)	Raphael Warnock
	Governor	96.4% (94.4, 97.9)	7.5% (7.0, 8.0)	Stacey Abrams
	Lt. Governor	95.8% (93.4, 97.6)	9.8% (9.3, 10.5)	Charlie Bailey
	Sec. of State	96.4% (94.5, 97.9)	6.9% (6.4, 7.4)	Bee Nguyen
	Attorney General	96.3% (93.9, 97.9)	9.6% (9.1, 10.2)	Jennifer "Jen" Jordan
	Com. Agriculture	95.9% (93.5, 97.6)	7.8% (7.3, 8.5)	Nakita Hemingway
	Com. Insurance	95.7% (93.3, 97.5)	8.2% (7.7, 8.9)	Janice Laws Robinson
	Com. Labor	96.2% (94.2, 97.8)	8.5% (8.0, 9.1)	William "Will" Boddie, Jr
	School Super.	96.5% (94.4, 98.0)	8.1% (7.6, 8.7)	Alisha Thomas Searcy
2022 Runoff	U.S. Senator	96.5% (94.4, 98.0)	13.5% (13.0, 14.2)	Raphael Warnock

318

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

**PLAINTIFFS' SUPPLEMENTAL NOTICE OF FILING OF EXHIBITS
SUPPORTING THEIR OBJECTIONS TO THE GEORGIA GENERAL
ASSEMBLY'S REMEDIAL CONGRESSIONAL PLAN**

Plaintiffs respectfully notify the Court of their filing of additional exhibits supporting the Remedial Expert Report of Bill Cooper (Doc. No. 317-1). Plaintiffs hereby file the following exhibits in support of the Cooper Remedial Report:

EXHIBIT NO.	EXHIBIT DESCRIPTION
A-1	Population Summary Report for the Illustrative Plan.
A-2	Population Summary Report for the 2023 Enacted Plan.
A-3	Population Summary Report for the 2021 Enacted Plan.
B-1	County level population assignments by district for the Illustrative Plan.
B-2	County level population assignments by district for the 2023 Enacted Plan.
B-3	County level population assignments by district for the 2021 Enacted Plan.
B-4	Table reporting 2020 Census – Georgia Population by County – Race and Ethnicity.
C-1	Core Constituencies Table regarding 2021 Enacted Plan CD 7 and VRA Section 2 violation area.
C-2	Core Constituencies Table regarding Illustrative Plan CD 6, 2023 Enacted Plan CD 6, and VRA Section 2 violation area.
D-1	Map packet included with December 5, 2022 Cooper Declaration depicting the Illustrative Plan.

D-2	Map packet depicting the 2023 Enacted Plan prepared by the Georgia Legislative & Congressional Reapportionment Office.
D-3	Map packet depicting the 2021 Enacted Plan prepared by the Georgia Legislative & Congressional Reapportionment Office.
E-1	Core Constituencies Table regarding Illustrative Plan core components.
E-2	Core Constituencies Table regarding 2023 Enacted Plan core components.
F-1	Compactness Report (district-by-district) for Illustrative Plan.
F-2	Compactness Report (district-by-district) for 2023 Enacted Plan.
F-3	Compactness Report (district-by-district) for 2021 Enacted Plan.
G-1	County and VTD split report for the Illustrative Plan.
G-2	County and VTD split report for the 2023 Enacted Plan.
G-3	County and VTD split report for the 2021 Enacted Plan.
H-1	Split report for all municipalities for the Illustrative Plan.
H-2	Split report for all municipalities for the 2023 Enacted Plan.

H-3	Split report for all municipalities for the 2021 Enacted Plan.
I-1	Regional Split Report for the Illustrative Plan.
I-2	Regional Split Report for the 2023 Enacted Plan.
I-3	Regional Split Report for the 2021 Enacted Plan.

[signature block on following page]

Dated: December 12, 2023

By: **Adam M. Sparks**

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,

Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Respectfully submitted,

Abha Khanna*

Jonathan P. Hawley*

Makeba A.K. Rutahindurwa*

ELIAS LAW GROUP LLP

1700 Seventh Avenue,

Suite 2100

Seattle, Washington 98101

Phone: (206) 656-0177

Facsimile: (206) 656-0180

Email: AKhanna@elias.law

Email: JHawley@elias.law

Email: MRutahindurwa@elias.law

Michael B. Jones

Georgia Bar No. 721264

ELIAS LAW GROUP LLP

250 Massachusetts Avenue NW,

Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **PLAINTIFFS' SUPPLEMENTAL NOTICE OF FILING OF EXHIBITS SUPPORTING THEIR OBJECTIONS TO THE GEORGIA GENERAL ASSEMBLY'S REMEDIAL CONGRESSIONAL PLAN** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using font types of Times New Roman, point size of 14.

Dated: December 12, 2023

Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **PLAINTIFFS' SUPPLEMENTAL NOTICE OF FILING OF EXHIBITS SUPPORTING THEIR OBJECTIONS TO THE GEORGIA GENERAL ASSEMBLY'S REMEDIAL CONGRESSIONAL PLAN** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: December 12, 2023

Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

318-1

Georgia U.S. House -- 2020 Census -- Illustrative Plan

District	Population	Deviation	% Deviation	AP Black	% AP Black	Latino	% Latino	NH White	% NH White
001	765137	1	0.00%	230783	30.16%	59328	7.75%	440636	57.59%
002	765137	1	0.00%	393195	51.39%	45499	5.95%	305611	39.94%
003	765135	-1	0.00%	166096	21.71%	49935	6.53%	517659	67.66%
004	765136	0	0.00%	410019	53.59%	87756	11.47%	212004	27.71%
005	765137	1	0.00%	392822	51.34%	56496	7.38%	273819	35.79%
006	765137	1	0.00%	396891	51.87%	108401	14.17%	225985	29.54%
007	765137	1	0.00%	239717	31.33%	181851	23.77%	225905	29.52%
008	765136	0	0.00%	241628	31.58%	54850	7.17%	443123	57.91%
009	765136	0	0.00%	94059	12.29%	128393	16.78%	429340	56.11%
010	765137	1	0.00%	118199	15.45%	61244	8.00%	548312	71.66%
011	765137	1	0.00%	110368	14.42%	81466	10.65%	492121	64.32%
012	765136	0	0.00%	294961	38.55%	43065	5.63%	398843	52.13%
013	765135	-1	0.00%	404963	52.93%	71377	9.33%	253135	33.08%
014	765135	-1	0.00%	44445	5.81%	93796	12.26%	595663	77.85%
Total	10711908		0.00%	3538146	33.03%	1123457	10.49%	5362156	50.06%

District	18+ Pop	18+ SR Black	% 18+ SR Black	18+ AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
001	589266	157770	26.77%	166025	28.17%	39938	6.78%	355947	60.41%
002	587555	281564	47.92%	289612	49.29%	30074	5.12%	251047	42.73%
003	580018	112454	19.39%	118709	20.47%	31852	5.49%	405926	69.99%
004	590640	298897	50.61%	311670	52.77%	58947	9.98%	177832	30.11%
005	621515	295885	47.61%	308271	49.60%	41432	6.67%	235652	37.92%
006	587247	282051	48.03%	294976	50.23%	71798	12.23%	192370	32.76%
007	566934	157650	27.81%	169071	29.82%	120604	21.27%	185838	32.78%
008	585857	170421	29.09%	175967	30.04%	35732	6.10%	354572	60.52%
009	564244	59821	10.60%	65790	11.66%	83453	14.79%	335720	59.50%
010	602127	81481	13.53%	86178	14.31%	39876	6.62%	447109	74.25%
011	588795	72303	12.28%	80507	13.67%	55168	9.37%	393920	66.90%
012	588119	207872	35.35%	215958	36.72%	28628	4.87%	321394	54.65%
013	576337	283204	49.14%	294669	51.13%	46150	8.01%	207154	35.94%
014	591620	27046	4.57%	30583	5.17%	59266	10.02%	477852	80.77%
Total	8220274	2488419	30.27%	2607986	31.73%	742918	9.04%	4342333	52.82%

District	% NH Single-Race Black CVAP*	% NH DOJ Black CVAP**	% Latino CVAP	% SR NH White CVAP	% Minority CVAP
001	29.01%	29.52%	4.69%	62.75%	37.25%
002	49.39%	49.830%	3.43%	44.46%	55.54%
003	19.96%	20.36%	3.79%	73.64%	26.36%
004	55.76%	56.49%	4.13%	34.57%	65.43%
005	50.36%	51.05%	3.69%	40.51%	59.49%
006	51.39%	52.34%	6.45%	37.69%	62.31%
007	32.39%	33.16%	11.55%	42.19%	57.81%
008	30.41%	30.80%	4.07%	62.88%	37.12%
009	11.40%	11.79%	9.71%	70.03%	29.97%
010	15.03%	15.42%	4.14%	77.83%	22.17%
011	12.80%	13.34%	6.02%	74.62%	25.38%
012	36.67%	37.37%	3.64%	56.34%	43.66%
013	50.07%	50.97%	5.40%	39.38%	60.62%
014	4.89%	5.27%	5.91%	86.61%	13.39%

CVAP Source:

* 2017-2021 ACS Special Tabulation <https://redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-block-level-2020/>
 Note: Citizen Voting Age Population (CVAP) <https://redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-block-level-2020/>
 * Single race NH Black CVAP, **NH DOJ Black= SR NH Black CVAP+SR NH Black/White CVAP

318-2

Georgia U.S. House -- 2020 Census -- 2023 Enacted Plan

District	Population	Deviation	% Deviation	AP Black	% AP Black	Latino	% Latino	NH White	% NH White
001	765137	1	0.00%	230783	30.16%	59328	7.75%	440636	57.59%
002	765137	1	0.00%	393195	51.39%	45499	5.95%	305611	39.94%
003	765136	0	0.00%	188947	24.69%	48285	6.31%	492494	64.37%
004	765137	1	0.00%	387919	50.70%	147267	19.25%	150803	19.71%
005	765137	1	0.00%	403564	52.74%	75635	9.89%	237353	31.02%
006	765136	0	0.00%	409519	53.52%	94388	12.34%	227858	29.78%
007	765137	1	0.00%	71376	9.33%	78323	10.24%	487523	63.72%
008	765136	0	0.00%	241628	31.58%	54850	7.17%	443123	57.91%
009	765135	-1	0.00%	105451	13.78%	123476	16.14%	466010	60.91%
010	765137	1	0.00%	193877	25.34%	58198	7.61%	478059	62.48%
011	765135	-1	0.00%	103505	13.53%	92947	12.15%	510228	66.68%
012	765136	0	0.00%	294961	38.55%	43065	5.63%	398843	52.13%
013	765136	0	0.00%	407986	53.32%	110825	14.48%	188099	24.58%
014	765136	0	0.00%	105435	13.78%	91371	11.94%	535516	69.99%
Total	10711908		0.00%	3538146	33.03%	1123457	10.49%	5362156	50.06%

District	18+ Pop	18+ SR Black	% 18+ SR Black	18+ AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
001	589266	157770	26.77%	166025	28.17%	39938	6.78%	355947	60.41%
002	587555	281564	47.92%	289612	49.29%	30074	5.12%	251047	42.73%
003	586319	130099	22.19%	136708	23.32%	31274	5.33%	391849	66.83%
004	582946	282204	48.41%	294887	50.59%	99121	17.00%	126798	21.75%
005	613735	300989	49.04%	313396	51.06%	52720	8.59%	206531	33.65%
006	593690	294178	49.55%	307240	51.75%	63188	10.64%	194739	32.80%
007	579339	45577	7.87%	51721	8.93%	52419	9.05%	386820	66.77%
008	585857	170421	29.09%	175967	30.04%	35732	6.10%	354572	60.52%
009	582752	67713	11.62%	73716	12.65%	79950	13.72%	375905	64.51%
010	590322	133304	22.58%	139872	23.69%	38081	6.45%	385356	65.28%
011	589100	68306	11.59%	75588	12.83%	61477	10.44%	408681	69.37%
012	588119	207872	35.35%	215958	36.72%	28628	4.87%	321394	54.65%
013	572137	281077	49.13%	294376	51.45%	72417	12.66%	159219	27.83%
014	579137	67345	11.63%	72920	12.59%	57899	10.00%	423475	73.12%
Total	8220274	2488419	30.27%	2607986	31.73%	742918	9.04%	4342333	52.82%

District	% NH SR Black CVAP*	% NH DOJ Black CVAP**	% Latino CVAP	% SR NH White CVAP	% Minority CVAP
001	29.01%	29.52%	4.69%	62.75%	37.25%
002	49.39%	49.83%	3.43%	44.46%	55.54%
003	22.97%	23.44%	3.61%	70.40%	29.60%
004	57.24%	57.91%	6.82%	27.49%	72.51%
005	52.60%	53.36%	4.77%	36.03%	63.97%
006	53.04%	53.84%	5.65%	36.92%	63.08%
007	8.14%	8.65%	5.81%	77.00%	23.00%
008	30.41%	30.80%	4.07%	62.88%	37.12%
009	12.33%	12.65%	8.85%	72.56%	27.44%
010	23.49%	24.07%	4.30%	68.88%	31.12%
011	12.13%	12.68%	5.98%	76.74%	23.26%
012	36.67%	37.37%	3.64%	56.34%	43.66%
013	51.97%	52.96%	7.56%	32.50%	67.50%
014	11.64%	12.09%	6.37%	79.31%	20.69%

CVAP Source:

* 2017-2021 ACS Special Tabulation <https://www.redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-block-level-2020/>

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level ACS estimates

* Single race NH Black CVAP, **NH DOJ Black= SR NH Black CVAP+SR NH Black/White CVAP

318-3

Georgia U.S. House -- 2020 Census -- 2021 Enacted Plan

District	Population	Deviation	% Deviation	AP Black	% AP Black	Latino	% Latino	NH White	% NH White
001	765137	1	0.00%	230783	30.16%	59328	7.75%	440636	57.59%
002	765137	1	0.00%	393195	51.39%	45499	5.95%	305611	39.94%
003	765136	0	0.00%	188947	24.69%	48285	6.31%	492494	64.37%
004	765135	-1	0.00%	423763	55.38%	88947	11.63%	197536	25.82%
005	765137	1	0.00%	392822	51.34%	56496	7.38%	273819	35.79%
006	765136	0	0.00%	78871	10.31%	78299	10.23%	487400	63.70%
007	765137	1	0.00%	239717	31.33%	181851	23.77%	225905	29.52%
008	765136	0	0.00%	241628	31.58%	54850	7.17%	443123	57.91%
009	765137	1	0.00%	87130	11.39%	117758	15.39%	495078	64.70%
010	765135	-1	0.00%	184137	24.07%	58645	7.66%	486487	63.58%
011	765137	1	0.00%	143404	18.74%	99794	13.04%	469264	61.33%
012	765136	0	0.00%	294961	38.55%	43065	5.63%	398843	52.13%
013	765137	1	0.00%	520094	67.97%	93554	12.23%	125106	16.35%
014	765135	-1	0.00%	118694	15.51%	97086	12.69%	520854	68.07%
Total	10711908		0.00%	3538146	33.03%	1123457	10.49%	5362156	50.06%

District	18+ Pop	18+ SR Black	% 18+ SR Black	18+ AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
001	589266	157770	26.77%	166025	28.17%	39938	6.78%	440636	57.59%
002	587555	281564	47.92%	289612	49.29%	30074	5.12%	305611	39.94%
003	586319	130099	22.19%	136708	23.32%	31274	5.33%	492494	64.37%
004	589470	308266	52.30%	321379	54.52%	59670	10.12%	197536	25.82%
005	621515	295885	47.61%	308271	49.60%	41432	6.67%	273819	35.79%
006	574797	50334	8.76%	56969	9.91%	52353	9.11%	487400	63.70%
007	566934	157650	27.81%	169071	29.82%	120604	21.27%	225905	29.52%
008	585857	170421	29.09%	175967	30.04%	35732	6.10%	443123	57.91%
009	592520	56416	9.52%	61747	10.42%	76361	12.89%	495078	64.70%
010	588874	126798	21.53%	133097	22.60%	38336	6.51%	486487	63.58%
011	595201	98212	16.50%	106811	17.95%	66802	11.22%	469264	61.33%
012	588119	207872	35.35%	215958	36.72%	28628	4.87%	398843	52.13%
013	574789	370024	64.38%	383663	66.75%	60467	10.52%	125106	16.35%
014	579058	77108	13.32%	82708	14.28%	61247	10.58%	520854	68.07%
Total	8220274	2488419	30.27%	2607986	31.73%	742918	9.04%	5362156	65.23%

District	% NH SR Black CVAP*	% NH DOJ Black CVAP**	% Latino CVAP	% SR NH White CVAP	% Minority CVAP
001	29.01%	29.52%	4.69%	62.75%	37.25%
002	49.39%	49.83%	3.43%	44.46%	55.54%
003	22.97%	23.44%	3.61%	70.40%	29.60%
004	57.75%	58.51%	4.21%	32.44%	67.56%
005	50.36%	51.05%	3.69%	40.51%	59.49%
006	9.62%	10.13%	5.87%	75.90%	24.10%
007	32.39%	33.16%	11.55%	42.19%	57.81%
008	30.41%	30.80%	4.07%	62.88%	37.12%
009	10.17%	10.47%	8.13%	76.21%	23.79%
010	22.48%	23.07%	4.49%	69.60%	30.40%
011	17.53%	18.25%	6.39%	71.07%	28.93%
012	36.67%	37.37%	3.64%	56.34%	43.66%
013	67.16%	67.98%	5.96%	22.10%	77.90%
014	13.71%	14.21%	6.49%	77.25%	22.75%

CVAP Source:

* 2017-2021 ACS Special Tabulation <https://www.redistrictingdatahub.org/dataset/georgia-cvap-data-disaggregated-to-the-block-level-2020/>

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level ACS estimates

* Single race NH Black CVAP, **NH DOJ Black= SR NH Black CVAP+SR NH Black/White CVAP

318-4

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Plan Components with Population Detail

Monday, December 11, 2023

5:51 PM

	Total Population	NH_Wht	AP_Bl	[Hispanic Origin]	AP_Asn
District: 001					
County: Appling GA					
Total:	18,444	12,674	3,647	1,825	178
		68.72%	19.77%	9.89%	0.97%
Voting Age	13,958	10,048	2,540	1,118	2,540
		71.99%	18.20%	8.01%	18.20%
County: Bacon GA					
Total:	11,140	8,103	1,970	875	62
		72.74%	17.68%	7.85%	0.56%
Voting Age	8,310	6,374	1,245	547	1,245
		76.70%	14.98%	6.58%	14.98%
County: Brantley GA					
Total:	18,021	16,317	733	326	103
		90.54%	4.07%	1.81%	0.57%
Voting Age	13,692	12,522	470	212	470
		91.45%	3.43%	1.55%	3.43%
County: Bryan GA					
Total:	44,738	31,321	7,463	3,269	1,765
		70.01%	16.68%	7.31%	3.95%
Voting Age	31,828	23,033	5,025	1,919	5,025
		72.37%	15.79%	6.03%	15.79%
County: Camden GA					
Total:	54,768	37,203	11,072	3,658	1,539
		67.93%	20.22%	6.68%	2.81%
Voting Age	41,808	29,410	7,828	2,457	7,828
		70.35%	18.72%	5.88%	18.72%
County: Charlton GA					
Total:	12,518	7,532	2,798	2,036	177

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 001					
		60.17%	22.35%	16.26%	1.41%
Voting Age	10,135	5,929	2,147	1,971	2,147
		58.50%	21.18%	19.45%	21.18%
County: Chatham GA					
Total:	295,291	139,433	115,458	23,790	13,373
		47.22%	39.10%	8.06%	4.53%
Voting Age	234,715	119,161	85,178	16,551	85,178
		50.77%	36.29%	7.05%	36.29%
County: Effingham GA					
Total:	47,208	35,249	6,652	2,875	1,092
		74.67%	14.09%	6.09%	2.31%
Voting Age	34,272	26,449	4,374	1,700	4,374
		77.17%	12.76%	4.96%	12.76%
County: Glynn GA					
Total:	84,499	52,987	22,098	6,336	1,684
		62.71%	26.15%	7.50%	1.99%
Voting Age	66,468	44,302	15,620	4,116	15,620
		66.65%	23.50%	6.19%	23.50%
County: Liberty GA					
Total:	65,256	24,004	31,146	7,786	2,266
		36.78%	47.73%	11.93%	3.47%
Voting Age	48,014	19,065	21,700	5,231	21,700
		39.71%	45.20%	10.89%	45.20%
County: Long GA					
Total:	16,168	8,774	4,734	1,979	368
		54.27%	29.28%	12.24%	2.28%
Voting Age	11,234	6,422	3,107	1,227	3,107
		57.17%	27.66%	10.92%	27.66%
County: McIntosh GA					
Total:	10,975	7,060	3,400	231	96
		64.33%	30.98%	2.10%	0.87%
Voting Age	9,040	5,998	2,641	166	2,641
		66.35%	29.21%	1.84%	29.21%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 001**County: Pierce GA**

Total:	19,716	16,403	1,801	998	148
		83.20%	9.13%	5.06%	0.75%
Voting Age	14,899	12,662	1,262	595	1,262
		84.99%	8.47%	3.99%	8.47%

County: Ware GA

Total:	36,251	22,275	11,421	1,612	406
		61.45%	31.51%	4.45%	1.12%
Voting Age	27,788	17,818	8,226	1,012	8,226
		64.12%	29.60%	3.64%	29.60%

County: Wayne GA

Total:	30,144	21,301	6,390	1,732	290
		70.66%	21.20%	5.75%	0.96%
Voting Age	23,105	16,754	4,662	1,116	4,662
		72.51%	20.18%	4.83%	20.18%

District: 001 Subtotal

Total:	765,137	440,636	230,783	59,328	23,547
		57.59%	30.16%	7.75%	3.08%
Voting Age	589,266	355,947	166,025	39,938	166,025
		60.41%	28.17%	6.78%	28.17%

District: 002**County: Baker GA**

Total:	2,876	1,514	1,178	143	53
		52.64%	40.96%	4.97%	1.84%
Voting Age	2,275	1,235	932	77	932
		54.29%	40.97%	3.38%	40.97%

County: Bibb GA

Total:	108,371	29,397	72,197	4,818	1,391
		27.13%	66.62%	4.45%	1.28%
Voting Age	82,489	25,121	52,370	3,351	52,370
		30.45%	63.49%	4.06%	63.49%

County: Calhoun GA

Total:	5,573	1,766	3,629	149	34
--------	-------	-------	-------	-----	----

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 002					
Voting Age	4,687	31.69%	65.12%	2.67%	0.61%
		1,567	2,998	90	2,998
		33.43%	63.96%	1.92%	63.96%
County: Chattahoochee GA					
Total:	9,565	5,403	1,825	1,610	518
Voting Age	7,199	56.49%	19.08%	16.83%	5.42%
		4,212	1,287	1,160	1,287
		58.51%	17.88%	16.11%	17.88%
County: Clay GA					
Total:	2,848	1,143	1,634	41	29
Voting Age	2,246	40.13%	57.37%	1.44%	1.02%
		973	1,231	19	1,231
		43.32%	54.81%	0.85%	54.81%
County: Crawford GA					
Total:	12,130	8,866	2,455	415	105
Voting Age	9,606	73.09%	20.24%	3.42%	0.87%
		7,079	1,938	287	1,938
		73.69%	20.17%	2.99%	20.17%
County: Decatur GA					
Total:	29,367	14,280	12,583	1,911	277
Voting Age	22,443	48.63%	42.85%	6.51%	0.94%
		11,586	9,189	1,196	9,189
		51.62%	40.94%	5.33%	40.94%
County: Dooly GA					
Total:	11,208	4,611	5,652	797	79
Voting Age	9,187	41.14%	50.43%	7.11%	0.70%
		4,029	4,526	493	4,526
		43.86%	49.27%	5.37%	49.27%
County: Dougherty GA					
Total:	85,790	20,631	61,457	2,413	954
Voting Age	66,266	24.05%	71.64%	2.81%	1.11%
		17,909	45,631	1,591	45,631
		27.03%	68.86%	2.40%	68.86%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 002**County: Early GA**

Total:	10,854	4,813	5,688	186	73
		44.34%	52.40%	1.71%	0.67%
Voting Age	8,315	3,985	4,075	113	4,075
		47.93%	49.01%	1.36%	49.01%

County: Grady GA

Total:	26,236	14,715	7,693	3,273	184
		56.09%	29.32%	12.48%	0.70%
Voting Age	19,962	11,968	5,678	1,857	5,678
		59.95%	28.44%	9.30%	28.44%

County: Houston GA

Total:	48,521	19,375	22,637	4,663	1,402
		39.93%	46.65%	9.61%	2.89%
Voting Age	36,233	16,052	15,657	2,988	15,657
		44.30%	43.21%	8.25%	43.21%

County: Lee GA

Total:	33,163	22,758	7,755	953	1,109
		68.62%	23.38%	2.87%	3.34%
Voting Age	24,676	17,356	5,503	603	5,503
		70.34%	22.30%	2.44%	22.30%

County: Macon GA

Total:	12,082	4,078	7,296	472	181
		33.75%	60.39%	3.91%	1.50%
Voting Age	9,938	3,379	6,021	322	6,021
		34.00%	60.59%	3.24%	60.59%

County: Marion GA

Total:	7,498	4,486	2,223	560	94
		59.83%	29.65%	7.47%	1.25%
Voting Age	5,854	3,643	1,687	337	1,687
		62.23%	28.82%	5.76%	28.82%

County: Miller GA

Total:	6,000	3,949	1,831	136	46
		65.82%	30.52%	2.27%	0.77%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 002					
Voting Age	4,749	3,239	1,358	92	1,358
		68.20%	28.60%	1.94%	28.60%
County: Mitchell GA					
Total:	21,755	10,106	10,394	964	156
		46.45%	47.78%	4.43%	0.72%
Voting Age	17,065	8,284	7,917	615	7,917
		48.54%	46.39%	3.60%	46.39%
County: Muscogee GA					
Total:	175,155	58,991	95,521	13,791	6,461
		33.68%	54.54%	7.87%	3.69%
Voting Age	132,158	48,043	69,548	9,099	69,548
		36.35%	52.62%	6.88%	52.62%
County: Peach GA					
Total:	27,981	12,119	12,645	2,547	341
		43.31%	45.19%	9.10%	1.22%
Voting Age	22,111	10,071	9,720	1,788	9,720
		45.55%	43.96%	8.09%	43.96%
County: Quitman GA					
Total:	2,235	1,190	965	31	20
		53.24%	43.18%	1.39%	0.89%
Voting Age	1,870	1,037	765	18	765
		55.45%	40.91%	0.96%	40.91%
County: Randolph GA					
Total:	6,425	2,250	3,947	143	46
		35.02%	61.43%	2.23%	0.72%
Voting Age	4,977	1,922	2,913	82	2,913
		38.62%	58.53%	1.65%	58.53%
County: Schley GA					
Total:	4,547	3,357	933	175	47
		73.83%	20.52%	3.85%	1.03%
Voting Age	3,328	2,520	644	103	644
		75.72%	19.35%	3.09%	19.35%
County: Seminole GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 002					
Total:	9,147	5,617	3,093	228	86
		61.41%	33.81%	2.49%	0.94%
Voting Age	7,277	4,681	2,275	160	2,275
		64.33%	31.26%	2.20%	31.26%
County: Stewart GA					
Total:	5,314	1,338	2,538	1,217	186
		25.18%	47.76%	22.90%	3.50%
Voting Age	4,617	1,161	2,048	1,196	2,048
		25.15%	44.36%	25.90%	44.36%
County: Sumter GA					
Total:	29,616	11,528	15,546	1,770	599
		38.92%	52.49%	5.98%	2.02%
Voting Age	23,036	9,800	11,479	1,147	11,479
		42.54%	49.83%	4.98%	49.83%
County: Talbot GA					
Total:	5,733	2,427	3,145	112	31
		42.33%	54.86%	1.95%	0.54%
Voting Age	4,783	2,129	2,537	56	2,537
		44.51%	53.04%	1.17%	53.04%
County: Taylor GA					
Total:	7,816	4,584	2,946	168	52
		58.65%	37.69%	2.15%	0.67%
Voting Age	6,120	3,686	2,235	107	2,235
		60.23%	36.52%	1.75%	36.52%
County: Terrell GA					
Total:	9,185	3,189	5,707	177	97
		34.72%	62.13%	1.93%	1.06%
Voting Age	7,204	2,709	4,274	121	4,274
		37.60%	59.33%	1.68%	59.33%
County: Thomas GA					
Total:	45,798	25,994	16,975	1,577	558
		56.76%	37.06%	3.44%	1.22%
Voting Age	35,037	20,740	12,332	970	12,332

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 002					
		59.19%	35.20%	2.77%	35.20%
County: Webster GA					
Total:	2,348	1,136	1,107	59	27
		48.38%	47.15%	2.51%	1.15%
Voting Age	1,847	931	844	36	844
		50.41%	45.70%	1.95%	45.70%
District: 002 Subtotal					
Total:	765,137	305,611	393,195	45,499	15,236
		39.94%	51.39%	5.95%	1.99%
Voting Age	587,555	251,047	289,612	30,074	289,612
		42.73%	49.29%	5.12%	49.29%
District: 003					
County: Carroll GA					
Total:	119,148	80,725	24,618	9,586	1,674
		67.75%	20.66%	8.05%	1.40%
Voting Age	90,996	63,803	17,827	6,129	17,827
		70.12%	19.59%	6.74%	19.59%
County: Cobb GA					
Total:	25,421	19,628	2,784	1,371	1,058
		77.21%	10.95%	5.39%	4.16%
Voting Age	18,690	14,828	1,889	872	1,889
		79.34%	10.11%	4.67%	10.11%
County: Coweta GA					
Total:	146,158	99,421	28,289	11,053	4,613
		68.02%	19.36%	7.56%	3.16%
Voting Age	111,155	78,073	20,196	7,384	20,196
		70.24%	18.17%	6.64%	18.17%
County: Haralson GA					
Total:	29,919	26,825	1,541	497	278
		89.66%	5.15%	1.66%	0.93%
Voting Age	22,854	20,617	1,106	323	1,106
		90.21%	4.84%	1.41%	4.84%
County: Harris GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 003					
Total:	34,668	25,925	5,742	1,417	743
		74.78%	16.56%	4.09%	2.14%
Voting Age	26,799	20,298	4,431	908	4,431
		75.74%	16.53%	3.39%	16.53%
County: Heard GA					
Total:	11,412	9,589	1,142	253	93
		84.03%	10.01%	2.22%	0.81%
Voting Age	8,698	7,407	832	153	832
		85.16%	9.57%	1.76%	9.57%
County: Lamar GA					
Total:	18,500	12,344	5,220	475	189
		66.72%	28.22%	2.57%	1.02%
Voting Age	14,541	9,852	4,017	323	4,017
		67.75%	27.63%	2.22%	27.63%
County: Meriwether GA					
Total:	20,613	12,084	7,547	475	122
		58.62%	36.61%	2.30%	0.59%
Voting Age	16,526	9,994	5,845	299	5,845
		60.47%	35.37%	1.81%	35.37%
County: Muscogee GA					
Total:	31,767	20,092	6,691	2,722	1,711
		63.25%	21.06%	8.57%	5.39%
Voting Age	24,894	16,592	4,753	1,795	4,753
		66.65%	19.09%	7.21%	19.09%
County: Paulding GA					
Total:	168,661	108,444	41,296	12,564	3,205
		64.30%	24.48%	7.45%	1.90%
Voting Age	123,998	83,066	28,164	7,974	28,164
		66.99%	22.71%	6.43%	22.71%
County: Pike GA					
Total:	18,889	16,313	1,613	348	159
		86.36%	8.54%	1.84%	0.84%
Voting Age	14,337	12,422	1,254	207	1,254

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 003					
		86.64%	8.75%	1.44%	8.75%
County: Polk GA					
Total:	42,853	30,161	5,816	5,585	336
		70.38%	13.57%	13.03%	0.78%
Voting Age	32,238	24,049	3,991	3,252	3,991
		74.60%	12.38%	10.09%	12.38%
County: Troup GA					
Total:	69,426	38,099	25,473	2,956	1,842
		54.88%	36.69%	4.26%	2.65%
Voting Age	52,581	30,377	18,202	1,822	18,202
		57.77%	34.62%	3.47%	34.62%
County: Upson GA					
Total:	27,700	18,009	8,324	633	233
		65.01%	30.05%	2.29%	0.84%
Voting Age	21,711	14,548	6,202	411	6,202
		67.01%	28.57%	1.89%	28.57%
District: 003 Subtotal					
Total:	765,135	517,659	166,096	49,935	16,256
		67.66%	21.71%	6.53%	2.12%
Voting Age	580,018	405,926	118,709	31,852	118,709
		69.99%	20.47%	5.49%	20.47%
District: 004					
County: DeKalb GA					
Total:	601,451	153,733	322,421	74,201	50,736
		25.56%	53.61%	12.34%	8.44%
Voting Age	465,661	129,178	247,548	50,261	247,548
		27.74%	53.16%	10.79%	53.16%
County: Newton GA					
Total:	70,115	33,771	30,394	4,015	1,038
		48.17%	43.35%	5.73%	1.48%
Voting Age	53,476	27,197	22,187	2,597	22,187
		50.86%	41.49%	4.86%	41.49%
County: Rockdale GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 004

Total:	93,570	24,500	57,204	9,540	1,981
		26.18%	61.13%	10.20%	2.12%
Voting Age	71,503	21,457	41,935	6,089	41,935
		30.01%	58.65%	8.52%	58.65%

District: 004 Subtotal

Total:	765,136	212,004	410,019	87,756	53,755
		27.71%	53.59%	11.47%	7.03%
Voting Age	590,640	177,832	311,670	58,947	311,670
		30.11%	52.77%	9.98%	52.77%

District: 005**County: Clayton GA**

Total:	37,919	2,578	27,594	6,497	1,488
		6.80%	72.77%	17.13%	3.92%
Voting Age	27,885	2,344	20,301	4,185	20,301
		8.41%	72.80%	15.01%	72.80%

County: DeKalb GA

Total:	162,931	62,162	85,030	7,270	7,645
		38.15%	52.19%	4.46%	4.69%
Voting Age	129,615	50,983	66,682	5,245	66,682
		39.33%	51.45%	4.05%	51.45%

County: Fulton GA

Total:	564,287	209,079	280,198	42,729	30,799
		37.05%	49.66%	7.57%	5.46%
Voting Age	464,015	182,325	221,288	32,002	221,288
		39.29%	47.69%	6.90%	47.69%

District: 005 Subtotal

Total:	765,137	273,819	392,822	56,496	39,932
		35.79%	51.34%	7.38%	5.22%
Voting Age	621,515	235,652	308,271	41,432	308,271
		37.92%	49.60%	6.67%	49.60%

District: 006**County: Cobb GA**

Total:	452,386	164,732	175,347	83,302	24,109
--------	---------	---------	---------	--------	--------

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 006					
		36.41%	38.76%	18.41%	5.33%
Voting Age	352,053	141,014	131,674	55,556	131,674
		40.05%	37.40%	15.78%	37.40%
County: Douglas GA					
Total:	144,237	49,877	74,260	16,035	3,139
		34.58%	51.48%	11.12%	2.18%
Voting Age	108,428	41,416	53,377	10,212	53,377
		38.20%	49.23%	9.42%	49.23%
County: Fayette GA					
Total:	4,143	2,109	998	891	91
		50.91%	24.09%	21.51%	2.20%
Voting Age	3,000	1,700	652	543	652
		56.67%	21.73%	18.10%	21.73%
County: Fulton GA					
Total:	164,371	9,267	146,286	8,173	1,593
		5.64%	89.00%	4.97%	0.97%
Voting Age	123,766	8,240	109,273	5,487	109,273
		6.66%	88.29%	4.43%	88.29%
District: 006 Subtotal					
Total:	765,137	225,985	396,891	108,401	28,932
		29.54%	51.87%	14.17%	3.78%
Voting Age	587,247	192,370	294,976	71,798	294,976
		32.76%	50.23%	12.23%	50.23%
District: 007					
County: Fulton GA					
Total:	92,558	45,964	11,462	6,614	27,383
		49.66%	12.38%	7.15%	29.58%
Voting Age	69,229	36,341	8,135	4,468	8,135
		52.49%	11.75%	6.45%	11.75%
County: Gwinnett GA					
Total:	672,579	179,941	228,255	175,237	91,061
		26.75%	33.94%	26.05%	13.54%
Voting Age	497,705	149,497	160,936	116,136	160,936

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 007					
			30.04%	32.34%	23.33%
					32.34%
District: 007 Subtotal					
Total:	765,137	225,905	239,717	181,851	118,444
		29.52%	31.33%	23.77%	15.48%
Voting Age	566,934	185,838	169,071	120,604	169,071
		32.78%	29.82%	21.27%	29.82%
District: 008					
County: Atkinson GA					
Total:	8,286	4,801	1,284	2,048	57
		57.94%	15.50%	24.72%	0.69%
Voting Age	6,129	3,787	937	1,282	937
		61.79%	15.29%	20.92%	15.29%
County: Baldwin GA					
Total:	43,799	22,432	18,985	1,139	726
		51.22%	43.35%	2.60%	1.66%
Voting Age	35,732	19,377	14,515	835	14,515
		54.23%	40.62%	2.34%	40.62%
County: Ben Hill GA					
Total:	17,194	9,219	6,537	1,054	157
		53.62%	38.02%	6.13%	0.91%
Voting Age	13,165	7,459	4,745	653	4,745
		56.66%	36.04%	4.96%	36.04%
County: Berrien GA					
Total:	18,160	14,396	2,198	1,045	144
		79.27%	12.10%	5.75%	0.79%
Voting Age	13,690	11,181	1,499	622	1,499
		81.67%	10.95%	4.54%	10.95%
County: Bibb GA					
Total:	48,975	27,390	16,668	1,919	2,629
		55.93%	34.03%	3.92%	5.37%
Voting Age	38,413	22,858	11,900	1,383	11,900
		59.51%	30.98%	3.60%	30.98%
County: Bleckley GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 008					
Total:	12,583	8,867	2,951	469	195
		70.47%	23.45%	3.73%	1.55%
Voting Age	9,613	7,032	2,036	311	2,036
		73.15%	21.18%	3.24%	21.18%
County: Brooks GA					
Total:	16,301	9,066	5,958	955	115
		55.62%	36.55%	5.86%	0.71%
Voting Age	12,747	7,483	4,357	635	4,357
		58.70%	34.18%	4.98%	34.18%
County: Clinch GA					
Total:	6,749	4,256	2,096	253	53
		63.06%	31.06%	3.75%	0.79%
Voting Age	5,034	3,372	1,406	156	1,406
		66.98%	27.93%	3.10%	27.93%
County: Coffee GA					
Total:	43,092	24,158	12,575	5,430	422
		56.06%	29.18%	12.60%	0.98%
Voting Age	32,419	19,146	9,191	3,324	9,191
		59.06%	28.35%	10.25%	28.35%
County: Colquitt GA					
Total:	45,898	25,588	10,648	8,709	507
		55.75%	23.20%	18.97%	1.10%
Voting Age	34,193	20,507	7,461	5,467	7,461
		59.97%	21.82%	15.99%	21.82%
County: Cook GA					
Total:	17,229	10,658	5,014	1,134	173
		61.86%	29.10%	6.58%	1.00%
Voting Age	12,938	8,310	3,595	704	3,595
		64.23%	27.79%	5.44%	27.79%
County: Crisp GA					
Total:	20,128	9,892	9,194	634	245
		49.15%	45.68%	3.15%	1.22%
Voting Age	15,570	8,248	6,603	414	6,603

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 008			52.97%	42.41%	2.66%	42.41%
County: Dodge GA						
Total:	19,925		12,865	6,148	620	143
			64.57%	30.86%	3.11%	0.72%
Voting Age	15,709		10,360	4,725	406	4,725
			65.95%	30.08%	2.58%	30.08%
County: Echols GA						
Total:	3,697		2,328	193	1,091	35
			62.97%	5.22%	29.51%	0.95%
Voting Age	2,709		1,856	121	667	121
			68.51%	4.47%	24.62%	4.47%
County: Houston GA						
Total:	115,112		66,836	33,883	7,144	5,702
			58.06%	29.43%	6.21%	4.95%
Voting Age	85,885		51,966	23,948	4,542	23,948
			60.51%	27.88%	5.29%	27.88%
County: Irwin GA						
Total:	9,666		6,402	2,333	663	148
			66.23%	24.14%	6.86%	1.53%
Voting Age	7,547		5,047	1,720	545	1,720
			66.87%	22.79%	7.22%	22.79%
County: Jeff Davis GA						
Total:	14,779		9,950	2,493	2,047	83
			67.33%	16.87%	13.85%	0.56%
Voting Age	10,856		7,643	1,752	1,233	1,752
			70.40%	16.14%	11.36%	16.14%
County: Jones GA						
Total:	28,347		20,074	7,114	476	216
			70.82%	25.10%	1.68%	0.76%
Voting Age	21,575		15,428	5,341	302	5,341
			71.51%	24.76%	1.40%	24.76%
County: Lanier GA						
Total:	9,877		6,595	2,369	572	119

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 008					
		66.77%	23.99%	5.79%	1.20%
Voting Age	7,326	5,010	1,683	370	1,683
		68.39%	22.97%	5.05%	22.97%
County: Lowndes GA					
Total:	118,251	59,306	46,758	7,872	2,887
		50.15%	39.54%	6.66%	2.44%
Voting Age	89,031	47,140	33,302	5,201	33,302
		52.95%	37.40%	5.84%	37.40%
County: Monroe GA					
Total:	27,957	19,954	6,444	714	342
		71.37%	23.05%	2.55%	1.22%
Voting Age	21,913	15,771	5,068	464	5,068
		71.97%	23.13%	2.12%	23.13%
County: Pulaski GA					
Total:	9,855	6,022	3,250	327	117
		61.11%	32.98%	3.32%	1.19%
Voting Age	8,012	5,027	2,564	224	2,564
		62.74%	32.00%	2.80%	32.00%
County: Telfair GA					
Total:	12,477	5,970	4,754	1,928	52
		47.85%	38.10%	15.45%	0.42%
Voting Age	10,190	4,802	3,806	1,757	3,806
		47.12%	37.35%	17.24%	37.35%
County: Tift GA					
Total:	41,344	22,189	12,734	5,219	793
		53.67%	30.80%	12.62%	1.92%
Voting Age	31,224	18,011	8,963	3,295	8,963
		57.68%	28.71%	10.55%	28.71%
County: Turner GA					
Total:	9,006	4,700	3,813	372	70
		52.19%	42.34%	4.13%	0.78%
Voting Age	6,960	3,891	2,752	256	2,752
		55.91%	39.54%	3.68%	39.54%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 008**County: Twiggs GA**

Total:	8,022	4,487	3,226	124	63
		55.93%	40.21%	1.55%	0.79%
Voting Age	6,589	3,733	2,627	79	2,627
		56.66%	39.87%	1.20%	39.87%

County: Wilcox GA

Total:	8,766	5,185	3,161	272	80
		59.15%	36.06%	3.10%	0.91%
Voting Age	7,218	4,215	2,693	209	2,693
		58.40%	37.31%	2.90%	37.31%

County: Wilkinson GA

Total:	8,877	5,110	3,330	239	55
		57.56%	37.51%	2.69%	0.62%
Voting Age	7,026	4,165	2,549	152	2,549
		59.28%	36.28%	2.16%	36.28%

County: Worth GA

Total:	20,784	14,427	5,517	381	150
		69.41%	26.54%	1.83%	0.72%
Voting Age	16,444	11,747	4,108	244	4,108
		71.44%	24.98%	1.48%	24.98%

District: 008 Subtotal

Total:	765,136	443,123	241,628	54,850	16,478
		57.91%	31.58%	7.17%	2.15%
Voting Age	585,857	354,572	175,967	35,732	175,967
		60.52%	30.04%	6.10%	30.04%

District: 009**County: Forsyth GA**

Total:	251,283	159,407	13,222	25,226	48,199
		63.44%	5.26%	10.04%	19.18%
Voting Age	181,193	122,017	8,751	16,204	8,751
		67.34%	4.83%	8.94%	4.83%

County: Gwinnett GA

Total:	284,483	130,642	59,432	45,223	47,427
--------	---------	---------	--------	--------	--------

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 009					
		45.92%	20.89%	15.90%	16.67%
Voting Age	211,779	102,544	41,826	30,523	41,826
		48.42%	19.75%	14.41%	19.75%
County: Hall GA					
Total:	153,463	80,227	15,257	51,232	4,673
		52.28%	9.94%	33.38%	3.05%
Voting Age	114,821	66,144	10,945	32,465	10,945
		57.61%	9.53%	28.27%	9.53%
County: Jackson GA					
Total:	75,907	59,064	6,148	6,712	2,248
		77.81%	8.10%	8.84%	2.96%
Voting Age	56,451	45,015	4,268	4,261	4,268
		79.74%	7.56%	7.55%	7.56%
District: 009 Subtotal					
Total:	765,136	429,340	94,059	128,393	102,547
		56.11%	12.29%	16.78%	13.40%
Voting Age	564,244	335,720	65,790	83,453	65,790
		59.50%	11.66%	14.79%	11.66%
District: 010					
County: Banks GA					
Total:	18,035	15,578	589	1,164	250
		86.38%	3.27%	6.45%	1.39%
Voting Age	13,900	12,278	365	721	365
		88.33%	2.63%	5.19%	2.63%
County: Barrow GA					
Total:	83,505	55,582	11,907	10,560	3,842
		66.56%	14.26%	12.65%	4.60%
Voting Age	62,195	43,241	8,222	6,726	8,222
		69.52%	13.22%	10.81%	13.22%
County: Clarke GA					
Total:	128,671	72,201	33,672	14,336	6,215
		56.11%	26.17%	11.14%	4.83%
Voting Age	106,830	64,531	24,776	10,213	24,776

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 010			60.41%	23.19%	9.56%	23.19%
County: Elbert GA						
Total:	19,637		12,610	5,520	996	238
			64.22%	28.11%	5.07%	1.21%
Voting Age	15,493		10,322	4,122	660	4,122
			66.62%	26.61%	4.26%	26.61%
County: Franklin GA						
Total:	23,424		19,262	2,207	1,121	319
			82.23%	9.42%	4.79%	1.36%
Voting Age	18,307		15,466	1,523	678	1,523
			84.48%	8.32%	3.70%	8.32%
County: Greene GA						
Total:	18,915		11,126	6,027	1,289	237
			58.82%	31.86%	6.81%	1.25%
Voting Age	15,358		9,675	4,470	826	4,470
			63.00%	29.11%	5.38%	29.11%
County: Habersham GA						
Total:	46,031		34,694	2,165	6,880	1,195
			75.37%	4.70%	14.95%	2.60%
Voting Age	35,878		28,299	1,675	4,115	1,675
			78.88%	4.67%	11.47%	4.67%
County: Hall GA						
Total:	49,673		40,191	1,749	5,778	642
			80.91%	3.52%	11.63%	1.29%
Voting Age	39,023		32,656	1,149	3,681	1,149
			83.68%	2.94%	9.43%	2.94%
County: Hancock GA						
Total:	8,735		2,413	6,131	63	58
			27.62%	70.19%	0.72%	0.66%
Voting Age	7,487		2,220	5,108	47	5,108
			29.65%	68.22%	0.63%	68.22%
County: Hart GA						
Total:	25,828		19,250	4,732	931	433

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 010					
		74.53%	18.32%	3.60%	1.68%
Voting Age	20,436	15,761	3,447	578	3,447
		77.12%	16.87%	2.83%	16.87%
County: Lumpkin GA					
Total:	29,598	25,718	643	1,654	450
		86.89%	2.17%	5.59%	1.52%
Voting Age	24,614	21,601	482	1,247	482
		87.76%	1.96%	5.07%	1.96%
County: Madison GA					
Total:	30,120	23,549	3,196	1,956	650
		78.18%	10.61%	6.49%	2.16%
Voting Age	23,112	18,643	2,225	1,198	2,225
		80.66%	9.63%	5.18%	9.63%
County: Morgan GA					
Total:	20,097	14,487	4,339	712	221
		72.09%	21.59%	3.54%	1.10%
Voting Age	15,574	11,452	3,280	434	3,280
		73.53%	21.06%	2.79%	21.06%
County: Oconee GA					
Total:	41,799	33,886	2,280	2,347	2,497
		81.07%	5.45%	5.61%	5.97%
Voting Age	30,221	24,942	1,660	1,405	1,660
		82.53%	5.49%	4.65%	5.49%
County: Oglethorpe GA					
Total:	14,825	10,903	2,468	869	207
		73.54%	16.65%	5.86%	1.40%
Voting Age	11,639	8,799	1,853	531	1,853
		75.60%	15.92%	4.56%	15.92%
County: Putnam GA					
Total:	22,047	14,316	5,701	1,557	187
		64.93%	25.86%	7.06%	0.85%
Voting Age	17,847	12,209	4,229	1,031	4,229
		68.41%	23.70%	5.78%	23.70%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 010**County: Rabun GA**

Total:	16,883	14,625	210	1,452	110
		86.63%	1.24%	8.60%	0.65%
Voting Age	13,767	12,236	129	928	129
		88.88%	0.94%	6.74%	0.94%

County: Stephens GA

Total:	26,784	21,323	3,527	857	324
		79.61%	13.17%	3.20%	1.21%
Voting Age	21,163	17,310	2,467	578	2,467
		81.79%	11.66%	2.73%	11.66%

County: Taliaferro GA

Total:	1,559	591	876	69	24
		37.91%	56.19%	4.43%	1.54%
Voting Age	1,289	506	722	46	722
		39.26%	56.01%	3.57%	56.01%

County: Towns GA

Total:	12,493	11,469	168	415	117
		91.80%	1.34%	3.32%	0.94%
Voting Age	10,923	10,100	137	338	137
		92.47%	1.25%	3.09%	1.25%

County: Walton GA

Total:	96,673	68,499	18,804	5,228	2,001
		70.86%	19.45%	5.41%	2.07%
Voting Age	73,098	53,647	13,165	3,236	13,165
		73.39%	18.01%	4.43%	18.01%

County: White GA

Total:	28,003	24,959	721	913	272
		89.13%	2.57%	3.26%	0.97%
Voting Age	22,482	20,318	484	605	484
		90.37%	2.15%	2.69%	2.15%

County: Wilkes GA

Total:	1,802	1,080	567	97	25
		59.93%	31.47%	5.38%	1.39%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 010					
Voting Age	1,491	897	488	54	488
		60.16%	32.73%	3.62%	32.73%
District: 010 Subtotal					
Total:	765,137	548,312	118,199	61,244	20,514
		71.66%	15.45%	8.00%	2.68%
Voting Age	602,127	447,109	86,178	39,876	86,178
		74.25%	14.31%	6.62%	14.31%
District: 011					
County: Bartow GA					
Total:	108,901	80,159	13,395	10,751	1,680
		73.61%	12.30%	9.87%	1.54%
Voting Age	83,570	63,759	9,377	6,817	9,377
		76.29%	11.22%	8.16%	11.22%
County: Cherokee GA					
Total:	122,400	86,657	12,310	15,362	4,976
		70.80%	10.06%	12.55%	4.07%
Voting Age	93,948	69,068	8,613	10,317	8,613
		73.52%	9.17%	10.98%	9.17%
County: Cobb GA					
Total:	288,342	184,822	44,985	26,567	26,222
		64.10%	15.60%	9.21%	9.09%
Voting Age	221,105	147,458	32,578	18,077	32,578
		66.69%	14.73%	8.18%	14.73%
County: Fulton GA					
Total:	245,494	140,483	39,678	28,786	32,788
		57.22%	16.16%	11.73%	13.36%
Voting Age	190,172	113,635	29,939	19,957	29,939
		59.75%	15.74%	10.49%	15.74%
District: 011 Subtotal					
Total:	765,137	492,121	110,368	81,466	65,666
		64.32%	14.42%	10.65%	8.58%
Voting Age	588,795	393,920	80,507	55,168	80,507
		66.90%	13.67%	9.37%	13.67%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 012**County: Bulloch GA**

Total:	81,099	49,712	24,375	4,180	1,793
		61.30%	30.06%	5.15%	2.21%
Voting Age	64,494	41,041	18,220	3,021	18,220
		63.64%	28.25%	4.68%	28.25%

County: Burke GA

Total:	24,596	11,941	11,430	777	186
		48.55%	46.47%	3.16%	0.76%
Voting Age	18,778	9,566	8,362	494	8,362
		50.94%	44.53%	2.63%	44.53%

County: Candler GA

Total:	10,981	6,567	2,807	1,378	90
		59.80%	25.56%	12.55%	0.82%
Voting Age	8,241	5,229	2,009	835	2,009
		63.45%	24.38%	10.13%	24.38%

County: Columbia GA

Total:	156,010	99,111	32,516	11,858	10,279
		63.53%	20.84%	7.60%	6.59%
Voting Age	114,823	76,070	22,273	7,355	22,273
		66.25%	19.40%	6.41%	19.40%

County: Effingham GA

Total:	17,561	12,955	3,383	617	176
		73.77%	19.26%	3.51%	1.00%
Voting Age	13,023	9,788	2,457	354	2,457
		75.16%	18.87%	2.72%	18.87%

County: Emanuel GA

Total:	22,768	13,815	7,556	993	170
		60.68%	33.19%	4.36%	0.75%
Voting Age	17,320	11,013	5,404	589	5,404
		63.59%	31.20%	3.40%	31.20%

County: Evans GA

Total:	10,774	6,038	3,273	1,237	99
		56.04%	30.38%	11.48%	0.92%

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 012					
Voting Age	8,127	4,826	2,410	731	2,410
		59.38%	29.65%	8.99%	29.65%
County: Glascock GA					
Total:	2,884	2,573	226	52	24
		89.22%	7.84%	1.80%	0.83%
Voting Age	2,236	2,003	167	31	167
		89.58%	7.47%	1.39%	7.47%
County: Jefferson GA					
Total:	15,709	6,834	8,208	462	112
		43.50%	52.25%	2.94%	0.71%
Voting Age	12,301	5,536	6,324	280	6,324
		45.00%	51.41%	2.28%	51.41%
County: Jenkins GA					
Total:	8,674	4,611	3,638	303	33
		53.16%	41.94%	3.49%	0.38%
Voting Age	7,005	3,874	2,843	194	2,843
		55.30%	40.59%	2.77%	40.59%
County: Johnson GA					
Total:	9,189	5,800	3,124	117	45
		63.12%	34.00%	1.27%	0.49%
Voting Age	7,474	4,790	2,513	82	2,513
		64.09%	33.62%	1.10%	33.62%
County: Laurens GA					
Total:	49,570	27,881	19,132	1,424	653
		56.25%	38.60%	2.87%	1.32%
Voting Age	37,734	22,229	13,695	923	13,695
		58.91%	36.29%	2.45%	36.29%
County: Lincoln GA					
Total:	7,690	5,196	2,212	92	50
		67.57%	28.76%	1.20%	0.65%
Voting Age	6,270	4,316	1,728	54	1,728
		68.84%	27.56%	0.86%	27.56%
County: McDuffie GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 012					
Total:	21,632	11,417	9,045	790	176
		52.78%	41.81%	3.65%	0.81%
Voting Age	16,615	9,359	6,425	536	6,425
		56.33%	38.67%	3.23%	38.67%
County: Montgomery GA					
Total:	8,610	5,665	2,224	571	58
		65.80%	25.83%	6.63%	0.67%
Voting Age	6,792	4,527	1,781	377	1,781
		66.65%	26.22%	5.55%	26.22%
County: Richmond GA					
Total:	206,607	68,397	119,970	11,449	5,627
		33.10%	58.07%	5.54%	2.72%
Voting Age	160,899	58,403	87,930	8,445	87,930
		36.30%	54.65%	5.25%	54.65%
County: Screven GA					
Total:	14,067	8,018	5,527	287	98
		57.00%	39.29%	2.04%	0.70%
Voting Age	10,893	6,387	4,144	188	4,144
		58.63%	38.04%	1.73%	38.04%
County: Tattnall GA					
Total:	22,842	13,825	6,331	2,303	198
		60.52%	27.72%	10.08%	0.87%
Voting Age	17,654	11,020	4,886	1,419	4,886
		62.42%	27.68%	8.04%	27.68%
County: Toombs GA					
Total:	27,030	16,007	7,402	3,044	280
		59.22%	27.38%	11.26%	1.04%
Voting Age	20,261	12,810	5,036	1,978	5,036
		63.22%	24.86%	9.76%	24.86%
County: Treutlen GA					
Total:	6,406	4,065	2,114	170	27
		63.46%	33.00%	2.65%	0.42%
Voting Age	4,934	3,272	1,514	98	1,514

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 012					
		66.32%	30.69%	1.99%	30.69%
County: Warren GA					
Total:	5,215	1,974	3,128	53	27
		37.85%	59.98%	1.02%	0.52%
Voting Age	4,159	1,716	2,360	46	2,360
		41.26%	56.74%	1.11%	56.74%
County: Washington GA					
Total:	19,988	8,412	10,969	334	107
		42.09%	54.88%	1.67%	0.54%
Voting Age	15,709	6,944	8,333	235	8,333
		44.20%	53.05%	1.50%	53.05%
County: Wheeler GA					
Total:	7,471	4,157	2,949	272	29
		55.64%	39.47%	3.64%	0.39%
Voting Age	6,217	3,418	2,561	174	2,561
		54.98%	41.19%	2.80%	41.19%
County: Wilkes GA					
Total:	7,763	3,872	3,422	302	64
		49.88%	44.08%	3.89%	0.82%
Voting Age	6,160	3,257	2,583	189	2,583
		52.87%	41.93%	3.07%	41.93%
District: 012 Subtotal					
Total:	765,136	398,843	294,961	43,065	20,401
		52.13%	38.55%	5.63%	2.67%
Voting Age	588,119	321,394	215,958	28,628	215,958
		54.65%	36.72%	4.87%	36.72%
District: 013					
County: Butts GA					
Total:	25,434	16,628	7,212	803	206
		65.38%	28.36%	3.16%	0.81%
Voting Age	20,360	13,510	5,660	559	5,660
		66.36%	27.80%	2.75%	27.80%
County: Clayton GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 013					
Total:	259,676	23,324	188,757	36,049	13,495
		8.98%	72.69%	13.88%	5.20%
Voting Age	192,693	21,052	138,553	23,193	138,553
		10.93%	71.90%	12.04%	71.90%
County: Fayette GA					
Total:	115,051	66,035	31,078	8,589	7,669
		57.40%	27.01%	7.47%	6.67%
Voting Age	88,798	53,402	23,076	5,625	23,076
		60.14%	25.99%	6.33%	25.99%
County: Henry GA					
Total:	240,712	86,297	125,211	18,437	9,850
		35.85%	52.02%	7.66%	4.09%
Voting Age	179,973	69,744	89,657	12,030	89,657
		38.75%	49.82%	6.68%	49.82%
County: Jasper GA					
Total:	14,588	10,771	2,676	684	79
		73.83%	18.34%	4.69%	0.54%
Voting Age	11,118	8,400	1,966	402	1,966
		75.55%	17.68%	3.62%	17.68%
County: Newton GA					
Total:	42,368	12,975	25,507	3,149	535
		30.62%	60.20%	7.43%	1.26%
Voting Age	31,272	10,434	18,246	1,964	18,246
		33.37%	58.35%	6.28%	58.35%
County: Spalding GA					
Total:	67,306	37,105	24,522	3,666	870
		55.13%	36.43%	5.45%	1.29%
Voting Age	52,123	30,612	17,511	2,377	17,511
		58.73%	33.60%	4.56%	33.60%
District: 013 Subtotal					
Total:	765,135	253,135	404,963	71,377	32,704
		33.08%	52.93%	9.33%	4.27%
Voting Age	576,337	207,154	294,669	46,150	294,669

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 013					
		35.94%	51.13%	8.01%	51.13%
District: 014					
County: Catoosa GA					
Total:	67,872	59,280	2,642	2,341	1,332
		87.34%	3.89%	3.45%	1.96%
Voting Age	52,448	46,578	1,684	1,492	1,684
		88.81%	3.21%	2.84%	3.21%
County: Chattooga GA					
Total:	24,965	20,079	2,865	1,297	136
		80.43%	11.48%	5.20%	0.54%
Voting Age	19,416	15,885	2,235	733	2,235
		81.81%	11.51%	3.78%	11.51%
County: Cherokee GA					
Total:	144,220	111,210	9,377	16,749	3,169
		77.11%	6.50%	11.61%	2.20%
Voting Age	108,980	87,087	6,363	10,598	6,363
		79.91%	5.84%	9.72%	5.84%
County: Dade GA					
Total:	16,251	14,786	228	364	189
		90.99%	1.40%	2.24%	1.16%
Voting Age	12,987	11,925	140	243	140
		91.82%	1.08%	1.87%	1.08%
County: Dawson GA					
Total:	26,798	23,544	392	1,605	390
		87.86%	1.46%	5.99%	1.46%
Voting Age	21,441	19,183	249	1,047	249
		89.47%	1.16%	4.88%	1.16%
County: Fannin GA					
Total:	25,319	23,351	199	753	176
		92.23%	0.79%	2.97%	0.70%
Voting Age	21,188	19,721	133	505	133
		93.08%	0.63%	2.38%	0.63%
County: Floyd GA					

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 014					
Total:	98,584	67,747	15,606	11,466	1,717
		68.72%	15.83%	11.63%	1.74%
Voting Age	76,295	55,088	11,064	7,167	11,064
		72.20%	14.50%	9.39%	14.50%
County: Gilmer GA					
Total:	31,353	26,365	296	3,599	234
		84.09%	0.94%	11.48%	0.75%
Voting Age	25,417	22,187	161	2,158	161
		87.29%	0.63%	8.49%	0.63%
County: Gordon GA					
Total:	57,544	43,317	2,919	8,957	929
		75.28%	5.07%	15.57%	1.61%
Voting Age	43,500	34,084	1,939	5,592	1,939
		78.35%	4.46%	12.86%	4.46%
County: Lumpkin GA					
Total:	3,890	3,523	42	136	21
		90.57%	1.08%	3.50%	0.54%
Voting Age	3,075	2,818	25	98	25
		91.64%	0.81%	3.19%	0.81%
County: Murray GA					
Total:	39,973	32,164	556	5,914	220
		80.46%	1.39%	14.79%	0.55%
Voting Age	30,210	25,146	321	3,696	321
		83.24%	1.06%	12.23%	1.06%
County: Pickens GA					
Total:	33,216	30,122	512	1,198	286
		90.69%	1.54%	3.61%	0.86%
Voting Age	26,799	24,626	319	755	319
		91.89%	1.19%	2.82%	1.19%
County: Union GA					
Total:	24,632	22,646	228	816	185
		91.94%	0.93%	3.31%	0.75%
Voting Age	20,808	19,351	147	563	147

Plan Components with Population Detail

Cooper_Illustrative_Plan

District: 014					
			93.00%	0.71%	2.71%
					0.71%
County: Walker GA					
Total:	67,654	59,654	3,664	1,685	507
		88.18%	5.42%	2.49%	0.75%
Voting Age	52,794	47,292	2,454	1,066	2,454
		89.58%	4.65%	2.02%	4.65%
County: Whitfield GA					
Total:	102,864	57,875	4,919	36,916	1,741
		56.26%	4.78%	35.89%	1.69%
Voting Age	76,262	46,881	3,349	23,553	3,349
		61.47%	4.39%	30.88%	4.39%
District: 014 Subtotal					
Total:	765,135	595,663	44,445	93,796	11,232
		77.85%	5.81%	12.26%	1.47%
Voting Age	591,620	477,852	30,583	59,266	30,583
		80.77%	5.17%	10.02%	5.17%

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME VI OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

Docket/Tab

Volume I

District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89

Volume II

Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
--	----

Volume III

Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286

Volume IV

Opinion and Memorandum of Decision (pp. 191–434).....	286
---	-----

Volume V

Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

318-5

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Plan Components with Population Detail

Monday, December 11, 2023

5:56 PM

	Total Population	NH_Wht	AP_Blak	[Hispanic Origin]
District: 1				
County: Appling GA				
Total:	18,444	12,674	3,647	1,825
		68.72%	19.77%	9.89%
Voting Age	13,958	10,048	2,540	1,118
		71.99%	18.20%	8.01%
County: Bacon GA				
Total:	11,140	8,103	1,970	875
		72.74%	17.68%	7.85%
Voting Age	8,310	6,374	1,245	547
		76.70%	14.98%	6.58%
County: Brantley GA				
Total:	18,021	16,317	733	326
		90.54%	4.07%	1.81%
Voting Age	13,692	12,522	470	212
		91.45%	3.43%	1.55%
County: Bryan GA				
Total:	44,738	31,321	7,463	3,269
		70.01%	16.68%	7.31%
Voting Age	31,828	23,033	5,025	1,919
		72.37%	15.79%	6.03%
County: Camden GA				
Total:	54,768	37,203	11,072	3,658
		67.93%	20.22%	6.68%
Voting Age	41,808	29,410	7,828	2,457
		70.35%	18.72%	5.88%
County: Charlton GA				
Total:	12,518	7,532	2,798	2,036

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 1					
			60.17%	22.35%	16.26%
Voting Age	10,135		5,929	2,147	1,971
			58.50%	21.18%	19.45%
County: Chatham GA					
Total:	295,291		139,433	115,458	23,790
			47.22%	39.10%	8.06%
Voting Age	234,715		119,161	85,178	16,551
			50.77%	36.29%	7.05%
County: Effingham GA					
Total:	47,208		35,249	6,652	2,875
			74.67%	14.09%	6.09%
Voting Age	34,272		26,449	4,374	1,700
			77.17%	12.76%	4.96%
County: Glynn GA					
Total:	84,499		52,987	22,098	6,336
			62.71%	26.15%	7.50%
Voting Age	66,468		44,302	15,620	4,116
			66.65%	23.50%	6.19%
County: Liberty GA					
Total:	65,256		24,004	31,146	7,786
			36.78%	47.73%	11.93%
Voting Age	48,014		19,065	21,700	5,231
			39.71%	45.20%	10.89%
County: Long GA					
Total:	16,168		8,774	4,734	1,979
			54.27%	29.28%	12.24%
Voting Age	11,234		6,422	3,107	1,227
			57.17%	27.66%	10.92%
County: McIntosh GA					
Total:	10,975		7,060	3,400	231
			64.33%	30.98%	2.10%
Voting Age	9,040		5,998	2,641	166
			66.35%	29.21%	1.84%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 1**County: Pierce GA**

Total:	19,716	16,403	1,801	998
		83.20%	9.13%	5.06%
Voting Age	14,899	12,662	1,262	595
		84.99%	8.47%	3.99%

County: Ware GA

Total:	36,251	22,275	11,421	1,612
		61.45%	31.51%	4.45%
Voting Age	27,788	17,818	8,226	1,012
		64.12%	29.60%	3.64%

County: Wayne GA

Total:	30,144	21,301	6,390	1,732
		70.66%	21.20%	5.75%
Voting Age	23,105	16,754	4,662	1,116
		72.51%	20.18%	4.83%

District: 1 Subtotal

Total:	765,137	440,636	230,783	59,328
		57.59%	30.16%	7.75%
Voting Age	589,266	355,947	166,025	39,938
		60.41%	28.17%	6.78%

District: 2**County: Baker GA**

Total:	2,876	1,514	1,178	143
		52.64%	40.96%	4.97%
Voting Age	2,275	1,235	932	77
		54.29%	40.97%	3.38%

County: Bibb GA

Total:	108,371	29,397	72,197	4,818
		27.13%	66.62%	4.45%
Voting Age	82,489	25,121	52,370	3,351
		30.45%	63.49%	4.06%

County: Calhoun GA

Total:	5,573	1,766	3,629	149
--------	-------	-------	-------	-----

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 2				
		31.69%	65.12%	2.67%
Voting Age	4,687	1,567	2,998	90
		33.43%	63.96%	1.92%
County: Chattahoochee GA				
Total:	9,565	5,403	1,825	1,610
		56.49%	19.08%	16.83%
Voting Age	7,199	4,212	1,287	1,160
		58.51%	17.88%	16.11%
County: Clay GA				
Total:	2,848	1,143	1,634	41
		40.13%	57.37%	1.44%
Voting Age	2,246	973	1,231	19
		43.32%	54.81%	0.85%
County: Crawford GA				
Total:	12,130	8,866	2,455	415
		73.09%	20.24%	3.42%
Voting Age	9,606	7,079	1,938	287
		73.69%	20.17%	2.99%
County: Decatur GA				
Total:	29,367	14,280	12,583	1,911
		48.63%	42.85%	6.51%
Voting Age	22,443	11,586	9,189	1,196
		51.62%	40.94%	5.33%
County: Dooley GA				
Total:	11,208	4,611	5,652	797
		41.14%	50.43%	7.11%
Voting Age	9,187	4,029	4,526	493
		43.86%	49.27%	5.37%
County: Dougherty GA				
Total:	85,790	20,631	61,457	2,413
		24.05%	71.64%	2.81%
Voting Age	66,266	17,909	45,631	1,591
		27.03%	68.86%	2.40%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 2**County: Early GA**

Total:	10,854	4,813	5,688	186
		44.34%	52.40%	1.71%
Voting Age	8,315	3,985	4,075	113
		47.93%	49.01%	1.36%

County: Grady GA

Total:	26,236	14,715	7,693	3,273
		56.09%	29.32%	12.48%
Voting Age	19,962	11,968	5,678	1,857
		59.95%	28.44%	9.30%

County: Houston GA

Total:	48,521	19,375	22,637	4,663
		39.93%	46.65%	9.61%
Voting Age	36,233	16,052	15,657	2,988
		44.30%	43.21%	8.25%

County: Lee GA

Total:	33,163	22,758	7,755	953
		68.62%	23.38%	2.87%
Voting Age	24,676	17,356	5,503	603
		70.34%	22.30%	2.44%

County: Macon GA

Total:	12,082	4,078	7,296	472
		33.75%	60.39%	3.91%
Voting Age	9,938	3,379	6,021	322
		34.00%	60.59%	3.24%

County: Marion GA

Total:	7,498	4,486	2,223	560
		59.83%	29.65%	7.47%
Voting Age	5,854	3,643	1,687	337
		62.23%	28.82%	5.76%

County: Miller GA

Total:	6,000	3,949	1,831	136
		65.82%	30.52%	2.27%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 2				
Voting Age	4,749	3,239	1,358	92
		68.20%	28.60%	1.94%
County: Mitchell GA				
Total:	21,755	10,106	10,394	964
		46.45%	47.78%	4.43%
Voting Age	17,065	8,284	7,917	615
		48.54%	46.39%	3.60%
County: Muscogee GA				
Total:	175,155	58,991	95,521	13,791
		33.68%	54.54%	7.87%
Voting Age	132,158	48,043	69,548	9,099
		36.35%	52.62%	6.88%
County: Peach GA				
Total:	27,981	12,119	12,645	2,547
		43.31%	45.19%	9.10%
Voting Age	22,111	10,071	9,720	1,788
		45.55%	43.96%	8.09%
County: Quitman GA				
Total:	2,235	1,190	965	31
		53.24%	43.18%	1.39%
Voting Age	1,870	1,037	765	18
		55.45%	40.91%	0.96%
County: Randolph GA				
Total:	6,425	2,250	3,947	143
		35.02%	61.43%	2.23%
Voting Age	4,977	1,922	2,913	82
		38.62%	58.53%	1.65%
County: Schley GA				
Total:	4,547	3,357	933	175
		73.83%	20.52%	3.85%
Voting Age	3,328	2,520	644	103
		75.72%	19.35%	3.09%
County: Seminole GA				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 2				
Total:	9,147	5,617	3,093	228
		61.41%	33.81%	2.49%
Voting Age	7,277	4,681	2,275	160
		64.33%	31.26%	2.20%
County: Stewart GA				
Total:	5,314	1,338	2,538	1,217
		25.18%	47.76%	22.90%
Voting Age	4,617	1,161	2,048	1,196
		25.15%	44.36%	25.90%
County: Sumter GA				
Total:	29,616	11,528	15,546	1,770
		38.92%	52.49%	5.98%
Voting Age	23,036	9,800	11,479	1,147
		42.54%	49.83%	4.98%
County: Talbot GA				
Total:	5,733	2,427	3,145	112
		42.33%	54.86%	1.95%
Voting Age	4,783	2,129	2,537	56
		44.51%	53.04%	1.17%
County: Taylor GA				
Total:	7,816	4,584	2,946	168
		58.65%	37.69%	2.15%
Voting Age	6,120	3,686	2,235	107
		60.23%	36.52%	1.75%
County: Terrell GA				
Total:	9,185	3,189	5,707	177
		34.72%	62.13%	1.93%
Voting Age	7,204	2,709	4,274	121
		37.60%	59.33%	1.68%
County: Thomas GA				
Total:	45,798	25,994	16,975	1,577
		56.76%	37.06%	3.44%
Voting Age	35,037	20,740	12,332	970

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 2				
		59.19%	35.20%	2.77%
County: Webster GA				
Total:	2,348	1,136	1,107	59
		48.38%	47.15%	2.51%
Voting Age	1,847	931	844	36
		50.41%	45.70%	1.95%
District: 2 Subtotal				
Total:	765,137	305,611	393,195	45,499
		39.94%	51.39%	5.95%
Voting Age	587,555	251,047	289,612	30,074
		42.73%	49.29%	5.12%
District: 3				
County: Carroll GA				
Total:	119,148	80,725	24,618	9,586
		67.75%	20.66%	8.05%
Voting Age	90,996	63,803	17,827	6,129
		70.12%	19.59%	6.74%
County: Coweta GA				
Total:	146,158	99,421	28,289	11,053
		68.02%	19.36%	7.56%
Voting Age	111,155	78,073	20,196	7,384
		70.24%	18.17%	6.64%
County: Douglas GA				
Total:	42,970	23,414	13,641	4,200
		54.49%	31.75%	9.77%
Voting Age	32,601	18,942	9,682	2,674
		58.10%	29.70%	8.20%
County: Fayette GA				
Total:	102,685	63,073	22,742	8,065
		61.42%	22.15%	7.85%
Voting Age	78,539	50,575	16,446	5,270
		64.39%	20.94%	6.71%
County: Haralson GA				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 3				
Total:	29,919	26,825	1,541	497
		89.66%	5.15%	1.66%
Voting Age	22,854	20,617	1,106	323
		90.21%	4.84%	1.41%
County: Harris GA				
Total:	34,668	25,925	5,742	1,417
		74.78%	16.56%	4.09%
Voting Age	26,799	20,298	4,431	908
		75.74%	16.53%	3.39%
County: Heard GA				
Total:	11,412	9,589	1,142	253
		84.03%	10.01%	2.22%
Voting Age	8,698	7,407	832	153
		85.16%	9.57%	1.76%
County: Henry GA				
Total:	23,975	9,476	11,842	1,939
		39.52%	49.39%	8.09%
Voting Age	17,964	7,737	8,404	1,199
		43.07%	46.78%	6.67%
County: Lamar GA				
Total:	18,500	12,344	5,220	475
		66.72%	28.22%	2.57%
Voting Age	14,541	9,852	4,017	323
		67.75%	27.63%	2.22%
County: Meriwether GA				
Total:	20,613	12,084	7,547	475
		58.62%	36.61%	2.30%
Voting Age	16,526	9,994	5,845	299
		60.47%	35.37%	1.81%
County: Muscogee GA				
Total:	31,767	20,092	6,691	2,722
		63.25%	21.06%	8.57%
Voting Age	24,894	16,592	4,753	1,795

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 3			66.65%	19.09%	7.21%
County: Pike GA					
Total:	18,889		16,313	1,613	348
			86.36%	8.54%	1.84%
Voting Age	14,337		12,422	1,254	207
			86.64%	8.75%	1.44%
County: Spalding GA					
Total:	67,306		37,105	24,522	3,666
			55.13%	36.43%	5.45%
Voting Age	52,123		30,612	17,511	2,377
			58.73%	33.60%	4.56%
County: Troup GA					
Total:	69,426		38,099	25,473	2,956
			54.88%	36.69%	4.26%
Voting Age	52,581		30,377	18,202	1,822
			57.77%	34.62%	3.47%
County: Upson GA					
Total:	27,700		18,009	8,324	633
			65.01%	30.05%	2.29%
Voting Age	21,711		14,548	6,202	411
			67.01%	28.57%	1.89%
District: 3 Subtotal					
Total:	765,136		492,494	188,947	48,285
			64.37%	24.69%	6.31%
Voting Age	586,319		391,849	136,708	31,274
			66.83%	23.32%	5.33%
District: 4					
County: DeKalb GA					
Total:	514,165		94,194	324,803	57,277
			18.32%	63.17%	11.14%
Voting Age	394,363		79,008	248,284	38,864
			20.03%	62.96%	9.85%
County: Gwinnett GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 4				
Total:	250,972	56,609	63,116	89,990
		22.56%	25.15%	35.86%
Voting Age	188,583	47,790	46,603	60,257
		25.34%	24.71%	31.95%
District: 4 Subtotal				
Total:	765,137	150,803	387,919	147,267
		19.71%	50.70%	19.25%
Voting Age	582,946	126,798	294,887	99,121
		21.75%	50.59%	17.00%
District: 5				
County: Clayton GA				
Total:	171,184	11,200	123,954	27,131
		6.54%	72.41%	15.85%
Voting Age	125,788	10,164	90,869	17,305
		8.08%	72.24%	13.76%
County: DeKalb GA				
Total:	231,534	121,415	64,723	23,696
		52.44%	27.95%	10.23%
Voting Age	186,543	100,888	52,197	16,292
		54.08%	27.98%	8.73%
County: Fulton GA				
Total:	362,419	104,738	214,887	24,808
		28.90%	59.29%	6.85%
Voting Age	301,404	95,479	170,330	19,123
		31.68%	56.51%	6.34%
District: 5 Subtotal				
Total:	765,137	237,353	403,564	75,635
		31.02%	52.74%	9.89%
Voting Age	613,735	206,531	313,396	52,720
		33.65%	51.06%	8.59%
District: 6				
County: Cobb GA				
Total:	290,955	90,245	128,792	55,577

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 6				
		31.02%	44.27%	19.10%
Voting Age	225,854	78,502	96,696	36,761
		34.76%	42.81%	16.28%
County: Douglas GA				
Total:	101,267	26,463	60,619	11,835
		26.13%	59.86%	11.69%
Voting Age	75,827	22,474	43,695	7,538
		29.64%	57.62%	9.94%
County: Fayette GA				
Total:	16,509	5,071	9,334	1,415
		30.72%	56.54%	8.57%
Voting Age	13,259	4,527	7,282	898
		34.14%	54.92%	6.77%
County: Fulton GA				
Total:	356,405	106,079	210,774	25,561
		29.76%	59.14%	7.17%
Voting Age	278,750	89,236	159,567	17,991
		32.01%	57.24%	6.45%
District: 6 Subtotal				
Total:	765,136	227,858	409,519	94,388
		29.78%	53.52%	12.34%
Voting Age	593,690	194,739	307,240	63,188
		32.80%	51.75%	10.64%
District: 7				
County: Cherokee GA				
Total:	40,881	34,848	1,489	2,494
		85.24%	3.64%	6.10%
Voting Age	31,202	27,176	950	1,623
		87.10%	3.04%	5.20%
County: Dawson GA				
Total:	26,798	23,544	392	1,605
		87.86%	1.46%	5.99%
Voting Age	21,441	19,183	249	1,047

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 7				
		89.47%	1.16%	4.88%
County: Forsyth GA				
Total:	251,283	159,407	13,222	25,226
		63.44%	5.26%	10.04%
Voting Age	181,193	122,017	8,751	16,204
		67.34%	4.83%	8.94%
County: Fulton GA				
Total:	347,886	193,976	51,963	35,933
		55.76%	14.94%	10.33%
Voting Age	267,028	155,826	38,738	24,800
		58.36%	14.51%	9.29%
County: Hall GA				
Total:	64,801	46,507	3,625	11,275
		71.77%	5.59%	17.40%
Voting Age	50,786	38,199	2,526	7,400
		75.22%	4.97%	14.57%
County: Lumpkin GA				
Total:	33,488	29,241	685	1,790
		87.32%	2.05%	5.35%
Voting Age	27,689	24,419	507	1,345
		88.19%	1.83%	4.86%
District: 7 Subtotal				
Total:	765,137	487,523	71,376	78,323
		63.72%	9.33%	10.24%
Voting Age	579,339	386,820	51,721	52,419
		66.77%	8.93%	9.05%
District: 8				
County: Atkinson GA				
Total:	8,286	4,801	1,284	2,048
		57.94%	15.50%	24.72%
Voting Age	6,129	3,787	937	1,282
		61.79%	15.29%	20.92%
County: Baldwin GA				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 8				
Total:	43,799	22,432	18,985	1,139
		51.22%	43.35%	2.60%
Voting Age	35,732	19,377	14,515	835
		54.23%	40.62%	2.34%
County: Ben Hill GA				
Total:	17,194	9,219	6,537	1,054
		53.62%	38.02%	6.13%
Voting Age	13,165	7,459	4,745	653
		56.66%	36.04%	4.96%
County: Berrien GA				
Total:	18,160	14,396	2,198	1,045
		79.27%	12.10%	5.75%
Voting Age	13,690	11,181	1,499	622
		81.67%	10.95%	4.54%
County: Bibb GA				
Total:	48,975	27,390	16,668	1,919
		55.93%	34.03%	3.92%
Voting Age	38,413	22,858	11,900	1,383
		59.51%	30.98%	3.60%
County: Bleckley GA				
Total:	12,583	8,867	2,951	469
		70.47%	23.45%	3.73%
Voting Age	9,613	7,032	2,036	311
		73.15%	21.18%	3.24%
County: Brooks GA				
Total:	16,301	9,066	5,958	955
		55.62%	36.55%	5.86%
Voting Age	12,747	7,483	4,357	635
		58.70%	34.18%	4.98%
County: Clinch GA				
Total:	6,749	4,256	2,096	253
		63.06%	31.06%	3.75%
Voting Age	5,034	3,372	1,406	156

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 8			66.98%	27.93%	3.10%
County: Coffee GA					
Total:	43,092		24,158	12,575	5,430
			56.06%	29.18%	12.60%
Voting Age	32,419		19,146	9,191	3,324
			59.06%	28.35%	10.25%
County: Colquitt GA					
Total:	45,898		25,588	10,648	8,709
			55.75%	23.20%	18.97%
Voting Age	34,193		20,507	7,461	5,467
			59.97%	21.82%	15.99%
County: Cook GA					
Total:	17,229		10,658	5,014	1,134
			61.86%	29.10%	6.58%
Voting Age	12,938		8,310	3,595	704
			64.23%	27.79%	5.44%
County: Crisp GA					
Total:	20,128		9,892	9,194	634
			49.15%	45.68%	3.15%
Voting Age	15,570		8,248	6,603	414
			52.97%	42.41%	2.66%
County: Dodge GA					
Total:	19,925		12,865	6,148	620
			64.57%	30.86%	3.11%
Voting Age	15,709		10,360	4,725	406
			65.95%	30.08%	2.58%
County: Echols GA					
Total:	3,697		2,328	193	1,091
			62.97%	5.22%	29.51%
Voting Age	2,709		1,856	121	667
			68.51%	4.47%	24.62%
County: Houston GA					
Total:	115,112		66,836	33,883	7,144

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 8				
		58.06%	29.43%	6.21%
Voting Age	85,885	51,966	23,948	4,542
		60.51%	27.88%	5.29%
County: Irwin GA				
Total:	9,666	6,402	2,333	663
		66.23%	24.14%	6.86%
Voting Age	7,547	5,047	1,720	545
		66.87%	22.79%	7.22%
County: Jeff Davis GA				
Total:	14,779	9,950	2,493	2,047
		67.33%	16.87%	13.85%
Voting Age	10,856	7,643	1,752	1,233
		70.40%	16.14%	11.36%
County: Jones GA				
Total:	28,347	20,074	7,114	476
		70.82%	25.10%	1.68%
Voting Age	21,575	15,428	5,341	302
		71.51%	24.76%	1.40%
County: Lanier GA				
Total:	9,877	6,595	2,369	572
		66.77%	23.99%	5.79%
Voting Age	7,326	5,010	1,683	370
		68.39%	22.97%	5.05%
County: Lowndes GA				
Total:	118,251	59,306	46,758	7,872
		50.15%	39.54%	6.66%
Voting Age	89,031	47,140	33,302	5,201
		52.95%	37.40%	5.84%
County: Monroe GA				
Total:	27,957	19,954	6,444	714
		71.37%	23.05%	2.55%
Voting Age	21,913	15,771	5,068	464
		71.97%	23.13%	2.12%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 8**County: Pulaski GA**

Total:	9,855	6,022	3,250	327
		61.11%	32.98%	3.32%
Voting Age	8,012	5,027	2,564	224
		62.74%	32.00%	2.80%

County: Telfair GA

Total:	12,477	5,970	4,754	1,928
		47.85%	38.10%	15.45%
Voting Age	10,190	4,802	3,806	1,757
		47.12%	37.35%	17.24%

County: Tift GA

Total:	41,344	22,189	12,734	5,219
		53.67%	30.80%	12.62%
Voting Age	31,224	18,011	8,963	3,295
		57.68%	28.71%	10.55%

County: Turner GA

Total:	9,006	4,700	3,813	372
		52.19%	42.34%	4.13%
Voting Age	6,960	3,891	2,752	256
		55.91%	39.54%	3.68%

County: Twiggs GA

Total:	8,022	4,487	3,226	124
		55.93%	40.21%	1.55%
Voting Age	6,589	3,733	2,627	79
		56.66%	39.87%	1.20%

County: Wilcox GA

Total:	8,766	5,185	3,161	272
		59.15%	36.06%	3.10%
Voting Age	7,218	4,215	2,693	209
		58.40%	37.31%	2.90%

County: Wilkinson GA

Total:	8,877	5,110	3,330	239
		57.56%	37.51%	2.69%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 8				
Voting Age	7,026	4,165	2,549	152
		59.28%	36.28%	2.16%
County: Worth GA				
Total:	20,784	14,427	5,517	381
		69.41%	26.54%	1.83%
Voting Age	16,444	11,747	4,108	244
		71.44%	24.98%	1.48%
District: 8 Subtotal				
Total:	765,136	443,123	241,628	54,850
		57.91%	31.58%	7.17%
Voting Age	585,857	354,572	175,967	35,732
		60.52%	30.04%	6.10%
District: 9				
County: Banks GA				
Total:	18,035	15,578	589	1,164
		86.38%	3.27%	6.45%
Voting Age	13,900	12,278	365	721
		88.33%	2.63%	5.19%
County: Fannin GA				
Total:	25,319	23,351	199	753
		92.23%	0.79%	2.97%
Voting Age	21,188	19,721	133	505
		93.08%	0.63%	2.38%
County: Gilmer GA				
Total:	31,353	26,365	296	3,599
		84.09%	0.94%	11.48%
Voting Age	25,417	22,187	161	2,158
		87.29%	0.63%	8.49%
County: Gwinnett GA				
Total:	321,360	138,025	77,819	54,180
		42.95%	24.22%	16.86%
Voting Age	237,717	108,489	54,182	36,432
		45.64%	22.79%	15.33%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 9**County: Habersham GA**

Total:	46,031	34,694	2,165	6,880
		75.37%	4.70%	14.95%
Voting Age	35,878	28,299	1,675	4,115
		78.88%	4.67%	11.47%

County: Hall GA

Total:	138,335	73,911	13,381	45,735
		53.43%	9.67%	33.06%
Voting Age	103,058	60,601	9,568	28,746
		58.80%	9.28%	27.89%

County: Jackson GA

Total:	75,907	59,064	6,148	6,712
		77.81%	8.10%	8.84%
Voting Age	56,451	45,015	4,268	4,261
		79.74%	7.56%	7.55%

County: Rabun GA

Total:	16,883	14,625	210	1,452
		86.63%	1.24%	8.60%
Voting Age	13,767	12,236	129	928
		88.88%	0.94%	6.74%

County: Stephens GA

Total:	26,784	21,323	3,527	857
		79.61%	13.17%	3.20%
Voting Age	21,163	17,310	2,467	578
		81.79%	11.66%	2.73%

County: Towns GA

Total:	12,493	11,469	168	415
		91.80%	1.34%	3.32%
Voting Age	10,923	10,100	137	338
		92.47%	1.25%	3.09%

County: Union GA

Total:	24,632	22,646	228	816
		91.94%	0.93%	3.31%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 9				
Voting Age	20,808	19,351	147	563
		93.00%	0.71%	2.71%
County: White GA				
Total:	28,003	24,959	721	913
		89.13%	2.57%	3.26%
Voting Age	22,482	20,318	484	605
		90.37%	2.15%	2.69%
District: 9 Subtotal				
Total:	765,135	466,010	105,451	123,476
		60.91%	13.78%	16.14%
Voting Age	582,752	375,905	73,716	79,950
		64.51%	12.65%	13.72%
District: 10				
County: Barrow GA				
Total:	83,505	55,582	11,907	10,560
		66.56%	14.26%	12.65%
Voting Age	62,195	43,241	8,222	6,726
		69.52%	13.22%	10.81%
County: Butts GA				
Total:	25,434	16,628	7,212	803
		65.38%	28.36%	3.16%
Voting Age	20,360	13,510	5,660	559
		66.36%	27.80%	2.75%
County: Clarke GA				
Total:	128,671	72,201	33,672	14,336
		56.11%	26.17%	11.14%
Voting Age	106,830	64,531	24,776	10,213
		60.41%	23.19%	9.56%
County: Elbert GA				
Total:	19,637	12,610	5,520	996
		64.22%	28.11%	5.07%
Voting Age	15,493	10,322	4,122	660
		66.62%	26.61%	4.26%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 10**County: Franklin GA**

Total:	23,424	19,262	2,207	1,121
		82.23%	9.42%	4.79%
Voting Age	18,307	15,466	1,523	678
		84.48%	8.32%	3.70%

County: Greene GA

Total:	18,915	11,126	6,027	1,289
		58.82%	31.86%	6.81%
Voting Age	15,358	9,675	4,470	826
		63.00%	29.11%	5.38%

County: Gwinnett GA

Total:	26,657	12,124	8,949	4,213
		45.48%	33.57%	15.80%
Voting Age	19,156	9,321	6,073	2,750
		48.66%	31.70%	14.36%

County: Hancock GA

Total:	8,735	2,413	6,131	63
		27.62%	70.19%	0.72%
Voting Age	7,487	2,220	5,108	47
		29.65%	68.22%	0.63%

County: Hart GA

Total:	25,828	19,250	4,732	931
		74.53%	18.32%	3.60%
Voting Age	20,436	15,761	3,447	578
		77.12%	16.87%	2.83%

County: Henry GA

Total:	118,452	51,338	54,850	8,409
		43.34%	46.31%	7.10%
Voting Age	86,869	40,092	38,346	5,466
		46.15%	44.14%	6.29%

County: Jasper GA

Total:	14,588	10,771	2,676	684
		73.83%	18.34%	4.69%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 10				
Voting Age	11,118	8,400	1,966	402
		75.55%	17.68%	3.62%
County: Madison GA				
Total:	30,120	23,549	3,196	1,956
		78.18%	10.61%	6.49%
Voting Age	23,112	18,643	2,225	1,198
		80.66%	9.63%	5.18%
County: Morgan GA				
Total:	20,097	14,487	4,339	712
		72.09%	21.59%	3.54%
Voting Age	15,574	11,452	3,280	434
		73.53%	21.06%	2.79%
County: Newton GA				
Total:	42,369	27,443	11,763	1,958
		64.77%	27.76%	4.62%
Voting Age	32,442	21,722	8,537	1,241
		66.96%	26.31%	3.83%
County: Oconee GA				
Total:	41,799	33,886	2,280	2,347
		81.07%	5.45%	5.61%
Voting Age	30,221	24,942	1,660	1,405
		82.53%	5.49%	4.65%
County: Oglethorpe GA				
Total:	14,825	10,903	2,468	869
		73.54%	16.65%	5.86%
Voting Age	11,639	8,799	1,853	531
		75.60%	15.92%	4.56%
County: Putnam GA				
Total:	22,047	14,316	5,701	1,557
		64.93%	25.86%	7.06%
Voting Age	17,847	12,209	4,229	1,031
		68.41%	23.70%	5.78%
County: Taliaferro GA				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 10				
Total:	1,559	591	876	69
		37.91%	56.19%	4.43%
Voting Age	1,289	506	722	46
		39.26%	56.01%	3.57%
County: Walton GA				
Total:	96,673	68,499	18,804	5,228
		70.86%	19.45%	5.41%
Voting Age	73,098	53,647	13,165	3,236
		73.39%	18.01%	4.43%
County: Wilkes GA				
Total:	1,802	1,080	567	97
		59.93%	31.47%	5.38%
Voting Age	1,491	897	488	54
		60.16%	32.73%	3.62%
District: 10 Subtotal				
Total:	765,137	478,059	193,877	58,198
		62.48%	25.34%	7.61%
Voting Age	590,322	385,356	139,872	38,081
		65.28%	23.69%	6.45%
District: 11				
County: Bartow GA				
Total:	108,901	80,159	13,395	10,751
		73.61%	12.30%	9.87%
Voting Age	83,570	63,759	9,377	6,817
		76.29%	11.22%	8.16%
County: Cherokee GA				
Total:	225,739	163,019	20,198	29,617
		72.22%	8.95%	13.12%
Voting Age	171,726	128,979	14,026	19,292
		75.11%	8.17%	11.23%
County: Cobb GA				
Total:	339,735	193,611	66,481	42,424
		56.99%	19.57%	12.49%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 11				
Voting Age	263,505	157,233	49,927	29,021
		59.67%	18.95%	11.01%
County: Gordon GA				
Total:	57,544	43,317	2,919	8,957
		75.28%	5.07%	15.57%
Voting Age	43,500	34,084	1,939	5,592
		78.35%	4.46%	12.86%
County: Pickens GA				
Total:	33,216	30,122	512	1,198
		90.69%	1.54%	3.61%
Voting Age	26,799	24,626	319	755
		91.89%	1.19%	2.82%
District: 11 Subtotal				
Total:	765,135	510,228	103,505	92,947
		66.68%	13.53%	12.15%
Voting Age	589,100	408,681	75,588	61,477
		69.37%	12.83%	10.44%
District: 12				
County: Bulloch GA				
Total:	81,099	49,712	24,375	4,180
		61.30%	30.06%	5.15%
Voting Age	64,494	41,041	18,220	3,021
		63.64%	28.25%	4.68%
County: Burke GA				
Total:	24,596	11,941	11,430	777
		48.55%	46.47%	3.16%
Voting Age	18,778	9,566	8,362	494
		50.94%	44.53%	2.63%
County: Candler GA				
Total:	10,981	6,567	2,807	1,378
		59.80%	25.56%	12.55%
Voting Age	8,241	5,229	2,009	835
		63.45%	24.38%	10.13%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 12**County: Columbia GA**

Total:	156,010	99,111	32,516	11,858
		63.53%	20.84%	7.60%
Voting Age	114,823	76,070	22,273	7,355
		66.25%	19.40%	6.41%

County: Effingham GA

Total:	17,561	12,955	3,383	617
		73.77%	19.26%	3.51%
Voting Age	13,023	9,788	2,457	354
		75.16%	18.87%	2.72%

County: Emanuel GA

Total:	22,768	13,815	7,556	993
		60.68%	33.19%	4.36%
Voting Age	17,320	11,013	5,404	589
		63.59%	31.20%	3.40%

County: Evans GA

Total:	10,774	6,038	3,273	1,237
		56.04%	30.38%	11.48%
Voting Age	8,127	4,826	2,410	731
		59.38%	29.65%	8.99%

County: Glascock GA

Total:	2,884	2,573	226	52
		89.22%	7.84%	1.80%
Voting Age	2,236	2,003	167	31
		89.58%	7.47%	1.39%

County: Jefferson GA

Total:	15,709	6,834	8,208	462
		43.50%	52.25%	2.94%
Voting Age	12,301	5,536	6,324	280
		45.00%	51.41%	2.28%

County: Jenkins GA

Total:	8,674	4,611	3,638	303
		53.16%	41.94%	3.49%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 12				
Voting Age	7,005	3,874	2,843	194
		55.30%	40.59%	2.77%
County: Johnson GA				
Total:	9,189	5,800	3,124	117
		63.12%	34.00%	1.27%
Voting Age	7,474	4,790	2,513	82
		64.09%	33.62%	1.10%
County: Laurens GA				
Total:	49,570	27,881	19,132	1,424
		56.25%	38.60%	2.87%
Voting Age	37,734	22,229	13,695	923
		58.91%	36.29%	2.45%
County: Lincoln GA				
Total:	7,690	5,196	2,212	92
		67.57%	28.76%	1.20%
Voting Age	6,270	4,316	1,728	54
		68.84%	27.56%	0.86%
County: McDuffie GA				
Total:	21,632	11,417	9,045	790
		52.78%	41.81%	3.65%
Voting Age	16,615	9,359	6,425	536
		56.33%	38.67%	3.23%
County: Montgomery GA				
Total:	8,610	5,665	2,224	571
		65.80%	25.83%	6.63%
Voting Age	6,792	4,527	1,781	377
		66.65%	26.22%	5.55%
County: Richmond GA				
Total:	206,607	68,397	119,970	11,449
		33.10%	58.07%	5.54%
Voting Age	160,899	58,403	87,930	8,445
		36.30%	54.65%	5.25%
County: Screven GA				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 12				
Total:	14,067	8,018	5,527	287
		57.00%	39.29%	2.04%
Voting Age	10,893	6,387	4,144	188
		58.63%	38.04%	1.73%
County: Tattnell GA				
Total:	22,842	13,825	6,331	2,303
		60.52%	27.72%	10.08%
Voting Age	17,654	11,020	4,886	1,419
		62.42%	27.68%	8.04%
County: Toombs GA				
Total:	27,030	16,007	7,402	3,044
		59.22%	27.38%	11.26%
Voting Age	20,261	12,810	5,036	1,978
		63.22%	24.86%	9.76%
County: Treutlen GA				
Total:	6,406	4,065	2,114	170
		63.46%	33.00%	2.65%
Voting Age	4,934	3,272	1,514	98
		66.32%	30.69%	1.99%
County: Warren GA				
Total:	5,215	1,974	3,128	53
		37.85%	59.98%	1.02%
Voting Age	4,159	1,716	2,360	46
		41.26%	56.74%	1.11%
County: Washington GA				
Total:	19,988	8,412	10,969	334
		42.09%	54.88%	1.67%
Voting Age	15,709	6,944	8,333	235
		44.20%	53.05%	1.50%
County: Wheeler GA				
Total:	7,471	4,157	2,949	272
		55.64%	39.47%	3.64%
Voting Age	6,217	3,418	2,561	174

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 12			54.98%	41.19%	2.80%
County: Wilkes GA					
Total:	7,763		3,872	3,422	302
			49.88%	44.08%	3.89%
Voting Age	6,160		3,257	2,583	189
			52.87%	41.93%	3.07%
District: 12 Subtotal					
Total:	765,136		398,843	294,961	43,065
			52.13%	38.55%	5.63%
Voting Age	588,119		321,394	215,958	28,628
			54.65%	36.72%	4.87%
District: 13					
County: Clayton GA					
Total:	126,411		14,702	92,397	15,415
			11.63%	73.09%	12.19%
Voting Age	94,790		13,232	67,985	10,073
			13.96%	71.72%	10.63%
County: DeKalb GA					
Total:	18,683		286	17,925	498
			1.53%	95.94%	2.67%
Voting Age	14,370		265	13,749	350
			1.84%	95.68%	2.44%
County: Gwinnett GA					
Total:	358,073		103,825	137,803	72,077
			29.00%	38.48%	20.13%
Voting Age	264,028		86,441	95,904	47,220
			32.74%	36.32%	17.88%
County: Henry GA					
Total:	98,285		25,483	58,519	8,089
			25.93%	59.54%	8.23%
Voting Age	75,140		21,915	42,907	5,365
			29.17%	57.10%	7.14%
County: Newton GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 13				
Total:	70,114	19,303	44,138	5,206
		27.53%	62.95%	7.43%
Voting Age	52,306	15,909	31,896	3,320
		30.42%	60.98%	6.35%
County: Rockdale GA				
Total:	93,570	24,500	57,204	9,540
		26.18%	61.13%	10.20%
Voting Age	71,503	21,457	41,935	6,089
		30.01%	58.65%	8.52%
District: 13 Subtotal				
Total:	765,136	188,099	407,986	110,825
		24.58%	53.32%	14.48%
Voting Age	572,137	159,219	294,376	72,417
		27.83%	51.45%	12.66%
District: 14				
County: Catoosa GA				
Total:	67,872	59,280	2,642	2,341
		87.34%	3.89%	3.45%
Voting Age	52,448	46,578	1,684	1,492
		88.81%	3.21%	2.84%
County: Chattooga GA				
Total:	24,965	20,079	2,865	1,297
		80.43%	11.48%	5.20%
Voting Age	19,416	15,885	2,235	733
		81.81%	11.51%	3.78%
County: Cobb GA				
Total:	135,459	85,326	27,843	13,239
		62.99%	20.55%	9.77%
Voting Age	102,489	67,565	19,518	8,723
		65.92%	19.04%	8.51%
County: Dade GA				
Total:	16,251	14,786	228	364
		90.99%	1.40%	2.24%

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 14				
Voting Age	12,987	11,925 91.82%	140 1.08%	243 1.87%
County: Floyd GA				
Total:	98,584	67,747 68.72%	15,606 15.83%	11,466 11.63%
Voting Age	76,295	55,088 72.20%	11,064 14.50%	7,167 9.39%
County: Murray GA				
Total:	39,973	32,164 80.46%	556 1.39%	5,914 14.79%
Voting Age	30,210	25,146 83.24%	321 1.06%	3,696 12.23%
County: Paulding GA				
Total:	168,661	108,444 64.30%	41,296 24.48%	12,564 7.45%
Voting Age	123,998	83,066 66.99%	28,164 22.71%	7,974 6.43%
County: Polk GA				
Total:	42,853	30,161 70.38%	5,816 13.57%	5,585 13.03%
Voting Age	32,238	24,049 74.60%	3,991 12.38%	3,252 10.09%
County: Walker GA				
Total:	67,654	59,654 88.18%	3,664 5.42%	1,685 2.49%
Voting Age	52,794	47,292 89.58%	2,454 4.65%	1,066 2.02%
County: Whitfield GA				
Total:	102,864	57,875 56.26%	4,919 4.78%	36,916 35.89%
Voting Age	76,262	46,881 61.47%	3,349 4.39%	23,553 30.88%
District: 14 Subtotal				

Plan Components with Population Detail

Ga_Congress_Enacted_2023_P

District: 14

Total:	765,136	535,516	105,435	91,371
		69.99%	13.78%	11.94%
Voting Age	579,137	423,475	72,920	57,899
		73.12%	12.59%	10.00%

318-6

User:

Plan Name: **Ga_Congress_Enacted_2021_Plan**

Plan Type: **Congress**

Plan Components with Population Detail

Monday, December 11, 2023

6:00 PM

	Total Population	NH_Wht	AP_Bl	[Hispanic Origin]	AP_Asn
District: 1					
County: Appling GA					
Total:	18,444	12,674	3,647	1,825	178
		68.72%	19.77%	9.89%	0.97%
Voting Age	13,958	10,048	2,540	1,118	2,540
		71.99%	18.20%	8.01%	18.20%
County: Bacon GA					
Total:	11,140	8,103	1,970	875	62
		72.74%	17.68%	7.85%	0.56%
Voting Age	8,310	6,374	1,245	547	1,245
		76.70%	14.98%	6.58%	14.98%
County: Brantley GA					
Total:	18,021	16,317	733	326	103
		90.54%	4.07%	1.81%	0.57%
Voting Age	13,692	12,522	470	212	470
		91.45%	3.43%	1.55%	3.43%
County: Bryan GA					
Total:	44,738	31,321	7,463	3,269	1,765
		70.01%	16.68%	7.31%	3.95%
Voting Age	31,828	23,033	5,025	1,919	5,025
		72.37%	15.79%	6.03%	15.79%
County: Camden GA					
Total:	54,768	37,203	11,072	3,658	1,539
		67.93%	20.22%	6.68%	2.81%
Voting Age	41,808	29,410	7,828	2,457	7,828
		70.35%	18.72%	5.88%	18.72%
County: Charlton GA					
Total:	12,518	7,532	2,798	2,036	177

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 1					
		60.17%	22.35%	16.26%	1.41%
Voting Age	10,135	5,929	2,147	1,971	2,147
		58.50%	21.18%	19.45%	21.18%
County: Chatham GA					
Total:	295,291	139,433	115,458	23,790	13,373
		47.22%	39.10%	8.06%	4.53%
Voting Age	234,715	119,161	85,178	16,551	85,178
		50.77%	36.29%	7.05%	36.29%
County: Effingham GA					
Total:	47,208	35,249	6,652	2,875	1,092
		74.67%	14.09%	6.09%	2.31%
Voting Age	34,272	26,449	4,374	1,700	4,374
		77.17%	12.76%	4.96%	12.76%
County: Glynn GA					
Total:	84,499	52,987	22,098	6,336	1,684
		62.71%	26.15%	7.50%	1.99%
Voting Age	66,468	44,302	15,620	4,116	15,620
		66.65%	23.50%	6.19%	23.50%
County: Liberty GA					
Total:	65,256	24,004	31,146	7,786	2,266
		36.78%	47.73%	11.93%	3.47%
Voting Age	48,014	19,065	21,700	5,231	21,700
		39.71%	45.20%	10.89%	45.20%
County: Long GA					
Total:	16,168	8,774	4,734	1,979	368
		54.27%	29.28%	12.24%	2.28%
Voting Age	11,234	6,422	3,107	1,227	3,107
		57.17%	27.66%	10.92%	27.66%
County: McIntosh GA					
Total:	10,975	7,060	3,400	231	96
		64.33%	30.98%	2.10%	0.87%
Voting Age	9,040	5,998	2,641	166	2,641
		66.35%	29.21%	1.84%	29.21%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 1**County: Pierce GA**

Total:	19,716	16,403	1,801	998	148
		83.20%	9.13%	5.06%	0.75%
Voting Age	14,899	12,662	1,262	595	1,262
		84.99%	8.47%	3.99%	8.47%

County: Ware GA

Total:	36,251	22,275	11,421	1,612	406
		61.45%	31.51%	4.45%	1.12%
Voting Age	27,788	17,818	8,226	1,012	8,226
		64.12%	29.60%	3.64%	29.60%

County: Wayne GA

Total:	30,144	21,301	6,390	1,732	290
		70.66%	21.20%	5.75%	0.96%
Voting Age	23,105	16,754	4,662	1,116	4,662
		72.51%	20.18%	4.83%	20.18%

District: 1 Subtotal

Total:	765,137	440,636	230,783	59,328	23,547
		57.59%	30.16%	7.75%	3.08%
Voting Age	589,266	355,947	166,025	39,938	166,025
		60.41%	28.17%	6.78%	28.17%

District: 2**County: Baker GA**

Total:	2,876	1,514	1,178	143	53
		52.64%	40.96%	4.97%	1.84%
Voting Age	2,275	1,235	932	77	932
		54.29%	40.97%	3.38%	40.97%

County: Bibb GA

Total:	108,371	29,397	72,197	4,818	1,391
		27.13%	66.62%	4.45%	1.28%
Voting Age	82,489	25,121	52,370	3,351	52,370
		30.45%	63.49%	4.06%	63.49%

County: Calhoun GA

Total:	5,573	1,766	3,629	149	34
--------	-------	-------	-------	-----	----

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 2					
		31.69%	65.12%	2.67%	0.61%
Voting Age	4,687	1,567	2,998	90	2,998
		33.43%	63.96%	1.92%	63.96%
County: Chattahoochee GA					
Total:	9,565	5,403	1,825	1,610	518
		56.49%	19.08%	16.83%	5.42%
Voting Age	7,199	4,212	1,287	1,160	1,287
		58.51%	17.88%	16.11%	17.88%
County: Clay GA					
Total:	2,848	1,143	1,634	41	29
		40.13%	57.37%	1.44%	1.02%
Voting Age	2,246	973	1,231	19	1,231
		43.32%	54.81%	0.85%	54.81%
County: Crawford GA					
Total:	12,130	8,866	2,455	415	105
		73.09%	20.24%	3.42%	0.87%
Voting Age	9,606	7,079	1,938	287	1,938
		73.69%	20.17%	2.99%	20.17%
County: Decatur GA					
Total:	29,367	14,280	12,583	1,911	277
		48.63%	42.85%	6.51%	0.94%
Voting Age	22,443	11,586	9,189	1,196	9,189
		51.62%	40.94%	5.33%	40.94%
County: Dooley GA					
Total:	11,208	4,611	5,652	797	79
		41.14%	50.43%	7.11%	0.70%
Voting Age	9,187	4,029	4,526	493	4,526
		43.86%	49.27%	5.37%	49.27%
County: Dougherty GA					
Total:	85,790	20,631	61,457	2,413	954
		24.05%	71.64%	2.81%	1.11%
Voting Age	66,266	17,909	45,631	1,591	45,631
		27.03%	68.86%	2.40%	68.86%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 2**County: Early GA**

Total:	10,854	4,813	5,688	186	73
		44.34%	52.40%	1.71%	0.67%
Voting Age	8,315	3,985	4,075	113	4,075
		47.93%	49.01%	1.36%	49.01%

County: Grady GA

Total:	26,236	14,715	7,693	3,273	184
		56.09%	29.32%	12.48%	0.70%
Voting Age	19,962	11,968	5,678	1,857	5,678
		59.95%	28.44%	9.30%	28.44%

County: Houston GA

Total:	48,521	19,375	22,637	4,663	1,402
		39.93%	46.65%	9.61%	2.89%
Voting Age	36,233	16,052	15,657	2,988	15,657
		44.30%	43.21%	8.25%	43.21%

County: Lee GA

Total:	33,163	22,758	7,755	953	1,109
		68.62%	23.38%	2.87%	3.34%
Voting Age	24,676	17,356	5,503	603	5,503
		70.34%	22.30%	2.44%	22.30%

County: Macon GA

Total:	12,082	4,078	7,296	472	181
		33.75%	60.39%	3.91%	1.50%
Voting Age	9,938	3,379	6,021	322	6,021
		34.00%	60.59%	3.24%	60.59%

County: Marion GA

Total:	7,498	4,486	2,223	560	94
		59.83%	29.65%	7.47%	1.25%
Voting Age	5,854	3,643	1,687	337	1,687
		62.23%	28.82%	5.76%	28.82%

County: Miller GA

Total:	6,000	3,949	1,831	136	46
		65.82%	30.52%	2.27%	0.77%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 2					
Voting Age	4,749	3,239	1,358	92	1,358
		68.20%	28.60%	1.94%	28.60%
County: Mitchell GA					
Total:	21,755	10,106	10,394	964	156
		46.45%	47.78%	4.43%	0.72%
Voting Age	17,065	8,284	7,917	615	7,917
		48.54%	46.39%	3.60%	46.39%
County: Muscogee GA					
Total:	175,155	58,991	95,521	13,791	6,461
		33.68%	54.54%	7.87%	3.69%
Voting Age	132,158	48,043	69,548	9,099	69,548
		36.35%	52.62%	6.88%	52.62%
County: Peach GA					
Total:	27,981	12,119	12,645	2,547	341
		43.31%	45.19%	9.10%	1.22%
Voting Age	22,111	10,071	9,720	1,788	9,720
		45.55%	43.96%	8.09%	43.96%
County: Quitman GA					
Total:	2,235	1,190	965	31	20
		53.24%	43.18%	1.39%	0.89%
Voting Age	1,870	1,037	765	18	765
		55.45%	40.91%	0.96%	40.91%
County: Randolph GA					
Total:	6,425	2,250	3,947	143	46
		35.02%	61.43%	2.23%	0.72%
Voting Age	4,977	1,922	2,913	82	2,913
		38.62%	58.53%	1.65%	58.53%
County: Schley GA					
Total:	4,547	3,357	933	175	47
		73.83%	20.52%	3.85%	1.03%
Voting Age	3,328	2,520	644	103	644
		75.72%	19.35%	3.09%	19.35%
County: Seminole GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 2					
Total:	9,147	5,617	3,093	228	86
		61.41%	33.81%	2.49%	0.94%
Voting Age	7,277	4,681	2,275	160	2,275
		64.33%	31.26%	2.20%	31.26%
County: Stewart GA					
Total:	5,314	1,338	2,538	1,217	186
		25.18%	47.76%	22.90%	3.50%
Voting Age	4,617	1,161	2,048	1,196	2,048
		25.15%	44.36%	25.90%	44.36%
County: Sumter GA					
Total:	29,616	11,528	15,546	1,770	599
		38.92%	52.49%	5.98%	2.02%
Voting Age	23,036	9,800	11,479	1,147	11,479
		42.54%	49.83%	4.98%	49.83%
County: Talbot GA					
Total:	5,733	2,427	3,145	112	31
		42.33%	54.86%	1.95%	0.54%
Voting Age	4,783	2,129	2,537	56	2,537
		44.51%	53.04%	1.17%	53.04%
County: Taylor GA					
Total:	7,816	4,584	2,946	168	52
		58.65%	37.69%	2.15%	0.67%
Voting Age	6,120	3,686	2,235	107	2,235
		60.23%	36.52%	1.75%	36.52%
County: Terrell GA					
Total:	9,185	3,189	5,707	177	97
		34.72%	62.13%	1.93%	1.06%
Voting Age	7,204	2,709	4,274	121	4,274
		37.60%	59.33%	1.68%	59.33%
County: Thomas GA					
Total:	45,798	25,994	16,975	1,577	558
		56.76%	37.06%	3.44%	1.22%
Voting Age	35,037	20,740	12,332	970	12,332

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 2					
		59.19%	35.20%	2.77%	35.20%
County: Webster GA					
Total:	2,348	1,136	1,107	59	27
		48.38%	47.15%	2.51%	1.15%
Voting Age	1,847	931	844	36	844
		50.41%	45.70%	1.95%	45.70%
District: 2 Subtotal					
Total:	765,137	305,611	393,195	45,499	15,236
		39.94%	51.39%	5.95%	1.99%
Voting Age	587,555	251,047	289,612	30,074	289,612
		42.73%	49.29%	5.12%	49.29%
District: 3					
County: Carroll GA					
Total:	119,148	80,725	24,618	9,586	1,674
		67.75%	20.66%	8.05%	1.40%
Voting Age	90,996	63,803	17,827	6,129	17,827
		70.12%	19.59%	6.74%	19.59%
County: Coweta GA					
Total:	146,158	99,421	28,289	11,053	4,613
		68.02%	19.36%	7.56%	3.16%
Voting Age	111,155	78,073	20,196	7,384	20,196
		70.24%	18.17%	6.64%	18.17%
County: Douglas GA					
Total:	42,970	23,414	13,641	4,200	973
		54.49%	31.75%	9.77%	2.26%
Voting Age	32,601	18,942	9,682	2,674	9,682
		58.10%	29.70%	8.20%	29.70%
County: Fayette GA					
Total:	102,685	63,073	22,742	8,065	7,107
		61.42%	22.15%	7.85%	6.92%
Voting Age	78,539	50,575	16,446	5,270	16,446
		64.39%	20.94%	6.71%	20.94%
County: Haralson GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 3

Total:	29,919	26,825	1,541	497	278
		89.66%	5.15%	1.66%	0.93%
Voting Age	22,854	20,617	1,106	323	1,106
		90.21%	4.84%	1.41%	4.84%

County: Harris GA

Total:	34,668	25,925	5,742	1,417	743
		74.78%	16.56%	4.09%	2.14%
Voting Age	26,799	20,298	4,431	908	4,431
		75.74%	16.53%	3.39%	16.53%

County: Heard GA

Total:	11,412	9,589	1,142	253	93
		84.03%	10.01%	2.22%	0.81%
Voting Age	8,698	7,407	832	153	832
		85.16%	9.57%	1.76%	9.57%

County: Henry GA

Total:	23,975	9,476	11,842	1,939	613
		39.52%	49.39%	8.09%	2.56%
Voting Age	17,964	7,737	8,404	1,199	8,404
		43.07%	46.78%	6.67%	46.78%

County: Lamar GA

Total:	18,500	12,344	5,220	475	189
		66.72%	28.22%	2.57%	1.02%
Voting Age	14,541	9,852	4,017	323	4,017
		67.75%	27.63%	2.22%	27.63%

County: Meriwether GA

Total:	20,613	12,084	7,547	475	122
		58.62%	36.61%	2.30%	0.59%
Voting Age	16,526	9,994	5,845	299	5,845
		60.47%	35.37%	1.81%	35.37%

County: Muscogee GA

Total:	31,767	20,092	6,691	2,722	1,711
		63.25%	21.06%	8.57%	5.39%
Voting Age	24,894	16,592	4,753	1,795	4,753

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 3			66.65%	19.09%	7.21%	19.09%
County: Pike GA						
Total:	18,889	16,313	1,613	348	159	
		86.36%	8.54%	1.84%	0.84%	
Voting Age	14,337	12,422	1,254	207	1,254	
		86.64%	8.75%	1.44%	8.75%	
County: Spalding GA						
Total:	67,306	37,105	24,522	3,666	870	
		55.13%	36.43%	5.45%	1.29%	
Voting Age	52,123	30,612	17,511	2,377	17,511	
		58.73%	33.60%	4.56%	33.60%	
County: Troup GA						
Total:	69,426	38,099	25,473	2,956	1,842	
		54.88%	36.69%	4.26%	2.65%	
Voting Age	52,581	30,377	18,202	1,822	18,202	
		57.77%	34.62%	3.47%	34.62%	
County: Upson GA						
Total:	27,700	18,009	8,324	633	233	
		65.01%	30.05%	2.29%	0.84%	
Voting Age	21,711	14,548	6,202	411	6,202	
		67.01%	28.57%	1.89%	28.57%	
District: 3 Subtotal						
Total:	765,136	492,494	188,947	48,285	21,220	
		64.37%	24.69%	6.31%	2.77%	
Voting Age	586,319	391,849	136,708	31,274	136,708	
		66.83%	23.32%	5.33%	23.32%	
District: 4						
County: DeKalb GA						
Total:	601,451	153,733	322,421	74,201	50,736	
		25.56%	53.61%	12.34%	8.44%	
Voting Age	465,661	129,178	247,548	50,261	247,548	
		27.74%	53.16%	10.79%	53.16%	
County: Newton GA						

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 4

Total:	70,114	19,303	44,138	5,206	1,064
		27.53%	62.95%	7.43%	1.52%
Voting Age	52,306	15,909	31,896	3,320	31,896
		30.42%	60.98%	6.35%	60.98%

County: Rockdale GA

Total:	93,570	24,500	57,204	9,540	1,981
		26.18%	61.13%	10.20%	2.12%
Voting Age	71,503	21,457	41,935	6,089	41,935
		30.01%	58.65%	8.52%	58.65%

District: 4 Subtotal

Total:	765,135	197,536	423,763	88,947	53,781
		25.82%	55.38%	11.63%	7.03%
Voting Age	589,470	166,544	321,379	59,670	321,379
		28.25%	54.52%	10.12%	54.52%

District: 5**County: Clayton GA**

Total:	37,919	2,578	27,594	6,497	1,488
		6.80%	72.77%	17.13%	3.92%
Voting Age	27,885	2,344	20,301	4,185	20,301
		8.41%	72.80%	15.01%	72.80%

County: DeKalb GA

Total:	162,931	62,162	85,030	7,270	7,645
		38.15%	52.19%	4.46%	4.69%
Voting Age	129,615	50,983	66,682	5,245	66,682
		39.33%	51.45%	4.05%	51.45%

County: Fulton GA

Total:	564,287	209,079	280,198	42,729	30,799
		37.05%	49.66%	7.57%	5.46%
Voting Age	464,015	182,325	221,288	32,002	221,288
		39.29%	47.69%	6.90%	47.69%

District: 5 Subtotal

Total:	765,137	273,819	392,822	56,496	39,932
		35.79%	51.34%	7.38%	5.22%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 5					
Voting Age	621,515	235,652	308,271	41,432	308,271
		37.92%	49.60%	6.67%	49.60%
District: 6					
County: Cherokee GA					
Total:	40,881	34,848	1,489	2,494	856
		85.24%	3.64%	6.10%	2.09%
Voting Age	31,202	27,176	950	1,623	950
		87.10%	3.04%	5.20%	3.04%
County: Cobb GA					
Total:	165,925	110,373	19,055	15,022	17,472
		66.52%	11.48%	9.05%	10.53%
Voting Age	125,728	86,781	13,732	10,102	13,732
		69.02%	10.92%	8.03%	10.92%
County: Dawson GA					
Total:	26,798	23,544	392	1,605	390
		87.86%	1.46%	5.99%	1.46%
Voting Age	21,441	19,183	249	1,047	249
		89.47%	1.16%	4.88%	1.16%
County: Forsyth GA					
Total:	251,283	159,407	13,222	25,226	48,199
		63.44%	5.26%	10.04%	19.18%
Voting Age	181,193	122,017	8,751	16,204	8,751
		67.34%	4.83%	8.94%	4.83%
County: Fulton GA					
Total:	245,494	140,483	39,678	28,786	32,788
		57.22%	16.16%	11.73%	13.36%
Voting Age	190,172	113,635	29,939	19,957	29,939
		59.75%	15.74%	10.49%	15.74%
County: Gwinnett GA					
Total:	34,755	18,745	5,035	5,166	5,408
		53.93%	14.49%	14.86%	15.56%
Voting Age	25,061	14,179	3,348	3,420	3,348
		56.58%	13.36%	13.65%	13.36%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 6**District: 6 Subtotal**

Total:	765,136	487,400	78,871	78,299	105,113
		63.70%	10.31%	10.23%	13.74%
Voting Age	574,797	382,971	56,969	52,353	56,969
		66.63%	9.91%	9.11%	9.91%

District: 7**County: Fulton GA**

Total:	92,558	45,964	11,462	6,614	27,383
		49.66%	12.38%	7.15%	29.58%
Voting Age	69,229	36,341	8,135	4,468	8,135
		52.49%	11.75%	6.45%	11.75%

County: Gwinnett GA

Total:	672,579	179,941	228,255	175,237	91,061
		26.75%	33.94%	26.05%	13.54%
Voting Age	497,705	149,497	160,936	116,136	160,936
		30.04%	32.34%	23.33%	32.34%

District: 7 Subtotal

Total:	765,137	225,905	239,717	181,851	118,444
		29.52%	31.33%	23.77%	15.48%
Voting Age	566,934	185,838	169,071	120,604	169,071
		32.78%	29.82%	21.27%	29.82%

District: 8**County: Atkinson GA**

Total:	8,286	4,801	1,284	2,048	57
		57.94%	15.50%	24.72%	0.69%
Voting Age	6,129	3,787	937	1,282	937
		61.79%	15.29%	20.92%	15.29%

County: Baldwin GA

Total:	43,799	22,432	18,985	1,139	726
		51.22%	43.35%	2.60%	1.66%
Voting Age	35,732	19,377	14,515	835	14,515
		54.23%	40.62%	2.34%	40.62%

County: Ben Hill GA

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 8					
Total:	17,194	9,219	6,537	1,054	157
		53.62%	38.02%	6.13%	0.91%
Voting Age	13,165	7,459	4,745	653	4,745
		56.66%	36.04%	4.96%	36.04%
County: Berrien GA					
Total:	18,160	14,396	2,198	1,045	144
		79.27%	12.10%	5.75%	0.79%
Voting Age	13,690	11,181	1,499	622	1,499
		81.67%	10.95%	4.54%	10.95%
County: Bibb GA					
Total:	48,975	27,390	16,668	1,919	2,629
		55.93%	34.03%	3.92%	5.37%
Voting Age	38,413	22,858	11,900	1,383	11,900
		59.51%	30.98%	3.60%	30.98%
County: Bleckley GA					
Total:	12,583	8,867	2,951	469	195
		70.47%	23.45%	3.73%	1.55%
Voting Age	9,613	7,032	2,036	311	2,036
		73.15%	21.18%	3.24%	21.18%
County: Brooks GA					
Total:	16,301	9,066	5,958	955	115
		55.62%	36.55%	5.86%	0.71%
Voting Age	12,747	7,483	4,357	635	4,357
		58.70%	34.18%	4.98%	34.18%
County: Clinch GA					
Total:	6,749	4,256	2,096	253	53
		63.06%	31.06%	3.75%	0.79%
Voting Age	5,034	3,372	1,406	156	1,406
		66.98%	27.93%	3.10%	27.93%
County: Coffee GA					
Total:	43,092	24,158	12,575	5,430	422
		56.06%	29.18%	12.60%	0.98%
Voting Age	32,419	19,146	9,191	3,324	9,191

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 8			59.06%	28.35%	10.25%	28.35%
County: Colquitt GA						
Total:	45,898		25,588	10,648	8,709	507
			55.75%	23.20%	18.97%	1.10%
Voting Age	34,193		20,507	7,461	5,467	7,461
			59.97%	21.82%	15.99%	21.82%
County: Cook GA						
Total:	17,229		10,658	5,014	1,134	173
			61.86%	29.10%	6.58%	1.00%
Voting Age	12,938		8,310	3,595	704	3,595
			64.23%	27.79%	5.44%	27.79%
County: Crisp GA						
Total:	20,128		9,892	9,194	634	245
			49.15%	45.68%	3.15%	1.22%
Voting Age	15,570		8,248	6,603	414	6,603
			52.97%	42.41%	2.66%	42.41%
County: Dodge GA						
Total:	19,925		12,865	6,148	620	143
			64.57%	30.86%	3.11%	0.72%
Voting Age	15,709		10,360	4,725	406	4,725
			65.95%	30.08%	2.58%	30.08%
County: Echols GA						
Total:	3,697		2,328	193	1,091	35
			62.97%	5.22%	29.51%	0.95%
Voting Age	2,709		1,856	121	667	121
			68.51%	4.47%	24.62%	4.47%
County: Houston GA						
Total:	115,112		66,836	33,883	7,144	5,702
			58.06%	29.43%	6.21%	4.95%
Voting Age	85,885		51,966	23,948	4,542	23,948
			60.51%	27.88%	5.29%	27.88%
County: Irwin GA						
Total:	9,666		6,402	2,333	663	148

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 8					
		66.23%	24.14%	6.86%	1.53%
Voting Age	7,547	5,047	1,720	545	1,720
		66.87%	22.79%	7.22%	22.79%
County: Jeff Davis GA					
Total:	14,779	9,950	2,493	2,047	83
		67.33%	16.87%	13.85%	0.56%
Voting Age	10,856	7,643	1,752	1,233	1,752
		70.40%	16.14%	11.36%	16.14%
County: Jones GA					
Total:	28,347	20,074	7,114	476	216
		70.82%	25.10%	1.68%	0.76%
Voting Age	21,575	15,428	5,341	302	5,341
		71.51%	24.76%	1.40%	24.76%
County: Lanier GA					
Total:	9,877	6,595	2,369	572	119
		66.77%	23.99%	5.79%	1.20%
Voting Age	7,326	5,010	1,683	370	1,683
		68.39%	22.97%	5.05%	22.97%
County: Lowndes GA					
Total:	118,251	59,306	46,758	7,872	2,887
		50.15%	39.54%	6.66%	2.44%
Voting Age	89,031	47,140	33,302	5,201	33,302
		52.95%	37.40%	5.84%	37.40%
County: Monroe GA					
Total:	27,957	19,954	6,444	714	342
		71.37%	23.05%	2.55%	1.22%
Voting Age	21,913	15,771	5,068	464	5,068
		71.97%	23.13%	2.12%	23.13%
County: Pulaski GA					
Total:	9,855	6,022	3,250	327	117
		61.11%	32.98%	3.32%	1.19%
Voting Age	8,012	5,027	2,564	224	2,564
		62.74%	32.00%	2.80%	32.00%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 8**County: Telfair GA**

Total:	12,477	5,970	4,754	1,928	52
		47.85%	38.10%	15.45%	0.42%
Voting Age	10,190	4,802	3,806	1,757	3,806
		47.12%	37.35%	17.24%	37.35%

County: Tift GA

Total:	41,344	22,189	12,734	5,219	793
		53.67%	30.80%	12.62%	1.92%
Voting Age	31,224	18,011	8,963	3,295	8,963
		57.68%	28.71%	10.55%	28.71%

County: Turner GA

Total:	9,006	4,700	3,813	372	70
		52.19%	42.34%	4.13%	0.78%
Voting Age	6,960	3,891	2,752	256	2,752
		55.91%	39.54%	3.68%	39.54%

County: Twiggs GA

Total:	8,022	4,487	3,226	124	63
		55.93%	40.21%	1.55%	0.79%
Voting Age	6,589	3,733	2,627	79	2,627
		56.66%	39.87%	1.20%	39.87%

County: Wilcox GA

Total:	8,766	5,185	3,161	272	80
		59.15%	36.06%	3.10%	0.91%
Voting Age	7,218	4,215	2,693	209	2,693
		58.40%	37.31%	2.90%	37.31%

County: Wilkinson GA

Total:	8,877	5,110	3,330	239	55
		57.56%	37.51%	2.69%	0.62%
Voting Age	7,026	4,165	2,549	152	2,549
		59.28%	36.28%	2.16%	36.28%

County: Worth GA

Total:	20,784	14,427	5,517	381	150
		69.41%	26.54%	1.83%	0.72%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 8

Voting Age	16,444	11,747	4,108	244	4,108
		71.44%	24.98%	1.48%	24.98%

District: 8 Subtotal

Total:	765,136	443,123	241,628	54,850	16,478
		57.91%	31.58%	7.17%	2.15%
Voting Age	585,857	354,572	175,967	35,732	175,967
		60.52%	30.04%	6.10%	30.04%

District: 9**County: Banks GA**

Total:	18,035	15,578	589	1,164	250
		86.38%	3.27%	6.45%	1.39%
Voting Age	13,900	12,278	365	721	365
		88.33%	2.63%	5.19%	2.63%

County: Fannin GA

Total:	25,319	23,351	199	753	176
		92.23%	0.79%	2.97%	0.70%
Voting Age	21,188	19,721	133	505	133
		93.08%	0.63%	2.38%	0.63%

County: Franklin GA

Total:	23,424	19,262	2,207	1,121	319
		82.23%	9.42%	4.79%	1.36%
Voting Age	18,307	15,466	1,523	678	1,523
		84.48%	8.32%	3.70%	8.32%

County: Gilmer GA

Total:	31,353	26,365	296	3,599	234
		84.09%	0.94%	11.48%	0.75%
Voting Age	25,417	22,187	161	2,158	161
		87.29%	0.63%	8.49%	0.63%

County: Gwinnett GA

Total:	249,728	111,897	54,397	40,057	42,019
		44.81%	21.78%	16.04%	16.83%
Voting Age	186,718	88,365	38,478	27,103	38,478
		47.33%	20.61%	14.52%	20.61%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 9**County: Habersham GA**

Total:	46,031	34,694	2,165	6,880	1,195
		75.37%	4.70%	14.95%	2.60%
Voting Age	35,878	28,299	1,675	4,115	1,675
		78.88%	4.67%	11.47%	4.67%

County: Hall GA

Total:	203,136	120,418	17,006	57,010	5,315
		59.28%	8.37%	28.06%	2.62%
Voting Age	153,844	98,800	12,094	36,146	12,094
		64.22%	7.86%	23.50%	7.86%

County: Hart GA

Total:	25,828	19,250	4,732	931	433
		74.53%	18.32%	3.60%	1.68%
Voting Age	20,436	15,761	3,447	578	3,447
		77.12%	16.87%	2.83%	16.87%

County: Lumpkin GA

Total:	33,488	29,241	685	1,790	471
		87.32%	2.05%	5.35%	1.41%
Voting Age	27,689	24,419	507	1,345	507
		88.19%	1.83%	4.86%	1.83%

County: Rabun GA

Total:	16,883	14,625	210	1,452	110
		86.63%	1.24%	8.60%	0.65%
Voting Age	13,767	12,236	129	928	129
		88.88%	0.94%	6.74%	0.94%

County: Stephens GA

Total:	26,784	21,323	3,527	857	324
		79.61%	13.17%	3.20%	1.21%
Voting Age	21,163	17,310	2,467	578	2,467
		81.79%	11.66%	2.73%	11.66%

County: Towns GA

Total:	12,493	11,469	168	415	117
		91.80%	1.34%	3.32%	0.94%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 9					
Voting Age	10,923	10,100	137	338	137
		92.47%	1.25%	3.09%	1.25%
County: Union GA					
Total:	24,632	22,646	228	816	185
		91.94%	0.93%	3.31%	0.75%
Voting Age	20,808	19,351	147	563	147
		93.00%	0.71%	2.71%	0.71%
County: White GA					
Total:	28,003	24,959	721	913	272
		89.13%	2.57%	3.26%	0.97%
Voting Age	22,482	20,318	484	605	484
		90.37%	2.15%	2.69%	2.15%
District: 9 Subtotal					
Total:	765,137	495,078	87,130	117,758	51,420
		64.70%	11.39%	15.39%	6.72%
Voting Age	592,520	404,611	61,747	76,361	61,747
		68.29%	10.42%	12.89%	10.42%
District: 10					
County: Barrow GA					
Total:	83,505	55,582	11,907	10,560	3,842
		66.56%	14.26%	12.65%	4.60%
Voting Age	62,195	43,241	8,222	6,726	8,222
		69.52%	13.22%	10.81%	13.22%
County: Butts GA					
Total:	25,434	16,628	7,212	803	206
		65.38%	28.36%	3.16%	0.81%
Voting Age	20,360	13,510	5,660	559	5,660
		66.36%	27.80%	2.75%	27.80%
County: Clarke GA					
Total:	128,671	72,201	33,672	14,336	6,215
		56.11%	26.17%	11.14%	4.83%
Voting Age	106,830	64,531	24,776	10,213	24,776
		60.41%	23.19%	9.56%	23.19%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 10**County: Elbert GA**

Total:	19,637	12,610	5,520	996	238
		64.22%	28.11%	5.07%	1.21%
Voting Age	15,493	10,322	4,122	660	4,122
		66.62%	26.61%	4.26%	26.61%

County: Greene GA

Total:	18,915	11,126	6,027	1,289	237
		58.82%	31.86%	6.81%	1.25%
Voting Age	15,358	9,675	4,470	826	4,470
		63.00%	29.11%	5.38%	29.11%

County: Hancock GA

Total:	8,735	2,413	6,131	63	58
		27.62%	70.19%	0.72%	0.66%
Voting Age	7,487	2,220	5,108	47	5,108
		29.65%	68.22%	0.63%	68.22%

County: Henry GA

Total:	118,452	51,338	54,850	8,409	3,181
		43.34%	46.31%	7.10%	2.69%
Voting Age	86,869	40,092	38,346	5,466	38,346
		46.15%	44.14%	6.29%	44.14%

County: Jackson GA

Total:	75,907	59,064	6,148	6,712	2,248
		77.81%	8.10%	8.84%	2.96%
Voting Age	56,451	45,015	4,268	4,261	4,268
		79.74%	7.56%	7.55%	7.56%

County: Jasper GA

Total:	14,588	10,771	2,676	684	79
		73.83%	18.34%	4.69%	0.54%
Voting Age	11,118	8,400	1,966	402	1,966
		75.55%	17.68%	3.62%	17.68%

County: Madison GA

Total:	30,120	23,549	3,196	1,956	650
		78.18%	10.61%	6.49%	2.16%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 10					
Voting Age	23,112	18,643	2,225	1,198	2,225
		80.66%	9.63%	5.18%	9.63%
County: Morgan GA					
Total:	20,097	14,487	4,339	712	221
		72.09%	21.59%	3.54%	1.10%
Voting Age	15,574	11,452	3,280	434	3,280
		73.53%	21.06%	2.79%	21.06%
County: Newton GA					
Total:	42,369	27,443	11,763	1,958	509
		64.77%	27.76%	4.62%	1.20%
Voting Age	32,442	21,722	8,537	1,241	8,537
		66.96%	26.31%	3.83%	26.31%
County: Oconee GA					
Total:	41,799	33,886	2,280	2,347	2,497
		81.07%	5.45%	5.61%	5.97%
Voting Age	30,221	24,942	1,660	1,405	1,660
		82.53%	5.49%	4.65%	5.49%
County: Oglethorpe GA					
Total:	14,825	10,903	2,468	869	207
		73.54%	16.65%	5.86%	1.40%
Voting Age	11,639	8,799	1,853	531	1,853
		75.60%	15.92%	4.56%	15.92%
County: Putnam GA					
Total:	22,047	14,316	5,701	1,557	187
		64.93%	25.86%	7.06%	0.85%
Voting Age	17,847	12,209	4,229	1,031	4,229
		68.41%	23.70%	5.78%	23.70%
County: Taliaferro GA					
Total:	1,559	591	876	69	24
		37.91%	56.19%	4.43%	1.54%
Voting Age	1,289	506	722	46	722
		39.26%	56.01%	3.57%	56.01%
County: Walton GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 10					
Total:	96,673	68,499	18,804	5,228	2,001
		70.86%	19.45%	5.41%	2.07%
Voting Age	73,098	53,647	13,165	3,236	13,165
		73.39%	18.01%	4.43%	18.01%
County: Wilkes GA					
Total:	1,802	1,080	567	97	25
		59.93%	31.47%	5.38%	1.39%
Voting Age	1,491	897	488	54	488
		60.16%	32.73%	3.62%	32.73%
District: 10 Subtotal					
Total:	765,135	486,487	184,137	58,645	22,625
		63.58%	24.07%	7.66%	2.96%
Voting Age	588,874	389,823	133,097	38,336	133,097
		66.20%	22.60%	6.51%	22.60%
District: 11					
County: Bartow GA					
Total:	108,901	80,159	13,395	10,751	1,680
		73.61%	12.30%	9.87%	1.54%
Voting Age	83,570	63,759	9,377	6,817	9,377
		76.29%	11.22%	8.16%	11.22%
County: Cherokee GA					
Total:	225,739	163,019	20,198	29,617	7,289
		72.22%	8.95%	13.12%	3.23%
Voting Age	171,726	128,979	14,026	19,292	14,026
		75.11%	8.17%	11.23%	8.17%
County: Cobb GA					
Total:	397,281	195,964	109,299	58,228	27,015
		49.33%	27.51%	14.66%	6.80%
Voting Age	313,106	163,531	83,089	39,938	83,089
		52.23%	26.54%	12.76%	26.54%
County: Pickens GA					
Total:	33,216	30,122	512	1,198	286
		90.69%	1.54%	3.61%	0.86%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 11					
Voting Age	26,799	24,626	319	755	319
		91.89%	1.19%	2.82%	1.19%
District: 11 Subtotal					
Total:	765,137	469,264	143,404	99,794	36,270
		61.33%	18.74%	13.04%	4.74%
Voting Age	595,201	380,895	106,811	66,802	106,811
		63.99%	17.95%	11.22%	17.95%
District: 12					
County: Bulloch GA					
Total:	81,099	49,712	24,375	4,180	1,793
		61.30%	30.06%	5.15%	2.21%
Voting Age	64,494	41,041	18,220	3,021	18,220
		63.64%	28.25%	4.68%	28.25%
County: Burke GA					
Total:	24,596	11,941	11,430	777	186
		48.55%	46.47%	3.16%	0.76%
Voting Age	18,778	9,566	8,362	494	8,362
		50.94%	44.53%	2.63%	44.53%
County: Candler GA					
Total:	10,981	6,567	2,807	1,378	90
		59.80%	25.56%	12.55%	0.82%
Voting Age	8,241	5,229	2,009	835	2,009
		63.45%	24.38%	10.13%	24.38%
County: Columbia GA					
Total:	156,010	99,111	32,516	11,858	10,279
		63.53%	20.84%	7.60%	6.59%
Voting Age	114,823	76,070	22,273	7,355	22,273
		66.25%	19.40%	6.41%	19.40%
County: Effingham GA					
Total:	17,561	12,955	3,383	617	176
		73.77%	19.26%	3.51%	1.00%
Voting Age	13,023	9,788	2,457	354	2,457
		75.16%	18.87%	2.72%	18.87%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 12**County: Emanuel GA**

Total:	22,768	13,815	7,556	993	170
		60.68%	33.19%	4.36%	0.75%
Voting Age	17,320	11,013	5,404	589	5,404
		63.59%	31.20%	3.40%	31.20%

County: Evans GA

Total:	10,774	6,038	3,273	1,237	99
		56.04%	30.38%	11.48%	0.92%
Voting Age	8,127	4,826	2,410	731	2,410
		59.38%	29.65%	8.99%	29.65%

County: Glascock GA

Total:	2,884	2,573	226	52	24
		89.22%	7.84%	1.80%	0.83%
Voting Age	2,236	2,003	167	31	167
		89.58%	7.47%	1.39%	7.47%

County: Jefferson GA

Total:	15,709	6,834	8,208	462	112
		43.50%	52.25%	2.94%	0.71%
Voting Age	12,301	5,536	6,324	280	6,324
		45.00%	51.41%	2.28%	51.41%

County: Jenkins GA

Total:	8,674	4,611	3,638	303	33
		53.16%	41.94%	3.49%	0.38%
Voting Age	7,005	3,874	2,843	194	2,843
		55.30%	40.59%	2.77%	40.59%

County: Johnson GA

Total:	9,189	5,800	3,124	117	45
		63.12%	34.00%	1.27%	0.49%
Voting Age	7,474	4,790	2,513	82	2,513
		64.09%	33.62%	1.10%	33.62%

County: Laurens GA

Total:	49,570	27,881	19,132	1,424	653
		56.25%	38.60%	2.87%	1.32%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 12					
Voting Age	37,734	22,229	13,695	923	13,695
		58.91%	36.29%	2.45%	36.29%
County: Lincoln GA					
Total:	7,690	5,196	2,212	92	50
		67.57%	28.76%	1.20%	0.65%
Voting Age	6,270	4,316	1,728	54	1,728
		68.84%	27.56%	0.86%	27.56%
County: McDuffie GA					
Total:	21,632	11,417	9,045	790	176
		52.78%	41.81%	3.65%	0.81%
Voting Age	16,615	9,359	6,425	536	6,425
		56.33%	38.67%	3.23%	38.67%
County: Montgomery GA					
Total:	8,610	5,665	2,224	571	58
		65.80%	25.83%	6.63%	0.67%
Voting Age	6,792	4,527	1,781	377	1,781
		66.65%	26.22%	5.55%	26.22%
County: Richmond GA					
Total:	206,607	68,397	119,970	11,449	5,627
		33.10%	58.07%	5.54%	2.72%
Voting Age	160,899	58,403	87,930	8,445	87,930
		36.30%	54.65%	5.25%	54.65%
County: Screven GA					
Total:	14,067	8,018	5,527	287	98
		57.00%	39.29%	2.04%	0.70%
Voting Age	10,893	6,387	4,144	188	4,144
		58.63%	38.04%	1.73%	38.04%
County: Tattnall GA					
Total:	22,842	13,825	6,331	2,303	198
		60.52%	27.72%	10.08%	0.87%
Voting Age	17,654	11,020	4,886	1,419	4,886
		62.42%	27.68%	8.04%	27.68%
County: Toombs GA					

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 12					
Total:	27,030	16,007	7,402	3,044	280
		59.22%	27.38%	11.26%	1.04%
Voting Age	20,261	12,810	5,036	1,978	5,036
		63.22%	24.86%	9.76%	24.86%
County: Treutlen GA					
Total:	6,406	4,065	2,114	170	27
		63.46%	33.00%	2.65%	0.42%
Voting Age	4,934	3,272	1,514	98	1,514
		66.32%	30.69%	1.99%	30.69%
County: Warren GA					
Total:	5,215	1,974	3,128	53	27
		37.85%	59.98%	1.02%	0.52%
Voting Age	4,159	1,716	2,360	46	2,360
		41.26%	56.74%	1.11%	56.74%
County: Washington GA					
Total:	19,988	8,412	10,969	334	107
		42.09%	54.88%	1.67%	0.54%
Voting Age	15,709	6,944	8,333	235	8,333
		44.20%	53.05%	1.50%	53.05%
County: Wheeler GA					
Total:	7,471	4,157	2,949	272	29
		55.64%	39.47%	3.64%	0.39%
Voting Age	6,217	3,418	2,561	174	2,561
		54.98%	41.19%	2.80%	41.19%
County: Wilkes GA					
Total:	7,763	3,872	3,422	302	64
		49.88%	44.08%	3.89%	0.82%
Voting Age	6,160	3,257	2,583	189	2,583
		52.87%	41.93%	3.07%	41.93%
District: 12 Subtotal					
Total:	765,136	398,843	294,961	43,065	20,401
		52.13%	38.55%	5.63%	2.67%
Voting Age	588,119	321,394	215,958	28,628	215,958

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 12			54.65%	36.72%	4.87%	36.72%
District: 13						
County: Clayton GA						
Total:	259,676	23,324	188,757	36,049	13,495	
		8.98%	72.69%	13.88%	5.20%	
Voting Age	192,693	21,052	138,553	23,193	138,553	
		10.93%	71.90%	12.04%	71.90%	
County: Cobb GA						
Total:	125,029	35,498	56,579	27,993	4,765	
		28.39%	45.25%	22.39%	3.81%	
Voting Age	94,104	29,952	41,953	17,986	41,953	
		31.83%	44.58%	19.11%	44.58%	
County: Douglas GA						
Total:	101,267	26,463	60,619	11,835	2,166	
		26.13%	59.86%	11.69%	2.14%	
Voting Age	75,827	22,474	43,695	7,538	43,695	
		29.64%	57.62%	9.94%	57.62%	
County: Fayette GA						
Total:	16,509	5,071	9,334	1,415	653	
		30.72%	56.54%	8.57%	3.96%	
Voting Age	13,259	4,527	7,282	898	7,282	
		34.14%	54.92%	6.77%	54.92%	
County: Fulton GA						
Total:	164,371	9,267	146,286	8,173	1,593	
		5.64%	89.00%	4.97%	0.97%	
Voting Age	123,766	8,240	109,273	5,487	109,273	
		6.66%	88.29%	4.43%	88.29%	
County: Henry GA						
Total:	98,285	25,483	58,519	8,089	6,056	
		25.93%	59.54%	8.23%	6.16%	
Voting Age	75,140	21,915	42,907	5,365	42,907	
		29.17%	57.10%	7.14%	57.10%	
District: 13 Subtotal						

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 13					
Total:	765,137	125,106	520,094	93,554	28,728
		16.35%	67.97%	12.23%	3.75%
Voting Age	574,789	108,160	383,663	60,467	383,663
		18.82%	66.75%	10.52%	66.75%
District: 14					
County: Catoosa GA					
Total:	67,872	59,280	2,642	2,341	1,332
		87.34%	3.89%	3.45%	1.96%
Voting Age	52,448	46,578	1,684	1,492	1,684
		88.81%	3.21%	2.84%	3.21%
County: Chattooga GA					
Total:	24,965	20,079	2,865	1,297	136
		80.43%	11.48%	5.20%	0.54%
Voting Age	19,416	15,885	2,235	733	2,235
		81.81%	11.51%	3.78%	11.51%
County: Cobb GA					
Total:	77,914	27,347	38,183	9,997	2,137
		35.10%	49.01%	12.83%	2.74%
Voting Age	58,910	23,036	27,367	6,479	27,367
		39.10%	46.46%	11.00%	46.46%
County: Dade GA					
Total:	16,251	14,786	228	364	189
		90.99%	1.40%	2.24%	1.16%
Voting Age	12,987	11,925	140	243	140
		91.82%	1.08%	1.87%	1.08%
County: Floyd GA					
Total:	98,584	67,747	15,606	11,466	1,717
		68.72%	15.83%	11.63%	1.74%
Voting Age	76,295	55,088	11,064	7,167	11,064
		72.20%	14.50%	9.39%	14.50%
County: Gordon GA					
Total:	57,544	43,317	2,919	8,957	929
		75.28%	5.07%	15.57%	1.61%

Plan Components with Population Detail

Ga_Congress_Enacted_2021_P

District: 14					
Voting Age	43,500	34,084	1,939	5,592	1,939
		78.35%	4.46%	12.86%	4.46%
County: Murray GA					
Total:	39,973	32,164	556	5,914	220
		80.46%	1.39%	14.79%	0.55%
Voting Age	30,210	25,146	321	3,696	321
		83.24%	1.06%	12.23%	1.06%
County: Paulding GA					
Total:	168,661	108,444	41,296	12,564	3,205
		64.30%	24.48%	7.45%	1.90%
Voting Age	123,998	83,066	28,164	7,974	28,164
		66.99%	22.71%	6.43%	22.71%
County: Polk GA					
Total:	42,853	30,161	5,816	5,585	336
		70.38%	13.57%	13.03%	0.78%
Voting Age	32,238	24,049	3,991	3,252	3,991
		74.60%	12.38%	10.09%	12.38%
County: Walker GA					
Total:	67,654	59,654	3,664	1,685	507
		88.18%	5.42%	2.49%	0.75%
Voting Age	52,794	47,292	2,454	1,066	2,454
		89.58%	4.65%	2.02%	4.65%
County: Whitfield GA					
Total:	102,864	57,875	4,919	36,916	1,741
		56.26%	4.78%	35.89%	1.69%
Voting Age	76,262	46,881	3,349	23,553	3,349
		61.47%	4.39%	30.88%	4.39%
District: 14 Subtotal					
Total:	765,135	520,854	118,694	97,086	12,449
		68.07%	15.51%	12.69%	1.63%
Voting Age	579,058	413,030	82,708	61,247	82,708
		71.33%	14.28%	10.58%	14.28%

318-7

2020 Census -- Georgia Population by County

County	Population	AP_Bl	% AP_Bl	Hispanic		NH_Wht	%NH_Wht
				Origin	% Hispanic		
Appling	18,444	3,647	19.77%	1,825	9.89%	12,674	68.72%
Atkinson	8,286	1,284	15.50%	2,048	24.72%	4,801	57.94%
Bacon	11,140	1,970	17.68%	875	7.85%	8,103	72.74%
Baker	2,876	1,178	40.96%	143	4.97%	1,514	52.64%
Baldwin	43,799	18,985	43.35%	1,139	2.60%	22,432	51.22%
Banks	18,035	589	3.27%	1,164	6.45%	15,578	86.38%
Barrow	83,505	11,907	14.26%	10,560	12.65%	55,582	66.56%
Bartow	108,901	13,395	12.30%	10,751	9.87%	80,159	73.61%
Ben Hill	17,194	6,537	38.02%	1,054	6.13%	9,219	53.62%
Berrien	18,160	2,198	12.10%	1,045	5.75%	14,396	79.27%
Bibb	157,346	88,865	56.48%	6,737	4.28%	56,787	36.09%
Bleckley	12,583	2,951	23.45%	469	3.73%	8,867	70.47%
Brantley	18,021	733	4.07%	326	1.81%	16,317	90.54%
Brooks	16,301	5,958	36.55%	955	5.86%	9,066	55.62%
Bryan	44,738	7,463	16.68%	3,269	7.31%	31,321	70.01%
Bulloch	81,099	24,375	30.06%	4,180	5.15%	49,712	61.30%
Burke	24,596	11,430	46.47%	777	3.16%	11,941	48.55%
Butts	25,434	7,212	28.36%	803	3.16%	16,628	65.38%
Calhoun	5,573	3,629	65.12%	149	2.67%	1,766	31.69%
Camden	54,768	11,072	20.22%	3,658	6.68%	37,203	67.93%
Candler	10,981	2,807	25.56%	1,378	12.55%	6,567	59.80%
Carroll	119,148	24,618	20.66%	9,586	8.05%	80,725	67.75%
Catoosa	67,872	2,642	3.89%	2,341	3.45%	59,280	87.34%
Charlton	12,518	2,798	22.35%	2,036	16.26%	7,532	60.17%
Chatham	295,291	115,458	39.10%	23,790	8.06%	139,433	47.22%
Chattahoochee	9,565	1,825	19.08%	1,610	16.83%	5,403	56.49%
Chattooga	24,965	2,865	11.48%	1,297	5.20%	20,079	80.43%
Cherokee	266,620	21,687	8.13%	32,111	12.04%	197,867	74.21%
Clarke	128,671	33,672	26.17%	14,336	11.14%	72,201	56.11%
Clay	2,848	1,634	57.37%	41	1.44%	1,143	40.13%
Clayton	297,595	216,351	72.70%	42,546	14.30%	25,902	8.70%
Clinch	6,749	2,096	31.06%	253	3.75%	4,256	63.06%
Cobb	766,149	223,116	29.12%	111,240	14.52%	369,182	48.19%
Coffee	43,092	12,575	29.18%	5,430	12.60%	24,158	56.06%
Colquitt	45,898	10,648	23.20%	8,709	18.97%	25,588	55.75%
Columbia	156,010	32,516	20.84%	11,858	7.60%	99,111	63.53%
Cook	17,229	5,014	29.10%	1,134	6.58%	10,658	61.86%
Coweta	146,158	28,289	19.36%	11,053	7.56%	99,421	68.02%
Crawford	12,130	2,455	20.24%	415	3.42%	8,866	73.09%
Crisp	20,128	9,194	45.68%	634	3.15%	9,892	49.15%
Dade	16,251	228	1.40%	364	2.24%	14,786	90.99%
Dawson	26,798	392	1.46%	1,605	5.99%	23,544	87.86%

2020 Census -- Georgia Population by County

County	Population	AP_Bl	% AP_Bl	Hispanic		NH_Wht	%NH_Wht
				Origin	% Hispanic		
DeKalb	764,382	407,451	53.30%	81,471	10.66%	215,895	28.24%
Decatur	29,367	12,583	42.85%	1,911	6.51%	14,280	48.63%
Dodge	19,925	6,148	30.86%	620	3.11%	12,865	64.57%
Dooly	11,208	5,652	50.43%	797	7.11%	4,611	41.14%
Dougherty	85,790	61,457	71.64%	2,413	2.81%	20,631	24.05%
Douglas	144,237	74,260	51.48%	16,035	11.12%	49,877	34.58%
Early	10,854	5,688	52.40%	186	1.71%	4,813	44.34%
Echols	3,697	193	5.22%	1,091	29.51%	2,328	62.97%
Effingham	64,769	10,035	15.49%	3,492	5.39%	48,204	74.42%
Elbert	19,637	5,520	28.11%	996	5.07%	12,610	64.22%
Emanuel	22,768	7,556	33.19%	993	4.36%	13,815	60.68%
Evans	10,774	3,273	30.38%	1,237	11.48%	6,038	56.04%
Fannin	25,319	199	0.79%	753	2.97%	23,351	92.23%
Fayette	119,194	32,076	26.91%	9,480	7.95%	68,144	57.17%
Floyd	98,584	15,606	15.83%	11,466	11.63%	67,747	68.72%
Forsyth	251,283	13,222	5.26%	25,226	10.04%	159,407	63.44%
Franklin	23,424	2,207	9.42%	1,121	4.79%	19,262	82.23%
Fulton	1,066,710	477,624	44.78%	86,302	8.09%	404,793	37.95%
Gilmer	31,353	296	0.94%	3,599	11.48%	26,365	84.09%
Glascock	2,884	226	7.84%	52	1.80%	2,573	89.22%
Glynn	84,499	22,098	26.15%	6,336	7.50%	52,987	62.71%
Gordon	57,544	2,919	5.07%	8,957	15.57%	43,317	75.28%
Grady	26,236	7,693	29.32%	3,273	12.48%	14,715	56.09%
Greene	18,915	6,027	31.86%	1,289	6.81%	11,126	58.82%
Gwinnett	957,062	287,687	30.06%	220,460	23.04%	310,583	32.45%
Habersham	46,031	2,165	4.70%	6,880	14.95%	34,694	75.37%
Hall	203,136	17,006	8.37%	57,010	28.06%	120,418	59.28%
Hancock	8,735	6,131	70.19%	63	0.72%	2,413	27.62%
Haralson	29,919	1,541	5.15%	497	1.66%	26,825	89.66%
Harris	34,668	5,742	16.56%	1,417	4.09%	25,925	74.78%
Hart	25,828	4,732	18.32%	931	3.60%	19,250	74.53%
Heard	11,412	1,142	10.01%	253	2.22%	9,589	84.03%
Henry	240,712	125,211	52.02%	18,437	7.66%	86,297	35.85%
Houston	163,633	56,520	34.54%	11,807	7.22%	86,211	52.69%
Irwin	9,666	2,333	24.14%	663	6.86%	6,402	66.23%
Jackson	75,907	6,148	8.10%	6,712	8.84%	59,064	77.81%
Jasper	14,588	2,676	18.34%	684	4.69%	10,771	73.83%
Jeff Davis	14,779	2,493	16.87%	2,047	13.85%	9,950	67.33%
Jefferson	15,709	8,208	52.25%	462	2.94%	6,834	43.50%
Jenkins	8,674	3,638	41.94%	303	3.49%	4,611	53.16%
Johnson	9,189	3,124	34.00%	117	1.27%	5,800	63.12%
Jones	28,347	7,114	25.10%	476	1.68%	20,074	70.82%

2020 Census -- Georgia Population by County

County	Population	AP_Bl	% AP_Bl	Hispanic		NH_Wht	%NH_Wht
				Origin	% Hispanic		
Lamar	18,500	5,220	28.22%	475	2.57%	12,344	66.72%
Lanier	9,877	2,369	23.99%	572	5.79%	6,595	66.77%
Laurens	49,570	19,132	38.60%	1,424	2.87%	27,881	56.25%
Lee	33,163	7,755	23.38%	953	2.87%	22,758	68.62%
Liberty	65,256	31,146	47.73%	7,786	11.93%	24,004	36.78%
Lincoln	7,690	2,212	28.76%	92	1.20%	5,196	67.57%
Long	16,168	4,734	29.28%	1,979	12.24%	8,774	54.27%
Lowndes	118,251	46,758	39.54%	7,872	6.66%	59,306	50.15%
Lumpkin	33,488	685	2.05%	1,790	5.35%	29,241	87.32%
Macon	12,082	7,296	60.39%	472	3.91%	4,078	33.75%
Madison	30,120	3,196	10.61%	1,956	6.49%	23,549	78.18%
Marion	7,498	2,223	29.65%	560	7.47%	4,486	59.83%
McDuffie	21,632	9,045	41.81%	790	3.65%	11,417	52.78%
McIntosh	10,975	3,400	30.98%	231	2.10%	7,060	64.33%
Meriwether	20,613	7,547	36.61%	475	2.30%	12,084	58.62%
Miller	6,000	1,831	30.52%	136	2.27%	3,949	65.82%
Mitchell	21,755	10,394	47.78%	964	4.43%	10,106	46.45%
Monroe	27,957	6,444	23.05%	714	2.55%	19,954	71.37%
Montgomery	8,610	2,224	25.83%	571	6.63%	5,665	65.80%
Morgan	20,097	4,339	21.59%	712	3.54%	14,487	72.09%
Murray	39,973	556	1.39%	5,914	14.80%	32,164	80.46%
Muscogee	206,922	102,212	49.40%	16,513	7.98%	79,083	38.22%
Newton	112,483	55,901	49.70%	7,164	6.37%	46,746	41.56%
Oconee	41,799	2,280	5.45%	2,347	5.62%	33,886	81.07%
Oglethorpe	14,825	2,468	16.65%	869	5.86%	10,903	73.54%
Paulding	168,661	41,296	24.48%	12,564	7.45%	108,444	64.30%
Peach	27,981	12,645	45.19%	2,547	9.10%	12,119	43.31%
Pickens	33,216	512	1.54%	1,198	3.61%	30,122	90.69%
Pierce	19,716	1,801	9.13%	998	5.06%	16,403	83.20%
Pike	18,889	1,613	8.54%	348	1.84%	16,313	86.36%
Polk	42,853	5,816	13.57%	5,585	13.03%	30,161	70.38%
Pulaski	9,855	3,250	32.98%	327	3.32%	6,022	61.11%
Putnam	22,047	5,701	25.86%	1,557	7.06%	14,316	64.93%
Quitman	2,235	965	43.18%	31	1.39%	1,190	53.24%
Rabun	16,883	210	1.24%	1,452	8.60%	14,625	86.63%
Randolph	6,425	3,947	61.43%	143	2.23%	2,250	35.02%
Richmond	206,607	119,970	58.07%	11,449	5.54%	68,397	33.10%
Rockdale	93,570	57,204	61.14%	9,540	10.20%	24,500	26.18%
Schley	4,547	933	20.52%	175	3.85%	3,357	73.83%
Screven	14,067	5,527	39.29%	287	2.04%	8,018	57.00%
Seminole	9,147	3,093	33.81%	228	2.49%	5,617	61.41%
Spalding	67,306	24,522	36.43%	3,666	5.45%	37,105	55.13%

2020 Census -- Georgia Population by County

County	Population	AP_Bl	% AP_Bl	Hispanic		NH_Wht	%NH_Wht
				Origin	% Hispanic		
Stephens	26,784	3,527	13.17%	857	3.20%	21,323	79.61%
Stewart	5,314	2,538	47.76%	1,217	22.90%	1,338	25.18%
Sumter	29,616	15,546	52.49%	1,770	5.98%	11,528	38.92%
Talbot	5,733	3,145	54.86%	112	1.95%	2,427	42.33%
Taliaferro	1,559	876	56.19%	69	4.43%	591	37.91%
Tattnall	22,842	6,331	27.72%	2,303	10.08%	13,825	60.52%
Taylor	7,816	2,946	37.69%	168	2.15%	4,584	58.65%
Telfair	12,477	4,754	38.10%	1,928	15.45%	5,970	47.85%
Terrell	9,185	5,707	62.13%	177	1.93%	3,189	34.72%
Thomas	45,798	16,975	37.06%	1,577	3.44%	25,994	56.76%
Tift	41,344	12,734	30.80%	5,219	12.62%	22,189	53.67%
Toombs	27,030	7,402	27.38%	3,044	11.26%	16,007	59.22%
Towns	12,493	168	1.34%	415	3.32%	11,469	91.80%
Treutlen	6,406	2,114	33.00%	170	2.65%	4,065	63.46%
Troup	69,426	25,473	36.69%	2,956	4.26%	38,099	54.88%
Turner	9,006	3,813	42.34%	372	4.13%	4,700	52.19%
Twiggs	8,022	3,226	40.21%	124	1.55%	4,487	55.93%
Union	24,632	228	0.93%	816	3.31%	22,646	91.94%
Upson	27,700	8,324	30.05%	633	2.29%	18,009	65.01%
Walker	67,654	3,664	5.42%	1,685	2.49%	59,654	88.18%
Walton	96,673	18,804	19.45%	5,228	5.41%	68,499	70.86%
Ware	36,251	11,421	31.51%	1,612	4.45%	22,275	61.45%
Warren	5,215	3,128	59.98%	53	1.02%	1,974	37.85%
Washington	19,988	10,969	54.88%	334	1.67%	8,412	42.09%
Wayne	30,144	6,390	21.20%	1,732	5.75%	21,301	70.66%
Webster	2,348	1,107	47.15%	59	2.51%	1,136	48.38%
Wheeler	7,471	2,949	39.47%	272	3.64%	4,157	55.64%
White	28,003	721	2.57%	913	3.26%	24,959	89.13%
Whitfield	102,864	4,919	4.78%	36,916	35.89%	57,875	56.26%
Wilcox	8,766	3,161	36.06%	272	3.10%	5,185	59.15%
Wilkes	9,565	3,989	41.70%	399	4.17%	4,952	51.77%
Wilkinson	8,877	3,330	37.51%	239	2.69%	5,110	57.56%
Worth	20,784	5,517	26.54%	381	1.83%	14,427	69.41%

318-8

User:

Plan Name: **ga_congress_2021_plan_sec_2_Area**

Plan Type: **Senate**

Core Constituencies

Monday, December 11, 2023

7:21 PM

From Plan: **Ga_Congress_Enacted_2021_Plan**

**Plan: ga_congress_2021_plan_sec_2_Area,
District 11 --**

765,137 Total Population

	Population	NH_Whit	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Whit]	[18+_AP_Black]	[H18+_Pop]
Dist. 11	765,137 (100.00%)	469,264 (100.00%)	143,404 (100.00%)	99,794 (100.00%)	595,201 (100.00%)	380,895 (100.00%)	106,811 (100.00%)	66,802 (100.00%)
Total and % Population		469,264 (61.33%)	143,404 (18.74%)	99,794 (13.04%)	595,201 (77.79%)	380,895 (49.78%)	106,811 (13.96%)	66,802 (8.73%)

**Plan: ga_congress_2021_plan_sec_2_Area,
District 13 --**

765,137 Total Population

	Population	NH_Whit	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Whit]	[18+_AP_Black]	[H18+_Pop]
Dist. 13	765,137 (100.00%)	125,106 (100.00%)	520,094 (100.00%)	93,554 (100.00%)	574,789 (100.00%)	108,160 (100.00%)	383,663 (100.00%)	60,467 (100.00%)
Total and % Population		125,106 (16.35%)	520,094 (67.97%)	93,554 (12.23%)	574,789 (75.12%)	108,160 (14.14%)	383,663 (50.14%)	60,467 (7.90%)

**Plan: ga_congress_2021_plan_sec_2_Area,
District 14 --**

765,135 Total Population

	Population	NH_Whit	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Whit]	[18+_AP_Black]	[H18+_Pop]
Dist. 14	765,135 (100.00%)	520,854 (100.00%)	118,694 (100.00%)	97,086 (100.00%)	579,058 (100.00%)	413,030 (100.00%)	82,708 (100.00%)	61,247 (100.00%)
Total and % Population		520,854 (68.07%)	118,694 (15.51%)	97,086 (12.69%)	579,058 (75.68%)	413,030 (53.98%)	82,708 (10.81%)	61,247 (8.00%)

**Plan: ga_congress_2021_plan_sec_2_Area,
District 3 --**

765,136 Total Population

Core Constituencies

ga_congress_2021_plan_sec_2

From Plan: **Ga_Congress_Enacted_2021_Plan**

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
Dist. 3	765,136 (100.00%)	492,494 (100.00%)	188,947 (100.00%)	48,285 (100.00%)	586,319 (100.00%)	391,849 (100.00%)	136,708 (100.00%)	31,274 (100.00%)
Total and % Population		492,494 (64.37%)	188,947 (24.69%)	48,285 (6.31%)	586,319 (76.63%)	391,849 (51.21%)	136,708 (17.87%)	31,274 (4.09%)

Plan: ga_congress_2021_plan_sec_2_Area,
District Unassigned --**6,886,227 Total Population**

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
Dist. 1	765,137 (11.11%)	440,636 (13.49%)	230,783 (9.28%)	59,328 (8.40%)	589,266 (11.10%)	355,947 (13.35%)	166,025 (9.02%)	39,938 (8.48%)
Dist. 10	765,135 (11.11%)	486,487 (14.89%)	184,137 (7.40%)	58,645 (8.30%)	588,874 (11.09%)	389,823 (14.63%)	133,097 (7.23%)	38,336 (8.14%)
Dist. 12	765,136 (11.11%)	398,843 (12.21%)	294,961 (11.85%)	43,065 (6.10%)	588,119 (11.08%)	321,394 (12.06%)	215,958 (11.73%)	28,628 (6.08%)
Dist. 2	765,137 (11.11%)	305,611 (9.35%)	393,195 (15.80%)	45,499 (6.44%)	587,555 (11.06%)	251,047 (9.42%)	289,612 (15.73%)	30,074 (6.39%)
Dist. 4	765,135 (11.11%)	197,536 (6.05%)	423,763 (17.03%)	88,947 (12.59%)	589,470 (11.10%)	166,544 (6.25%)	321,379 (17.46%)	59,670 (12.67%)
Dist. 5	765,137 (11.11%)	273,819 (8.38%)	392,822 (15.79%)	56,496 (8.00%)	621,515 (11.70%)	235,652 (8.84%)	308,271 (16.74%)	41,432 (8.80%)
Dist. 7	765,137 (11.11%)	225,905 (6.91%)	239,717 (9.63%)	181,851 (25.74%)	566,934 (10.68%)	185,838 (6.97%)	169,071 (9.18%)	120,604 (25.62%)
Dist. 8	765,136 (11.11%)	443,123 (13.56%)	241,628 (9.71%)	54,850 (7.76%)	585,857 (11.03%)	354,572 (13.30%)	175,967 (9.56%)	35,732 (7.59%)
Dist. 9	765,137 (11.11%)	495,078 (15.15%)	87,130 (3.50%)	117,758 (16.67%)	592,520 (11.16%)	404,611 (15.18%)	61,747 (3.35%)	76,361 (16.22%)
Total and % Population		3,267,038 (47.44%)	2,488,136 (36.13%)	706,439 (10.26%)	5,310,110 (77.11%)	2,665,428 (38.71%)	1,841,127 (26.74%)	470,775 (6.84%)

318-9

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Core Constituencies

Monday, December 11, 2023

7:29 PM

From Plan: **Ga_Congress_Enacted_2023_Plan**

Plan: Cooper_Illustrative_Plan, District 001 --

765,137 Total Population

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
Dist. 1	765,137 (100.00%)	440,636 (100.00%)	230,783 (100.00%)	59,328 (100.00%)	589,266 (100.00%)	355,947 (100.00%)	166,025 (100.00%)	39,938 (100.00%)
Total and % Population		440,636 (57.59%)	230,783 (30.16%)	59,328 (7.75%)	589,266 (77.01%)	355,947 (46.52%)	166,025 (21.70%)	39,938 (5.22%)

Plan: Cooper_Illustrative_Plan, District 002 --

765,137 Total Population

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
Dist. 2	765,137 (100.00%)	305,611 (100.00%)	393,195 (100.00%)	45,499 (100.00%)	587,555 (100.00%)	251,047 (100.00%)	289,612 (100.00%)	30,074 (100.00%)
Total and % Population		305,611 (39.94%)	393,195 (51.39%)	45,499 (5.95%)	587,555 (76.79%)	251,047 (32.81%)	289,612 (37.85%)	30,074 (3.93%)

Plan: Cooper_Illustrative_Plan, District 003 --

765,135 Total Population

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
Dist. 11	23 (0.00%)	15 (0.00%)	1 (0.00%)	2 (0.00%)	14 (0.00%)	11 (0.00%)	(0.00%)	(0.00%)
Dist. 14	236,912 (30.96%)	158,218 (30.56%)	49,895 (30.04%)	19,518 (39.09%)	174,912 (30.16%)	121,932 (30.04%)	34,044 (28.68%)	12,098 (37.98%)
Dist. 3	528,200 (69.03%)	359,426 (69.43%)	116,200 (69.96%)	30,415 (60.91%)	405,092 (69.84%)	283,983 (69.96%)	84,665 (71.32%)	19,754 (62.02%)
Total and % Population		517,659 (67.66%)	166,096 (21.71%)	49,935 (6.53%)	580,018 (75.81%)	405,926 (53.05%)	118,709 (15.51%)	31,852 (4.16%)

Plan: Cooper_Illustrative_Plan, District 004 --

765,136 Total Population

	Population	NH_Wht	AP_Black	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Black]	[H18+_Pop]
--	------------	--------	----------	-------------------	-----------	-------------	----------------	------------

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2023_Plan**

Plan: Cooper_Illustrative_Plan, District 004 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 10	28,651 (3.74%)	20,827 (9.82%)	5,893 (1.44%)	1,075 (1.22%)	22,295 (3.77%)	16,594 (9.33%)	4,363 (1.40%)	679 (1.15%)
Dist. 13	148,651 (19.43%)	37,625 (17.75%)	94,798 (23.12%)	12,861 (14.66%)	113,264 (19.18%)	32,221 (18.12%)	69,915 (22.43%)	8,281 (14.05%)
Dist. 4	474,627 (62.03%)	92,588 (43.67%)	288,034 (70.25%)	56,238 (64.08%)	363,746 (61.59%)	77,551 (43.61%)	219,997 (70.59%)	38,116 (64.66%)
Dist. 5	113,207 (14.80%)	60,964 (28.76%)	21,294 (5.19%)	17,582 (20.04%)	91,335 (15.46%)	51,466 (28.94%)	17,395 (5.58%)	11,871 (20.14%)
Total and % Population		212,004 (27.71%)	410,019 (53.59%)	87,756 (11.47%)	590,640 (77.19%)	177,832 (23.24%)	311,670 (40.73%)	58,947 (7.70%)

Plan: Cooper_Illustrative_Plan, District 005 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 13	5,066 (0.66%)	105 (0.04%)	4,832 (1.23%)	117 (0.21%)	3,790 (0.61%)	104 (0.04%)	3,593 (1.17%)	76 (0.18%)
Dist. 4	39,538 (5.17%)	1,606 (0.59%)	36,769 (9.36%)	1,039 (1.84%)	30,617 (4.93%)	1,457 (0.62%)	28,287 (9.18%)	748 (1.81%)
Dist. 5	516,759 (67.54%)	167,721 (61.25%)	284,211 (72.35%)	37,285 (66.00%)	422,923 (68.05%)	147,204 (62.47%)	224,010 (72.67%)	27,650 (66.74%)
Dist. 6	193,940 (25.35%)	96,858 (35.37%)	66,187 (16.85%)	17,522 (31.01%)	156,558 (25.19%)	81,037 (34.39%)	51,717 (16.78%)	12,583 (30.37%)
Dist. 7	9,834 (1.29%)	7,529 (2.75%)	823 (0.21%)	533 (0.94%)	7,627 (1.23%)	5,850 (2.48%)	664 (0.22%)	375 (0.91%)
Total and % Population		273,819 (35.79%)	392,822 (51.34%)	56,496 (7.38%)	621,515 (81.23%)	235,652 (30.80%)	308,271 (40.29%)	41,432 (5.41%)

Plan: Cooper_Illustrative_Plan, District 006 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 11	128,845 (16.84%)	54,509 (24.12%)	38,357 (9.66%)	25,141 (23.19%)	101,667 (17.31%)	46,695 (24.27%)	29,227 (9.91%)	17,139 (23.87%)
Dist. 14	32,586 (4.26%)	19,978 (8.84%)	8,198 (2.07%)	2,584 (2.38%)	24,532 (4.18%)	15,817 (8.22%)	5,751 (1.95%)	1,656 (2.31%)
Dist. 3	47,113 (6.16%)	25,523 (11.29%)	14,639 (3.69%)	5,091 (4.70%)	35,601 (6.06%)	20,642 (10.73%)	10,334 (3.50%)	3,217 (4.48%)
Dist. 5	1,906 (0.25%)	46 (0.02%)	1,699 (0.43%)	134 (0.12%)	1,574 (0.27%)	41 (0.02%)	1,423 (0.48%)	79 (0.11%)
Dist. 6	554,687 (72.50%)	125,929 (55.72%)	333,998 (84.15%)	75,451 (69.60%)	423,873 (72.18%)	109,175 (56.75%)	248,241 (84.16%)	49,707 (69.23%)
Total and % Population		225,985 (29.54%)	396,891 (51.87%)	108,401 (14.17%)	587,247 (76.75%)	192,370 (25.14%)	294,976 (38.55%)	71,798 (9.38%)

Plan: Cooper_Illustrative_Plan, District 007 --**765,137 Total Population**

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2023_Plan**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 10	26,657 (3.48%)	12,124 (5.37%)	8,949 (3.73%)	4,213 (2.32%)	19,156 (3.38%)	9,321 (5.02%)	6,073 (3.59%)	2,750 (2.28%)
Dist. 13	358,073 (46.80%)	103,825 (45.96%)	137,803 (57.49%)	72,077 (39.64%)	264,028 (46.57%)	86,441 (46.51%)	95,904 (56.72%)	47,220 (39.15%)
Dist. 4	250,972 (32.80%)	56,609 (25.06%)	63,116 (26.33%)	89,990 (49.49%)	188,583 (33.26%)	47,790 (25.72%)	46,603 (27.56%)	60,257 (49.96%)
Dist. 7	92,558 (12.10%)	45,964 (20.35%)	11,462 (4.78%)	6,614 (3.64%)	69,229 (12.21%)	36,341 (19.56%)	8,135 (4.81%)	4,468 (3.70%)
Dist. 9	36,877 (4.82%)	7,383 (3.27%)	18,387 (7.67%)	8,957 (4.93%)	25,938 (4.58%)	5,945 (3.20%)	12,356 (7.31%)	5,909 (4.90%)
Total and % Population		225,905 (29.52%)	239,717 (31.33%)	181,851 (23.77%)	566,934 (74.10%)	185,838 (24.29%)	169,071 (22.10%)	120,604 (15.76%)

Plan: Cooper_Illustrative_Plan, District 008 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 8	765,136 (100.00%)	443,123 (100.00%)	241,628 (100.00%)	54,850 (100.00%)	585,857 (100.00%)	354,572 (100.00%)	175,967 (100.00%)	35,732 (100.00%)
Total and % Population		443,123 (57.91%)	241,628 (31.58%)	54,850 (7.17%)	585,857 (76.57%)	354,572 (46.34%)	175,967 (23.00%)	35,732 (4.67%)

Plan: Cooper_Illustrative_Plan, District 009 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 7	303,826 (39.71%)	196,164 (45.69%)	16,528 (17.57%)	34,812 (27.11%)	222,345 (39.41%)	152,292 (45.36%)	11,073 (16.83%)	22,499 (26.96%)
Dist. 9	461,310 (60.29%)	233,176 (54.31%)	77,531 (82.43%)	93,581 (72.89%)	341,899 (60.59%)	183,428 (54.64%)	54,717 (83.17%)	60,954 (73.04%)
Total and % Population		429,340 (56.11%)	94,059 (12.29%)	128,393 (16.78%)	564,244 (73.74%)	335,720 (43.88%)	65,790 (8.60%)	83,453 (10.91%)

Plan: Cooper_Illustrative_Plan, District 010 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 10	537,637 (70.27%)	359,755 (65.61%)	108,427 (91.73%)	42,131 (68.79%)	420,377 (69.82%)	292,311 (65.38%)	79,290 (92.01%)	27,663 (69.37%)
Dist. 7	41,856 (5.47%)	35,468 (6.47%)	962 (0.81%)	3,343 (5.46%)	34,248 (5.69%)	29,525 (6.60%)	686 (0.80%)	2,352 (5.90%)
Dist. 9	185,644 (24.26%)	153,089 (27.92%)	8,810 (7.45%)	15,770 (25.75%)	147,502 (24.50%)	125,273 (28.02%)	6,202 (7.20%)	9,861 (24.73%)
Total and % Population		548,312 (71.66%)	118,199 (15.45%)	61,244 (8.00%)	602,127 (78.70%)	447,109 (58.44%)	86,178 (11.26%)	39,876 (5.21%)

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2023_Plan****Plan: Cooper_Illustrative_Plan, District 011 --****765,137 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 11	442,168 (57.79%)	305,903 (62.16%)	53,828 (48.77%)	43,394 (53.27%)	339,342 (57.63%)	243,354 (61.78%)	38,690 (48.06%)	29,016 (52.60%)
Dist. 14	77,475 (10.13%)	45,735 (9.29%)	16,862 (15.28%)	9,286 (11.40%)	59,281 (10.07%)	36,931 (9.38%)	11,878 (14.75%)	6,195 (11.23%)
Dist. 6	0 (0.00%)	0 (0.00%)	(0.00%)	(0.00%)	(0.00%)	(0.00%)	(0.00%)	(0.00%)
Dist. 7	245,494 (32.08%)	140,483 (28.55%)	39,678 (35.95%)	28,786 (35.33%)	190,172 (32.30%)	113,635 (28.85%)	29,939 (37.19%)	19,957 (36.17%)
Total and % Population		492,121 (64.32%)	110,368 (14.42%)	81,466 (10.65%)	588,795 (76.95%)	393,920 (51.48%)	80,507 (10.52%)	55,168 (7.21%)

Plan: Cooper_Illustrative_Plan, District 012 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 12	765,136 (100.00%)	398,843 (100.00%)	294,961 (100.00%)	43,065 (100.00%)	588,119 (100.00%)	321,394 (100.00%)	215,958 (100.00%)	28,628 (100.00%)
Total and % Population		398,843 (52.13%)	294,961 (38.55%)	43,065 (5.63%)	588,119 (76.86%)	321,394 (42.00%)	215,958 (28.22%)	28,628 (3.74%)

Plan: Cooper_Illustrative_Plan, District 013 --**765,135 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 10	172,192 (22.50%)	85,353 (33.72%)	70,608 (17.44%)	10,779 (15.10%)	128,494 (22.29%)	67,130 (32.41%)	50,146 (17.02%)	6,989 (15.14%)
Dist. 13	253,346 (33.11%)	46,544 (18.39%)	170,553 (42.12%)	25,770 (36.10%)	191,055 (33.15%)	40,453 (19.53%)	124,964 (42.41%)	16,840 (36.49%)
Dist. 3	189,823 (24.81%)	107,545 (42.49%)	58,108 (14.35%)	12,779 (17.90%)	145,626 (25.27%)	87,224 (42.11%)	41,709 (14.15%)	8,303 (17.99%)
Dist. 5	133,265 (17.42%)	8,622 (3.41%)	96,360 (23.79%)	20,634 (28.91%)	97,903 (16.99%)	7,820 (3.77%)	70,568 (23.95%)	13,120 (28.43%)
Dist. 6	16,509 (2.16%)	5,071 (2.00%)	9,334 (2.30%)	1,415 (1.98%)	13,259 (2.30%)	4,527 (2.19%)	7,282 (2.47%)	898 (1.95%)
Total and % Population		253,135 (33.08%)	404,963 (52.93%)	71,377 (9.33%)	576,337 (75.32%)	207,154 (27.07%)	294,669 (38.51%)	46,150 (6.03%)

Plan: Cooper_Illustrative_Plan, District 014 --**765,135 Total Population**

	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 11	194,099 (25.37%)	149,801 (25.15%)	11,319 (25.47%)	24,410 (26.02%)	148,077 (25.03%)	118,621 (24.82%)	7,671 (25.08%)	15,322 (25.85%)

Core Constituencies

Cooper_Illustrative_Plan

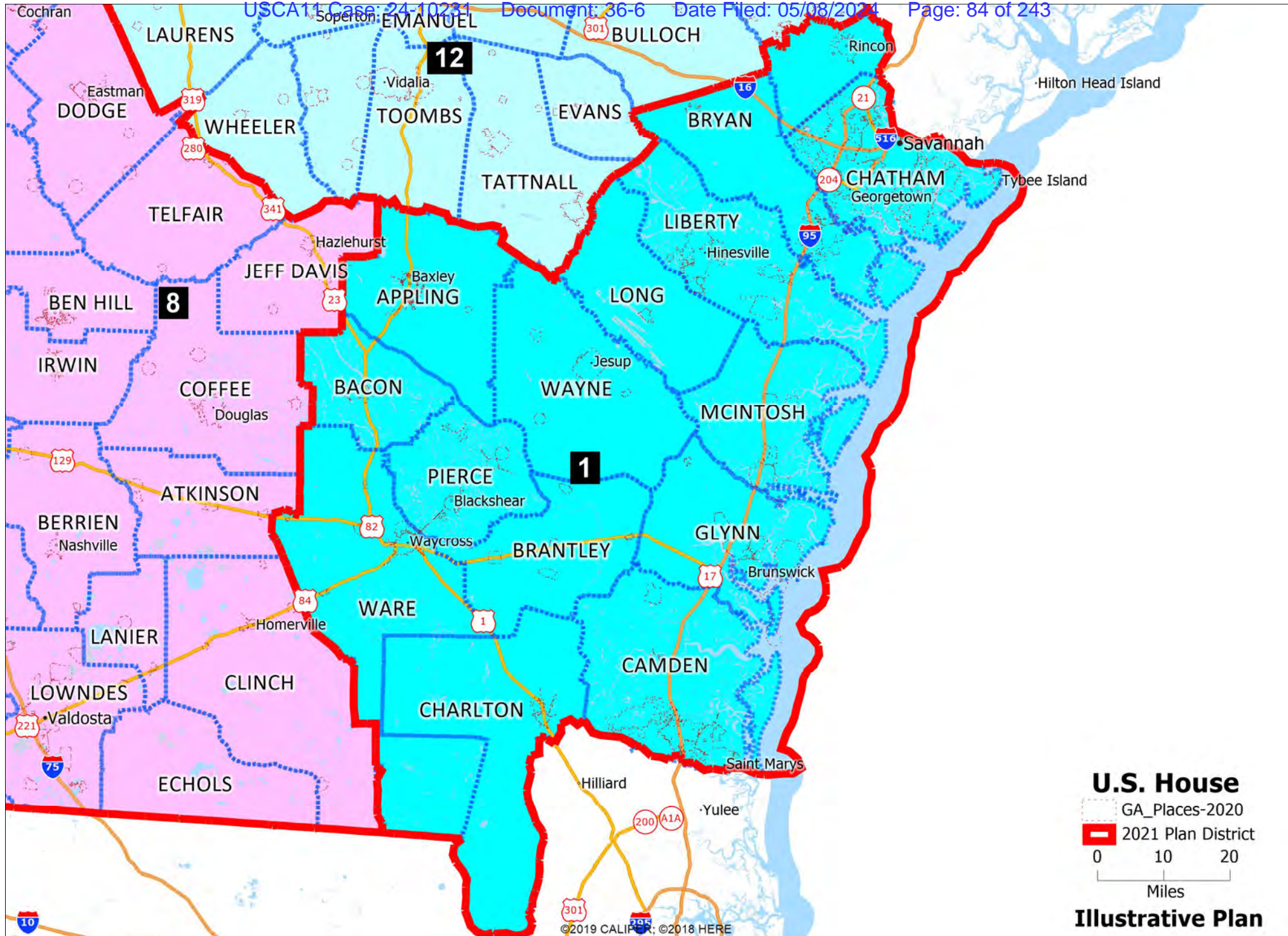
From Plan: **Ga_Congress_Enacted_2023_Plan**

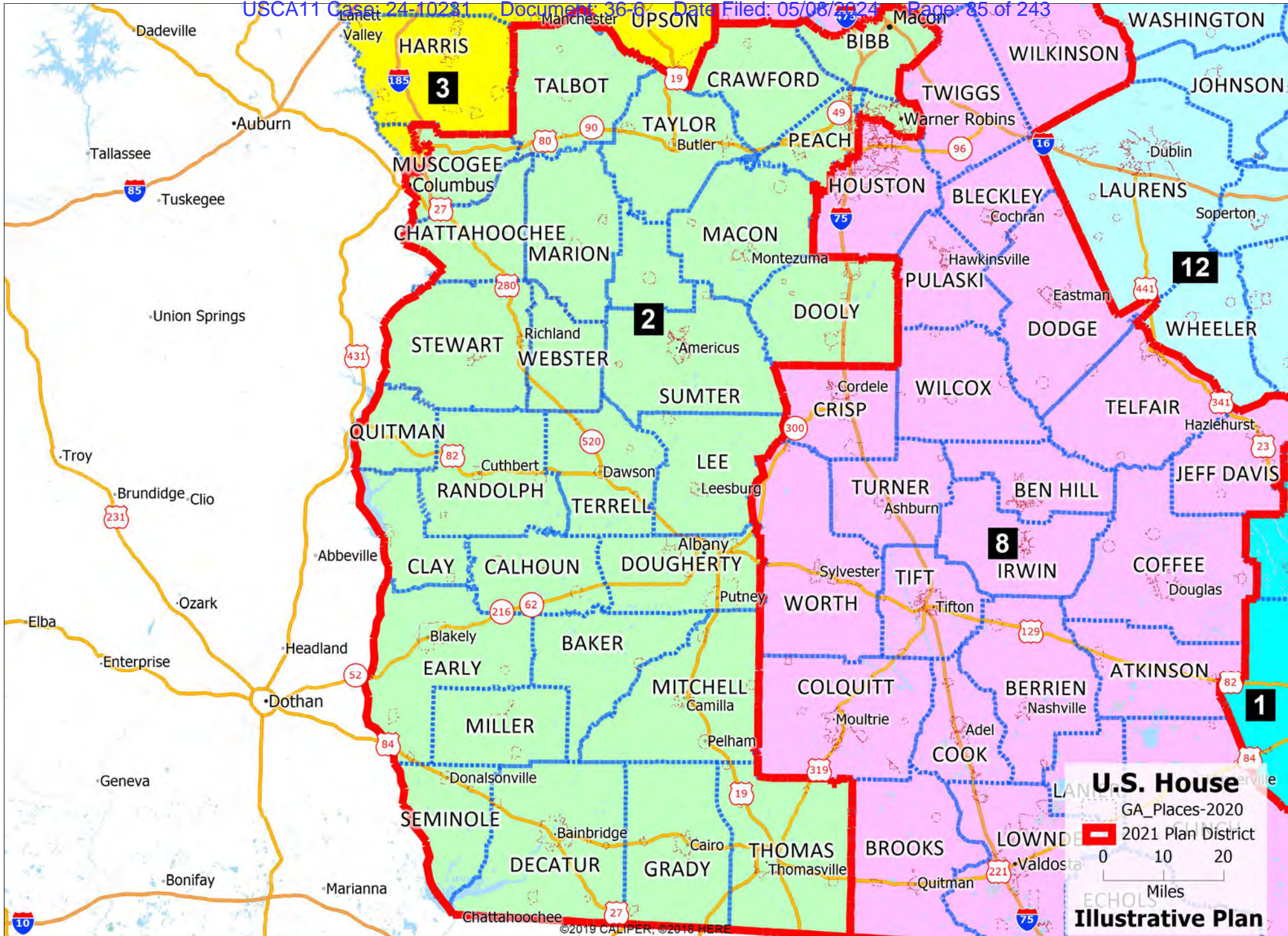
Plan: Cooper_Illustrative_Plan, District 014 --

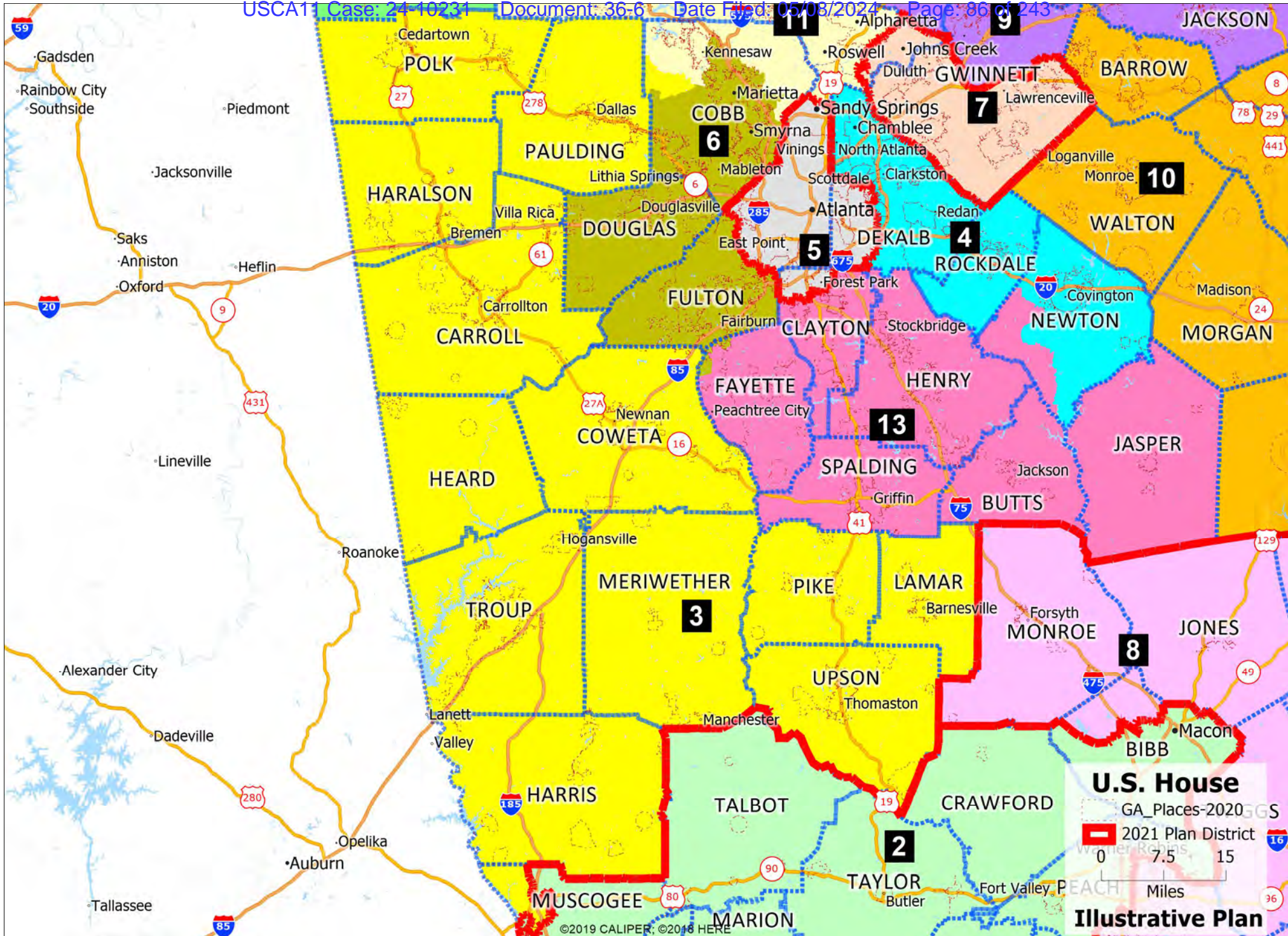
765,135 Total Population

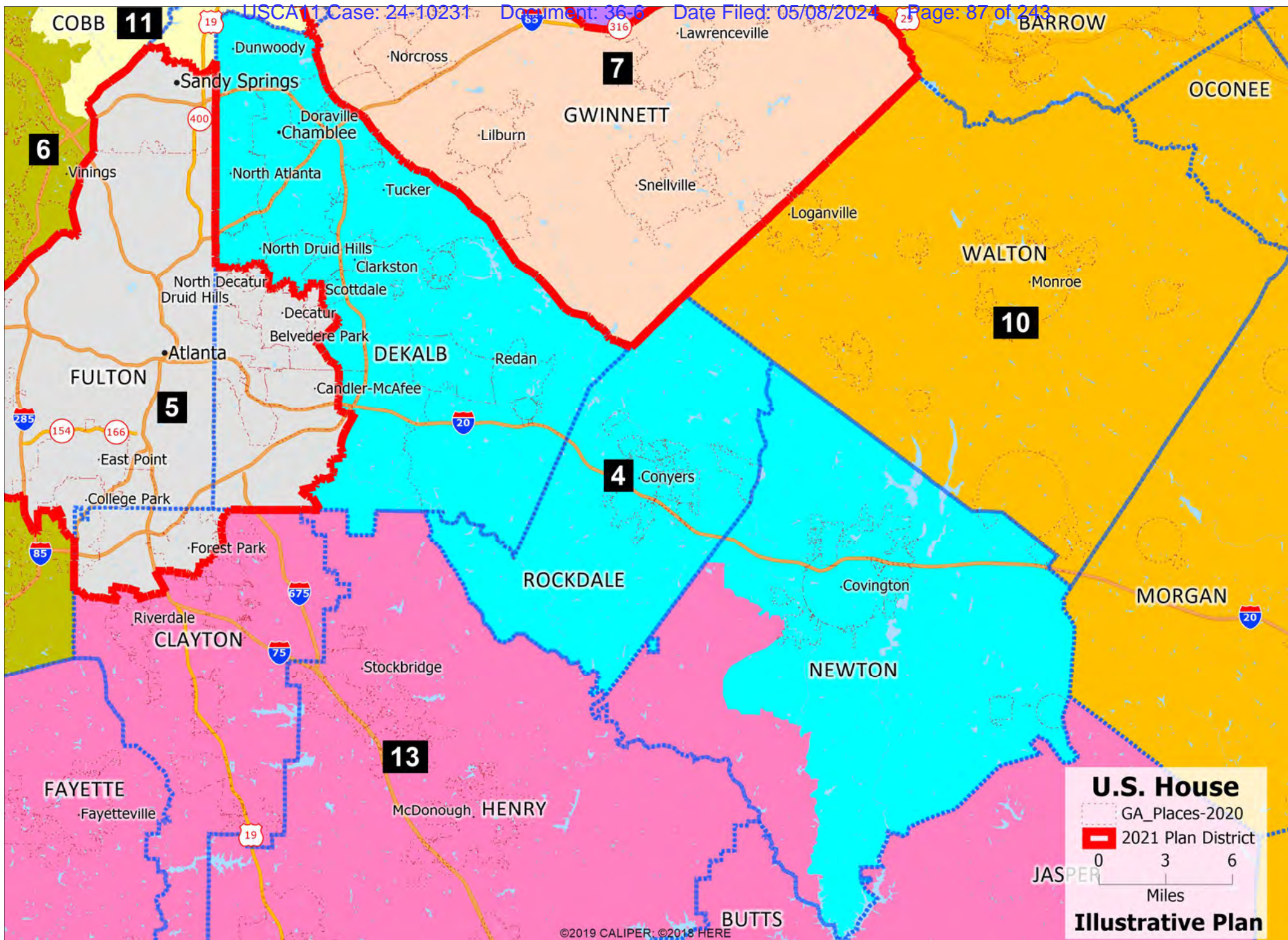
	Population	NH_Wht	AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]	[H18+_Pop]
Dist. 14	418,163 (54.65%)	311,585 (52.31%)	30,480 (68.58%)	59,983 (63.95%)	320,412 (54.16%)	248,795 (52.07%)	21,247 (69.47%)	37,950 (64.03%)
Dist. 7	71,569 (9.35%)	61,915 (10.39%)	1,923 (4.33%)	4,235 (4.52%)	55,718 (9.42%)	49,177 (10.29%)	1,224 (4.00%)	2,768 (4.67%)
Dist. 9	81,304 (10.63%)	72,362 (12.15%)	723 (1.63%)	5,168 (5.51%)	67,413 (11.39%)	61,259 (12.82%)	441 (1.44%)	3,226 (5.44%)
Total and % Population		595,663 (77.85%)	44,445 (5.81%)	93,796 (12.26%)	591,620 (77.32%)	477,852 (62.45%)	30,583 (4.00%)	59,266 (7.75%)

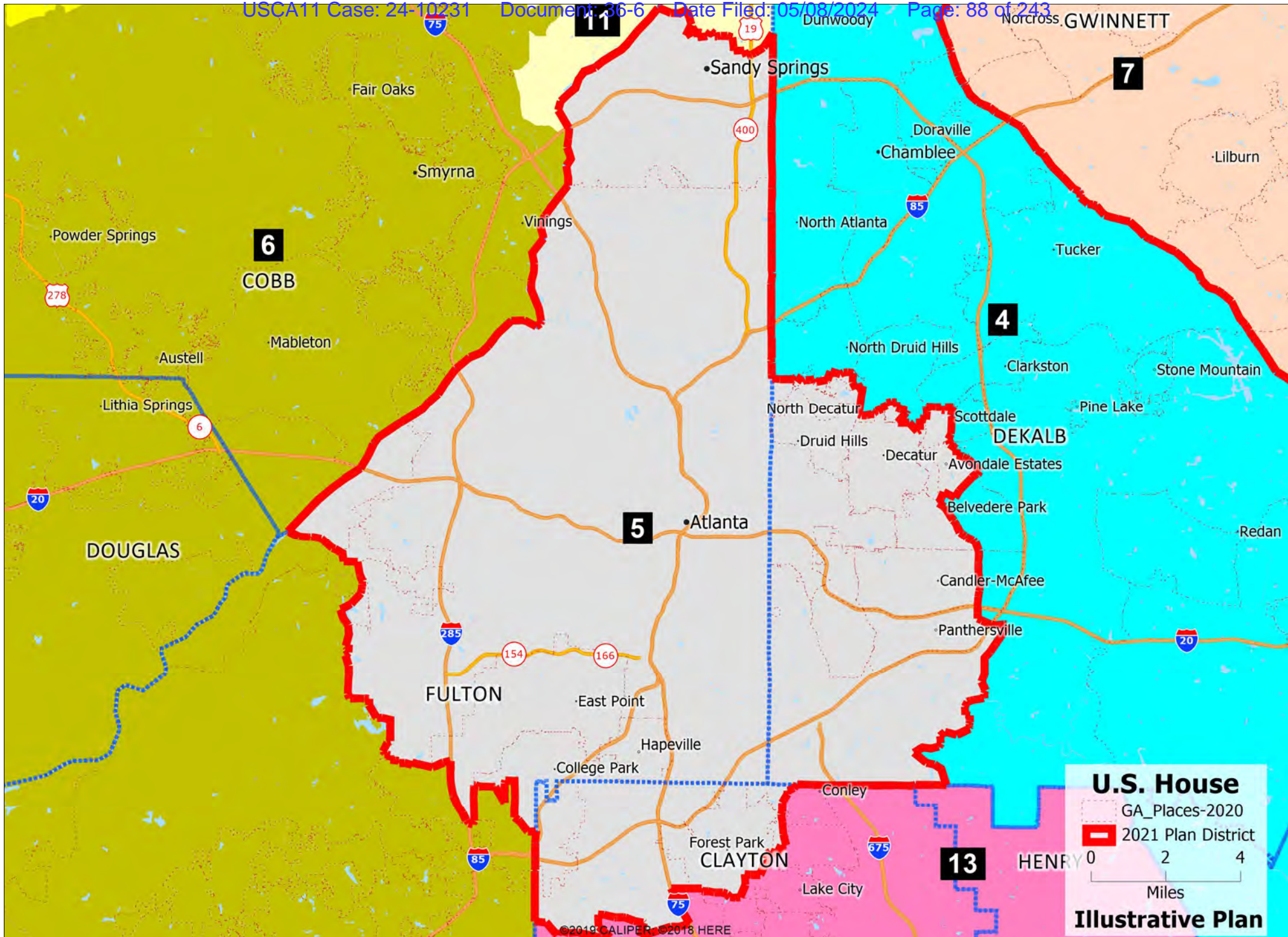
318-10

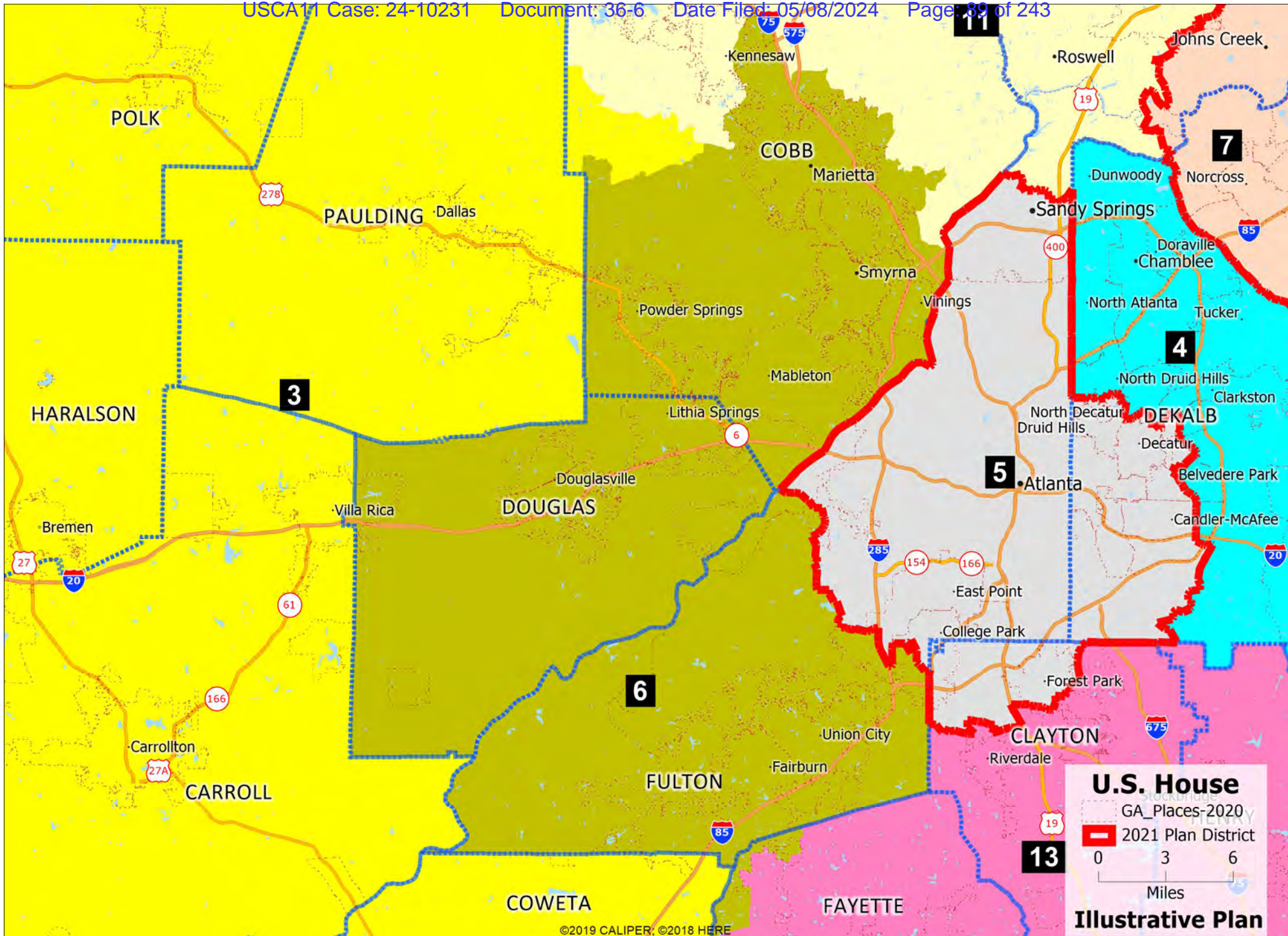


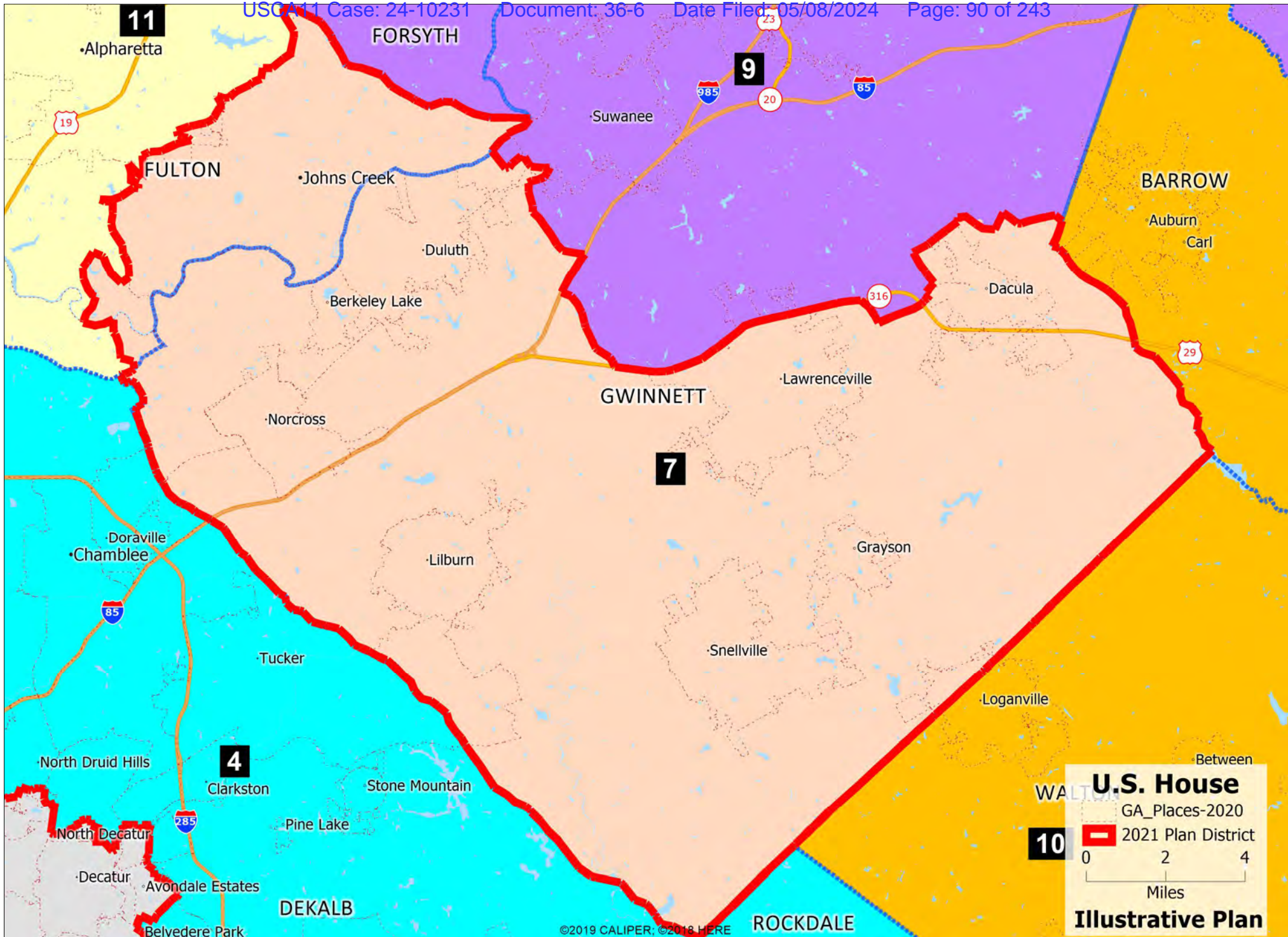


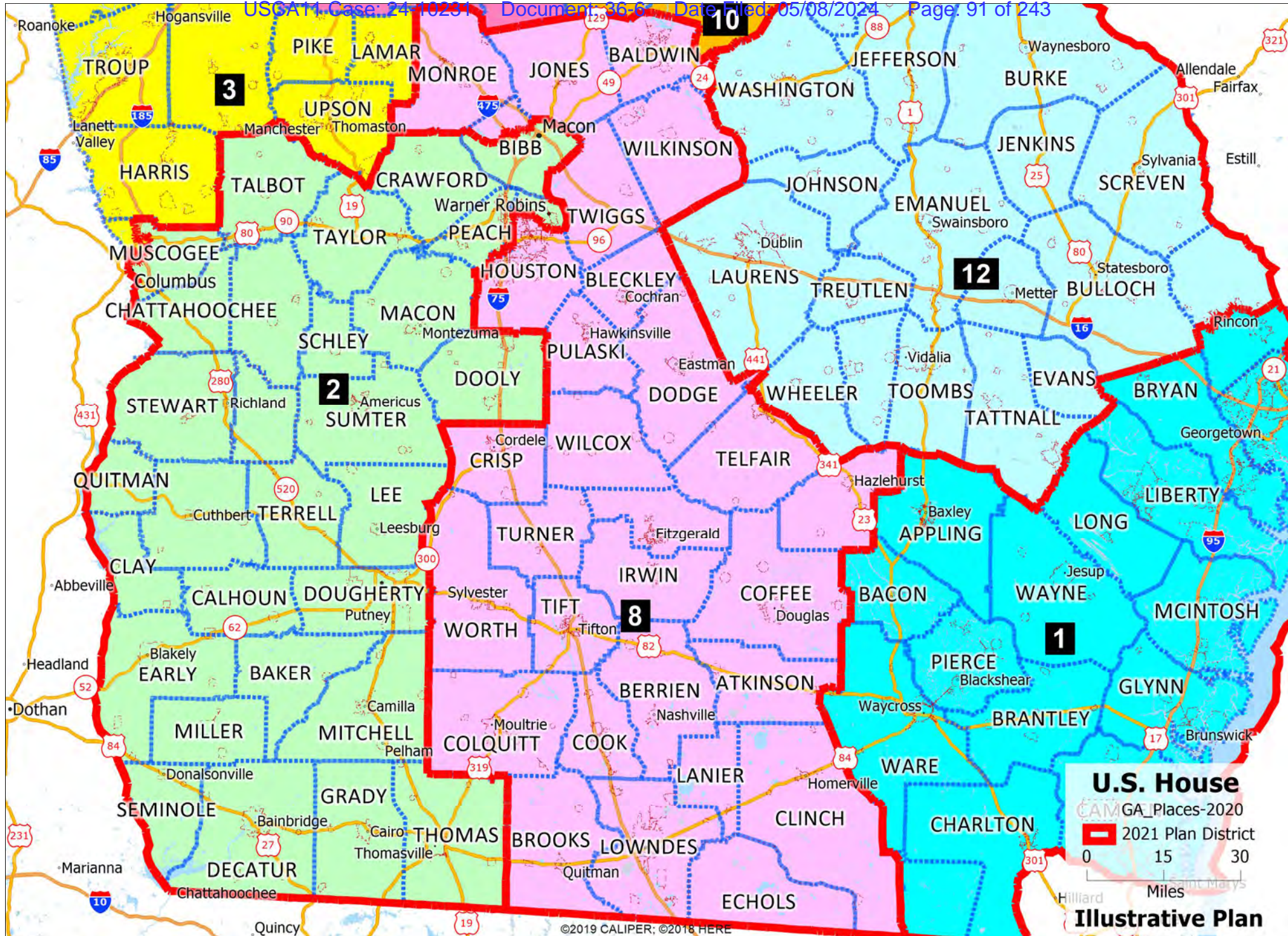


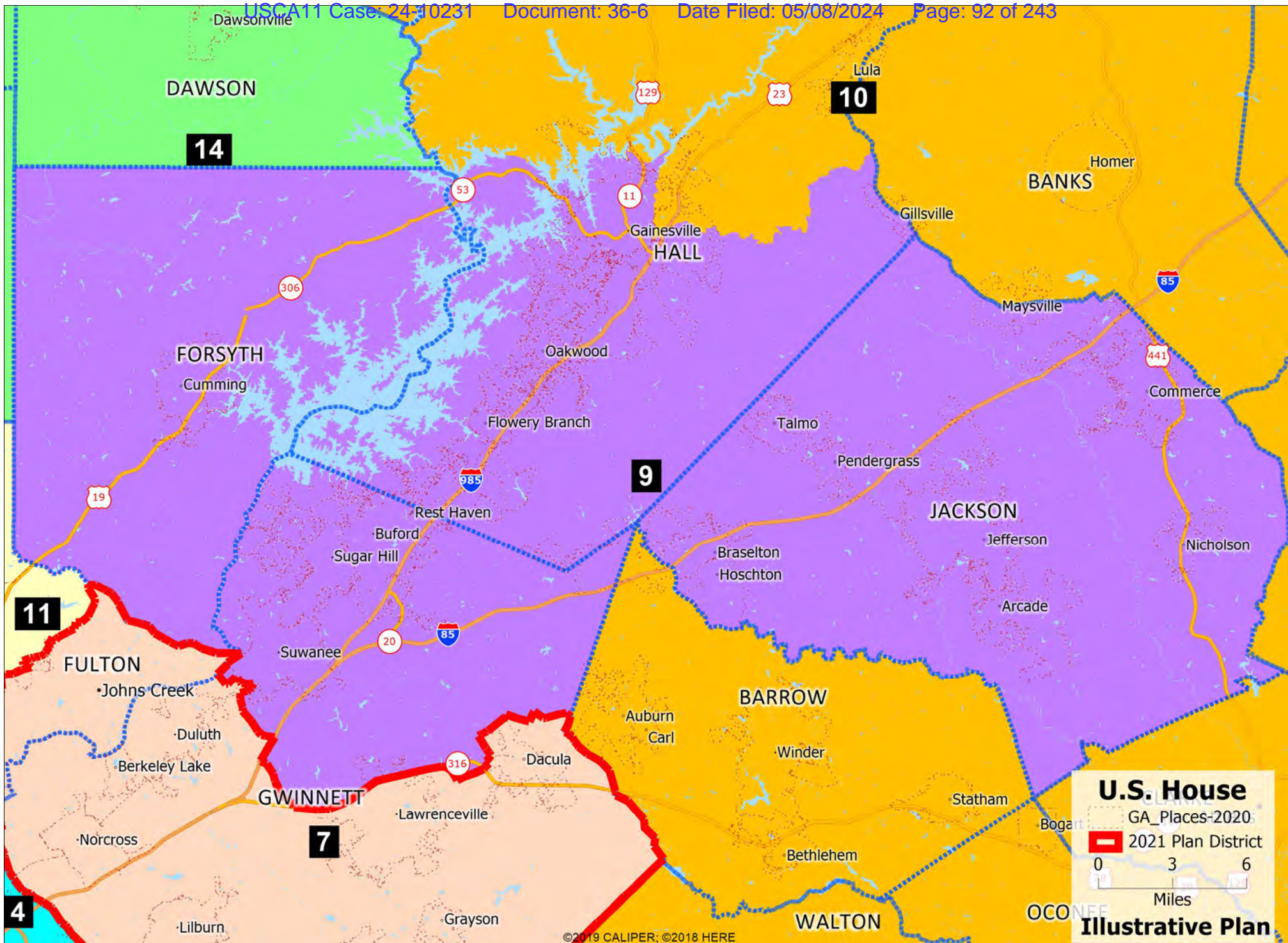




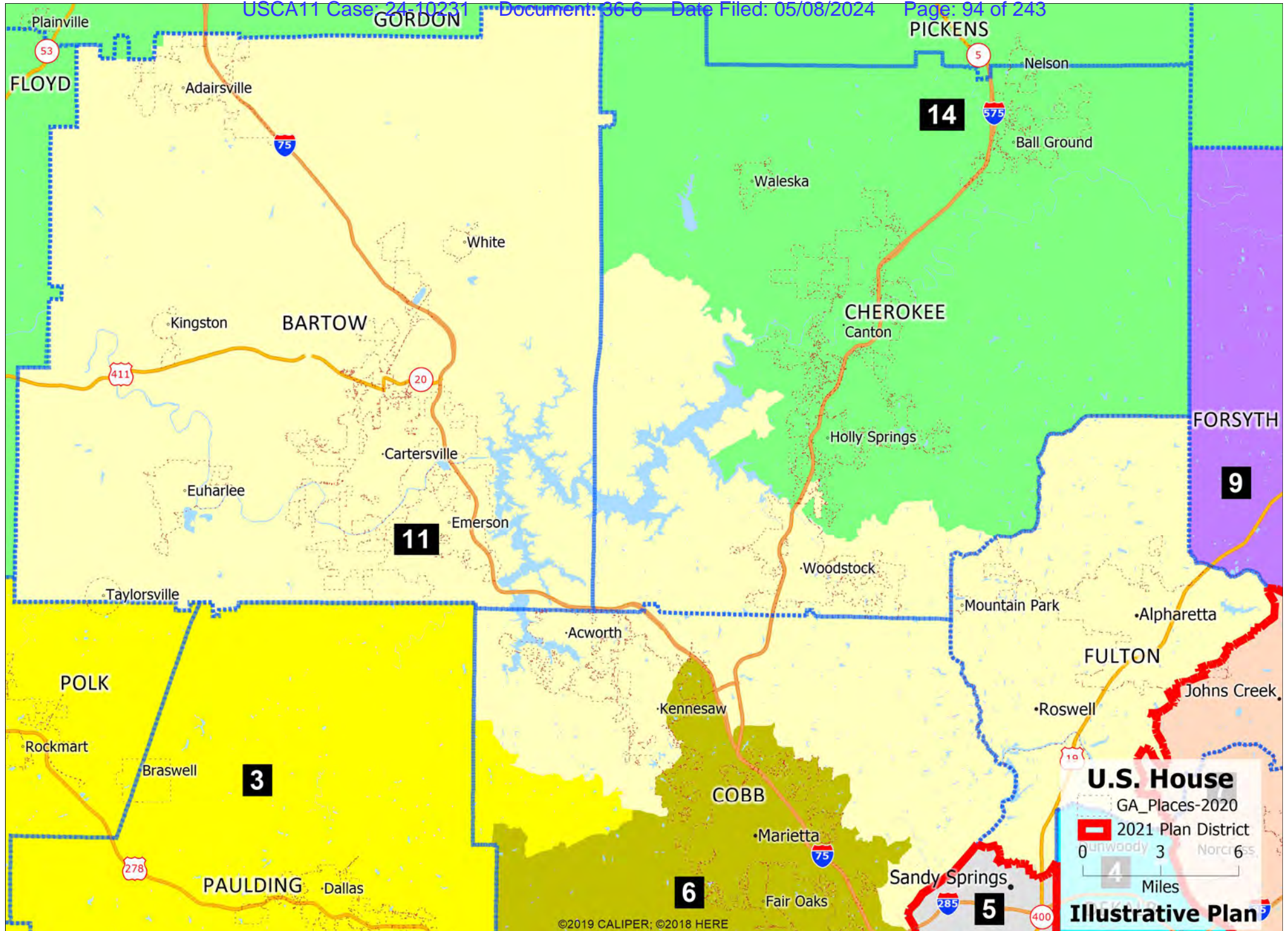


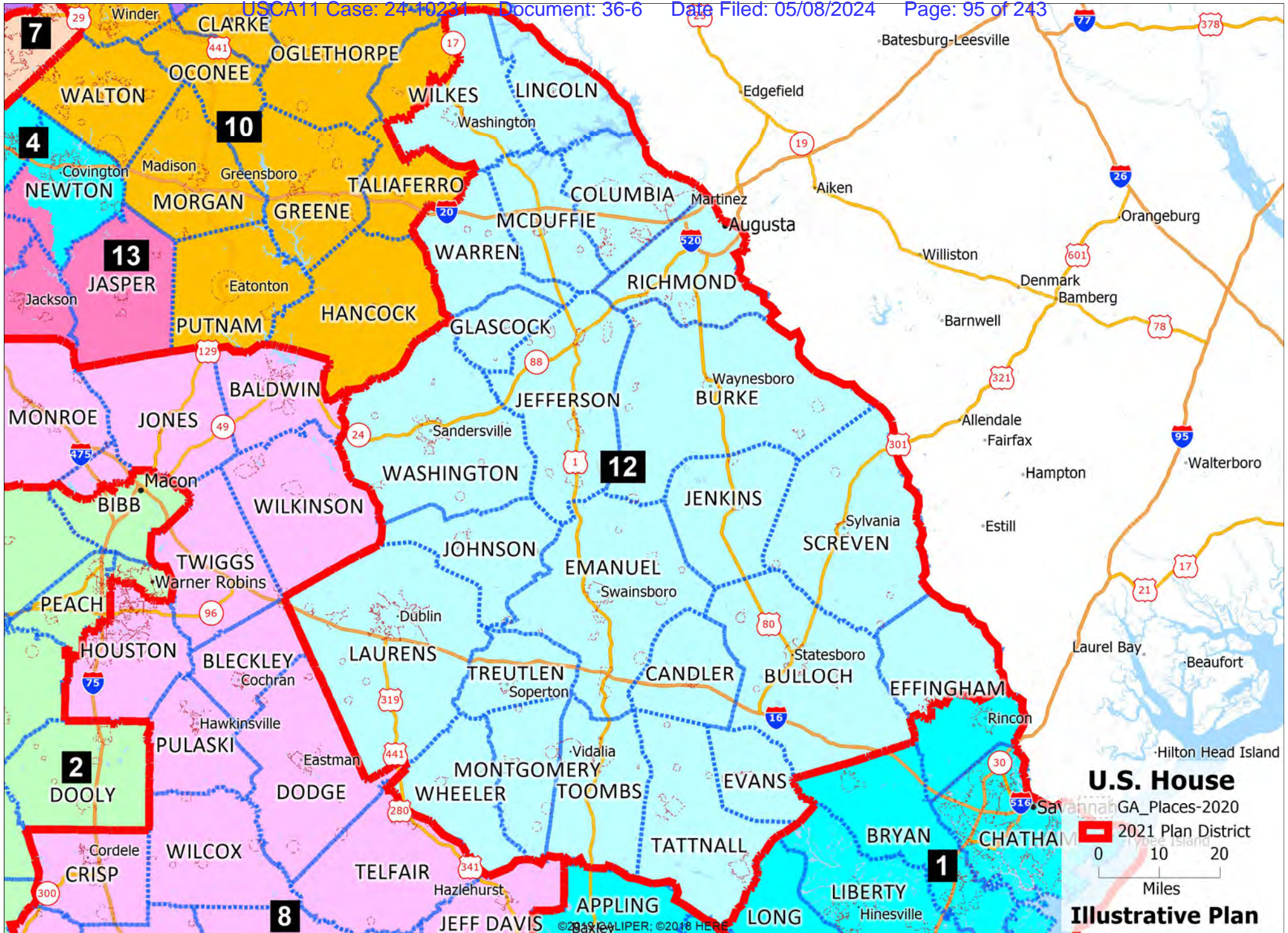


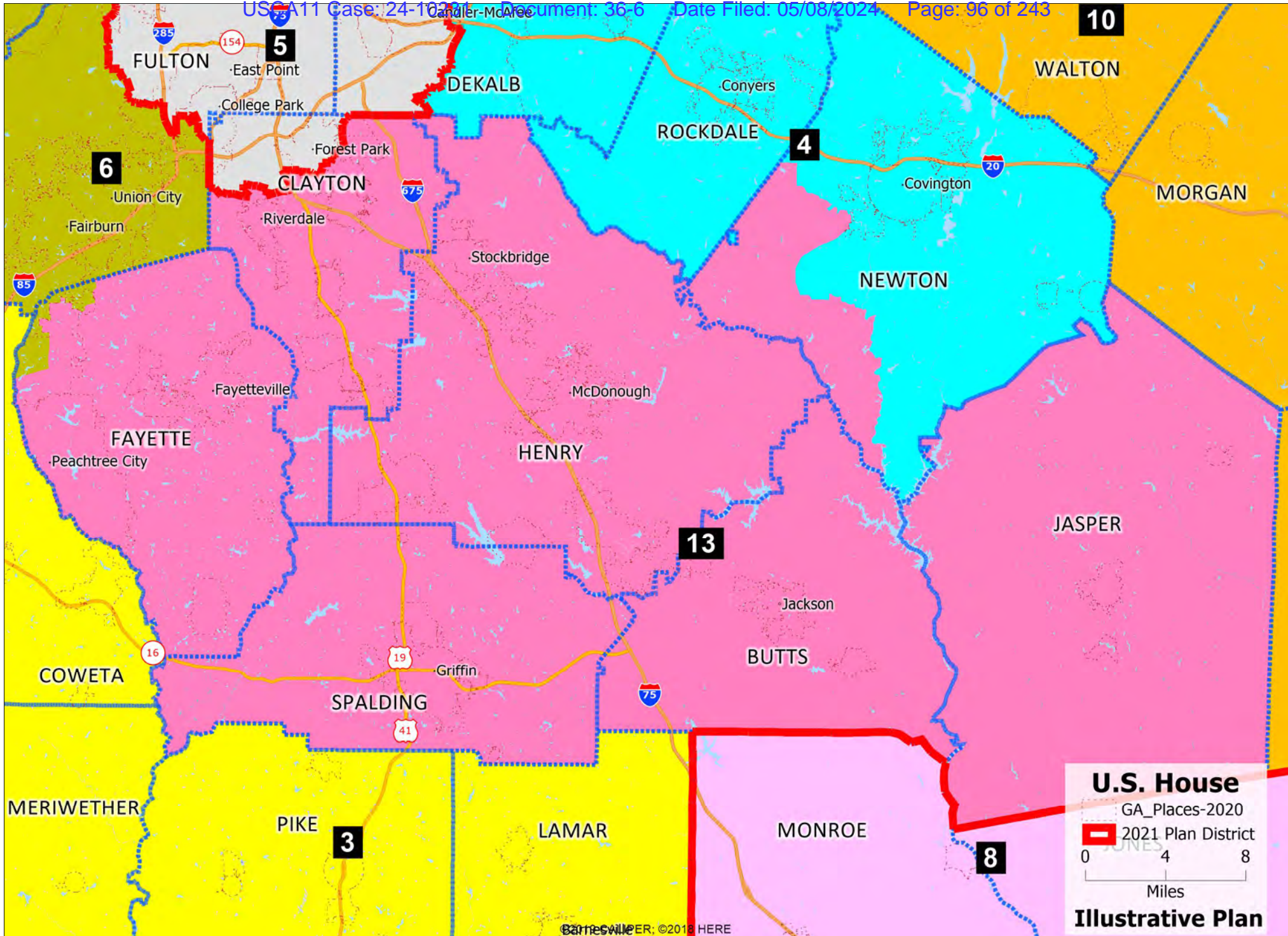


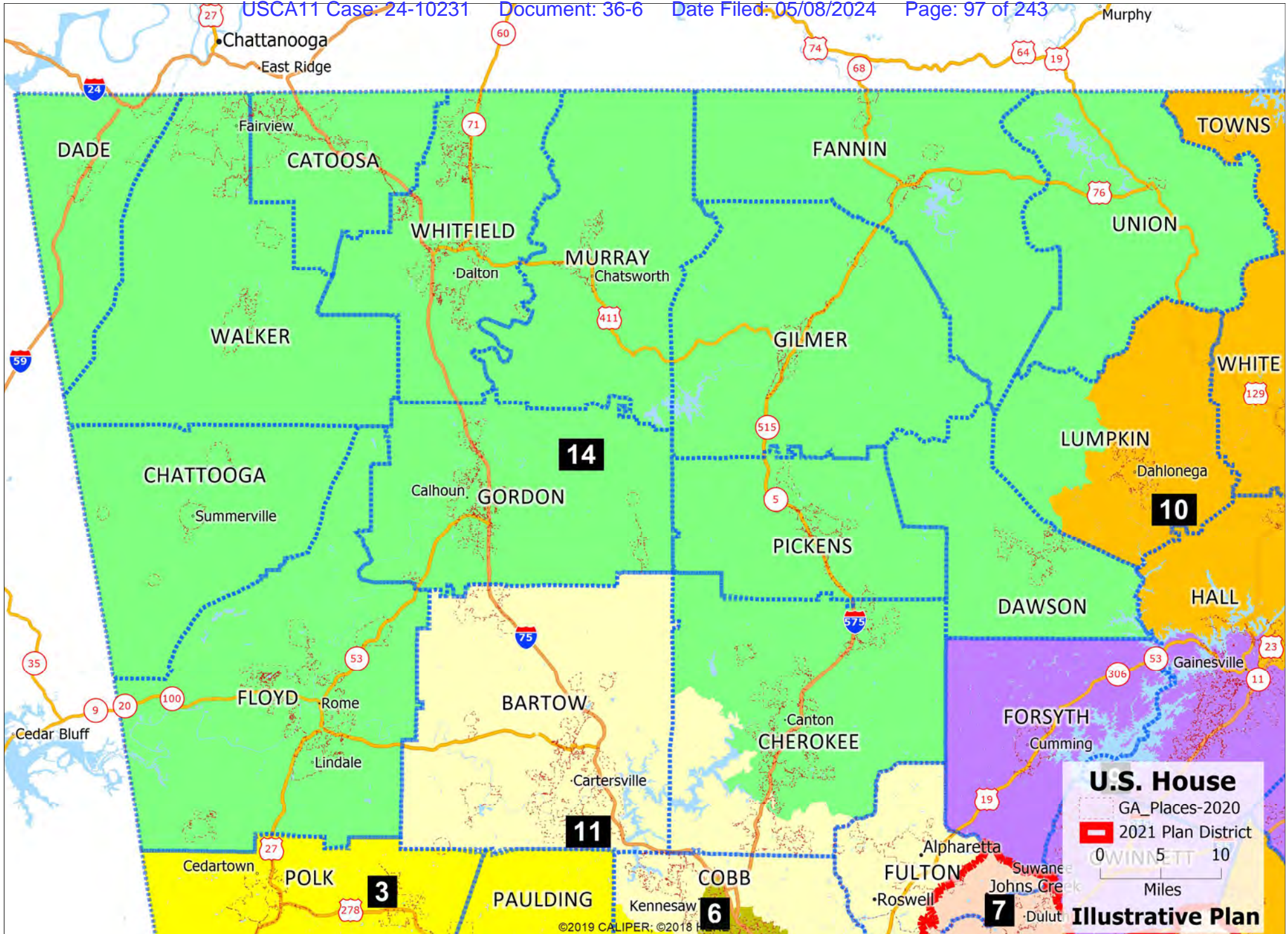




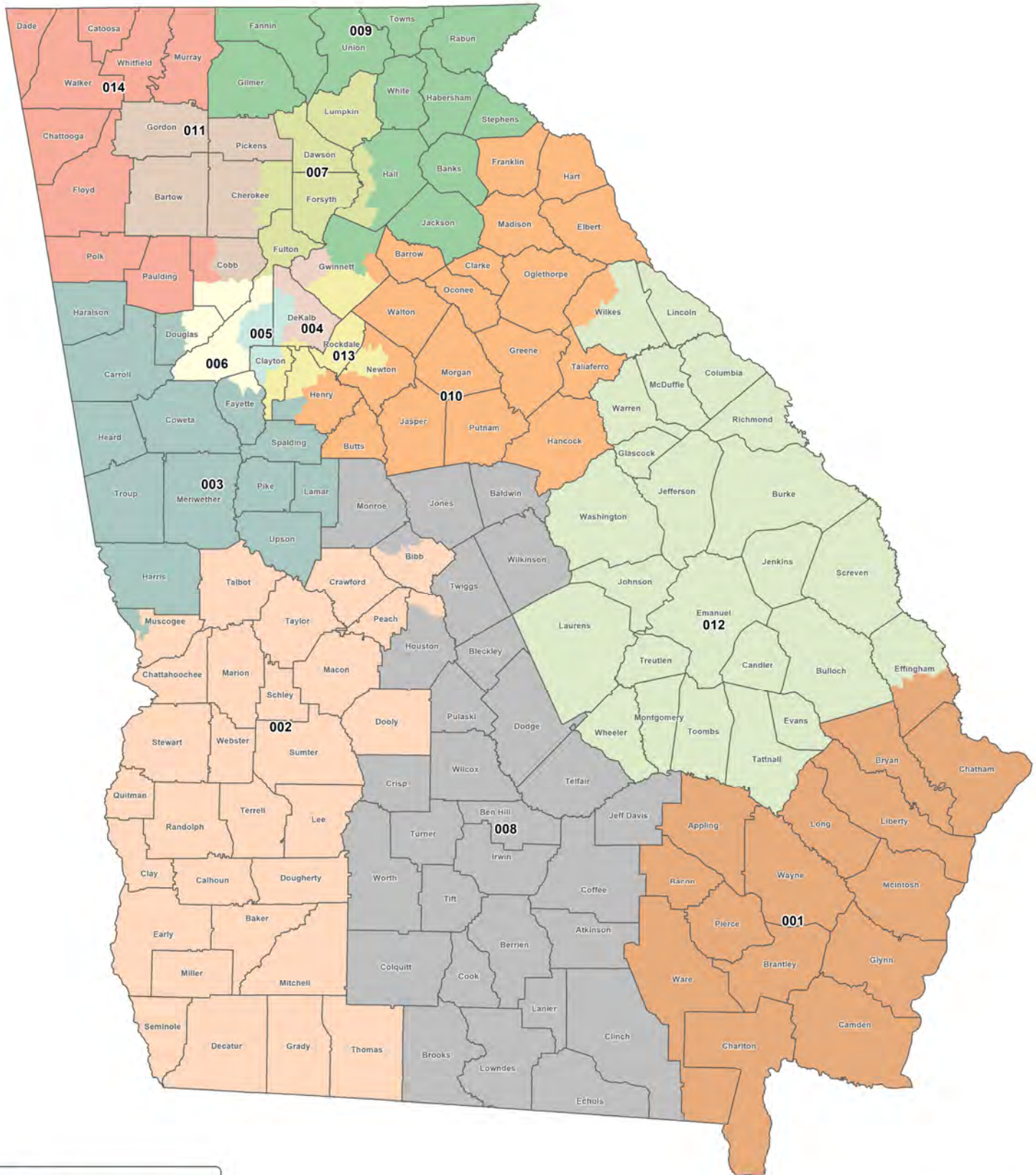


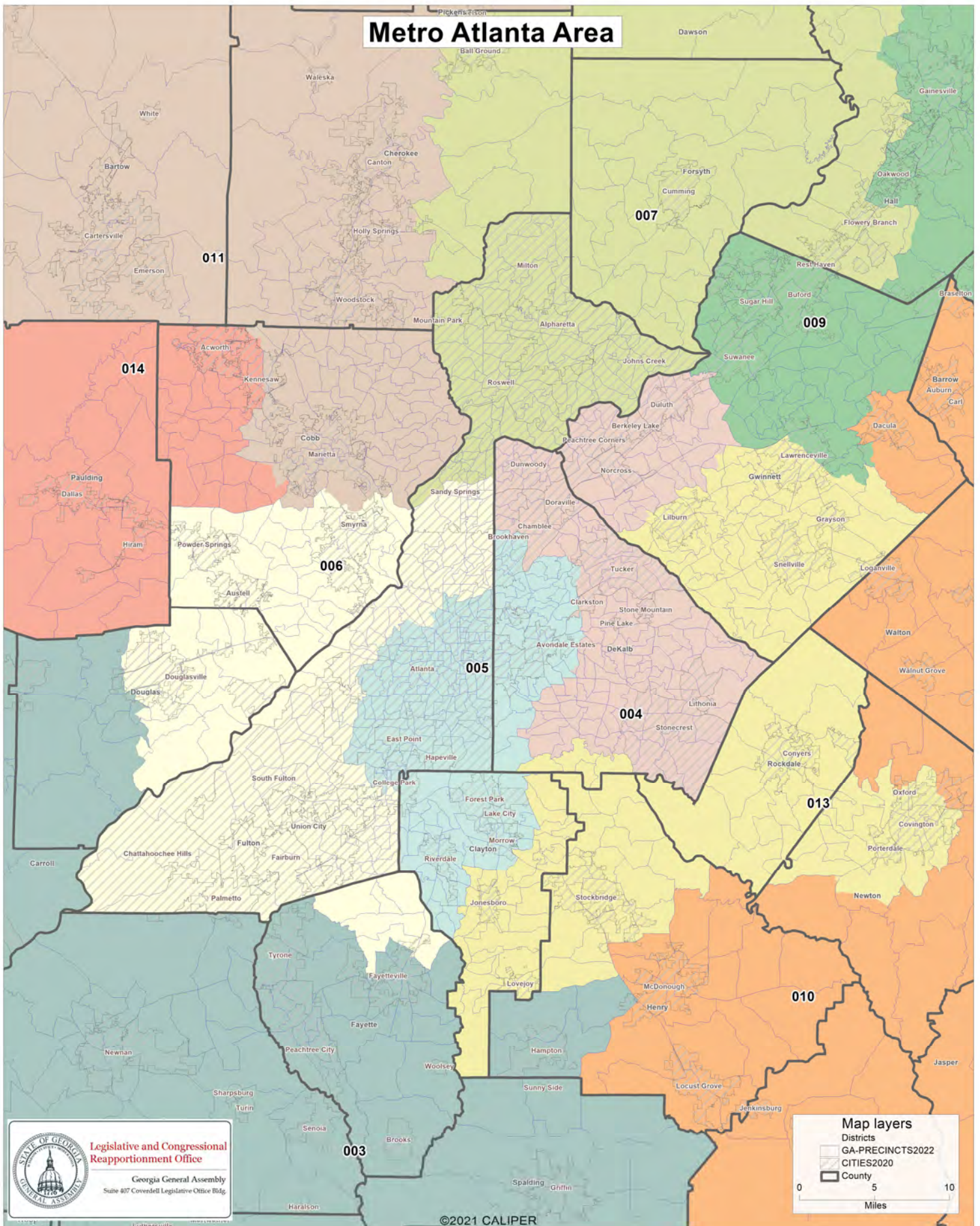




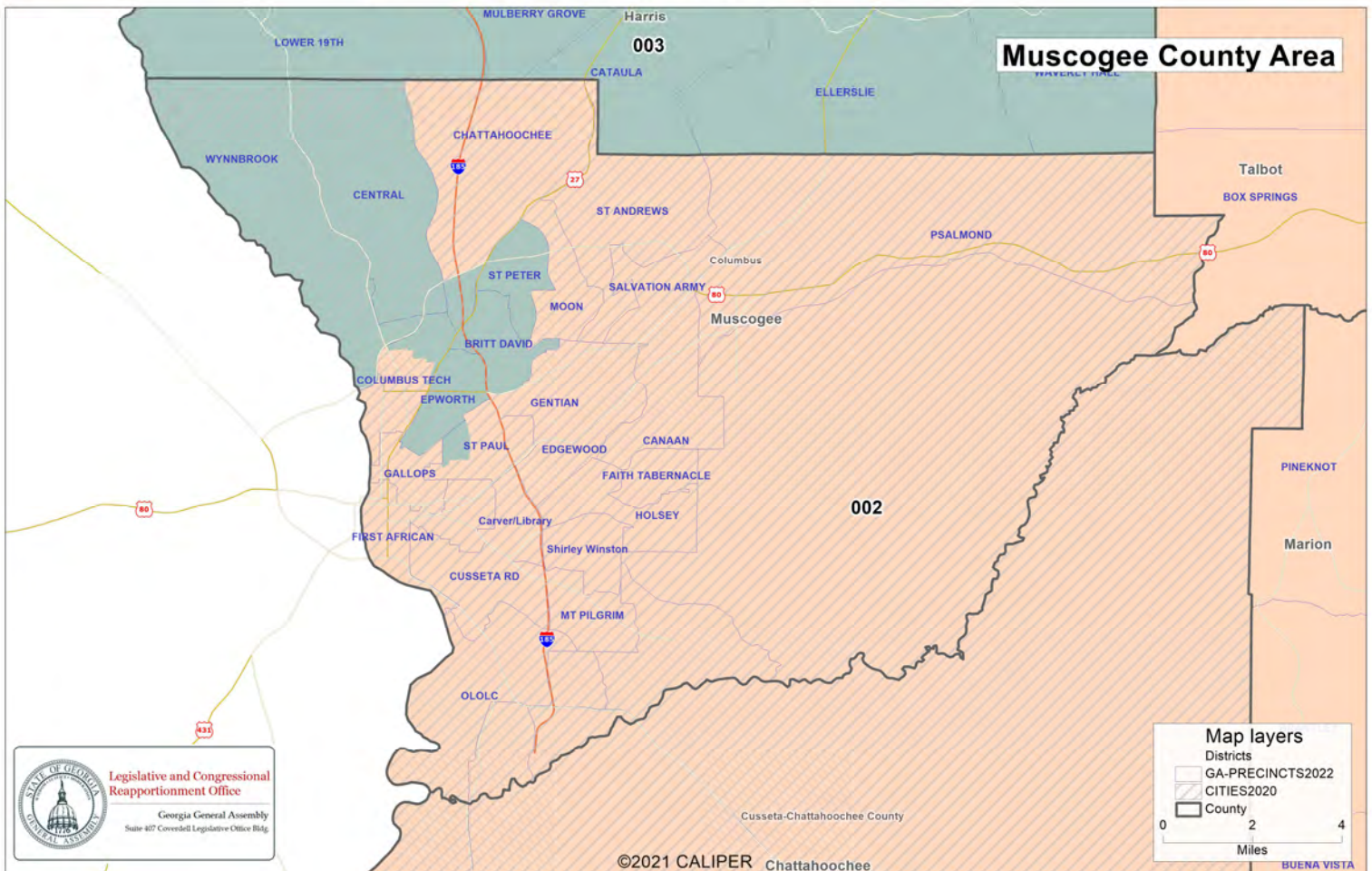
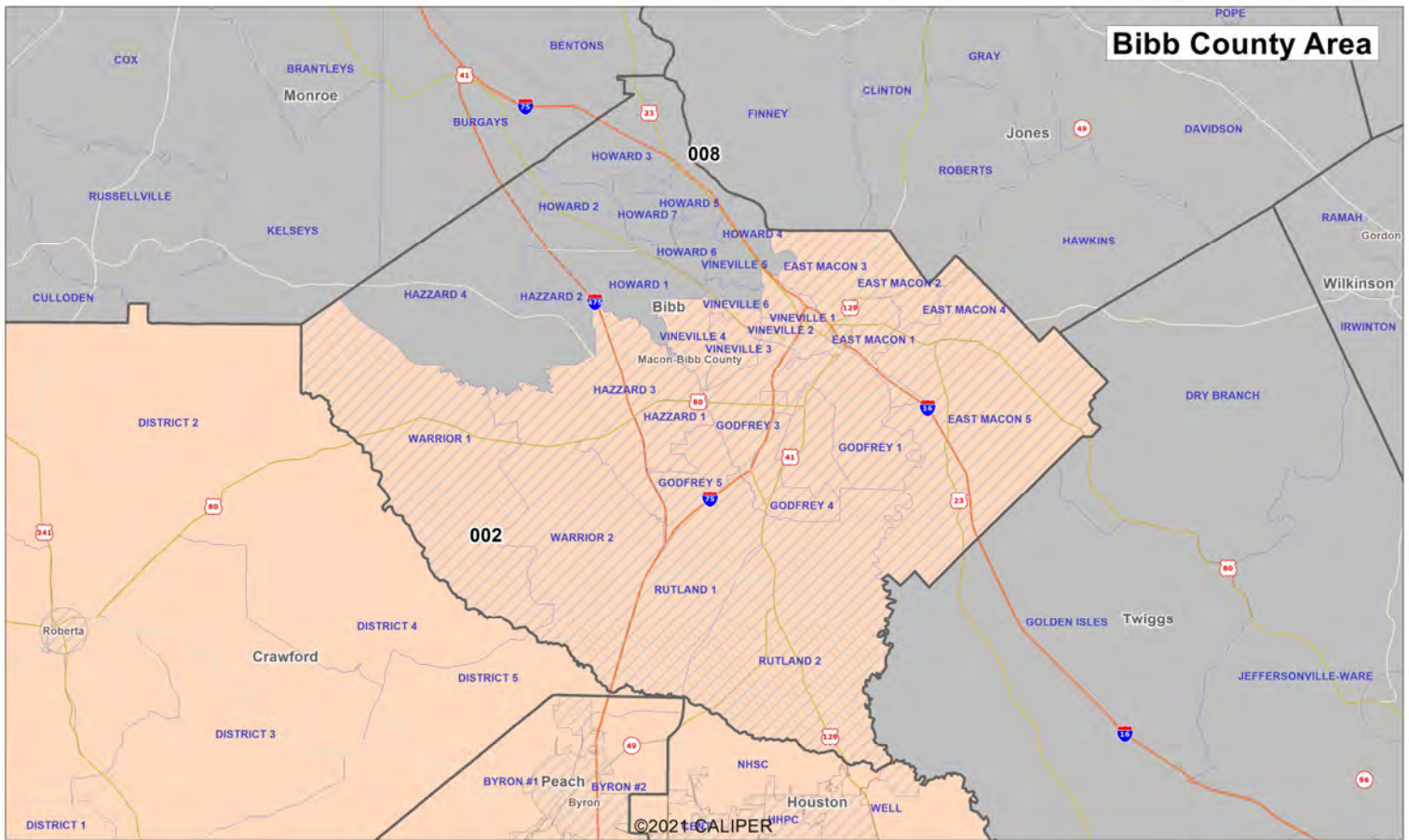


318-11





Proposed Congressional Districts of Georgia



User: S049

Plan Name: Congress-2023

Plan Type: Congress

Population Summary

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_Blkl]	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	57.59%	27.54%	7.75%	2.19%	0.24%	0.16%	0.44%	5.32%
002	765,137	1	0.00%	587,555	76.79%	39.94%	49.03%	5.95%	1.34%	0.21%	0.1%	0.34%	4.02%
003	765,136	0	0.00%	586,319	76.63%	64.37%	22.61%	6.31%	2.09%	0.21%	0.04%	0.47%	5.1%
004	765,137	1	0.00%	582,946	76.19%	19.71%	47.54%	19.25%	9.6%	0.16%	0.03%	0.64%	4.03%
005	765,137	1	0.00%	613,735	80.21%	31.02%	49.79%	9.89%	5.07%	0.17%	0.03%	0.55%	4.34%
006	765,136	0	0.00%	593,690	77.59%	29.78%	50.18%	12.34%	3.4%	0.17%	0.04%	0.68%	4.4%
007	765,137	1	0.00%	579,339	75.72%	63.72%	7.75%	10.24%	13.54%	0.17%	0.04%	0.58%	5.25%
008	765,136	0	0.00%	585,857	76.57%	57.91%	29.72%	7.17%	1.56%	0.19%	0.05%	0.31%	4.03%
009	765,135	-1	0.00%	582,752	76.16%	60.91%	11.91%	16.14%	6.75%	0.18%	0.04%	0.45%	4.76%
010	765,137	1	0.00%	590,322	77.15%	62.48%	23.32%	7.61%	2.25%	0.17%	0.03%	0.54%	4.67%
011	765,135	-1	0.00%	589,100	76.99%	66.68%	11.44%	12.15%	4.14%	0.19%	0.04%	0.8%	5.93%
012	765,136	0	0.00%	588,119	76.86%	52.13%	36.12%	5.63%	1.83%	0.21%	0.11%	0.36%	4.7%
013	765,136	0	0.00%	572,137	74.78%	24.58%	49.62%	14.48%	6.91%	0.18%	0.05%	0.7%	4.63%
014	765,136	0	0.00%	579,137	75.69%	69.99%	11.86%	11.94%	1.51%	0.21%	0.04%	0.44%	5.28%

Total: 10,711,908

Ideal District: 765,136

Summary Statistics:

Population Range:	765,135 to 765,137
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.57
Relative Mean Deviation:	0.00%
Standard Deviation:	0.70

User: S049

Plan Name: Congress-2023

Plan Type: Congress

Population Summary

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH18+_Wht]	[% NH18+_Blk]	[% H18+_Pop]	[% NH18+_Asn]	[% NH18+_Ind]	[% NH18+_Hwn]	[% NH18+_Oth]	[% NH18+_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	60.41%	26.44%	6.78%	2.36%	0.26%	0.14%	0.37%	3.24%
002	765,137	1	0.00%	587,555	76.79%	42.73%	47.62%	5.12%	1.41%	0.23%	0.09%	0.28%	2.53%
003	765,136	0	0.00%	586,319	76.63%	66.83%	22%	5.33%	2.08%	0.22%	0.04%	0.38%	3.11%
004	765,137	1	0.00%	582,946	76.19%	21.75%	47.86%	17%	9.92%	0.15%	0.03%	0.57%	2.71%
005	765,137	1	0.00%	613,735	80.21%	33.65%	48.53%	8.59%	5.48%	0.17%	0.04%	0.5%	3.05%
006	765,136	0	0.00%	593,690	77.59%	32.8%	49.04%	10.64%	3.69%	0.18%	0.04%	0.62%	2.97%
007	765,137	1	0.00%	579,339	75.72%	66.77%	7.73%	9.05%	12.44%	0.15%	0.04%	0.52%	3.29%
008	765,136	0	0.00%	585,857	76.57%	60.52%	28.84%	6.1%	1.6%	0.2%	0.05%	0.25%	2.43%
009	765,135	-1	0.00%	582,752	76.16%	64.51%	11.43%	13.72%	6.82%	0.2%	0.04%	0.36%	2.93%
010	765,137	1	0.00%	590,322	77.15%	65.28%	22.38%	6.45%	2.28%	0.18%	0.03%	0.47%	2.93%
011	765,135	-1	0.00%	589,100	76.99%	69.37%	11.4%	10.44%	4.07%	0.2%	0.04%	0.72%	3.76%
012	765,136	0	0.00%	588,119	76.86%	54.65%	35.06%	4.87%	1.95%	0.22%	0.1%	0.3%	2.86%
013	765,136	0	0.00%	572,137	74.78%	27.83%	48.6%	12.66%	7.14%	0.19%	0.05%	0.63%	2.91%
014	765,136	0	0.00%	579,137	75.69%	73.12%	11.47%	10%	1.54%	0.22%	0.04%	0.36%	3.25%

Total: 10,711,908

Ideal District: 765,136

Summary Statistics:

Population Range:	765,135 to 765,137
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.57
Relative Mean Deviation:	0.00%
Standard Deviation:	0.70

User: S049

Plan Name: Congress-2023

Plan Type: Congress

Population Summary

*Census designation "AP" denotes respondents who are Any or Part of a race category; respondents may fall into more than one category.

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% 18+_AP_Wht]	[% 18+_AP_Blkl]	[% H18+_Pop]	[% 18+_AP_Ind]	[% 18+_AP_Asn]	[% 18+_AP_Hwn]	[% 18+_AP_Oth]	[% 18+_2+_Races]
001	765,137	1	0.00%	589,266	77.01%	66.62%	28.17%	6.78%	2%	2.99%	0.29%	5.46%	5.16%
002	765,137	1	0.00%	587,555	76.79%	46.83%	49.29%	5.12%	1.54%	1.89%	0.22%	4.39%	3.85%
003	765,136	0	0.00%	586,319	76.63%	72.38%	23.32%	5.33%	2.09%	2.55%	0.12%	4.8%	4.97%
004	765,137	1	0.00%	582,946	76.19%	29.33%	50.59%	17%	1.9%	10.64%	0.15%	15.14%	7.24%
005	765,137	1	0.00%	613,735	80.21%	39.57%	51.06%	8.59%	1.53%	6.33%	0.13%	7.42%	5.57%
006	765,136	0	0.00%	593,690	77.59%	39.56%	51.75%	10.64%	1.63%	4.31%	0.13%	9.52%	6.41%
007	765,137	1	0.00%	579,339	75.72%	75.03%	8.93%	9.05%	1.79%	13.23%	0.13%	8.51%	7.23%
008	765,136	0	0.00%	585,857	76.57%	65.6%	30.04%	6.1%	1.63%	2.03%	0.14%	4.83%	4%
009	765,135	-1	0.00%	582,752	76.16%	73.8%	12.65%	13.72%	2.31%	7.37%	0.12%	11.68%	7.58%
010	765,137	1	0.00%	590,322	77.15%	71.04%	23.69%	6.45%	1.93%	2.78%	0.12%	5.81%	5.08%
011	765,135	-1	0.00%	589,100	76.99%	78.35%	12.83%	10.44%	2.36%	4.75%	0.12%	9.55%	7.58%
012	765,136	0	0.00%	588,119	76.86%	59.51%	36.72%	4.87%	1.67%	2.55%	0.22%	4.01%	4.33%
013	765,136	0	0.00%	572,137	74.78%	34.82%	51.45%	12.66%	1.85%	7.74%	0.16%	11.35%	6.9%
014	765,136	0	0.00%	579,137	75.69%	80.9%	12.59%	10%	2.68%	1.95%	0.11%	8.43%	6.36%

Total: 10,711,908

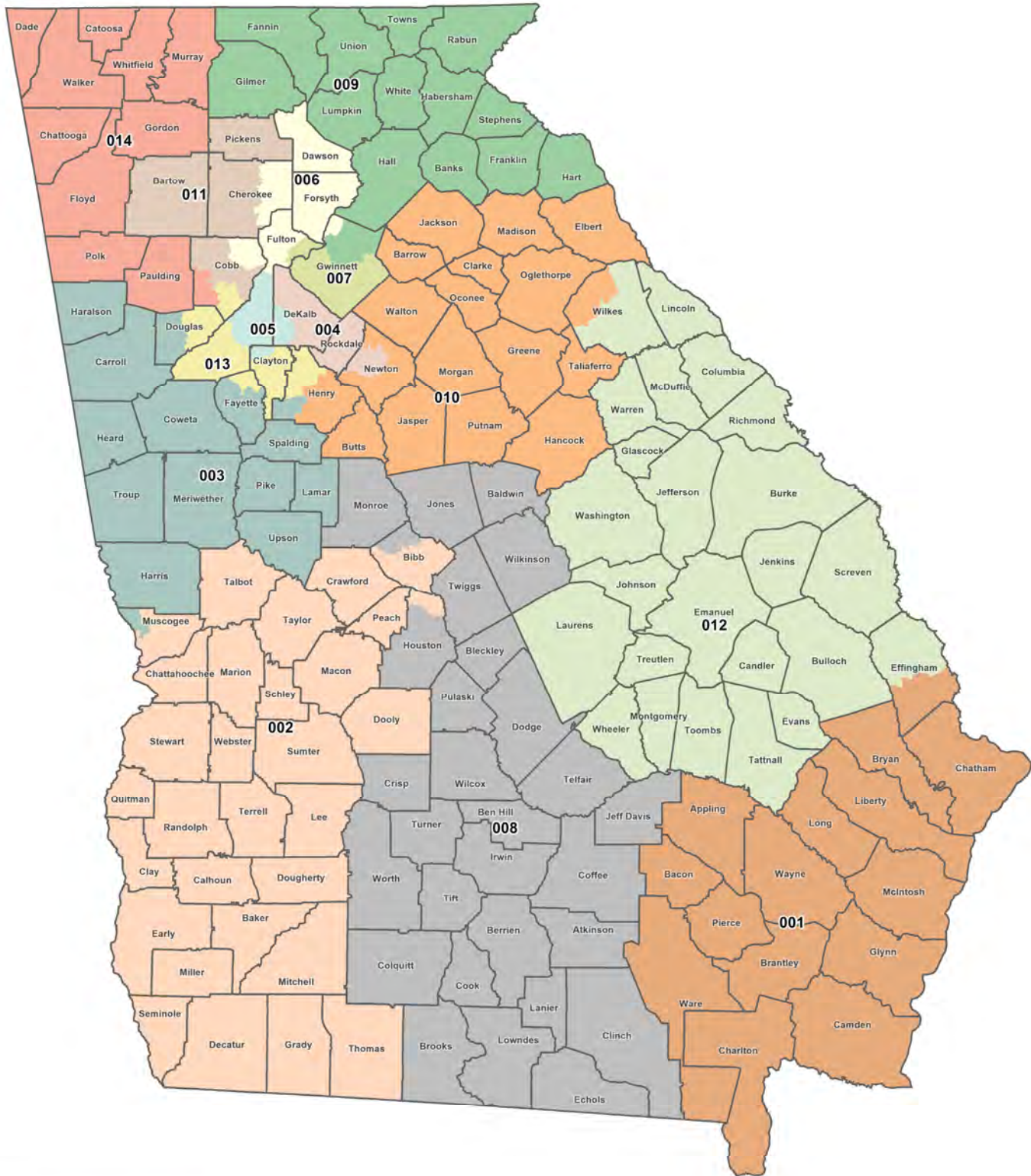
Ideal District: 765,136

Summary Statistics:

Population Range:	765,135 to 765,137
Ratio Range:	0.00
Absolute Range:	-1 to 1
Absolute Overall Range:	2
Relative Range:	0.00% to 0.00%
Relative Overall Range:	0.00%
Absolute Mean Deviation:	0.57
Relative Mean Deviation:	0.00%
Standard Deviation:	0.70

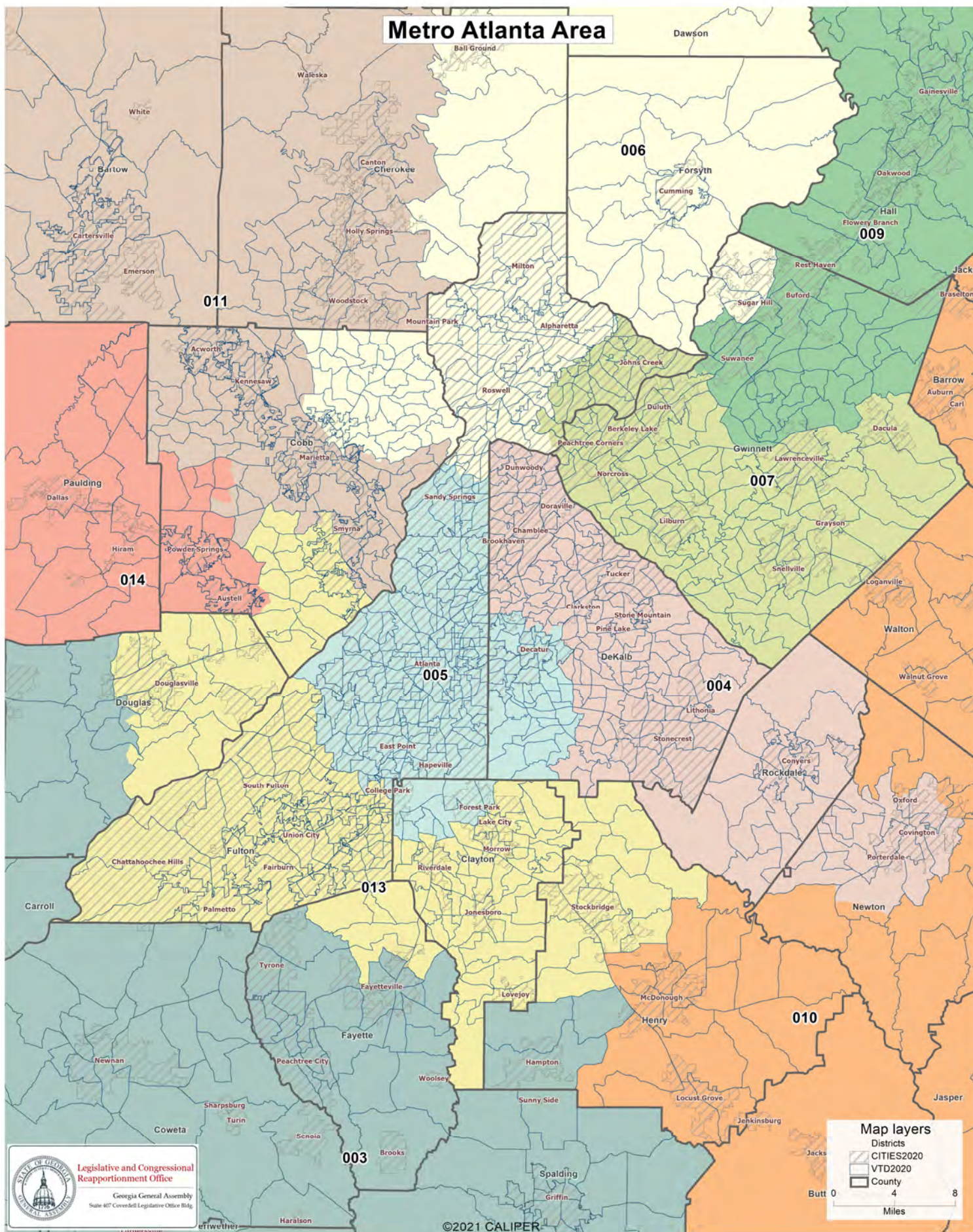
318-12

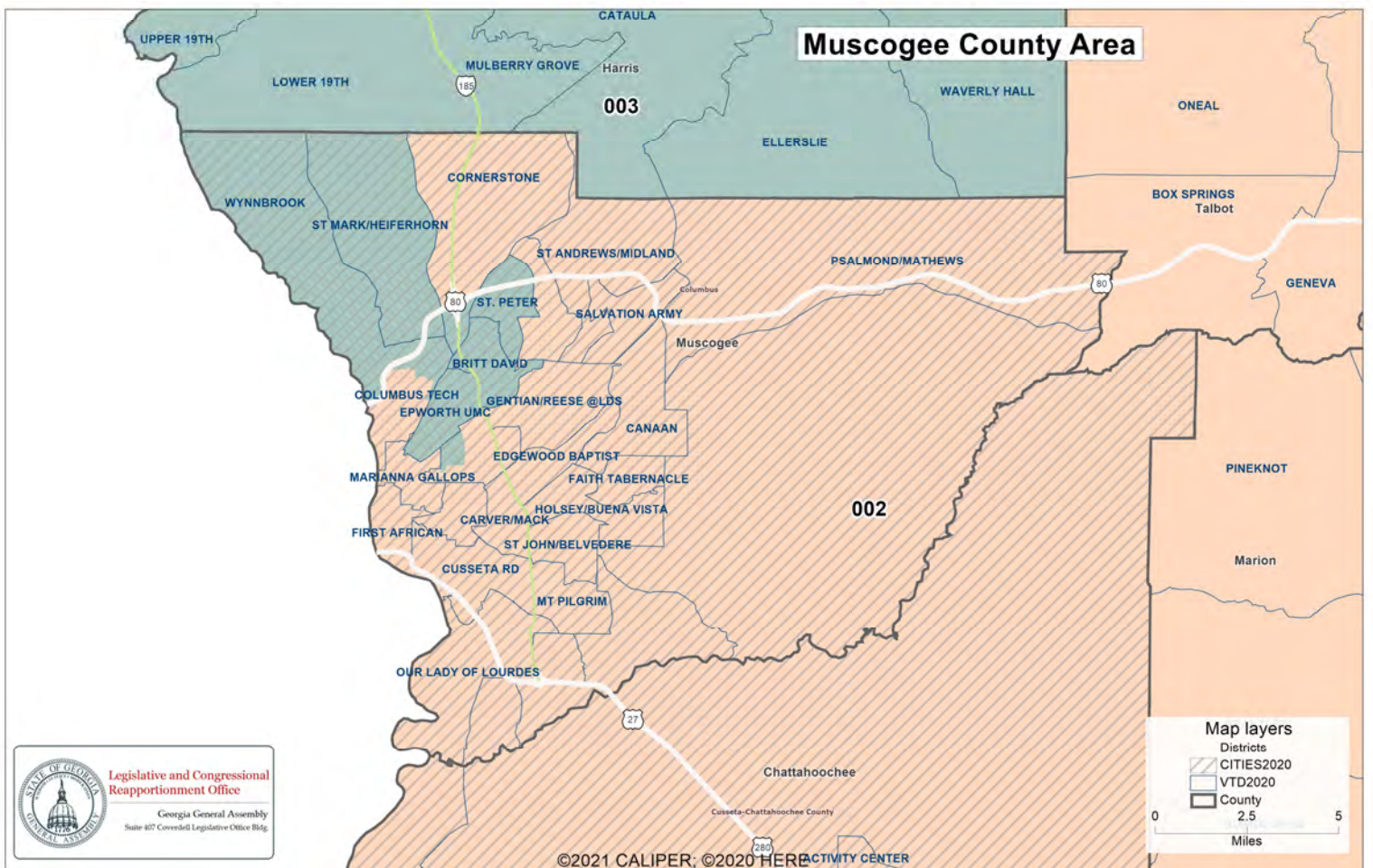
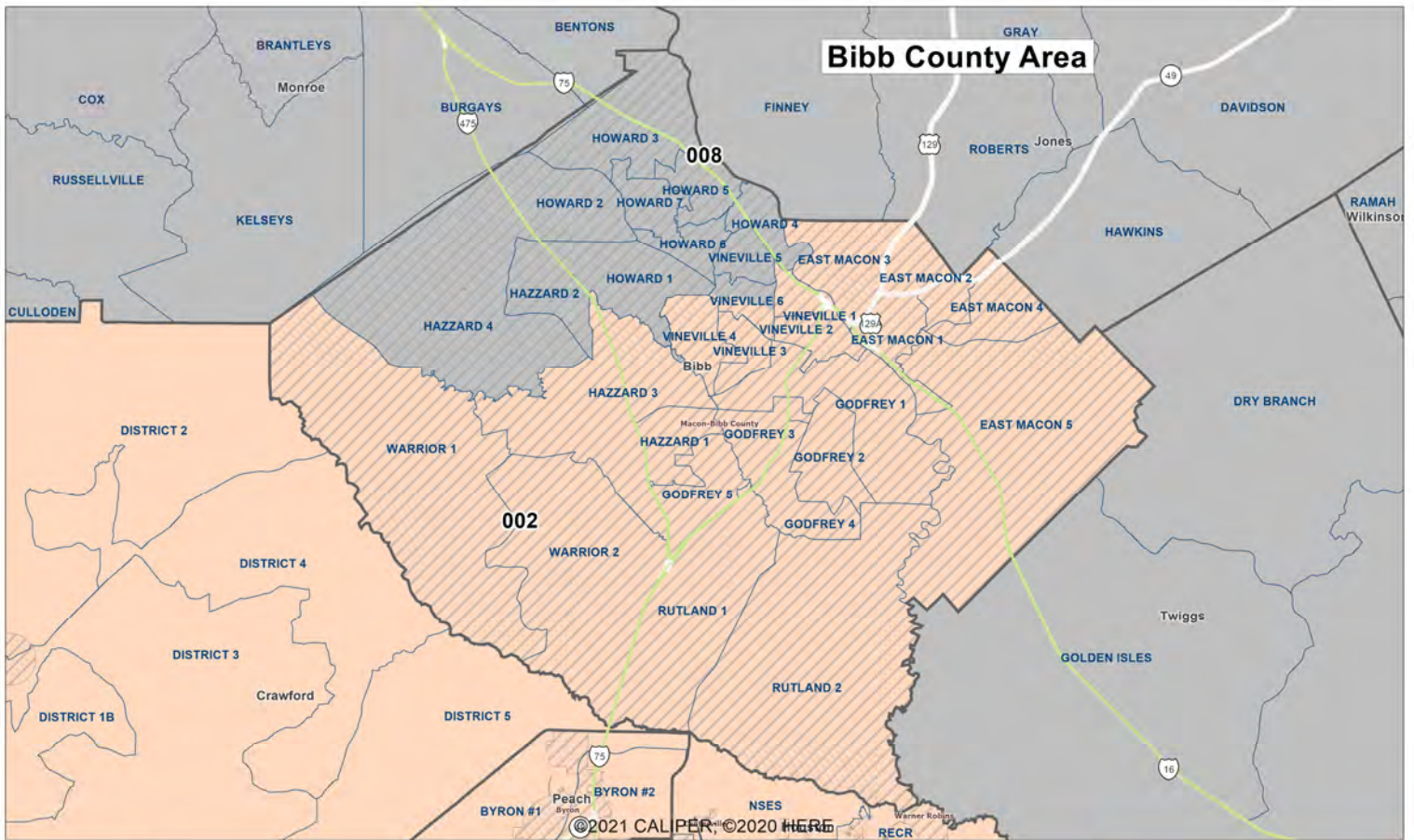
Congressional Districts of Georgia- 2022



Congressional Districts of Georgia- 2022

Client: State
Plan: congress-prop1-2021
Type: Congress





User: State

Plan Name: Congress-prop1-2021

Plan Type: Congress

Population Summary

Summary Statistics:

Population Range: 765,135 to 765,137
Ratio Range: 0.00
Absolute Range: -1 to 1
Absolute Overall Range: 2
Relative Range: 0.00% to 0.00%
Relative Overall Range: 0.00%
Absolute Mean Deviation: 0.71
Relative Mean Deviation: 0.00%
Standard Deviation: 0.80

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH_Wht]	[% NH_Blkl]	[% Hispanic Origin]	[% NH_Asn]	[% NH_Ind]	[% NH_Hwn]	[% NH_Oth]	[% NH_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	57.59%	27.54%	7.75%	2.19%	0.24%	0.16%	0.44%	4.1%
002	765,137	1	0.00%	587,555	76.79%	39.94%	49.03%	5.95%	1.34%	0.21%	0.1%	0.34%	3.09%
003	765,136	0	0.00%	586,319	76.63%	64.37%	22.61%	6.31%	2.09%	0.21%	0.04%	0.47%	3.91%
004	765,135	-1	0.00%	589,470	77.04%	25.82%	52.19%	11.63%	6.13%	0.16%	0.04%	0.65%	3.39%
005	765,137	1	0.00%	621,515	81.23%	35.79%	48.53%	7.38%	4.09%	0.16%	0.04%	0.52%	3.49%
006	765,136	0	0.00%	574,797	75.12%	63.7%	8.58%	10.23%	12.4%	0.16%	0.04%	0.69%	4.21%
007	765,137	1	0.00%	566,934	74.1%	29.52%	28.11%	23.77%	14.26%	0.16%	0.04%	0.69%	3.45%
008	765,136	0	0.00%	585,857	76.57%	57.91%	29.72%	7.17%	1.56%	0.19%	0.05%	0.31%	3.09%
009	765,137	1	0.00%	592,520	77.44%	64.7%	9.72%	15.39%	5.95%	0.2%	0.04%	0.42%	3.59%
010	765,135	-1	0.00%	588,874	76.96%	63.58%	22.12%	7.66%	2.26%	0.17%	0.04%	0.53%	3.63%
011	765,137	1	0.00%	595,201	77.79%	61.33%	16.33%	13.04%	3.76%	0.19%	0.04%	0.82%	4.49%
012	765,136	0	0.00%	588,119	76.86%	52.13%	36.12%	5.63%	1.83%	0.21%	0.11%	0.36%	3.61%
013	765,137	1	0.00%	574,789	75.12%	16.35%	64.26%	12.23%	3.17%	0.18%	0.05%	0.66%	3.1%
014	765,135	-1	0.00%	579,058	75.68%	68.07%	13.58%	12.69%	1.14%	0.22%	0.05%	0.4%	3.85%

Total: 10,711,908

Ideal District: 765,136

User: State

Plan Name: Congress-prop1-2021

Plan Type: Congress

Population Summary

Summary Statistics:

Population Range: 765,135 to 765,137
Ratio Range: 0.00
Absolute Range: -1 to 1
Absolute Overall Range: 2
Relative Range: 0.00% to 0.00%
Relative Overall Range: 0.00%
Absolute Mean Deviation: 0.71
Relative Mean Deviation: 0.00%
Standard Deviation: 0.80

District	Population	Deviation	% Devn.	[18+_Pop]	[% 18+_Pop]	[% NH18+_Wht]	[% NH18+_Blk]	[% H18+_Pop]	[% NH18+_Asn]	[% NH18+_Ind]	[% NH18+_Hwn]	[% NH18+_Oth]	[% NH18+_2+ Races]
001	765,137	1	0.00%	589,266	77.01%	60.41%	26.44%	6.78%	2.36%	0.26%	0.14%	0.37%	3.24%
002	765,137	1	0.00%	587,555	76.79%	42.73%	47.62%	5.12%	1.41%	0.23%	0.09%	0.28%	2.53%
003	765,136	0	0.00%	586,319	76.63%	66.83%	22%	5.33%	2.08%	0.22%	0.04%	0.38%	3.11%
004	765,135	-1	0.00%	589,470	77.04%	28.25%	51.79%	10.12%	6.09%	0.16%	0.04%	0.58%	2.96%
005	765,137	1	0.00%	621,515	81.23%	37.92%	47.14%	6.67%	4.53%	0.16%	0.04%	0.48%	3.07%
006	765,136	0	0.00%	574,797	75.12%	66.63%	8.61%	9.11%	11.44%	0.14%	0.04%	0.63%	3.41%
007	765,137	1	0.00%	566,934	74.1%	32.78%	27.35%	21.27%	14.97%	0.16%	0.04%	0.59%	2.85%
008	765,136	0	0.00%	585,857	76.57%	60.52%	28.84%	6.1%	1.6%	0.2%	0.05%	0.25%	2.43%
009	765,137	1	0.00%	592,520	77.44%	68.29%	9.37%	12.89%	5.94%	0.21%	0.03%	0.34%	2.92%
010	765,135	-1	0.00%	588,874	76.96%	66.2%	21.34%	6.51%	2.3%	0.19%	0.03%	0.46%	2.98%
011	765,137	1	0.00%	595,201	77.79%	63.99%	16.25%	11.22%	3.82%	0.2%	0.04%	0.75%	3.73%
012	765,136	0	0.00%	588,119	76.86%	54.65%	35.06%	4.87%	1.95%	0.22%	0.1%	0.3%	2.86%
013	765,137	1	0.00%	574,789	75.12%	18.82%	63.75%	10.52%	3.38%	0.19%	0.05%	0.61%	2.68%
014	765,135	-1	0.00%	579,058	75.68%	71.33%	13.14%	10.58%	1.17%	0.23%	0.04%	0.32%	3.2%

Total: 10,711,908

Ideal District: 765,136

318-13

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Core Constituencies

Tuesday, December 12, 2023

7:25 AM

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Cooper_Illustrative_Plan, District 001 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 1	765,137 (100.00%)	440,636 (100.00%)	230,783 (100.00%)	224,683 (100.00%)	59,328 (100.00%)	589,266 (100.00%)	355,947 (100.00%)	166,025 (100.00%)
Total and % Population		440,636 (57.59%)	230,783 (30.16%)	224,683 (29.37%)	59,328 (7.75%)	589,266 (77.01%)	355,947 (46.52%)	166,025 (21.70%)

Plan: Cooper_Illustrative_Plan, District 002 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 2	765,137 (100.00%)	305,611 (100.00%)	393,195 (100.00%)	387,984 (100.00%)	45,499 (100.00%)	587,555 (100.00%)	251,047 (100.00%)	289,612 (100.00%)
Total and % Population		305,611 (39.94%)	393,195 (51.39%)	387,984 (50.71%)	45,499 (5.95%)	587,555 (76.79%)	251,047 (32.81%)	289,612 (37.85%)

Plan: Cooper_Illustrative_Plan, District 003 --

765,135 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 11	25,390 (3.32%)	19,605 (3.79%)	2,782 (1.67%)	2,666 (1.64%)	1,371 (2.75%)	18,667 (3.22%)	14,813 (3.65%)	1,887 (1.59%)
Dist. 14	211,545 (27.65%)	138,628 (26.78%)	47,114 (28.37%)	45,477 (28.05%)	18,149 (36.35%)	156,259 (26.94%)	107,130 (26.39%)	32,157 (27.09%)
Dist. 3	528,200 (69.03%)	359,426 (69.43%)	116,200 (69.96%)	113,964 (70.30%)	30,415 (60.91%)	405,092 (69.84%)	283,983 (69.96%)	84,665 (71.32%)
Total and % Population		517,659 (67.66%)	166,096 (21.71%)	162,107 (21.19%)	49,935 (6.53%)	580,018 (75.81%)	405,926 (53.05%)	118,709 (15.51%)

Plan: Cooper_Illustrative_Plan, District 004 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
--	------------	--------	-------	----------	----------------------	-----------	-------------	-------------

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Cooper_Illustrative_Plan, District 004 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 10	28,651 (3.74%)	20,827 (9.82%)	5,893 (1.44%)	5,731 (1.43%)	1,075 (1.22%)	22,295 (3.77%)	16,594 (9.33%)	4,363 (1.40%)
Dist. 4	736,485 (96.26%)	191,177 (90.18%)	404,126 (98.56%)	395,967 (98.57%)	86,681 (98.78%)	568,345 (96.23%)	161,238 (90.67%)	307,307 (98.60%)
Total and % Population		212,004 (27.71%)	410,019 (53.59%)	401,698 (52.50%)	87,756 (11.47%)	590,640 (77.19%)	177,832 (23.24%)	311,670 (40.73%)

Plan: Cooper_Illustrative_Plan, District 005 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 5	765,137 (100.00%)	273,819 (100.00%)	392,822 (100.00%)	385,649 (100.00%)	56,496 (100.00%)	621,515 (100.00%)	235,652 (100.00%)	308,271 (100.00%)
Total and % Population		273,819 (35.79%)	392,822 (51.34%)	385,649 (50.40%)	56,496 (7.38%)	621,515 (81.23%)	235,652 (30.80%)	308,271 (40.29%)

Plan: Cooper_Illustrative_Plan, District 006 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 11	230,468 (30.12%)	93,671 (41.45%)	75,341 (18.98%)	72,669 (18.77%)	41,841 (38.60%)	183,874 (31.31%)	80,960 (42.09%)	58,280 (19.76%)
Dist. 13	390,667 (51.06%)	71,228 (31.52%)	263,484 (66.39%)	258,322 (66.71%)	48,001 (44.28%)	293,697 (50.01%)	60,666 (31.54%)	194,921 (66.08%)
Dist. 14	77,883 (10.18%)	27,324 (12.09%)	38,181 (9.62%)	37,040 (9.57%)	9,997 (9.22%)	58,887 (10.03%)	23,021 (11.97%)	27,365 (9.28%)
Dist. 3	47,113 (6.16%)	25,523 (11.29%)	14,639 (3.69%)	14,189 (3.66%)	5,091 (4.70%)	35,601 (6.06%)	20,642 (10.73%)	10,334 (3.50%)
Dist. 6	19,006 (2.48%)	8,239 (3.65%)	5,246 (1.32%)	5,021 (1.30%)	3,471 (3.20%)	15,188 (2.59%)	7,081 (3.68%)	4,076 (1.38%)
Total and % Population		225,985 (29.54%)	396,891 (51.87%)	387,241 (50.61%)	108,401 (14.17%)	587,247 (76.75%)	192,370 (25.14%)	294,976 (38.55%)

Plan: Cooper_Illustrative_Plan, District 007 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 7	765,137 (100.00%)	225,905 (100.00%)	239,717 (100.00%)	229,109 (100.00%)	181,851 (100.00%)	566,934 (100.00%)	185,838 (100.00%)	169,071 (100.00%)
Total and % Population		225,905 (29.52%)	239,717 (31.33%)	229,109 (29.94%)	181,851 (23.77%)	566,934 (74.10%)	185,838 (24.29%)	169,071 (22.10%)

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2021_Plan****Plan: Cooper_Illustrative_Plan, District 008 --****765,136 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 8	765,136 (100.00%)	443,123 (100.00%)	241,628 (100.00%)	237,989 (100.00%)	54,850 (100.00%)	585,857 (100.00%)	354,572 (100.00%)	175,967 (100.00%)
Total and % Population		443,123 (57.91%)	241,628 (31.58%)	237,989 (31.10%)	54,850 (7.17%)	585,857 (76.57%)	354,572 (46.34%)	175,967 (23.00%)

Plan: Cooper_Illustrative_Plan, District 009 --**765,136 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 10	75,907 (9.92%)	59,064 (13.76%)	6,148 (6.54%)	5,934 (6.63%)	6,712 (5.23%)	56,451 (10.00%)	45,015 (13.41%)	4,268 (6.49%)
Dist. 6	286,038 (37.38%)	178,152 (41.49%)	18,257 (19.41%)	17,292 (19.33%)	30,392 (23.67%)	206,254 (36.55%)	136,196 (40.57%)	12,099 (18.39%)
Dist. 9	403,191 (52.70%)	192,124 (44.75%)	69,654 (74.05%)	66,233 (74.04%)	91,289 (71.10%)	301,539 (53.44%)	154,509 (46.02%)	49,423 (75.12%)
Total and % Population		429,340 (56.11%)	94,059 (12.29%)	89,459 (11.69%)	128,393 (16.78%)	564,244 (73.74%)	335,720 (43.88%)	65,790 (8.60%)

Plan: Cooper_Illustrative_Plan, District 010 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 10	488,385 (63.83%)	321,243 (58.59%)	101,488 (85.86%)	99,661 (85.99%)	40,079 (65.44%)	381,634 (63.38%)	261,084 (58.39%)	74,320 (86.24%)
Dist. 9	276,752 (36.17%)	227,069 (41.41%)	16,711 (14.14%)	16,240 (14.01%)	21,165 (34.56%)	220,493 (36.62%)	186,025 (41.61%)	11,858 (13.76%)
Total and % Population		548,312 (71.66%)	118,199 (15.45%)	115,901 (15.15%)	61,244 (8.00%)	602,127 (78.70%)	447,109 (58.44%)	86,178 (11.26%)

Plan: Cooper_Illustrative_Plan, District 011 --**765,137 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 11	372,724 (48.71%)	249,504 (50.70%)	56,881 (51.54%)	54,373 (51.61%)	41,129 (50.49%)	288,083 (48.93%)	200,585 (50.92%)	40,912 (50.82%)
Dist. 6	392,413 (51.29%)	242,617 (49.30%)	53,487 (48.46%)	50,975 (48.39%)	40,337 (49.51%)	300,712 (51.07%)	193,335 (49.08%)	39,595 (49.18%)
Total and % Population		492,121 (64.32%)	110,368 (14.42%)	105,348 (13.77%)	81,466 (10.65%)	588,795 (76.95%)	393,920 (51.48%)	80,507 (10.52%)

Plan: Cooper_Illustrative_Plan, District 012 --**765,136 Total Population**

Core Constituencies

Cooper_Illustrative_Plan

From Plan: **Ga_Congress_Enacted_2021_Plan**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 12	765,136 (100.00%)	398,843 (100.00%)	294,961 (100.00%)	289,774 (100.00%)	43,065 (100.00%)	588,119 (100.00%)	321,394 (100.00%)	215,958 (100.00%)
Total and % Population		398,843 (52.13%)	294,961 (38.55%)	289,774 (37.87%)	43,065 (5.63%)	588,119 (76.86%)	321,394 (42.00%)	215,958 (28.22%)

Plan: Cooper_Illustrative_Plan, District 013 --**765,135 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 10	172,192 (22.50%)	85,353 (33.72%)	70,608 (17.44%)	68,871 (17.39%)	10,779 (15.10%)	128,494 (22.29%)	67,130 (32.41%)	50,146 (17.02%)
Dist. 13	374,470 (48.94%)	53,878 (21.28%)	256,610 (63.37%)	251,060 (63.38%)	45,553 (63.82%)	281,092 (48.77%)	47,494 (22.93%)	188,742 (64.05%)
Dist. 3	189,823 (24.81%)	107,545 (42.49%)	58,108 (14.35%)	56,858 (14.35%)	12,779 (17.90%)	145,626 (25.27%)	87,224 (42.11%)	41,709 (14.15%)
Dist. 4	28,650 (3.74%)	6,359 (2.51%)	19,637 (4.85%)	19,321 (4.88%)	2,266 (3.17%)	21,125 (3.67%)	5,306 (2.56%)	14,072 (4.78%)
Total and % Population		253,135 (33.08%)	404,963 (52.93%)	396,110 (51.77%)	71,377 (9.33%)	576,337 (75.32%)	207,154 (27.07%)	294,669 (38.51%)

Plan: Cooper_Illustrative_Plan, District 014 --**765,135 Total Population**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[18+_Pop]	[NH18+_Wht]	[18+_AP_Bl]
Dist. 11	136,555 (17.85%)	106,484 (17.88%)	8,400 (18.90%)	7,904 (18.63%)	15,453 (16.48%)	104,577 (17.68%)	84,537 (17.69%)	5,732 (18.74%)
Dist. 14	475,707 (62.17%)	354,902 (59.58%)	33,399 (75.15%)	32,109 (75.67%)	68,940 (73.50%)	363,912 (61.51%)	282,879 (59.20%)	23,186 (75.81%)
Dist. 6	67,679 (8.85%)	58,392 (9.80%)	1,881 (4.23%)	1,751 (4.13%)	4,099 (4.37%)	52,643 (8.90%)	46,359 (9.70%)	1,199 (3.92%)
Dist. 9	85,194 (11.13%)	75,885 (12.74%)	765 (1.72%)	668 (1.57%)	5,304 (5.65%)	70,488 (11.91%)	64,077 (13.41%)	466 (1.52%)
Total and % Population		595,663 (77.85%)	44,445 (5.81%)	42,432 (5.55%)	93,796 (12.26%)	591,620 (77.32%)	477,852 (62.45%)	30,583 (4.00%)

318-14

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Core Constituencies

Tuesday, December 12, 2023

7:06 AM

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Ga_Congress_Enacted_2023_Plan, District 1 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 1	765,137 (100.00%)	440,636 (100.00%)	230,783 (100.00%)	224,683 (100.00%)	59,328 (100.00%)	355,947 (100.00%)	166,025 (100.00%)	162,705 (100.00%)
Total and % Population		440,636 (57.59%)	230,783 (30.16%)	224,683 (29.37%)	59,328 (7.75%)	355,947 (46.52%)	166,025 (21.70%)	162,705 (21.26%)

Plan: Ga_Congress_Enacted_2023_Plan, District 10 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 10	689,228 (90.08%)	427,423 (89.41%)	177,989 (91.81%)	174,263 (91.85%)	51,933 (89.24%)	344,808 (89.48%)	128,829 (92.10%)	126,747 (92.15%)
Dist. 7	26,657 (3.48%)	12,124 (2.54%)	8,949 (4.62%)	8,586 (4.53%)	4,213 (7.24%)	9,321 (2.42%)	6,073 (4.34%)	5,868 (4.27%)
Dist. 9	49,252 (6.44%)	38,512 (8.06%)	6,939 (3.58%)	6,876 (3.62%)	2,052 (3.53%)	31,227 (8.10%)	4,970 (3.55%)	4,929 (3.58%)
Total and % Population		478,059 (62.48%)	193,877 (25.34%)	189,725 (24.80%)	58,198 (7.61%)	385,356 (50.36%)	139,872 (18.28%)	137,544 (17.98%)

Plan: Ga_Congress_Enacted_2023_Plan, District 11 --

765,135 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 11	541,666 (70.79%)	356,538 (69.88%)	81,531 (78.77%)	78,035 (78.99%)	68,968 (74.20%)	287,816 (70.43%)	59,917 (79.27%)	57,897 (79.44%)
Dist. 14	57,544 (7.52%)	43,317 (8.49%)	2,919 (2.82%)	2,697 (2.73%)	8,957 (9.64%)	34,084 (8.34%)	1,939 (2.57%)	1,847 (2.53%)
Dist. 6	165,925 (21.69%)	110,373 (21.63%)	19,055 (18.41%)	18,064 (18.28%)	15,022 (16.16%)	86,781 (21.23%)	13,732 (18.17%)	13,136 (18.02%)
Total and % Population		510,228 (66.68%)	103,505 (13.53%)	98,796 (12.91%)	92,947 (12.15%)	408,681 (53.41%)	75,588 (9.88%)	72,880 (9.53%)

Core Constituencies

Ga_Congress_Enacted_2023_P

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Ga_Congress_Enacted_2023_Plan, District 12 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 12	765,136 (100.00%)	398,843 (100.00%)	294,961 (100.00%)	289,774 (100.00%)	43,065 (100.00%)	321,394 (100.00%)	215,958 (100.00%)	213,006 (100.00%)
Total and % Population		398,843 (52.13%)	294,961 (38.55%)	289,774 (37.87%)	43,065 (5.63%)	321,394 (42.00%)	215,958 (28.22%)	213,006 (27.84%)

Plan: Ga_Congress_Enacted_2023_Plan, District 13 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 13	224,696 (29.37%)	40,185 (21.36%)	150,916 (36.99%)	147,636 (37.18%)	23,504 (21.21%)	35,147 (22.07%)	110,892 (37.67%)	108,967 (37.82%)
Dist. 4	177,301 (23.17%)	43,984 (23.38%)	114,435 (28.05%)	112,366 (28.30%)	15,127 (13.65%)	37,527 (23.57%)	83,987 (28.53%)	82,754 (28.72%)
Dist. 5	5,066 (0.66%)	105 (0.06%)	4,832 (1.18%)	4,789 (1.21%)	117 (0.11%)	104 (0.07%)	3,593 (1.22%)	3,568 (1.24%)
Dist. 7	358,073 (46.80%)	103,825 (55.20%)	137,803 (33.78%)	132,320 (33.32%)	72,077 (65.04%)	86,441 (54.29%)	95,904 (32.58%)	92,833 (32.22%)
Total and % Population		188,099 (24.58%)	407,986 (53.32%)	397,111 (51.90%)	110,825 (14.48%)	159,219 (20.81%)	294,376 (38.47%)	288,122 (37.66%)

Plan: Ga_Congress_Enacted_2023_Plan, District 14 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 11	117,651 (15.38%)	73,587 (13.74%)	23,842 (22.61%)	22,872 (22.51%)	12,095 (13.24%)	58,224 (13.75%)	16,797 (23.03%)	16,269 (22.92%)
Dist. 14	647,485 (84.62%)	461,929 (86.26%)	81,593 (77.39%)	78,748 (77.49%)	79,276 (86.76%)	365,251 (86.25%)	56,123 (76.97%)	54,721 (77.08%)
Total and % Population		535,516 (69.99%)	105,435 (13.78%)	101,620 (13.28%)	91,371 (11.94%)	423,475 (55.35%)	72,920 (9.53%)	70,990 (9.28%)

Plan: Ga_Congress_Enacted_2023_Plan, District 2 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
--	------------	--------	-------	----------	-------------------	-------------	-------------	---------------

Core Constituencies

Ga_Congress_Enacted_2023_P

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Ga_Congress_Enacted_2023_Plan, District 2 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 2	765,137 (100.00%)	305,611 (100.00%)	393,195 (100.00%)	387,984 (100.00%)	45,499 (100.00%)	251,047 (100.00%)	289,612 (100.00%)	286,684 (100.00%)
Total and % Population		305,611 (39.94%)	393,195 (51.39%)	387,984 (50.71%)	45,499 (5.95%)	251,047 (32.81%)	289,612 (37.85%)	286,684 (37.47%)

Plan: Ga_Congress_Enacted_2023_Plan, District 3 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 3	765,136 (100.00%)	492,494 (100.00%)	188,947 (100.00%)	185,011 (100.00%)	48,285 (100.00%)	391,849 (100.00%)	136,708 (100.00%)	134,567 (100.00%)
Total and % Population		492,494 (64.37%)	188,947 (24.69%)	185,011 (24.18%)	48,285 (6.31%)	391,849 (51.21%)	136,708 (17.87%)	134,567 (17.59%)

Plan: Ga_Congress_Enacted_2023_Plan, District 4 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 4	474,627 (62.03%)	92,588 (61.40%)	288,034 (74.25%)	282,484 (74.66%)	56,238 (38.19%)	77,551 (61.16%)	219,997 (74.60%)	216,393 (74.93%)
Dist. 5	39,538 (5.17%)	1,606 (1.06%)	36,769 (9.48%)	36,329 (9.60%)	1,039 (0.71%)	1,457 (1.15%)	28,287 (9.59%)	27,994 (9.69%)
Dist. 7	250,972 (32.80%)	56,609 (37.54%)	63,116 (16.27%)	59,563 (15.74%)	89,990 (61.11%)	47,790 (37.69%)	46,603 (15.80%)	44,415 (15.38%)
Total and % Population		150,803 (19.71%)	387,919 (50.70%)	378,376 (49.45%)	147,267 (19.25%)	126,798 (16.57%)	294,887 (38.54%)	288,802 (37.75%)

Plan: Ga_Congress_Enacted_2023_Plan, District 5 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 13	135,171 (17.67%)	8,668 (3.65%)	98,059 (24.30%)	95,957 (24.26%)	20,768 (27.46%)	7,861 (3.81%)	71,991 (22.97%)	70,684 (22.95%)

Core Constituencies

Ga_Congress_Enacted_2023_P

From Plan: **Ga_Congress_Enacted_2021_Plan**

Plan: Ga_Congress_Enacted_2023_Plan, District 5 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 4	113,207 (14.80%)	60,964 (25.68%)	21,294 (5.28%)	20,438 (5.17%)	17,582 (23.25%)	51,466 (24.92%)	17,395 (5.55%)	16,811 (5.46%)
Dist. 5	516,759 (67.54%)	167,721 (70.66%)	284,211 (70.43%)	279,140 (70.57%)	37,285 (49.30%)	147,204 (71.27%)	224,010 (71.48%)	220,503 (71.59%)
Total and % Population		237,353 (31.02%)	403,564 (52.74%)	395,535 (51.69%)	75,635 (9.89%)	206,531 (26.99%)	313,396 (40.96%)	307,998 (40.25%)

Plan: Ga_Congress_Enacted_2023_Plan, District 6 --

765,136 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 11	105,820 (13.83%)	39,139 (17.18%)	38,031 (9.29%)	36,705 (9.17%)	18,731 (19.84%)	34,855 (17.90%)	30,097 (9.80%)	29,279 (9.71%)
Dist. 13	405,270 (52.97%)	76,253 (33.47%)	271,119 (66.20%)	265,789 (66.40%)	49,282 (52.21%)	65,152 (33.46%)	200,780 (65.35%)	197,667 (65.52%)
Dist. 14	60,106 (7.86%)	15,608 (6.85%)	34,182 (8.35%)	33,181 (8.29%)	8,853 (9.38%)	13,695 (7.03%)	24,646 (8.02%)	24,121 (8.00%)
Dist. 5	193,940 (25.35%)	96,858 (42.51%)	66,187 (16.16%)	64,611 (16.14%)	17,522 (18.56%)	81,037 (41.61%)	51,717 (16.83%)	50,608 (16.78%)
Total and % Population		227,858 (29.78%)	409,519 (53.52%)	400,286 (52.32%)	94,388 (12.34%)	194,739 (25.45%)	307,240 (40.15%)	301,675 (39.43%)

Plan: Ga_Congress_Enacted_2023_Plan, District 7 --

765,137 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 5	9,834 (1.29%)	7,529 (1.54%)	823 (1.15%)	780 (1.15%)	533 (0.68%)	5,850 (1.51%)	664 (1.28%)	628 (1.26%)
Dist. 6	564,456 (73.77%)	358,282 (73.49%)	54,781 (76.75%)	52,184 (76.81%)	58,111 (74.19%)	282,011 (72.90%)	39,889 (77.12%)	38,410 (77.21%)
Dist. 7	92,558 (12.10%)	45,964 (9.43%)	11,462 (16.06%)	10,959 (16.13%)	6,614 (8.44%)	36,341 (9.39%)	8,135 (15.73%)	7,834 (15.75%)
Dist. 9	98,289 (12.85%)	75,748 (15.54%)	4,310 (6.04%)	4,013 (5.91%)	13,065 (16.68%)	62,618 (16.19%)	3,033 (5.86%)	2,874 (5.78%)
Total and % Population		487,523 (63.72%)	71,376 (9.33%)	67,936 (8.88%)	78,323 (10.24%)	386,820 (50.56%)	51,721 (6.76%)	49,746 (6.50%)

Plan: Ga_Congress_Enacted_2023_Plan, District 8 --

765,136 Total Population

Core Constituencies

Ga_Congress_Enacted_2023_P

From Plan: **Ga_Congress_Enacted_2021_Plan**

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 8	765,136 (100.00%)	443,123 (100.00%)	241,628 (100.00%)	237,989 (100.00%)	54,850 (100.00%)	354,572 (100.00%)	175,967 (100.00%)	173,862 (100.00%)
Total and % Population		443,123 (57.91%)	241,628 (31.58%)	237,989 (31.10%)	54,850 (7.17%)	354,572 (46.34%)	175,967 (23.00%)	173,862 (22.72%)

Plan: Ga_Congress_Enacted_2023_Plan, District 9 --

765,135 Total Population

	Population	NH_Wht	AP_Bl	NH_AP_Bl	[Hispanic Origin]	[NH18+_Wht]	[18+_AP_Bl]	[NH18+_AP_Bl]
Dist. 10	75,907 (9.92%)	59,064 (12.67%)	6,148 (5.83%)	5,934 (5.90%)	6,712 (5.44%)	45,015 (11.98%)	4,268 (5.79%)	4,160 (5.85%)
Dist. 6	34,755 (4.54%)	18,745 (4.02%)	5,035 (4.77%)	4,791 (4.76%)	5,166 (4.18%)	14,179 (3.77%)	3,348 (4.54%)	3,208 (4.51%)
Dist. 7	36,877 (4.82%)	7,383 (1.58%)	18,387 (17.44%)	17,681 (17.57%)	8,957 (7.25%)	5,945 (1.58%)	12,356 (16.76%)	11,976 (16.85%)
Dist. 9	617,596 (80.72%)	380,818 (81.72%)	75,881 (71.96%)	72,252 (71.78%)	102,641 (83.13%)	310,766 (82.67%)	53,744 (72.91%)	51,738 (72.79%)
Total and % Population		466,010 (60.91%)	105,451 (13.78%)	100,658 (13.16%)	123,476 (16.14%)	375,905 (49.13%)	73,716 (9.63%)	71,082 (9.29%)

318-15

User:

Plan Name: Nov14_GA_congress

Plan Type: Senate

Measures of Compactness Report

Tuesday, November 22, 2022

4:41 PM

	Reock	Polsby-Popper
Sum	N/A	N/A
Min	0.28	0.18
Max	0.51	0.39
Mean	0.43	0.27
Std. Dev.	0.07	0.06

District	Reock	Polsby-Popper
001	0.46	0.29
002	0.46	0.27
003	0.39	0.24
004	0.28	0.22
005	0.51	0.32
006	0.45	0.27
007	0.50	0.39
008	0.34	0.21
009	0.40	0.32
010	0.40	0.18
011	0.40	0.19

Measures of Compactness Report

Nov14_GA_congress

	Reock	Polsby-Popper
Sum	N/A	N/A
Min	0.28	0.18
Max	0.51	0.39
Mean	0.43	0.27
Std. Dev.	0.07	0.06
District	Reock	Polsby-Popper
012	0.50	0.28
013	0.44	0.29
014	0.48	0.34

Measures of Compactness Report

Nov14_GA_congress

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.

318-16

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Measures of Compactness Report

Tuesday, December 12, 2023

8:35 AM

	Reock	Polsby-Popper
Sum	N/A	N/A
Min	0.29	0.13
Max	0.53	0.29
Mean	0.42	0.24
Std. Dev.	0.07	0.05

District	Reock	Polsby-Popper
1	0.46	0.29
2	0.46	0.27
3	0.46	0.28
4	0.40	0.20
5	0.38	0.25
6	0.40	0.25
7	0.34	0.24
8	0.34	0.21
9	0.45	0.18
10	0.53	0.23
11	0.52	0.29

Measures of Compactness Report

Ga_Congress_Enacted_2023_P

	Reock	Polsby-Popper
Sum	N/A	N/A
Min	0.29	0.13
Max	0.53	0.29
Mean	0.42	0.24
Std. Dev.	0.07	0.05

District	Reock	Polsby-Popper
12	0.50	0.28
13	0.29	0.13
14	0.40	0.29

Measures of Compactness Report

Ga_Congress_Enacted_2023_P

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.

318-17

User:

Plan Name: **Ga_Congress_Enacted_2021_Plan**

Plan Type: **Senate**

Measures of Compactness Report

Tuesday, November 22, 2022

4:39 PM

	Reock	Polsby-Popper
Mean	0.44	0.27
Min	0.31	0.16
Max	0.56	0.39
Std. Dev.	0.07	0.06
Sum		

Higher Number is Better

Lower Number is Better

District	Reock	Polsby-Popper
1	0.46	0.29
2	0.46	0.27
3	0.46	0.28
4	0.31	0.25
5	0.51	0.32
6	0.42	0.20
7	0.50	0.39
8	0.34	0.21
9	0.38	0.25
10	0.56	0.28
11	0.48	0.21
12	0.50	0.28
13	0.38	0.16
14	0.43	0.37

Measures of Compactness Report

Ga_Congress_Enacted_2021_P

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.

318-18

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Political Subdivison Splits Between Districts

Tuesday, December 12, 2023

8:12 AM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	15	County	0
Voting District	43	Voting District	1

Number of times a subdivision is split into multiple districts:

County	18
Voting District	44

County	Voting District	District	Population
<i>Split Counties:</i>			
Bibb GA		002	108,371
Bibb GA		008	48,975
Cherokee GA		011	122,400
Cherokee GA		014	144,220
Clayton GA		005	37,919
Clayton GA		013	259,676
Cobb GA		003	25,421
Cobb GA		006	452,386
Cobb GA		011	288,342
DeKalb GA		004	601,451
DeKalb GA		005	162,931
Effingham GA		001	47,208
Effingham GA		012	17,561
Fayette GA		006	4,143
Fayette GA		013	115,051
Fulton GA		005	564,287
Fulton GA		006	164,371
Fulton GA		007	92,558
Fulton GA		011	245,494
Gwinnett GA		007	672,579
Gwinnett GA		009	284,483
Hall GA		009	153,463
Hall GA		010	49,673
Houston GA		002	48,521
Houston GA		008	115,112
Lumpkin GA		010	29,598
Lumpkin GA		014	3,890
Muscogee GA		002	175,155
Muscogee GA		003	31,767
Newton GA		004	70,115
Newton GA		013	42,368
Wilkes GA		010	1,802
Wilkes GA		012	7,763

County	Voting District	District	Population
<i>Split VTDs:</i>			
Bibb GA	HOWARD 2	002	0
Bibb GA	HOWARD 2	008	5,445
Bibb GA	VINEVILLE 6	002	2,527
Bibb GA	VINEVILLE 6	008	1,846
Cherokee GA	ARNOLD MILL	011	5,916
Cherokee GA	ARNOLD MILL	014	623
Cherokee GA	TOONIGH	011	373
Cherokee GA	TOONIGH	014	8,830
Cobb GA	Durham 01	003	987
Cobb GA	Durham 01	011	4,330
Cobb GA	Eastside 02	006	4,603
Cobb GA	Eastside 02	011	598
Cobb GA	Elizabeth 02	006	334
Cobb GA	Elizabeth 02	011	2,968
Cobb GA	Harrison 01	003	3,865
Cobb GA	Harrison 01	011	85
Cobb GA	Kemp 03	003	4,841
Cobb GA	Kemp 03	006	30
Cobb GA	Kennesaw 1A	006	2,972
Cobb GA	Kennesaw 1A	011	1,471
Cobb GA	Kennesaw 3A	006	3,540
Cobb GA	Kennesaw 3A	011	5,962
Cobb GA	Lost Mountain 03	003	31
Cobb GA	Lost Mountain 03	006	6,841
Cobb GA	Pine Mountain 02	003	23
Cobb GA	Pine Mountain 02	006	967
Cobb GA	Pine Mountain 02	011	2,986
Cobb GA	Sewell Mill 03	006	4,245
Cobb GA	Sewell Mill 03	011	2,692
DeKalb GA	Avondale (AVO)	004	341
DeKalb GA	Avondale (AVO)	005	3,226
DeKalb GA	North Decatur	004	2,220
DeKalb GA	North Decatur	005	1,670
DeKalb GA	Scott	004	2,482
DeKalb GA	Scott	005	1,434
Effingham GA	4B	001	2,759
Effingham GA	4B	012	160
Fayette GA	RAREOVER	006	2,062
Fayette GA	RAREOVER	013	1,650
Fayette GA	SANDY CREEK	006	2,081
Fayette GA	SANDY CREEK	013	4,627
Fulton GA	11C	005	3,058
Fulton GA	11C	006	700
Fulton GA	CP051	005	79
Fulton GA	CP051	006	1,718
Fulton GA	RW21	007	4,138

County	Voting District	District	Population
Fulton GA	RW21	011	164
Fulton GA	RW22A	007	11
Fulton GA	RW22A	011	7,186
Fulton GA	SC02	005	220
Fulton GA	SC02	006	773
Fulton GA	SS01	007	1,550
Fulton GA	SS01	011	3,803
Fulton GA	SS03	005	1,254
Fulton GA	SS03	011	900
Fulton GA	SS04	005	219
Fulton GA	SS04	011	5,019
Fulton GA	SS08C	005	438
Fulton GA	SS08C	011	594
Fulton GA	SS18A	005	472
Fulton GA	SS18A	011	309
Gwinnett GA	SUWANEE G	007	815
Gwinnett GA	SUWANEE G	009	5,138
Hall GA	GAINESVILLE I	009	6,606
Hall GA	GAINESVILLE I	010	181
Hall GA	GLADE	009	25
Hall GA	GLADE	010	6,845
Hall GA	WHELCHER	009	366
Hall GA	WHELCHER	010	5,685
Lumpkin GA	DAHLONEGA	010	29,598
Lumpkin GA	DAHLONEGA	014	3,890
Muscogee GA	COLUMBUS TECH	002	7,876
Muscogee GA	COLUMBUS TECH	003	1,271
Muscogee GA	CORNERSTONE	002	10,259
Muscogee GA	CORNERSTONE	003	192
Muscogee GA	ST PAUL/CLUBVIEW	002	6,958
Muscogee GA	ST PAUL/CLUBVIEW	003	1,082
Newton GA	BEAVERDAM	004	101
Newton GA	BEAVERDAM	013	7,174
Newton GA	CROWELL	004	3,263
Newton GA	CROWELL	013	3,967
Newton GA	FAIRVIEW	004	856
Newton GA	FAIRVIEW	013	3,443
Wilkes GA	3174A - COURTHOUSE	010	106
Wilkes GA	3174A - COURTHOUSE	012	1,114
Wilkes GA	3174B - TIGNALL SCHOOL	010	774
Wilkes GA	3174B - TIGNALL SCHOOL	012	407

318-19

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Political Subdivison Splits Between Districts

Saturday, December 9, 2023

6:18 PM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	16	County	0
Voting District	42	Voting District	5

Number of times a subdivision is split into multiple districts:

County	22
Voting District	42

County	Voting District	District	Population
<i>Split Counties:</i>			
Bibb GA		2	108,371
Bibb GA		8	48,975
Cherokee GA		7	40,881
Cherokee GA		11	225,739
Clayton GA		5	171,184
Clayton GA		13	126,411
Cobb GA		6	290,955
Cobb GA		11	339,735
Cobb GA		14	135,459
DeKalb GA		4	514,165
DeKalb GA		5	231,534
DeKalb GA		13	18,683
Douglas GA		3	42,970
Douglas GA		6	101,267
Effingham GA		1	47,208
Effingham GA		12	17,561
Fayette GA		3	102,685
Fayette GA		6	16,509
Fulton GA		5	362,419
Fulton GA		6	356,405
Fulton GA		7	347,886
Gwinnett GA		4	250,972
Gwinnett GA		9	321,360
Gwinnett GA		10	26,657
Gwinnett GA		13	358,073
Hall GA		7	64,801
Hall GA		9	138,335
Henry GA		3	23,975
Henry GA		10	118,452
Henry GA		13	98,285
Houston GA		2	48,521
Houston GA		8	115,112
Muscogee GA		2	175,155

County	Voting District	District	Population
Muscogee GA		3	31,767
Newton GA		10	42,369
Newton GA		13	70,114
Wilkes GA		10	1,802
Wilkes GA		12	7,763
<i>Split VTDs:</i>			
Bibb GA	HOWARD 2	2	0
Bibb GA	HOWARD 2	8	5,445
Bibb GA	VINEVILLE 6	2	2,527
Bibb GA	VINEVILLE 6	8	1,846
Cherokee GA	HICKORY FLAT	7	2,468
Cherokee GA	HICKORY FLAT	11	7,593
Clayton GA	JONESBORO 18	5	3,154
Clayton GA	JONESBORO 18	13	1,925
Cobb GA	Baker 01	11	6,550
Cobb GA	Baker 01	14	672
Cobb GA	Cheatham Hill 02	11	3,844
Cobb GA	Cheatham Hill 02	14	0
Cobb GA	Cheatham Hill 03	11	273
Cobb GA	Cheatham Hill 03	14	4,873
Cobb GA	Dobbins 01	6	10,912
Cobb GA	Dobbins 01	11	2,489
Cobb GA	Kennesaw 3A	11	9,377
Cobb GA	Kennesaw 3A	14	125
Cobb GA	Marietta 7A	6	1,413
Cobb GA	Marietta 7A	11	5,498
Cobb GA	Oregon 04	6	6,498
Cobb GA	Oregon 04	14	0
Cobb GA	Pine Mountain 01	11	1,319
Cobb GA	Pine Mountain 01	14	3,106
Cobb GA	Sope Creek 02	6	0
Cobb GA	Sope Creek 02	11	5,892
DeKalb GA	Midway Elem	4	290
DeKalb GA	Midway Elem	5	3,218
DeKalb GA	Montreal (TUC)	4	2,526
DeKalb GA	Montreal (TUC)	5	1,402
Douglas GA	PRAYS MILL GYM	3	7,167
Douglas GA	PRAYS MILL GYM	6	324
Douglas GA	ST JULIANS EPISCOPAL	3	2,125
Douglas GA	ST JULIANS EPISCOPAL	6	1,028
Effingham GA	4B	1	2,759
Effingham GA	4B	12	160
Fulton GA	09E	5	3,052
Fulton GA	09E	6	641
Fulton GA	09G	5	820
Fulton GA	09G	6	4,304
Fulton GA	11C	5	0

County	Voting District	District	Population
Fulton GA	11C	6	3,758
Fulton GA	SS06	6	1,467
Fulton GA	SS06	7	869
Fulton GA	SS08D	6	2,643
Fulton GA	SS08D	7	230
Gwinnett GA	BAYCREEK I	9	5,069
Gwinnett GA	BAYCREEK I	13	3,764
Gwinnett GA	BERKSHIRE H	4	2,475
Gwinnett GA	BERKSHIRE H	13	1,991
Gwinnett GA	DACULA	9	1,424
Gwinnett GA	DACULA	10	5,888
Gwinnett GA	HARBINS A	9	1,916
Gwinnett GA	HARBINS A	10	9,196
Gwinnett GA	LAWRENCEVILLE D	9	9,655
Gwinnett GA	LAWRENCEVILLE D	13	1,156
Gwinnett GA	MARTINS J	4	5,148
Gwinnett GA	MARTINS J	13	3,174
Hall GA	CHESTATEE	7	4,121
Hall GA	CHESTATEE	9	1,110
Hall GA	FORK	7	3,832
Hall GA	FORK	9	473
Hall GA	MORGAN I	7	830
Hall GA	MORGAN I	9	4,583
Muscogee GA	COLUMBUS TECH	2	7,876
Muscogee GA	COLUMBUS TECH	3	1,271
Muscogee GA	CORNERSTONE	2	10,259
Muscogee GA	CORNERSTONE	3	192
Muscogee GA	ST PAUL/CLUBVIEW	2	6,958
Muscogee GA	ST PAUL/CLUBVIEW	3	1,082
Newton GA	ALCOVY	10	464
Newton GA	ALCOVY	13	6,251
Newton GA	CITY POND	10	712
Newton GA	CITY POND	13	2,372
Newton GA	DOWNS	10	8,507
Newton GA	DOWNS	13	114
Newton GA	LIVINGSTON	10	2,077
Newton GA	LIVINGSTON	13	4,260
Newton GA	OXFORD	10	2,304
Newton GA	OXFORD	13	1,737
Wilkes GA	3174A - COURTHOUSE	10	106
Wilkes GA	3174A - COURTHOUSE	12	1,114
Wilkes GA	3174B - TIGNALL SCHOOL	10	774
Wilkes GA	3174B - TIGNALL SCHOOL	12	407

318-20

User:

Plan Name: **Ga_Congress_Enacted_2021_Plan**

Plan Type: **Congress**

Political Subdivison Splits Between Districts

Tuesday, December 12, 2023

8:20 AM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	15	County	0
Voting District	47	Voting District	1

Number of times a subdivision is split into multiple districts:

County	21
Voting District	47

County	Voting District	District	Population
<i>Split Counties:</i>			
Bibb GA		2	108,371
Bibb GA		8	48,975
Cherokee GA		6	40,881
Cherokee GA		11	225,739
Clayton GA		5	37,919
Clayton GA		13	259,676
Cobb GA		6	165,925
Cobb GA		11	397,281
Cobb GA		13	125,029
Cobb GA		14	77,914
DeKalb GA		4	601,451
DeKalb GA		5	162,931
Douglas GA		3	42,970
Douglas GA		13	101,267
Effingham GA		1	47,208
Effingham GA		12	17,561
Fayette GA		3	102,685
Fayette GA		13	16,509
Fulton GA		5	564,287
Fulton GA		6	245,494
Fulton GA		7	92,558
Fulton GA		13	164,371
Gwinnett GA		6	34,755
Gwinnett GA		7	672,579
Gwinnett GA		9	249,728
Henry GA		3	23,975
Henry GA		10	118,452
Henry GA		13	98,285
Houston GA		2	48,521
Houston GA		8	115,112
Muscogee GA		2	175,155
Muscogee GA		3	31,767
Newton GA		4	70,114

County	Voting District	District	Population
Newton GA		10	42,369
Wilkes GA		10	1,802
Wilkes GA		12	7,763
<i>Split VTDs:</i>			
Bibb GA	HOWARD 2	2	0
Bibb GA	HOWARD 2	8	5,445
Bibb GA	VINEVILLE 6	2	2,527
Bibb GA	VINEVILLE 6	8	1,846
Cherokee GA	HICKORY FLAT	6	2,468
Cherokee GA	HICKORY FLAT	11	7,593
Cobb GA	East Piedmont 01	6	3,511
Cobb GA	East Piedmont 01	11	411
Cobb GA	Eastside 02	6	459
Cobb GA	Eastside 02	11	4,742
Cobb GA	Elizabeth 01	6	177
Cobb GA	Elizabeth 01	11	5,693
Cobb GA	Kemp 02	11	2,051
Cobb GA	Kemp 02	14	3,151
Cobb GA	Mableton 01	13	5,999
Cobb GA	Mableton 01	14	1,103
Cobb GA	Mableton 02	13	4,152
Cobb GA	Mableton 02	14	1,531
Cobb GA	Marietta 5A	6	106
Cobb GA	Marietta 5A	11	4,228
Cobb GA	Marietta 5B	6	2,828
Cobb GA	Marietta 5B	11	1,933
Cobb GA	Marietta 6A	6	1,532
Cobb GA	Marietta 6A	11	3,022
Cobb GA	Nickajack 01	11	6,108
Cobb GA	Nickajack 01	13	18
Cobb GA	Oakdale 01	11	3,804
Cobb GA	Oakdale 01	13	807
Cobb GA	Oregon 05	11	3,496
Cobb GA	Oregon 05	14	1,409
Cobb GA	Palmer 01	6	1,900
Cobb GA	Palmer 01	11	1,785
Cobb GA	Sewell Mill 03	6	5,051
Cobb GA	Sewell Mill 03	11	1,886
Cobb GA	Smyrna 3A	11	6,191
Cobb GA	Smyrna 3A	13	3,601
Cobb GA	Smyrna 5A	11	1,557
Cobb GA	Smyrna 5A	13	5,432
Cobb GA	Smyrna 7A	11	366
Cobb GA	Smyrna 7A	13	8,229
DeKalb GA	Avondale (AVO)	4	341
DeKalb GA	Avondale (AVO)	5	3,226
DeKalb GA	North Decatur	4	2,220

County	Voting District	District	Population
DeKalb GA	North Decatur	5	1,670
DeKalb GA	Scott	4	2,482
DeKalb GA	Scott	5	1,434
Douglas GA	PRAYS MILL GYM	3	7,167
Douglas GA	PRAYS MILL GYM	13	324
Douglas GA	ST JULIANS EPISCOPAL	3	2,125
Douglas GA	ST JULIANS EPISCOPAL	13	1,028
Effingham GA	4B	1	2,759
Effingham GA	4B	12	160
Fulton GA	11C	5	3,058
Fulton GA	11C	13	700
Fulton GA	CP051	5	79
Fulton GA	CP051	13	1,718
Fulton GA	RW21	6	164
Fulton GA	RW21	7	4,138
Fulton GA	RW22A	6	7,186
Fulton GA	RW22A	7	11
Fulton GA	SC02	5	220
Fulton GA	SC02	13	773
Fulton GA	SS01	6	3,803
Fulton GA	SS01	7	1,550
Fulton GA	SS03	5	1,254
Fulton GA	SS03	6	900
Fulton GA	SS04	5	219
Fulton GA	SS04	6	5,019
Fulton GA	SS08C	5	438
Fulton GA	SS08C	6	594
Fulton GA	SS18A	5	472
Fulton GA	SS18A	6	309
Gwinnett GA	SUWANEE G	7	815
Gwinnett GA	SUWANEE G	9	5,138
Muscogee GA	COLUMBUS TECH	2	7,876
Muscogee GA	COLUMBUS TECH	3	1,271
Muscogee GA	CORNERSTONE	2	10,259
Muscogee GA	CORNERSTONE	3	192
Muscogee GA	ST PAUL/CLUBVIEW	2	6,958
Muscogee GA	ST PAUL/CLUBVIEW	3	1,082
Newton GA	ALCOVY	4	6,251
Newton GA	ALCOVY	10	464
Newton GA	CITY POND	4	2,372
Newton GA	CITY POND	10	712
Newton GA	DOWNS	4	114
Newton GA	DOWNS	10	8,507
Newton GA	LIVINGSTON	4	4,260
Newton GA	LIVINGSTON	10	2,077
Newton GA	OXFORD	4	1,737
Newton GA	OXFORD	10	2,304

Political Subdivison Splits Between Districts

Ga_Congress_Enacted_2021_P

County	Voting District	District	Population
Wilkes GA	3174A - COURTHOUSE	10	106
Wilkes GA	3174A - COURTHOUSE	12	1,114
Wilkes GA	3174B - TIGNALL SCHOOL	10	774
Wilkes GA	3174B - TIGNALL SCHOOL	12	407

318-21

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Tuesday, December 12, 2023

10:04 AM

Whole City/Town : 494

City/Town Splits: 84

Zero Population City/Town Splits: 6

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
001	Guyton	285	12.45%	007	Alpharetta	4,390	6.67%
001	Springfield	18	0.67%	007	Suwanee	346	1.66%
002	Barwick	258	71.07%	007	Loganville	3,155	22.33%
002	Pavo	380	61.09%	007	Lawrenceville	29,016	94.73%
002	Perry	90	0.44%	007	Dacula	6,882	100.00%
002	Centerville	8,228	100.00%	008	Barwick	105	28.93%
002	Warner	31,703	39.48%	008	Pavo	242	38.91%
	Robins			008	Perry	20,534	99.56%
002	Columbus	175,155	84.65%	008	McRae-Helena	6,253	100.00%
002	Manchester	92	2.57%				
003	Villa Rica	9,706	57.20%	008	Centerville	0	0.00%
003	Chattahoochee Hills	2	0.07%	008	Warner	48,605	60.52%
					Robins		
003	Palmetto	561	11.06%	008	Allentown	190	97.44%
003	Columbus	31,767	15.35%	008	Scotland	166	95.95%
003	Manchester	3,492	97.43%	009	Auburn	225	3.00%
003	Taylorsville	35	13.89%	009	Braselton	11,396	85.03%
004	Social Circle	5	0.10%	009	Gainesville	39,707	93.88%
004	Avondale Estates	341	9.56%	009	Gillsville	212	69.28%
				009	Maysville	834	44.67%
004	Atlanta	42	0.01%	009	Suwanee	20,440	98.34%
005	Riverdale	0	0.00%	009	Lawrenceville	1,613	5.27%
005	Forest Park	14,165	71.07%	009	Dacula	0	0.00%
005	Avondale Estates	3,226	90.44%	010	Social Circle	4,969	99.90%
				010	Auburn	7,270	97.00%
005	Sandy Springs	52,999	49.04%	010	Braselton	2,007	14.97%
				010	Gainesville	2,589	6.12%
005	South Fulton	3,731	3.47%	010	Gillsville	94	30.72%
005	College Park	8,958	64.31%	010	Maysville	1,033	55.33%
005	East Point	34,652	90.34%	010	Loganville	10,972	77.67%
005	Atlanta	497,973	99.85%	011	Sandy Springs	53,531	49.53%
006	Villa Rica	7,264	42.80%				
006	Chattahoochee Hills	2,948	99.93%	011	Roswell	88,668	95.51%
				011	Kennesaw	26,524	80.29%
006	Palmetto	4,510	88.94%	011	Alpharetta	61,428	93.33%
006	Tyrone	2,290	29.90%	011	Taylorsville	217	86.11%
006	South Fulton	103,705	96.53%	011	Marietta	0	0.00%
006	College Park	4,972	35.69%	011	Woodstock	33,557	95.70%
006	East Point	3,706	9.66%	011	Holly Springs	45	0.28%
006	Atlanta	700	0.14%	012	McRae-Helena	0	0.00%
006	Kennesaw	6,512	19.71%				
006	Marietta	60,972	100.00%	012	Allentown	5	2.56%
007	Sandy Springs	1,550	1.43%	012	Scotland	7	4.05%
				012	Guyton	2,004	87.55%
007	Roswell	4,165	4.49%				

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
012	Springfield	2,685	99.33%				
013	Tyrone	5,368	70.10%				
013	Riverdale	15,129	100.00%				
013	Forest Park	5,767	28.93%				
014	Woodstock	1,508	4.30%				
014	Holly Springs	16,168	99.72%				

318-22

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Saturday, December 9, 2023

6:24 PM

Whole City/Town : 488

City/Town Splits: 100

Zero Population City/Town Splits: 9

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
1	Guyton	285	12.45%	7	Flowery	9,391	100.00%
1	Springfield	18	0.67%		Branch		
2	Barwick	258	71.07%	7	Sandy	64,915	60.06%
2	Pavo	380	61.09%		Springs		
2	Perry	90	0.44%	7	Roswell	92,833	100.00%
2	Centerville	8,228	100.00%	7	Oakwood	219	4.54%
2	Warner	31,703	39.48%	7	Gainesville	3,994	9.44%
	Robins			7	Nelson	596	52.05%
2	Columbus	175,155	84.65%	7	Buford	2,665	15.54%
2	Manchester	92	2.57%	7	Rest Haven	25	55.56%
3	Chattahoochee Hills	2	0.07%	7	Holly Springs	404	2.49%
				7	Mountain	571	97.94%
3	Douglasville	1,139	3.29%		Park		
3	Palmetto	561	11.06%	8	Barwick	105	28.93%
3	Tyrone	7,658	100.00%	8	Pavo	242	38.91%
3	Fayetteville	18,554	97.87%	8	Perry	20,534	99.56%
3	McDonough	1,033	3.56%	8	McRae-Helena	6,253	100.00%
3	Columbus	31,767	15.35%				
3	Manchester	3,492	97.43%	8	Centerville	0	0.00%
4	Clarkston	14,754	99.99%	8	Warner	48,605	60.52%
4	Brookhaven	14,763	26.76%		Robins		
4	Tucker	35,597	96.20%	8	Allentown	190	97.44%
4	Lilburn	196	1.35%	8	Scotland	166	95.95%
4	Suwanee	346	1.66%	9	Martin	335	99.70%
5	Forest Park	19,932	100.00%	9	Flowery	0	0.00%
5	Morrow	6,569	100.00%		Branch		
5	Clarkston	2	0.01%	9	Auburn	225	3.00%
5	Brookhaven	40,398	73.24%	9	Braselton	11,396	85.03%
5	Tucker	1,408	3.80%	9	Oakwood	4,603	95.46%
5	College Park	10,864	77.99%	9	Gainesville	38,302	90.56%
5	East Point	34,652	90.34%	9	Suwanee	20,440	98.34%
5	Atlanta	351,343	70.45%	9	Lawrenceville	13,152	42.94%
6	Chattahoochee Hills	2,948	99.93%	9	Dacula	122	1.77%
				9	Buford	14,479	84.46%
6	Douglasville	33,511	96.71%	9	Rest Haven	20	44.44%
6	Palmetto	4,510	88.94%	10	Martin	1	0.30%
6	Tyrone	0	0.00%	10	Stockbridge	0	0.00%
6	Fayetteville	403	2.13%	10	McDonough	28,018	96.44%
6	Sandy	43,165	39.94%	10	Covington	238	1.68%
	Springs			10	Oxford	33	1.43%
6	College Park	3,066	22.01%	10	Auburn	7,270	97.00%
6	East Point	3,706	9.66%	10	Braselton	2,007	14.97%
6	Atlanta	147,372	29.55%	10	Loganville	10,972	77.67%
6	Marietta	1,413	2.32%	10	Dacula	6,760	98.23%
				11	Roswell	0	0.00%

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
11	Kennesaw	13,820	41.83%				
11	Nelson	549	47.95%				
11	Taylorsville	217	86.11%				
11	Marietta	59,559	97.68%				
11	Holly Springs	15,809	97.51%				
11	Mountain Park	12	2.06%				
12	McRae-Helena	0	0.00%				
12	Allentown	5	2.56%				
12	Scotland	7	4.05%				
12	Guyton	2,004	87.55%				
12	Springfield	2,685	99.33%				
13	Stockbridge	28,973	100.00%				
13	Covington	13,954	98.32%				
13	Oxford	2,275	98.57%				
13	Forest Park	0	0.00%				
13	Morrow	0	0.00%				
13	Lilburn	14,306	98.65%				
13	Loganville	3,155	22.33%				
13	Lawrenceville	17,477	57.06%				
14	Kennesaw	19,216	58.17%				
14	Taylorsville	35	13.89%				

318-23

User:

Plan Name: **Ga_Congress_Enacted_2021_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Tuesday, December 12, 2023

10:25 AM

Whole City/Town : 488

City/Town Splits: 99

Zero Population City/Town Splits: 8

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
1	Guyton GA	285	12.45%	6	Sandy Springs GA	53,531	49.53%
1	Springfield GA	18	0.67%	6	Roswell GA	88,668	95.51%
2	Barwick GA	258	71.07%	6	Alpharetta GA	61,428	93.33%
2	Pavo GA	380	61.09%	6	Suwanee GA	0	0.00%
2	Perry GA	90	0.44%	6	Nelson GA	596	52.05%
2	Centerville GA	8,228	100.00%	6	Sugar Hill GA	19,576	78.07%
2	Warner Robins GA	31,703	39.48%	6	Buford GA	695	4.05%
2	Columbus GA	175,155	84.65%	6	Marietta GA	8,207	13.46%
2	Manchester GA	92	2.57%	6	Holly Springs GA	404	2.49%
3	Chattahoochee Hills GA	2	0.07%	6	Mountain Park GA	571	97.94%
3	Douglasville GA	1,139	3.29%	7	Sandy Springs GA	1,550	1.43%
3	Palmetto GA	561	11.06%	7	Roswell GA	4,165	4.49%
3	Tyrone GA	7,658	100.00%	7	Alpharetta GA	4,390	6.67%
3	Fayetteville GA	18,554	97.87%	7	Suwanee GA	346	1.66%
3	McDonough GA	1,033	3.56%	7	Loganville GA	3,155	22.33%
3	Columbus GA	31,767	15.35%	7	Lawrenceville GA	29,016	94.73%
3	Manchester GA	3,492	97.43%	7	Dacula GA	6,882	100.00%
4	Covington GA	13,954	98.32%	8	Barwick GA	105	28.93%
4	Oxford GA	2,275	98.57%	8	Pavo GA	242	38.91%
4	Avondale Estates GA	341	9.56%	8	Perry GA	20,534	99.56%
4	Atlanta GA	42	0.01%	8	McRae-Helena GA	6,253	100.00%
5	Riverdale GA	0	0.00%	8	Centerville GA	0	0.00%
5	Forest Park GA	14,165	71.07%	8	Warner Robins GA	48,605	60.52%
5	Avondale Estates GA	3,226	90.44%	8	Allentown GA	190	97.44%
5	Sandy Springs GA	52,999	49.04%	8	Scotland GA	166	95.95%
5	South Fulton GA	3,731	3.47%	9	Royston GA	2,648	99.96%
5	College Park GA	8,958	64.31%	9	Auburn GA	225	3.00%
5	East Point GA	34,652	90.34%	9	Braselton GA	7,160	53.42%
5	Atlanta GA	497,973	99.85%	9	Maysville GA	1,033	55.33%
				9	Suwanee GA	20,440	98.34%
				9	Lawrenceville GA	1,613	5.27%
				9	Dacula GA	0	0.00%
				9	Sugar Hill GA	5,500	21.93%
				9	Buford GA	16,449	95.95%

District	City/Town	Population	% Pop	District	City/Town	Population	% Pop
10	Royston GA	1	0.04%				
10	Stockbridge GA	0	0.00%				
10	McDonough GA	28,018	96.44%				
10	Covington GA	238	1.68%				
10	Oxford GA	33	1.43%				
10	Auburn GA	7,270	97.00%				
10	Braselton GA	6,243	46.58%				
10	Maysville GA	834	44.67%				
10	Loganville GA	10,972	77.67%				
11	Nelson GA	549	47.95%				
11	Taylorsville GA	217	86.11%				
11	Marietta GA	52,765	86.54%				
11	Smyrna GA	30,193	54.24%				
11	Holly Springs GA	15,809	97.51%				
11	Mountain Park GA	12	2.06%				
12	McRae-Helena GA	0	0.00%				
12	Allentown GA	5	2.56%				
12	Scotland GA	7	4.05%				
12	Guyton GA	2,004	87.55%				
12	Springfield GA	2,685	99.33%				
13	Chattahoochee Hills GA	2,948	99.93%				
13	Douglasville GA	33,511	96.71%				
13	Palmetto GA	4,510	88.94%				
13	Tyrone GA	0	0.00%				
13	Fayetteville GA	403	2.13%				
13	Stockbridge GA	28,973	100.00%				
13	Riverdale GA	15,129	100.00%				
13	Forest Park GA	5,767	28.93%				
13	South Fulton GA	103,705	96.53%				
13	College Park GA	4,972	35.69%				
13	East Point GA	3,706	9.66%				
13	Atlanta GA	700	0.14%				
13	Austell GA	126	1.63%				
13	Smyrna GA	25,470	45.76%				
14	Austell GA	7,587	98.37%				
14	Taylorsville GA	35	13.89%				

318-24

User:

Plan Name: **Cooper_Illustrative_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Tuesday, December 12, 2023

10:48 AM

Whole CBSA : 8

CBSA Splits: 22

Zero Population CBSA Splits: 0

District	CBSA	Population	% Pop	District	CBSA	Population	% Pop
001	Savannah, GA	387,237	95.66%	010	Atlanta-Sandy Springs-Alpharetta, GA	200,275	3.29%
002	Columbus, GA-AL	203,265	75.37%				
002	Albany, GA	128,138	86.04%				
002	Warner Robins, GA	76,502	39.93%	010	Gainesville, GA	49,673	24.45%
002	Macon-Bibb County, GA	120,501	51.54%	011	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%
003	Atlanta-Sandy Springs-Alpharetta, GA	558,721	9.17%				
				012	Savannah, GA	17,561	4.34%
003	Columbus, GA-AL	66,435	24.63%	013	Atlanta-Sandy Springs-Alpharetta, GA	765,135	12.56%
004	Atlanta-Sandy Springs-Alpharetta, GA	765,136	12.56%				
				014	Atlanta-Sandy Springs-Alpharetta, GA	204,234	3.35%
005	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
006	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
007	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
008	Albany, GA	20,784	13.96%				
008	Warner Robins, GA	115,112	60.07%				
008	Macon-Bibb County, GA	113,301	48.46%				
009	Atlanta-Sandy Springs-Alpharetta, GA	535,766	8.80%				
009	Gainesville, GA	153,463	75.55%				

318-25

User:

Plan Name: **Ga_Congress_Enacted_2023_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Saturday, December 9, 2023

6:53 PM

Whole CBSA : 8

CBSA Splits: 22

Zero Population CBSA Splits: 0

District	CBSA	Population	% Pop	District	CBSA	Population	% Pop
1	Savannah, GA	387,237	95.66%	9	Gainesville, GA	138,335	68.10%
2	Columbus, GA-AL	203,265	75.37%	10	Atlanta-Sandy Springs-Alpharetta, GA	427,775	7.02%
2	Albany, GA	128,138	86.04%				
2	Warner Robins, GA	76,502	39.93%				
2	Macon-Bibb County, GA	120,501	51.54%	11	Atlanta-Sandy Springs-Alpharetta, GA	707,591	11.62%
3	Atlanta-Sandy Springs-Alpharetta, GA	601,575	9.88%	12	Savannah, GA	17,561	4.34%
3	Columbus, GA-AL	66,435	24.63%	13	Atlanta-Sandy Springs-Alpharetta, GA	765,136	12.56%
4	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%	14	Atlanta-Sandy Springs-Alpharetta, GA	304,120	4.99%
5	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
6	Atlanta-Sandy Springs-Alpharetta, GA	765,136	12.56%				
7	Atlanta-Sandy Springs-Alpharetta, GA	666,848	10.95%				
7	Gainesville, GA	64,801	31.90%				
8	Albany, GA	20,784	13.96%				
8	Warner Robins, GA	115,112	60.07%				
8	Macon-Bibb County, GA	113,301	48.46%				
9	Atlanta-Sandy Springs-Alpharetta, GA	321,360	5.28%				

318-26

User:

Plan Name: **Ga_Congress_Enacted_2021_Plan**

Plan Type: **Congress**

Communities of Interest (Condensed)

Saturday, December 9, 2023

7:38 PM

Whole CBSA : 9

CBSA Splits: 20

Zero Population CBSA Splits: 0

District	CBSA	Population	% Pop	District	CBSA	Population	% Pop
1	Savannah, GA	387,237	95.66%	10	Atlanta-Sandy Springs-Alpharetta, GA	401,118	6.59%
2	Columbus, GA-AL	203,265	75.37%				
2	Albany, GA	128,138	86.04%				
2	Warner Robins, GA	76,502	39.93%	11	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%
2	Macon-Bibb County, GA	120,501	51.54%				
3	Atlanta-Sandy Springs-Alpharetta, GA	601,575	9.88%	12	Savannah, GA	17,561	4.34%
				13	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%
3	Columbus, GA-AL	66,435	24.63%				
4	Atlanta-Sandy Springs-Alpharetta, GA	765,135	12.56%	14	Atlanta-Sandy Springs-Alpharetta, GA	246,575	4.05%
5	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
6	Atlanta-Sandy Springs-Alpharetta, GA	765,136	12.56%				
7	Atlanta-Sandy Springs-Alpharetta, GA	765,137	12.56%				
8	Albany, GA	20,784	13.96%				
8	Warner Robins, GA	115,112	60.07%				
8	Macon-Bibb County, GA	113,301	48.46%				
9	Atlanta-Sandy Springs-Alpharetta, GA	249,728	4.10%				

327

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

ALPHA PHI ALPHA FRATERNITY
INC., *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

FILE NO. 1:21-CV-05337-SCJ

ANNIE LOIS GRANT, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

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

COAKLEY PENDERGRASS, *et al.*,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendant.

CIVIL ACTION

FILE NO. 1:21-CV-05339-SCJ

**CONSOLIDATED RESPONSE TO PLAINTIFFS' OBJECTIONS
REGARDING REMEDIAL PLANS**

TABLE OF CONTENTS

INTRODUCTION	1
FACTS REGARDING REMEDIAL PLANS.....	4
I. The 2023 special legislative session.....	4
II. The Congressional remedial plan (SB 3EX).....	4
A. Drafting and adoption of plan.....	4
B. Facts regarding Congressional remedial plan.....	6
III. The Senate remedial plan (SB 1EX).....	8
A. Drafting and adoption of plan.....	8
B. Facts regarding Senate remedial plan.....	11
IV. The House remedial plan (HB 1EX).	14
A. Drafting and adoption of plan.....	14
B. Facts regarding House remedial plan.....	17
V. Implementation of the remedial plans.....	22
STANDARD ON REVIEW OF REMEDY	23
RESPONSES TO PLAINTIFFS’ OBJECTIONS.....	25
I. The General Assembly is not limited to the districts listed in the Court’s Order when creating a remedial plan (APA/Grant/Pendergrass).	25
A. Unlike racial gerrymandering cases, Section 2 claims involve regions, and the legislature drew the new districts precisely where this Court required them to be drawn.....	26
1. <i>The new majority-Black districts are not drawn “somewhere else in the State.”</i>	<i>27</i>
2. <i>The new majority-Black districts are all in the areas defined by the Court.....</i>	<i>31</i>

B. The General Assembly must take more into account than the Court or Plaintiffs’ experts when creating remedial plans... 36

1. *Plaintiffs insisted repeatedly that illustrative plans were only illustrative, but now say they are mandatory.*..... 37
2. *The General Assembly may take partisanship into account in its remedial plans.* 39
3. *The legislature is under no obligation to adopt Plaintiffs’ plans.*..... 40

C. The remedial plans solve the violations the Court found because they add the required districts in the regions identified by the Court..... 41

1. *The correct calculation is not the “net” amount of Black voters that moved because the Court did not order that as a remedy.* 43
2. *The General Assembly moved existing districts north, while Plaintiffs moved existing districts south.*..... 44
3. *Plaintiffs offer no plan that complies with the General Assembly’s policy goals on the enacted plans while also drawing any additional majority-Black districts.*..... 45
4. *APA Plaintiffs claim some districts are packed when they are within the same thresholds of districts on the 2021 plans that were not challenged.*..... 45

D. This Court should not engage in a “beauty contest” with any other plans offered by Plaintiffs. 46

1. *Comparisons to a brand-new illustrative plan are inappropriate at this stage (APA).*..... 46
2. *Comparisons to illustrative plans are inappropriate at this stage (APA/Grant/Pendergrass).*..... 47

II. The remedial plans do not eliminate existing minority opportunity districts (APA/Grant/Pendergrass)...... 48

A. The remedial plans increase the number of majority-Black districts and do not eliminate any existing majority-Black districts (APA/Grant/Pendergrass). 49

B. Crossover districts are not required by Section 2 or binding precedent (<i>Grant</i>).....	50
C. Coalition districts are not required by Section 2, binding precedent, or the facts of these cases (<i>Pendergrass</i>).....	54
1. <i>Coalition districts are not required by or protected under Section 2 of the VRA</i>	55
2. <i>Plaintiffs have presented no evidence of minority voters forming coalitions that are protected.</i>	57
D. Districts which elect Democrats are not required by Section 2 or binding precedent (<i>Amici/APA/Grant/Pendergrass</i>).	58

III. SB 3EX does not independently violate Section 2 of the VRA (*Pendergrass*). 60

A. There is no sufficiently large and geographically compact minority group that constitutes a majority in enacted Congressional District 7 (first <i>Gingles</i> precondition).	61
B. The second and third <i>Gingles</i> preconditions emphasize the political nature of Plaintiffs’ claims.....	63
C. The totality of the circumstances does not support a finding of lack of equal openness as to a combination of Black, Latino, and Asian voters in prior Congressional District 7.	64
1. <i>Senate Factor 1: This Court cannot import its findings about Black voters to Latino and Asian voters.</i>	64
2. <i>Senate Factor 2: No evidence on racially polarized voting beyond what was already presented.</i>	66
3. <i>Senate Factor 3: No evidence regarding discriminatory voting practices in the jurisdiction.</i>	67
4. <i>Senate Factor 5: Socioeconomic indicators for Latino and Asian voters are of limited utility in this context.</i>	67
5. <i>Senate Factor 6: No evidence of racial appeals in campaigns</i>	69
6. <i>Senate Factor 7: Extent of election of Latino and Asian officials is not relevant when they are not the relevant</i>	

<i>minority group</i>	70
7. <i>Senate Factor 8: This Court cannot presume unresponsiveness, as it already found</i>	70
8. <i>Senate Factor 9: This Court already determined the State’s policies were partisan and they remained so</i>	71
D. <i>Pendergrass</i> Plaintiffs have not shown a Section 2 violation from changing the character of District 7.	72
IV. This Court should not adopt Plaintiffs’ plans (APA/Grant/Pendergrass)	73
V. Time is of the essence to ensure election officials can administer the 2024 elections (APA/Grant/Pendergrass)	73
CONCLUSION	74

INTRODUCTION

Plaintiffs all agree or do not contest that Georgia has created “an additional majority-Black congressional district in west-metro Atlanta; two additional majority-Black Senate districts in south-metro Atlanta; two additional majority-Black House districts in south-metro Atlanta, one additional majority-Black House district in west-metro Atlanta, and two additional majority-Black House districts in and around Macon-Bibb.” *Compare* Order,¹ p. 509 *with* [APA Doc. 354, p. 18], [Grant Doc. 317, pp. 6–7], [Pendergrass Doc. 317, p. 6]. This critical concession should end the Court’s inquiry, and Georgia should be permitted to implement the compliant remedial plans without further delay.

The sole basis for Plaintiffs’ objections is apparently that they simply wish the General Assembly had accepted their maps instead of drawing its own, despite repeatedly insisting at trial that their maps were merely illustrative of what could be drawn. The objections to the remedial plans reinforce what Defendant has said from the beginning: that Plaintiffs’ case is about electing more Democrats. Indeed, the fact that the General Assembly

¹ For ease of reference, citations to documents in each case’s docket are referenced by the case name. The Court’s final order in all three cases is referenced as “the Order” throughout this brief. All page number citations are to the blue numbers added by the ECF system at the top of each page.

added the required majority-Black districts while not substantially increasing Democratic political performance is apparently why Plaintiffs object to the plans. But this Court has consistently said this case is about the number of *majority-Black districts*—not Democratic districts and not particular candidates. The Court expressly found that “the number of Black-preferred *candidates* who are successfully elected is not the proper consideration for proportionality,” Order, p. 478 (emphasis added), but rather the number of majority-Black *districts* was the proper consideration for determining equal openness. But now that the trial is over, Plaintiffs advance the theory that Georgia is required to protect even majority-white districts due solely to the fact that they currently elect Democratic officials, even though this is not what the Voting Rights Act or this Court required. *See, e.g.*, [Grant Doc. 317, pp. 16–17].

Ultimately, Plaintiffs advance three objections to the remedial plans: (1) this Court indirectly limited the districts the General Assembly could modify, so going outside of those boundaries was improper; (2) the individual line-drawing decisions made by the General Assembly are invalid for a variety of asserted reasons; and (3) the General Assembly eliminated “minority opportunity districts,” which was not separately defined in the Order and about which Plaintiffs and Amici offer at least three different proposed

definitions. All of the proposed definitions relate to partisan outcomes and not the Black population of those districts, which is what this Court required.

As this Court has recognized, “redistricting and reapportioning legislative bodies is a legislative task [which] the federal courts should make every effort not to preempt.” Order, p. 509 (quoting *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978)). Thus, even if this Court would have drawn districts differently, it cannot substitute its judgment for that of the General Assembly when the legislature has fully complied with this Court’s Order regarding the creation and location of new majority-Black districts.

At the end of the day, the remedial plans ensure that Black voters in Georgia are more likely to be in a majority-Black district both statewide and in the districts listed by the Court in its Order than they were previously. And the remedial plans draw extensively on Plaintiffs’ illustrative plans in the creation of the new majority-Black districts, in some cases including more than 80% of the exact geography proposed by Plaintiffs. This Court cannot reject the remedial plan simply because it does not accommodate Plaintiffs’ political goals. The Court should overrule Plaintiffs’ objections and allow the State of Georgia to utilize its chosen district lines in the 2024 election cycle.

FACTS REGARDING REMEDIAL PLANS

I. The 2023 special legislative session.

On the same day the Court issued the Order enjoining the State from using the entirety of the 2021 redistricting plans for Congress, state Senate, and state House, Governor Brian Kemp issued a call for the legislature to assemble in special session to consider updated district boundaries. That special session began on November 29, 2023, and adjourned *sine die* on December 7, 2023. Governor Kemp signed the updated district plans for Congress (SB 3EX), state Senate (SB 1EX), and state House (HB 1EX) into law on December 8, 2023, meeting the deadline set by this Court for the adoption of remedial plans.

II. The Congressional remedial plan (SB 3EX).

A. Drafting and adoption of plan.

On December 1, 2023, Senate Reapportionment and Redistricting Chair Sen. Shelly Echols released a draft Congressional plan. Dec. of Gina Wright, (attached as Ex. A), ¶ 13. At a hearing on December 4 that also took public comment on the draft, Sen. Echols explained the process she used to create the plan. Tr. (Dec. 4, 2023) Senate Reapportionment and Redistricting Comm. Hearing (attached as Ex. F) at 5:13–22. Working with Ms. Wright, Sen. Echols' first step was to locate District 6 as a new majority-Black district in western metro Atlanta, as required by the Court's Order. *Id.* at 6:1–7:3, 8:12–9:5. That

change led to the reconfiguration of nine districts using traditional redistricting principles, including ensuring the partisan balance of the plan did not change. *Id.* at 7:4–8:11.

The changes to District 6 pushed adjoining districts to the east, with District 13 moving substantially east and Districts 4 and 5 less so. *Id.* at 9:6–11:12. In the process, those districts moved into the area formerly occupied by District 7. *Id.* The General Assembly was careful to ensure that it added a new majority-Black district, as this Court required, and in the location this Court instructed. *Id.* at 11:13–23.

Looking at north Georgia, District 14 shifted north in Cobb County and District 11 took more of Cobb County along with Gordon County, while maintaining the same boundary line in Cherokee County as previously. *Id.* at 11:24–12:14. District 7 then moved north to accommodate the shift of population from the west side of metro Atlanta, up to a split of Hall County that recognizes a community of interest around Lake Lanier on the Forsyth-Hall border. *Id.* at 12:15–13:7. Districts 9 and 10 retained their prior character, while making modest adjustments for Congressman Clyde’s home county and maintaining county boundaries to assist election officials. *Id.* at 13:8–14:7. During the entire drawing process, the General Assembly was constantly balancing a number of considerations and was sensitive to ensure it did not eliminate any existing minority opportunity districts. *Id.* at 14:8–16:14.

The Senate Committee approved the Congressional plan to send it to the Senate floor on December 4, 2023, and it passed in a party-line vote on December 5, 2023. *See* Status History of SB 3EX, <https://www.legis.ga.gov/legislation/65853>. The House took up the bill the same day, ultimately passing it on the floor on December 7, 2023. *Id.*

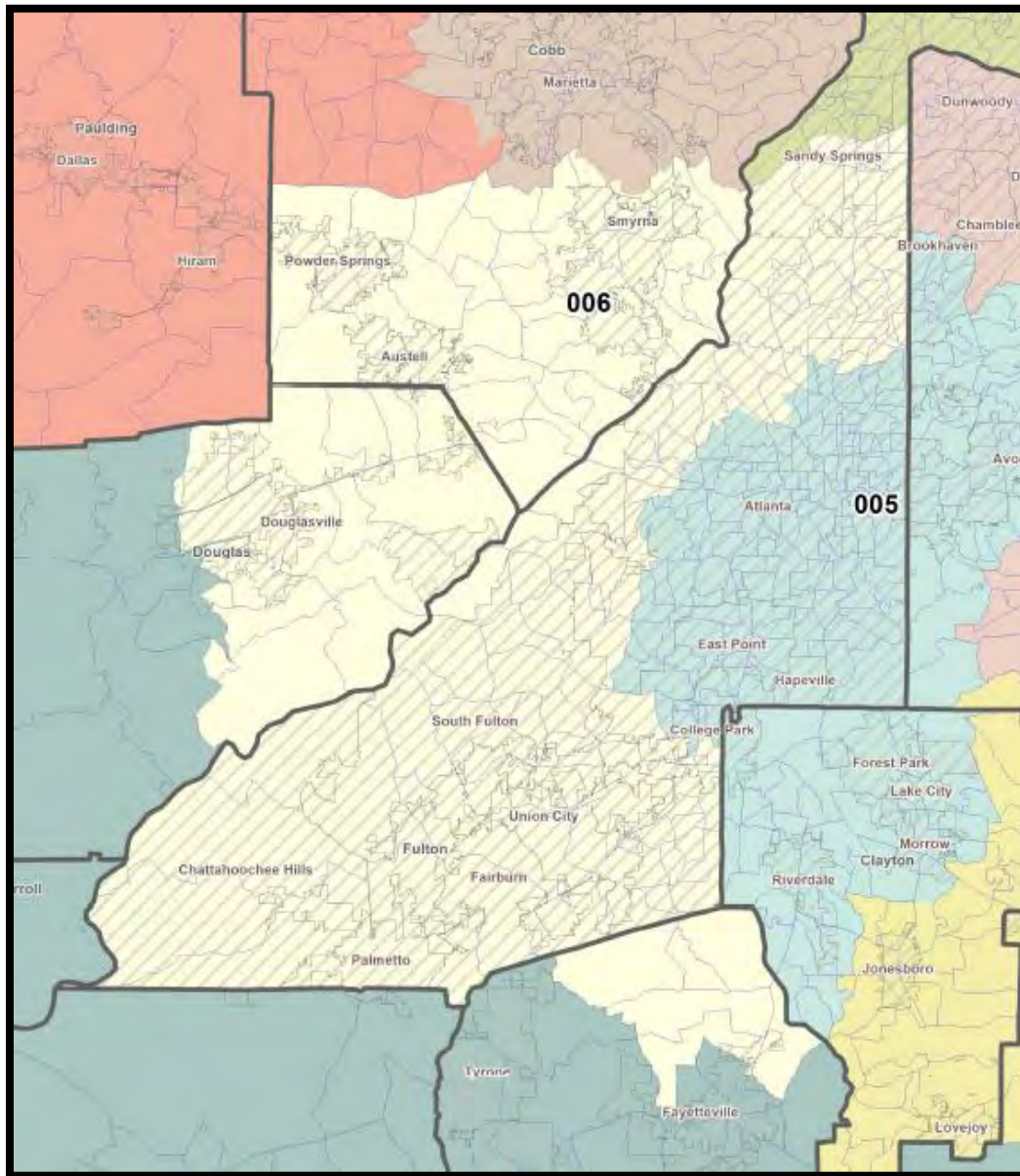
B. Facts regarding Congressional remedial plan.

The Congressional remedial plan increases the number of majority-Black districts by one when using total AP Black population and by two when using AP Black voting age population. Report of Dr. Michael Barber,² attached as Ex. B (Barber Report), § 2.2. The new majority-Black district is District 6, which moves from 9.91% AP Black VAP to 51.75% AP Black VAP. Barber Report, § 2.2, Table 1.

District 6 contains more than 70% of the population that was included in the Cooper Illustrative Congressional District 6, including more than 80% of the Black voting age population that was included in that district. Barber Report, § 2.4. The district is located in western metro Atlanta and includes portions of Cobb, Douglas, and Fulton Counties. Wright Dec. ¶ 17. The General

² To assist the Court in evaluating the remedial plans, Defendant retained a new political-science expert, Dr. Michael Barber, to provide additional information related to the remedial plans and their performance. Dr. Barber's CV is included with his report.

Assembly relied on several of the communities of interest this Court relied on when evaluating the area, including highways and healthcare systems. Ex. F at 8:18–23. District 6 includes the entire cities of Fairburn, Union City, and South Fulton up through the entirety of Powder Springs, Austell, and Smyrna. *Id.* at 8:24–9:5; Wright Dec. ¶ 17.



The Congressional remedial plan increases the number of Black individuals of voting age who live in majority-Black districts on a statewide basis. Barber Report, § 2.3. On the 2021 Congressional plan, 27% of Black individuals of voting age in Georgia lived in a majority-Black district. *Id.* On the Congressional remedial plan, 46.4% of Black individuals of voting age in Georgia now live in a majority-Black district. *Id.* Further, the 2023 remedial plan includes nine majority-white Congressional districts, as this Court indicated it would expect on a remedial plan. Order, p. 265 n.72.

Using total AP Black Population, there is no question that the State moved from four majority-Black Congressional districts (2, 4, 5, 13) to five majority-Black Congressional districts on the Congressional remedial plan (2, 4, 5, 6, 13). Wright Dec. ¶ 18. This means that Black voters are now a majority in either 35.7% (using total population) or 28.6% (using voting-age population) of all Congressional districts in a state with a Black voting-age population of 31.73%. *See* Order, p. 265.

III. The Senate remedial plan (SB 1EX).

A. Drafting and adoption of plan.

When the Senate Reapportionment and Redistricting Committee convened on the first day of the special session, Sen. Echols explained the process of drawing the Senate plan, which involved heavy reliance on Gina Wright. Tr. (Nov. 29, 2023) Senate Reapportionment and Redistricting Comm.

Hearing (attached as Ex. C) at 2:25–4:8. Sen. Echols then outlined the process for creating the two majority-Black districts in south metro Atlanta, including meetings with Senators so she could understand the communities of interest that were involved. *Id.* at 6:1–6. Vice-Chair Sen. Bo Hatchett explained the various considerations that went into the drawing process, beginning with compliance with this Court’s Order. *Id.* at 7:10–8:16.

Sen. Echols then explained the changes that were made to the 15 Senate districts that were modified to add Districts 17 and 28 as the new majority-Black districts required by this Court. *Id.* at 8:17–9:21. Sen. Echols also explained the process of taking into account traditional redistricting principles and other considerations that went into the design of the plan. *Id.* at 9:22–23:24. In that explanation, she detailed the various communities and other factors considered for each of the 15 districts that were modified. *Id.* District 42, which was previously in DeKalb County, moved to the southeast and took much of the territory that had been in the previous District 17, including areas that shared strong connections and are rural in character. *Id.* at 16:18–17:9. District 43 and 55 both moved north, while maintaining the community connections that existed previously. *Id.* at 17:10–18:5. Districts 10 and 41 shifted to make room for the districts moving north out of Henry County after the creation of District 17. *Id.* at 18:6–19. District 44 also shifted north to create

room for new District 17, and ensures that the boundaries of the City of Decatur are followed. *Id.* at 19:5–18.

On the other side of metro Atlanta, the Senate plan does not make changes to Districts 16, 34, and 36 because it was able to move other districts. *Id.* at 19:19–20:8. District 39 kept most of its current configuration. *Id.* District 38 shifted north and east to accommodate the addition of District 28 in the south, and now is wholly within Fulton County instead of including portions of Cobb. *Id.* at 20:9–18. Districts 33 and 35 likewise shift north to make room for District 28 in south Metro Atlanta, while still maintaining a strong number of connections and communities and keeping Powder Springs whole in District 33. *Id.* at 20:19–21:15. After the creation of all of these districts, there was significant population left in the areas around Coweta and Heard counties, which became the new District 6. *Id.* at 21:16–19. The configuration of that district avoided a split of Coweta County while also moving north into Carroll County, recognizing a number of communities in that area. *Id.* at 21:19–22:7. Small adjustments were made to District 30 to round out the population, while recognizing the communities in that area. *Id.* at 22:8–22.

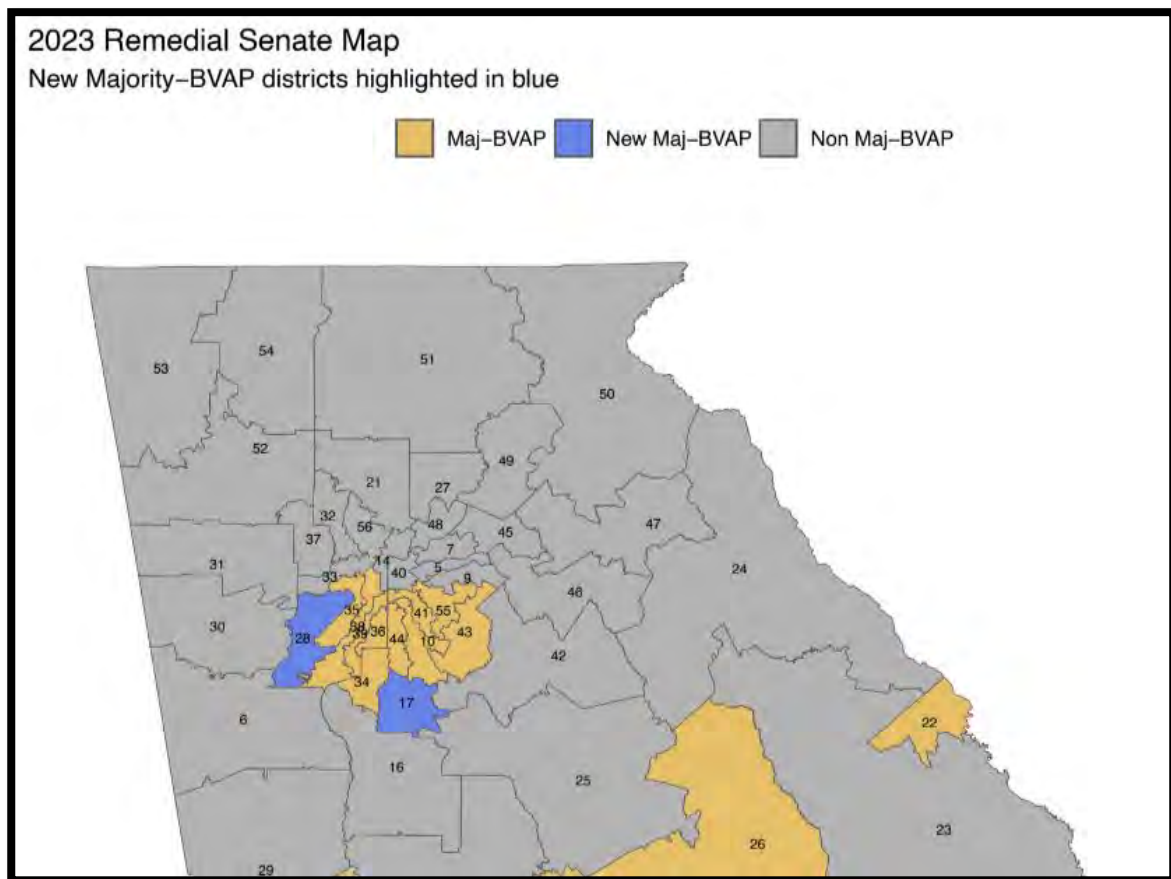
The resulting Senate plan does not pair any incumbents of either political party. *Id.* at 10:24–11:9.

The Senate remedial plan was approved by the Senate committee on November 30, 2023 before receiving approval of the Senate on December 1,

2023 and the House on December 5, 2023. *See* Status History of SB 1EX, <https://www.legis.ga.gov/legislation/65851>.

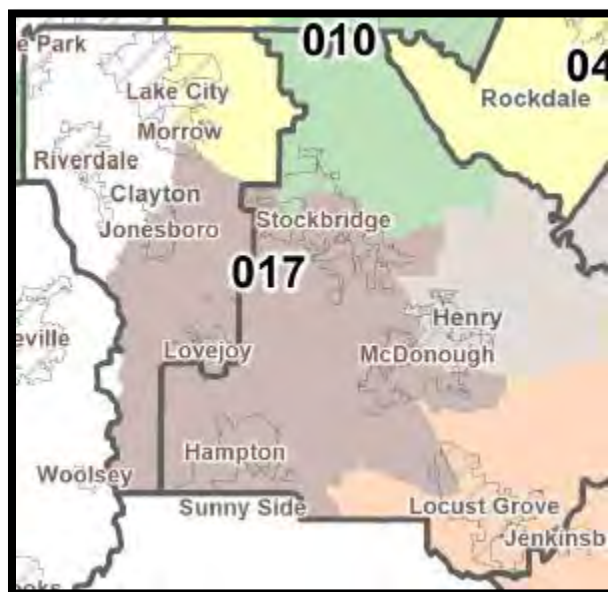
B. Facts regarding Senate remedial plan.

The Senate remedial plan increases the total number of majority-Black districts by two and decreases the total number of majority-white districts by two. Barber Report, § 3.2. The new majority-Black districts are (1) District 17, which moves from 32.01% AP Black VAP to 63.61% AP Black VAP and (2) District 28, which moves from 19.51% AP Black VAP to 56.42% AP Black VAP. *Id.* The plan increases the number of split counties by one. Wright Dec. ¶ 23.



Barber Report, p. 15.

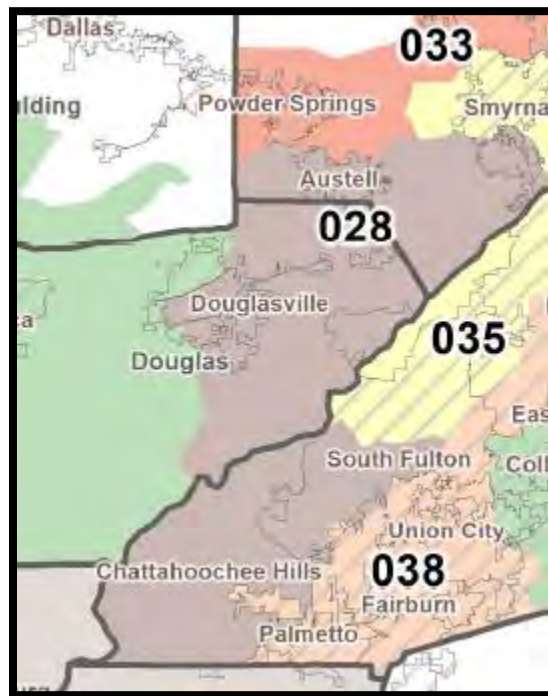
District 17 contains nearly 80% of the total population that was included in the Esselstyn Illustrative Senate District 25 and more than 40% of the total population that was included in Cooper Illustrative Senate District 16. Barber Report, § 3.5. This district includes portions of Henry and Clayton Counties, which are both in south Metro Atlanta.³ Wright Dec. Ex. 2. District 17 was designed to include most of Stockbridge and McDonough along with the panhandle of Clayton County. Ex. C at 11:22–12:4.



District 28 includes more than half of the population from Cooper Illustrative Senate District 20 and more than half of the population from Esselstyn Illustrative Senate District 35. Barber Report, § 3.2. Sen. Echols

³ The following maps are drawn from the Wright Dec. Ex. 2 and show only changed districts in color.

recognized that the different Plaintiff experts in the *APA* and *Grant* cases had placed District 28 in two different south-Atlanta locations. Ex. C at 12:10–18. Sen. Echols chose to anchor the district in South Fulton while minimizing changes to some adjoining districts, with the resulting configuration ensuring that Black voters in Fulton, Fayette, and Clayton Counties are all placed in majority-Black districts. *Id.* at 12:19–13:1. The configuration of District 28 in south metro Atlanta also connected suburbs that are experiencing growth and assisted election officials by not making changes in some areas. *Id.* at 13:2–13. Wright Dec. ¶ 20.



The Senate remedial plan increases the number of Black individuals of voting age who live in majority-Black districts. On the 2021 Senate plan, 49.7% of Black individuals of voting age in Georgia lived in a majority-Black district.

Barber Report, § 3.3. On the Senate remedial plan, 53.5%% of Black individuals of voting age in Georgia now live in a majority-Black district. *Id.* In looking at just the districts the Court identified as setting the area of Section 2 violations, the percentage of Black individuals of voting age living in a majority-Black district also increases on the Senate remedial plan. Barber Report, § 3.3.

IV. The House remedial plan (HB 1EX).

A. Drafting and adoption of plan.

When the House Reapportionment and Redistricting Committee convened on the first day of the special session, Chairman Rep. Rob Leverett explained the map he had created to the committee, beginning with the Order of this Court. Tr. (Nov. 29, 2023) House of Representatives Reapportionment and Redistricting Comm. Hearing (attached as Ex. D) at 18:22–19:17. After explaining the design of each of the five new majority-Black districts, *id.* at 19:18–22:18, Rep. Leverett then explained the other changes that resulted from adding those new districts, noting the “ripple effects” occurring in other areas due to the creation of the majority-Black districts. *Id.* at 22:19–23:9. Rep. Leverett created the plan with Ms. Wright and explained the other traditional redistricting principles he followed in creating the plan, including input from other House members of both political parties. *Id.* at 23:14–26:12. The resulting plan changed 56 districts and paired four sets of incumbents, three

sets of Democrats paired with other Democrats and one set of a Republican paired with a Republican, along with drawing a Republican into a majority-Democratic district. *Id.* at 24:12–25.

Rep. Leverett then explained all of the various changes and interests that went into the districts, beginning in Douglas County, going into Macon, then up through south Metro Atlanta, with Ms. Wright also weighing in about the process. *Id.* at 26:13–34:18. The ripple effect from the creation of District 64 pushed other districts north into Fulton and Cobb Counties, leading to the collapse of District 40, which was a majority-white district in Cobb County. *Id.* at 26:20–27:10. That led to the movement of District 40 to the western side of the metro Area. *Id.* at 27:11–25.

Similarly, changes in Macon also pushed other districts north, with some movement in Houston County. *Id.* at 28:1–22. The plan eliminates a county split in Jasper County, which was previously split. *Id.* at 29:1–5. District 135 shifts to pair two Republican incumbents, and other districts shift on the eastern side to make room for some of the Henry County changes. *Id.* at 29:6–19.

In the metro area, District 82 moves from DeKalb down to south metro and the other Henry and Clayton area districts shift north, and makes changes at the request of Democratic Rep. Demetrius Douglas. *Id.* at 29:20–30:7. Configuring Henry County and south DeKalb in the way the House did allows

the plan to avoid making further changes to Clayton County to ease the burdens on election officials in implementing the plan. *Id.* at 30:8–12.

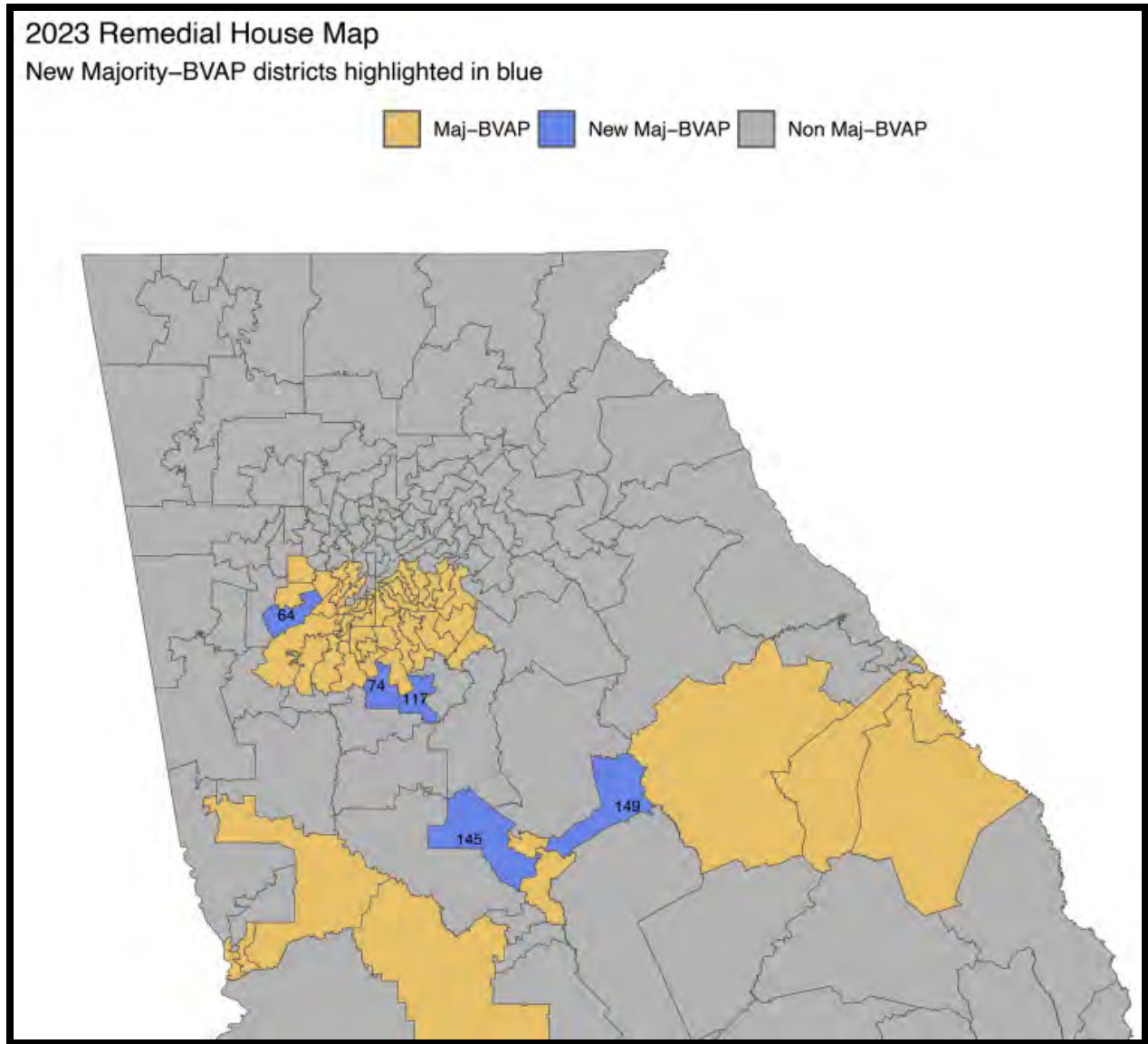
The ripple effects continue through Morgan and Newton, reaching back into DeKalb and up into Gwinnett County. *Id.* at 30:19–31:12. Consistent with the prior configuration of DeKalb County districts, the new configuration of districts stripes from north to south, ensuring that almost all incumbents in that area have a district in which to run. *Id.* at 31:7–32:4. When getting into Gwinnett County, as Rep. Leverett explained, the “wave is starting to dissipate,” with several changes to that area. *Id.* at 32:5–13.

After fully explaining the changes and answering committee questions, *id.* at 33:11–40:3, Rep. Leverett then held time for public comment on the proposed plan. *Id.* at 40:4–16. The only other House redistricting plan presented to the House committee, by Democratic Leader Rep. James Beverly, only created four additional majority-Black districts instead of the five this Court required. *See* Tr. (Nov. 30, 2023) House Reapportionment and Redistricting Comm. Hearing (attached as Ex. E) at 26:18–29:19.

The House plan was approved by the committee on November 30, 2023, before going on to be approved by the House on December 1, 2023, and the Senate on December 5, 2023. *See* Status History of HB 1EX, <https://www.legis.ga.gov/legislation/65850>.

B. Facts regarding House remedial plan.

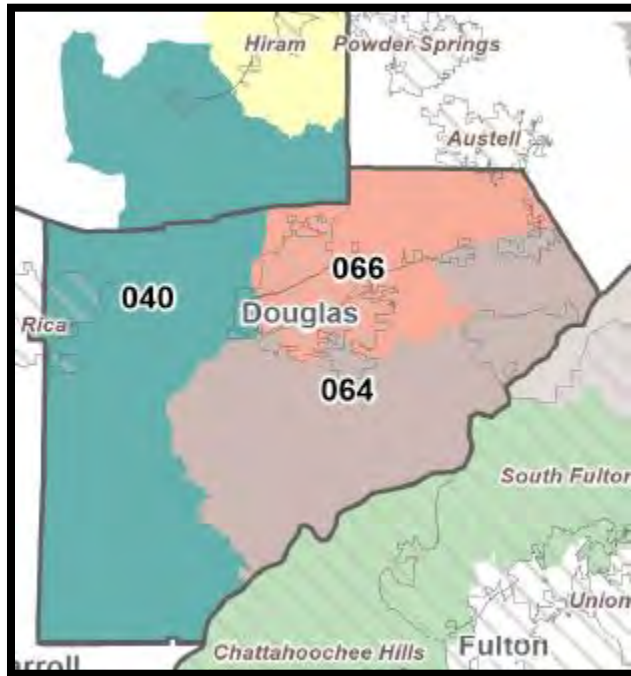
The remedial state House plan increases the number of majority-Black districts by five and decreases the number of majority-white districts by five. Barber Report, § 4.2. The new majority-Black districts are (1) District 64 (west Metro Atlanta), which goes from non-majority Black to 52.43% AP Black VAP; (2) District 74 (south Metro Atlanta), which goes from non-majority Black to 66.0% AP Black VAP; (3) District 117 (south Metro Atlanta), which goes from non-majority Black to 62.93% AP Black VAP; (4) District 145 (metro Macon), which goes from non-majority Black to 50.30% AP Black VAP; and (5) District 149 (metro Macon) which goes from non-majority Black to 50.03% AP Black VAP. Barber Report, § 4.2, Table 9. The House remedial plan decreases the overall number of split counties in the state by one. Wright Dec. ¶ 30.



Barber Report, p. 26.

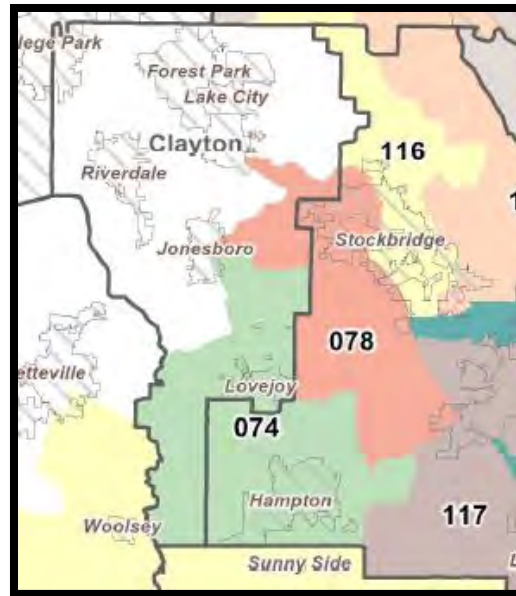
District 64 contains more than half of the total population that was included in the Esselstyn Illustrative House District 61. Barber Report, §4.4. This district configuration enabled the reduction of one district in Douglas

County, splitting the county into three districts rather than four, so that District 64 is located entirely in Douglas County.⁴ Wright Dec. ¶ 26.

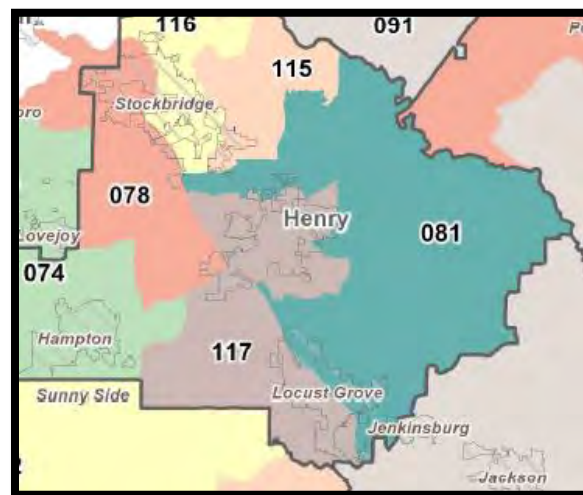


District 74 contains 80.8% of the population that was included in Cooper Illustrative House District 74. Barber Report, § 4.5, Table 12. Rep. Leverett consulted the Plaintiffs' expert district for that configuration. Ex. D at 20:10–17. This district is located in Clayton and Henry Counties, which are in south Metro Atlanta. Wright Dec. ¶ 24.

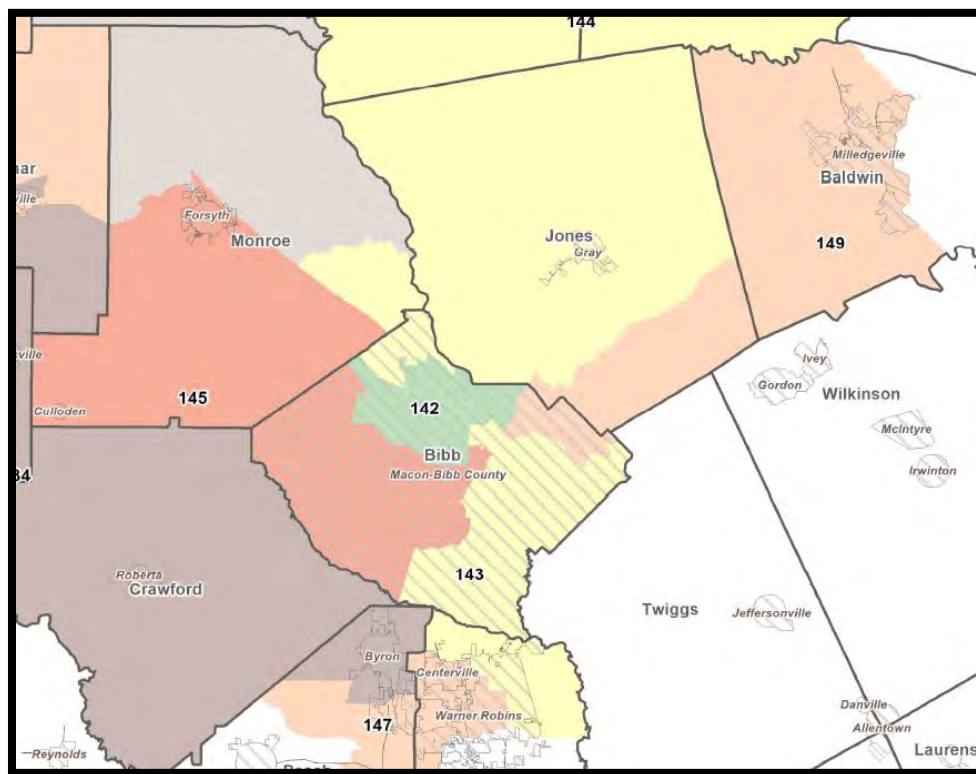
⁴ The following maps are drawn from the Wright Dec. Ex. 3 and show only changed districts in color.



District 117 includes nearly 70% of the population included in Esselstyn Illustrative House District 117. Barber Report, § 4.5, Table 12. This was part of the goal of Rep. Leverett, and the district includes almost all of McDonough and portions of Locust Grove, using I-75 as a boundary line. Ex. D at 20:22–21:8. This district is located wholly in Henry County, which is in south Metro Atlanta. Wright Dec. ¶ 27.



Districts 145 and 149 include significant portions of the population included in the Esselstyn versions of the Macon area. Barber Report, § 4.6, Table 13. Rep. Leverett included the county seat of Forsyth County in District 145 and mostly utilized updated precincts in Macon, while protecting incumbents. Ex. D at 21:9–22. District 149 had what Rep. Leverett called a better configuration than Mr. Esselstyn’s version, using a highway in Jones County instead of Twiggs and Wilkinson Counties to connect Macon and Milledgeville, and avoiding changing the existing split of Baldwin County. *Id.* at 21:23–22:13. The addition of those districts means that there are now four majority-Black districts that are anchored in the Macon area, Districts 142, 143, 145, and 149. Barber Report, § 4.2, Table 9.



The House remedial plan increases the number of Black individuals of voting age who live in majority-Black districts. On the 2021 House plan, 53.5% of Black individuals of voting age in Georgia lived in a majority-Black district. Barber Report, § 4.3. On the House remedial plan, 56.6%% of Black individuals of voting age in Georgia now live in a majority-Black district. *Id.* In looking at just the districts the Court identified as setting the area of Section 2 violations, the percentage of Black individuals of voting age living in a majority-Black district goes from 53.7% to 74.3% on the House remedial plan. *Id.*

V. Implementation of the remedial plans.

In their committee presentations, the chairs of redistricting committees in both chambers emphasized the importance of ease of implementation of the new remedial plans. Ex. C at 14:18–23; Ex. D at 24:1–4, 25:20–24. Ms. Wright’s office prepares the maps for county election officials to utilize in reassigning voters after each change in district boundaries. Wright Dec. ¶¶ 31–32. Across all three plans, the total number of counties that are required to make changes to district boundaries as a result of the remedial plans is 20 out of 159 or only about 12.6% of the counties in Georgia. Wright Dec. ¶ 33. Minimizing the number of counties that have to make changes is a benefit to the county election officials who have to implement the new plans. Wright Dec. ¶ 34.

Further, when creating the remedial plans, Ms. Wright utilized updated precincts where those were available from counties. Wright Dec. ¶¶ 36–40.

Because counties change precinct boundaries frequently, the number of split Census VTDs does not indicate whether the plan can be easily administered or not, but Ms. Wright relied on updated precinct boundaries, not Census VTDs, when creating districts for the remedial plans. *Id.*

STANDARD ON REVIEW OF REMEDY

“[A] district court’s remedial proceedings bear directly on and are inextricably bound up in its liability findings.” *Wright v. Sumter Cty. Bd. of Elections & Registration*, 979 F.3d 1282, 1302-03 (11th Cir. 2020). And “any proposal to remedy a Section 2 violation must itself conform with Section 2.” *United States v. Dallas Cty. Comm’n*, 850 F.2d 1433, 1437-38 (11th Cir. 1988) (quoting *Dillard v. Crenshaw Cty.*, 831 F.2d 246, 249 (11th Cir. 1987)). Thus, the inquiry for this Court in this case is whether the proposed remedial plan “*completely* remedies the prior dilution of [Black] voting strength and *fully* provides equal opportunity for [Black] citizens to participate and to elect candidates of their choice.” *Dallas Cty. Comm’n*, 850 F.2d at 1442 (emphasis in original).

As this Court explained, that means the Court must evaluate the remedial plans to determine if they include “an additional majority-Black congressional district in west-metro Atlanta; two additional majority-Black Senate districts in south-metro Atlanta; two additional majority-Black House districts in south-metro Atlanta, one additional majority-Black House district

in west-metro Atlanta, and two additional majority-Black House districts in and around Macon-Bibb” without eliminating any existing minority opportunity districts. Order, pp. 509–11. If the plans do this—and otherwise comply with Section 2 and applicable law—then that is the end of the inquiry.

This Court already explained that it would utilize the *Gingles* standard to determine whether the remedial plans “provide[] Black voters with an additional opportunity district.” Order, p. 511. Each district plan passed by the General Assembly provides exactly the districts this Court required to provide additional opportunities for Black voters.⁵ And “States retain broad discretion in drawing districts to comply with the mandate of § 2.” *Shaw v. Hunt*, 517

⁵ In case there is any question, the relevant minority group in this case is Black voters. Order, p. 9 (“the Court determines that in certain areas of the State, the political process is not equally open to Black voters.”); *see also id.* at 96, 107 (APA Cooper legislative plans involved majority-Black districts); 115 (*Grant* Esselstyn only considered Black population); 142 (Palmer only evaluated Black and white voter cohesion, not other minority groups); 149 (Handley only evaluated Black and white voter cohesion, not other minority groups); 201 (*Pendergrass* reference to minority community was to Black voters); 209, 211 (question in *Pendergrass* case was equal openness of process as to “affected Black voters”); 242 (electoral structure was found to affect Black voters); 272-273 (findings as to Black voters); 274 (question in APA and *Grant* cases was equal openness of process to Black voters); 405-406 (findings regarding Black community in context of Section 2 violation); 426-427 (question in APA and *Grant* cases was equal openness of process as to “affected Black voters”); 510 (injury was to “Plaintiffs and other Black voters in Georgia”); 511 (remedy will be assessed to determine “whether it provides Black voters with an additional opportunity district”).

U.S. 899, 917 n.9 (1996) (citing *Voinovich v. Quilter*, 507 U.S. 146, 156–157 (1993); *Grove v. Emison*, 507 U.S. 25, 32–37 (1993)).

RESPONSES TO PLAINTIFFS’ OBJECTIONS

While each Plaintiff group filed its own objections, this Court directed Defendant to file a single response brief of up to 75 pages. [APA Doc. 348, p. 2]; [Grant Doc. 309, p. 2]; [Pendergrass Doc. 309, p. 2]. Because many of the objections overlap, this brief considers all the various objections raised by the Plaintiff groups.

I. The General Assembly is not limited to the districts listed in the Court’s Order when creating a remedial plan (APA/Grant/Pendergrass).

Plaintiffs selected the districts the Court identified as part of the regions in which it found Section 2 violations. *See* Order, pp. 512–13, nn.138, 139. Plaintiffs now take the novel view that this Court imposed limits on what the General Assembly could redraw when it delineated the relevant area the Plaintiffs now designate as the “vote dilution area.” Plaintiffs do not cite any authority for the proposition that legislative remedies are limited to a “vote dilution area,” and Defendant was unable to find any case that uses that term in this context. And it makes sense that such a limitation cannot exist, because of the federalism concerns this Court earlier identified limiting the Court’s authority to interfere in legislative decision-making.

This Court enjoined the entirety of the plans at issue and directed the General Assembly to adopt “a substitute measure” that complies with the Court’s Order. Order, p. 509 (quoting *Wise*, 437 U.S. at 540). As discussed below, this Court did not affirmatively limit the General Assembly’s process for creating remedial plans and could not do so.

A. Unlike racial gerrymandering cases, Section 2 claims involve regions, and the legislature drew the new districts precisely where this Court required them to be drawn.

To have a claim under Section 2 regarding districts, plaintiffs must only live in a *region* that could support an additional majority-minority voting district because the harm is vote dilution, not necessarily the boundaries of individual districts. *Thompson v. Kemp*, 309 F. Supp. 3d 1360, 1365 (N.D. Ga. 2018) (three-judge court). That is different from a racial gerrymandering claim, where the individuals have to live in the challenged *districts*—because they are challenging the configuration of those specific district boundaries. *United States v. Hays*, 515 U.S. 737, 745 (1995); accord *Dillard v. Baldwin Cty. Comm’rs*, 225 F.3d 1271, 1279 (11th Cir. 2000).

That is why this Court’s Order did not find the particular district *boundaries* it listed violated Section 2. The Order explained that a lack of equal openness existed in certain *areas* of the state and proceeded to describe those areas through the identification of districts contained in Plaintiffs’ complaints. Order, pp. 512–13. It is Plaintiffs who artfully reinterpret the Court’s Order as

requiring something different. The Court did not mandate the General Assembly redraw every district in those defined areas. The Court did not limit the General Assembly to only redrawing districts in those areas. It gave specific instructions on what the General Assembly needed to do to remedy the vote dilution the Court found in those areas—draw the additional majority-Black districts in the defined *regions*, not redraw every *district* in the list of districts. Order, p. 509.

1. The new majority-Black districts are not drawn “somewhere else in the State.”

Even if the State was not limited to the specific districts, Plaintiffs still complain that new majority-Black districts are located “somewhere else in the State.” *See, e.g.*, [APA Doc. 354, p.12] (quoting *Shaw*, 517 U.S. at 917). But this charge makes no sense when viewed in light of the facts of *Shaw* and the districts actually drawn by the General Assembly.

Plaintiffs are correct that a Section 2 violation cannot be remedied by creating a new majority-Black district “somewhere else in the state,” *Shaw*, 517 U.S. at 917, but that fact leaves open the question of what exactly constitutes “somewhere else in the state.” Without pointing to any authority in support, Plaintiffs urge this Court to adopt a standard that states must draw remedial districts *precisely and only* in the districts specified by the Court in the liability phase of the proceedings, and that they must not venture *anywhere*

outside those areas. [APA Doc. 354, p. 12]; [Grant Doc. 317, pp. 9–15]; [Pendergrass Doc. 317, pp. 8–10]. But there is no support for such a narrow interpretation of the State’s remedial authority under Section 2 in either this Court’s Order or in precedent.

First, this Court identified the *injury* and the *remedy* in two distinct parts of the Order. The Court found the area of injury to encompass a list of districts that defined an area. Order, p. 514. But immediately preceding that list, the Court articulated what the State must do to remedy the injury found in these areas: for each map, draw a remedial plan that created new districts in particular regional locations.⁶ *Id.* at 509. Separating the identified area of injury from the broader region in which to locate the remedial districts makes sense given the federalism concerns in voting rights cases, as this Court recognized: “The Court is conscious of the powerful concerns for comity involved in interfering with the State’s legislative responsibilities. As the Supreme Court has repeatedly recognized, ‘redistricting and reapportioning

⁶ Members of the General Assembly expressed gratitude for the specificity of what the General Assembly needed to do to comply with the Court’s order. *See* Ex. D, 19:5–12 (Rep. Leverett); Tr. (Dec. 1, 2023) House Floor Debate (attached as Ex. H) at 4:4–5:2; Tr. (Dec. 1, 2023) Senate Floor Debate (attached as Ex. G) 21:21–22:21 (Sen. Watson), 145:4–148:15 (Sen. Kennedy); Tr. (Dec. 7, 2023) House Floor Debate (attached as Ex. I) at 71:11–72:4 (Rep. Leverett).

legislative bodies is a legislative task [which] the federal courts should make every effort not to preempt.” Order, p. 509 (quoting *Wise*, 437 U.S. at 539).

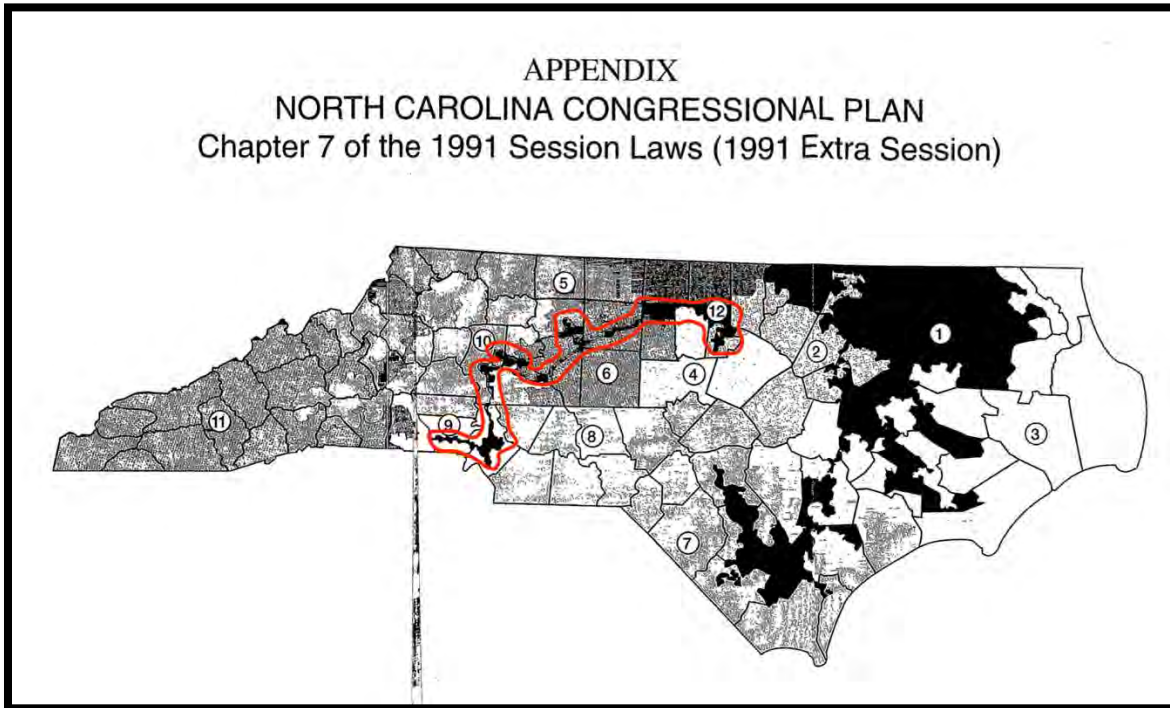
To that end, when vote dilution is found, that “does not mean that a § 2 plaintiff has the right to be placed in a majority-[Black] district once a violation of the statute is shown. *States retain broad discretion in drawing districts to comply with the mandate of § 2.*” *Shaw*, 517 U.S. at 917 n.9 (emphasis added).⁷

Thus, while the Court found an injury in specific “districts/areas” of the state, it couched the location of the remedial districts in broader terms. The Court properly declined to go so far as to limit the State to crafting a remedial district *wholly within* particular regions. Rather, the Court stated that the districts must be more broadly *in* particular regions, for example, the South Metro Atlanta area. That is exactly what the General Assembly did in the remedial plans, and nothing in the cases relied on by Plaintiffs suggests this Court should find otherwise.

In *Shaw*, which Plaintiffs quote extensively, the Department of Justice declined to preclear a redistricting map under Section 5 because it failed to give effect to minority voting strength in the south-central to southeastern portions of North Carolina, in violation of the VRA. North Carolina responded,

⁷ This binding precedent from the Supreme Court ends APA Plaintiffs’ complaints about Mr. Woods being left out of a majority-Black district on the remedial plans. [APA Doc. 354, p. 17].

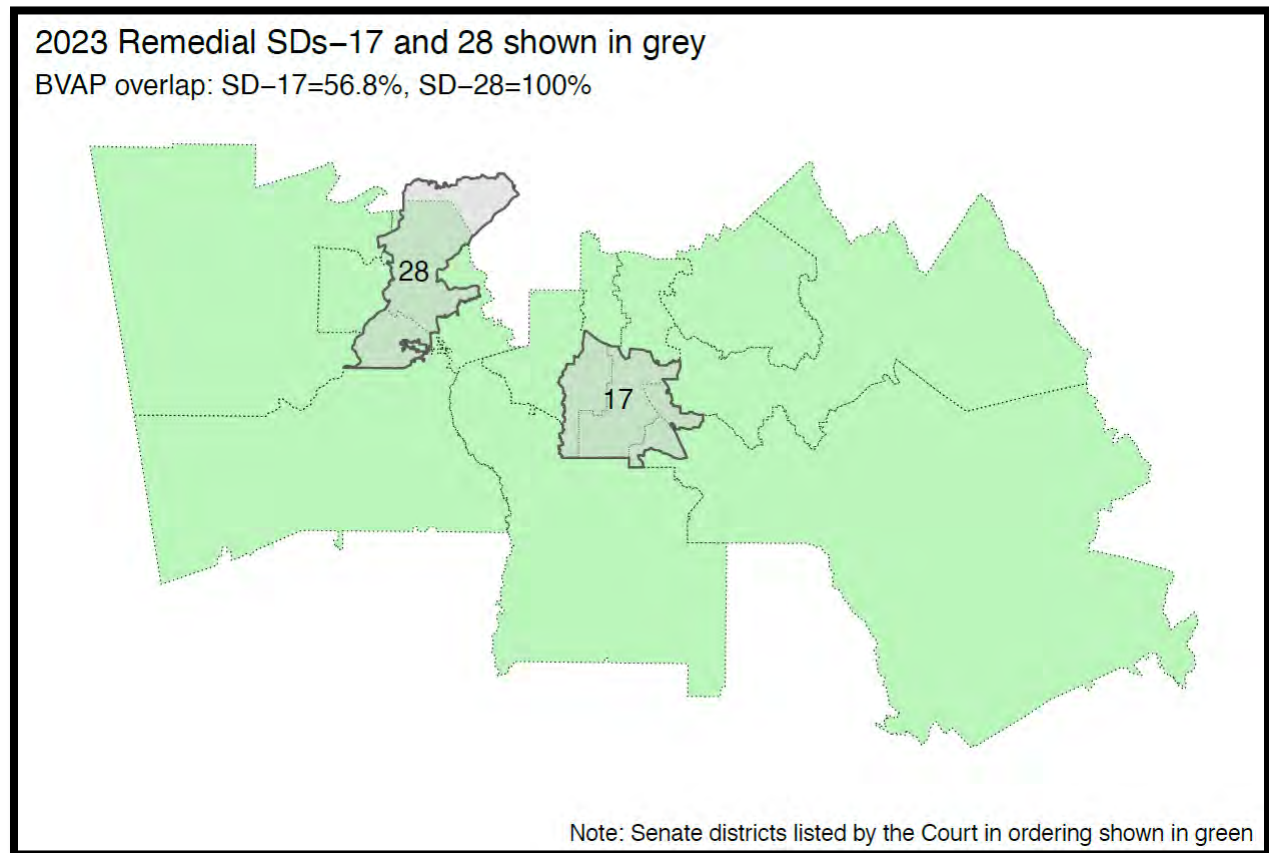
in part, by drawing a new majority-Black District 12, which “spans the Piedmont Crescent” of the state. 517 U.S. at 917. More specifically, the district was anchored in the *north* central part of the state and emanated outward to the *west* and finally settled in the southwestern portion of the state:



In other words, the district at issue in that case *never* even touched the area identified as having the voting-rights violation. In fact, it quite studiously avoided it. For this reason, the *Shaw* court found the “black voters of the south-central to southeastern region would still be suffering precisely the same injury that they suffered before District 12 was drawn.” *Id.* The remedial plans before the Court here could scarcely be more distinguishable.

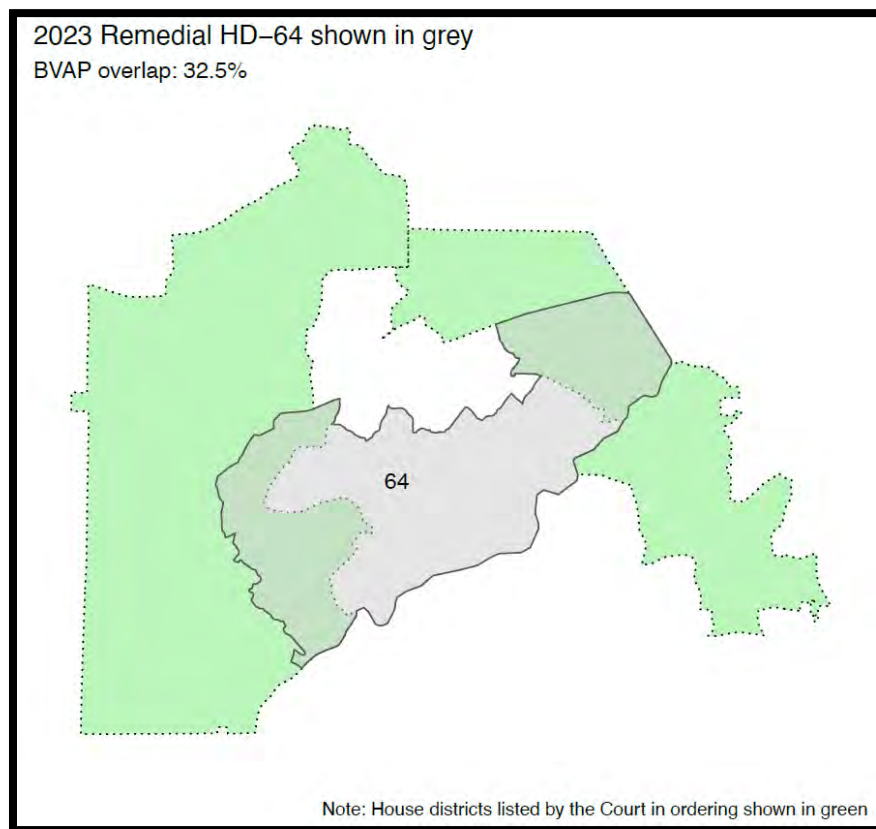
2. *The new majority-Black districts are all in the areas defined by the Court.*

Even if Plaintiffs are correct and the legislature was limited to the enumerated districts for drawing new majority-Black districts, the evidence before the Court demonstrates that the new districts are drawn primarily within the areas and districts identified by the Court. Barber Report, §§ 3.4, 4.4–4.6. Unlike the situation in *Shaw*, each district includes significant areas from the districts identified by the Court in its ordering paragraphs. That is true of the Senate plan:



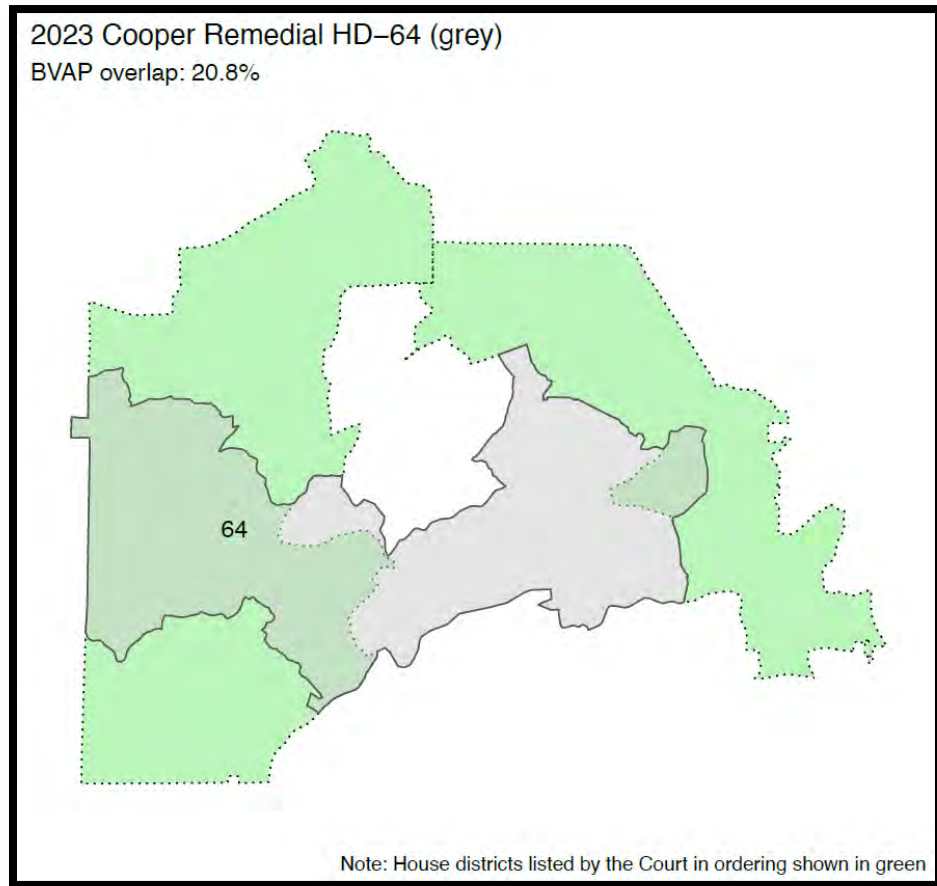
Barber Report, p. 19.

That is also true of the various House districts—and visual inspection demonstrates that the lack of overlap is primarily the result of Plaintiffs not including existing majority-Black districts in their list of districts in their Complaints, when those districts would certainly have to be modified in any plan—and were modified by Plaintiffs in their illustrative plans. For example, the “hole” around District 64 where Plaintiffs claim the General Assembly went outside of the defined area is where existing majority Black districts were located, when obviously those districts would be reconfigured when creating new majority-Black districts:



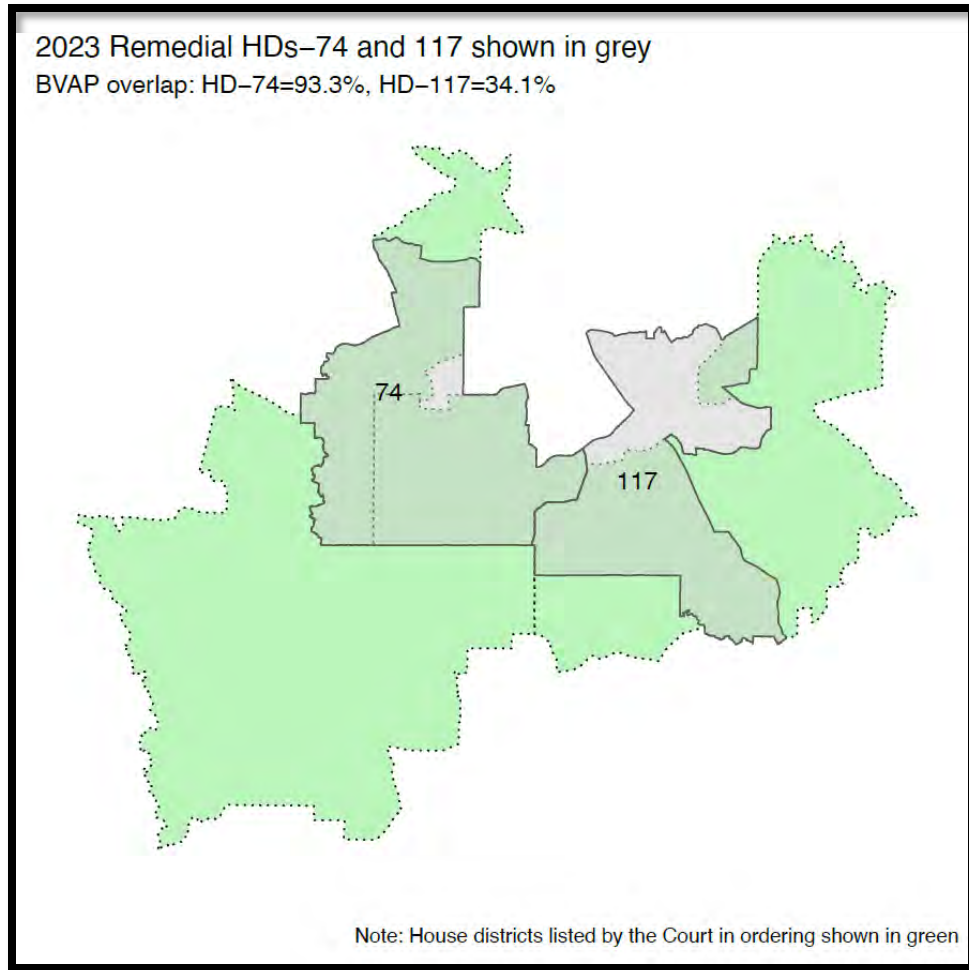
Barber Report, p. 32.

Further, Mr. Cooper made a similar change in his new proposed remedial plan in the same area, which actually includes even fewer Black voters from the specified districts as a percentage than the enacted remedial plan:

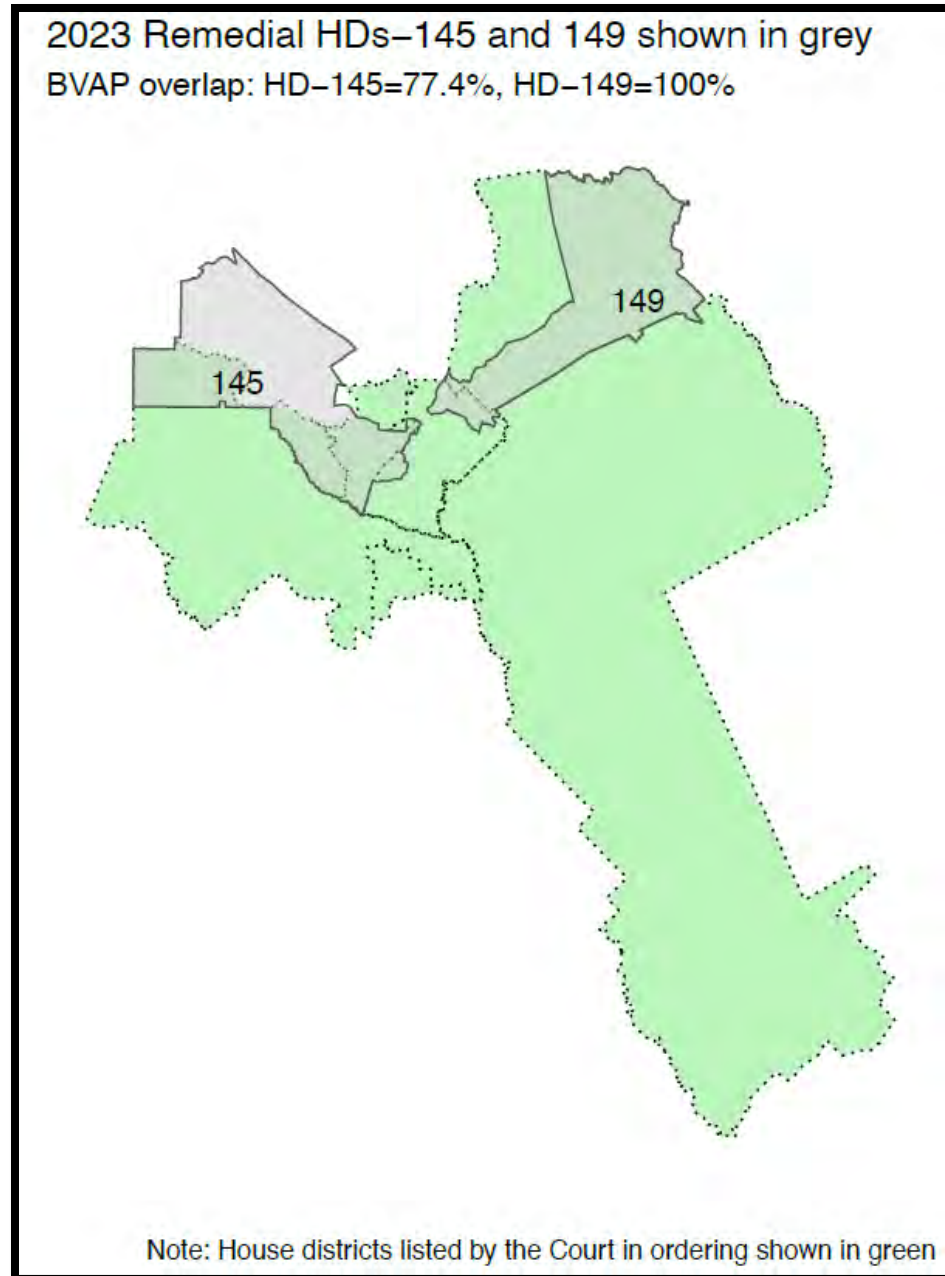


Barber Report, p. 32.

The south metro and Macon areas show the same reality—the new districts are drawn in the areas the Court identified:



Barber Report, p. 34.



Barber Report, p. 37.

Plaintiffs' claims that the vote dilution the Court found is not remedied cannot withstand scrutiny because the General Assembly added the new majority-Black districts in the areas specified.

If Plaintiffs’ approach is correct, holding a special session of the General Assembly was little more than a box-checking exercise to get to a court-drawn plan. But Plaintiffs ignore binding precedent: the General Assembly, as a political branch, is permitted to and did take far more into account than this Court when drawing districts. *Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018).

B. The General Assembly must take more into account than the Court or Plaintiffs’ experts when creating remedial plans.

As this Court already recognized, “redistricting and reapportioning legislative bodies is a legislative task [which] the federal courts should make every effort not to preempt.” Order, p. 509 (quoting *Wise*, 437 U.S. at 539). When assessing a district plan, this Court must recognize “the complex interplay of forces that enter a legislature’s redistricting calculus.” *Abbott*, 138 S. Ct. at 2324 (quoting *Miller v. Johnson*, 515 U.S. 900, 915-16 (1995)). The legislature’s adopted remedial plans not only comply with the Court’s Order, but also reflect “a variety of political judgments about the dynamics of an overall electoral process that rightly pertain to the legislative prerogative of the state and its subdivisions.” *McGhee v. Granville Cty.*, 860 F.2d 110, 115 (4th Cir. 1988).

Thus, despite Plaintiffs' hyperbole about the remedial plans,⁸ this Court must presume the good faith of the legislature when evaluating the remedial plans. *Abbott*, 138 S. Ct. at 2324-25. And “[p]rinciples of federalism and common sense mandate deference to a plan which has been legislatively enacted.” *Tallahassee Branch of NAACP v. Leon Cty.*, 827 F.2d 1436, 1438 (11th Cir. 1987).

1. *Plaintiffs insisted repeatedly that illustrative plans were only illustrative, but now say they are mandatory.*

APA Plaintiffs' position at trial was that their illustrative plans were, as labeled, merely illustrative and that the legislature would have the opportunity to draft its own plans in case of a violation. *See, e.g.*, Trial Tr. at 235:8–237:9. But now that the General Assembly has undertaken that task, all Plaintiffs have abruptly changed course and essentially argue that their illustrative plans are mandatory, because individuals who were included in a majority-Black district on their illustrative plan are not included in a majority-Black district on the remedial plans. [Pendergrass Doc. 317, p. 8-9]; [APA Doc.

⁸ Plaintiffs repeatedly claim the legislature “defied” this Court’s order; *Pendergrass* Plaintiffs refer to the legislature’s actions as “reprehensible,” [Pendergrass Doc. 317, p. 23]; and Plaintiffs accuse Georgia of acting like Alabama. Rep. Leverett remarked that the accusation that Georgia was acting like Alabama “is really a low blow” when a similar charge was made in the legislative debate because his “goal this whole session has been to – to do just not what they did, to do everything the opposite from what they did.” Ex. I at 67:12–68:3.

354, p. 21]; [Grant Doc. 317, p. 9]. But that is not the law and not what the Court ordered.

Again, a Section 2 claim is based on a *region* where vote dilution is occurring, not a right of every single Black individual to be placed into a majority-Black district. *Shaw*, 517 U.S. at 917 n.9. Adopting an interpretation of Section 2 that requires every Black voter in a region to be placed into a majority-Black district is constitutionally suspect and not at all required by Section 2. Indeed, courts expect some members of challenged minority groups to be left outside majority-minority districts on remedial plans. *See Shaw*, 517 U.S. at 917 n.9; *McGhee*, 860 F.2d at 118–119 (collecting cases).

Further, Plaintiffs complain about changes made to other districts after the legislature added the required majority-Black districts. But at trial, APA Plaintiffs objected when Defendant attempted to cross-examine their experts on changes made to other districts on the illustrative plans. Trial Tr. 234:12–235:6; 270:19–271:21; 274:4–14; 275:23–276:13. While earlier objecting to the level of scrutiny of their illustrative plans, Plaintiffs now seek to apply a new standard to the remedial plans. But, as discussed above, the changes made to other districts was thoughtful and part of the General Assembly’s entire process for considering the new plans.

2. *The General Assembly may take partisanship into account in its remedial plans.*

Contrary to APA Plaintiffs' arguments, the General Assembly is free to take partisanship into account when drawing a remedial plan. This Court already found the legislature had partisan motives in the creation of the 2021 plans, and the chairs clearly indicated they considered election returns and other partisan data as part of the creation of the remedial plans, while ensuring they were complying with the Court's Order. Order, pp. 260–62, 475–77, 489–91.

The entire point of the legislature having the first opportunity to draw a remedial plan is because it considers more factors as a political branch than a Court can. *Tallahassee Branch of NAACP*, 827 F.2d at 1438. The cases APA Plaintiffs cite offer nothing to rebut that reality. *League of United Latin American Citizens v. Perry*, 457 F. Supp. 2d 716, 721 (E.D. Tex. 2006), involved a court-drawn plan, not review of a legislatively enacted plan. *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 440-41 (2006), specifically recognizes that incumbent protection can be a legitimate factor in redistricting and did not involve a remedial plan. Thus, while Plaintiffs continue to cite cases about court-drawn remedial plans, they fail to recognize that relevant precedent and basic federalism concerns permit the legislature to take a

variety of factors into account, which the evidence shows the General Assembly did in this case.

3. *The legislature is under no obligation to adopt Plaintiffs' plans.*

This may be self-evident, but Plaintiffs and this Court cannot require the General Assembly to accept the Plaintiffs' plans. This Court recognized this when it ruled that the General Assembly “has an illustrative remedial plan to *consult*” in its Order. Order, p. 515 (emphasis added). Nothing required the legislature to adopt those plans.

Plaintiffs attempt to lock in certain districts by claiming that the legislature could not alter those districts, for example in Douglas County. [Grant Doc. 317, pp. 10-11]. But they can only claim that the population of particular new majority-Black districts lives “outside of the vote-dilution area” because they removed districts that were already majority-Black from their defined list of districts in their Complaints. For example, looking at House District 64 shows that Plaintiffs claim a significant amount of population from outside the list of districts they created, but only because they artificially excluded most of the population of Douglas County—population that must change in the creation of the district, as Mr. Cooper did when creating another proposed remedial district in the same area. *Id.*; Barber Report §§ 4.4, 4.5.

Further, the facts demonstrate that the legislature did consult the illustrative plans. In fact, each new majority-Black district utilizes significant population from the Plaintiffs’ illustrative plans while also accounting for other traditional redistricting principles:

Remedial District	Illustrative District	% Total Pop in Remedial from Illustrative	% Total BVAP in Remedial from Illustrative
CD-6	Cooper CD-6	72.5%	80.8%
SD-17	Esselstyn SD-25	78.6%	76.6%
SD-28	Esselstyn SD-35	52.6%	55.8%
HD-64	Esselstyn HD-61	54.7%	52.2%
HD-74	Cooper HD-74	80.8%	81.8%
HD-117	Esselstyn HD-117	69.2%	70.2%
HD-145	Esselstyn HD-142	57.8%	59.1%
HD-149	Esselstyn HD-149	57.2%	64.3%

Data from Barber Report, §§ 2.4, 3.5, 4.4, 4.5, 4.6.

The General Assembly was aware of the particular districts this Court relied on in its Order, and Ms. Wright loaded Plaintiffs’ illustrative districts into her mapping software as she prepared to draw the plans to review them. Wright Dec. ¶ 11. Again, the General Assembly complied with this Court’s Order.

C. The remedial plans solve the violations the Court found because they add the required districts in the regions identified by the Court.

Plaintiffs do not seriously contest *whether* the new majority-Black districts were drawn because they cannot. *Grant* Plaintiffs’ experts Dr. Palmer and Mr. Esselstyn even agree that the Senate remedial plan includes two

additional performing majority-Black districts and that the House remedial plan includes five additional performing majority-Black districts. [Grant Doc. 317-1, ¶¶ 11, 31]; [Grant Doc. 317-2, pp. 2–3].

The remedial Congressional plan goes from two AP Black VAP majority districts to four. Barber Report, § 2.2. The remedial state Senate plan goes from 14 AP Black VAP majority districts to 16 (28.6% of the 56 Senate districts). Barber Report, § 3.2. The remedial state House plan goes from 49 AP Black VAP majority districts to 54 (30% of the 180 House districts). Barber Report, § 4.2. And the legislative plans both reduce the number of majority-white districts by the same amount and do not eliminate any existing majority-Black districts. Beyond complaining that the districts are not drawn within their list of districts,⁹ Plaintiffs do not contest that the new majority-Black districts are drawn where they are supposed to be drawn. That is sufficient to end the analysis. Unhappy with that result, Plaintiffs next propose a variety of additional possible ways to measure compliance, none of which apply here.

⁹ Plaintiffs’ own remedial and illustrative plans also make changes outside of the “vote dilution area” as they call it, with the clearest example being Mr. Cooper’s remedial plans, which change significant areas outside of the list of districts. Barber Report, §§ 4.4, 4.5.

1. The correct calculation is not the “net” amount of Black voters that moved because the Court did not order that as a remedy.

APA Plaintiffs propose a system of how many Black *voters* moved in and out of majority-Black districts as the method to measure compliance. [APA Doc. 354, pp. 18–19]. But this is not what the Court required. The mission for the General Assembly was not to ensure that every Black *voter* who was not previously in a majority-Black district would be moved into such a district. The mission was to draw the majority-Black *districts* this Court required in its Order.

And the result of that drawing means that more Black individuals of voting age will now be included in majority-Black districts. Barber Report, §§ 2.3, 3.3, 4.3. While complaining that there was a reshuffling of Black voters from existing majority-Black districts, Plaintiffs ignore the fact that their own illustrative plans also moved Black voters from existing majority-Black districts into new majority-Black districts—indeed, Plaintiffs’ whole theory throughout this litigation was that the General Assembly had improperly grouped Black voters together, when they should have been separated to create additional majority-Black districts.

Thus, Plaintiffs’ claims of a “shell game” are actually an indictment of their own approach. Having persuaded this Court that new majority-Black *districts* were required, they now propose to move the goalposts to require that

particular Black *voters* must be moved into and out of districts to ensure a political outcome. That is not what the Voting Rights Act nor this Court requires.

2. *The General Assembly moved existing districts north, while Plaintiffs moved existing districts south.*

Plaintiffs recognize that the legislature shifted districts north instead of south once the new majority-Black districts were added. [APA Doc. 354, p. 19]. That is exactly what the chairs explained happened in the metro Atlanta area, which resulted in the collapse of majority-white districts north of the new majority-Black districts. *See* Ex. C at 9:6–14, 16:18–25, 18:6–17; Ex. D. at 23:2–4, 29:24–30:12. This is logical because adding new majority-Black districts on a plan requires eliminating districts somewhere else. Plaintiffs criticize this approach for an obvious reason—the majority-white districts that were eliminated were electing Democratic candidates.

Plaintiffs also relied extensively at trial on the increase in Black voters in Georgia and in metro Atlanta, but now again switch their arguments and claim that only Black voters in certain areas can be considered to be moved into majority-Black districts in the remedial plan. *See, e.g.*, [APA Doc. 354, p. 19]; [Grant Doc. 317, p. 14]; [Pendergrass Doc. 317, pp. 8–9]. Again, the General Assembly’s charge was to draw new majority-Black districts, which

necessarily requires including Black voters, including those who were not previously in majority-Black districts.

At the end of the day, the remedial plans ensure that Black voters in Georgia are more likely to be in a majority-Black district both statewide and in the districts listed by the Court in its Order than they were previously.

3. *Plaintiffs offer no plan that complies with the General Assembly’s policy goals on the enacted plans while also drawing any additional majority-Black districts.*

While APA Plaintiffs offer brand-new remedial plans, no Plaintiff group offers any plan that starts with the legislature’s policy decisions and goals, including its partisan goals, and then draws the additional majority-Black districts. Rather, all of Plaintiffs’ proposed plans eliminate Republican districts, which is inconsistent with the General Assembly’s legitimate partisan goals. Thus, there is no basis for this Court to consider plans that lack the necessary deference to legislative bodies. *Tallahassee Branch of the NAACP*, 827 F.2d at 1438.

4. *APA Plaintiffs claim some districts are packed when they are within the same thresholds of districts on the 2021 plans that were not challenged.*

APA Plaintiffs also claim that some House districts become “packed” on the remedial House plan. [APA Doc. 354, p. 25]. But the BVAP percentages for all the districts on the remedial plan are within the same range as the districts on the 2021 plan, including districts that were not challenged. Barber Report,

§ 4.2, Table 9. Thus, even if this Court had found packing in particular places, the districts are still within the acceptable range from the 2021 House plan.

D. This Court should not engage in a “beauty contest” with any other plans offered by Plaintiffs.

Finally, Plaintiffs question the General Assembly’s decision-making by proposing a “beauty contest” of the remedial plans versus their plans, claiming the General Assembly could have moved fewer voters or changed compactness scores in ways they prefer. [APA Doc. 354, p. 21]; [Grant Doc. 317, pp. 18-20].

1. Comparisons to brand-new illustrative plans are inappropriate at this stage (APA).

First, the APA Plaintiffs cite no authority for the submission of new plans from Mr. Cooper as alternatives to the 2023 plans, and it is improper for this Court to consider these plans as part of Plaintiffs’ objections. The issue before the Court now is whether the remedial plans comply with the Court’s Order. Only if the Court finds that one or more of the 2023 plans does not comply should there be consideration of alternative plans, whether from a Special Master or otherwise. As long as the 2023 plans comply with the Court’s Order by remedying the Section 2 violations the Court found, it does not matter that Mr. Cooper has created allegedly “better” plans. *Cf. Singleton v. Allen*, No. 2:21-cv-1291-AMM, 2023 U.S. Dist. LEXIS 155998, at *99 (N.D. Ala. Sept. 5, 2023) (no basis for “beauty contest” between valid plans).

At the liability stage of the APA case, Mr. Cooper produced illustrative plans, was deposed on them, and was examined on them extensively at trial. Plaintiffs should not be allowed to submit new plans for Mr. Cooper as alternatives to the 2023 plans, because (in fairness to Defendant) this would require essentially a second trial as to the lawfulness of Mr. Cooper’s new plans and risk the exact “infinity loop” that the three-judge court in *Singleton* sought to avoid, *see Singleton*, 2023 U.S. Dist. LEXIS 155998, at *152, as well as causing further delay in the implementation of new maps when time is of the essence.

While Plaintiffs may believe certain changes were “unnecessary,” that does not automatically mean the General Assembly’s decision-making violates the Constitution or the VRA. And that is the only standard that matters—not whether Plaintiffs would have drawn districts differently if they were a majority of the General Assembly. *McGhee*, 860 F.2d at 115.

2. *Comparisons to illustrative plans are inappropriate at this stage (APA/Grant/Pendergrass).*

Further, this Court should not compare the remedial plans to the illustrative plans on other metrics because of the General Assembly’s wide latitude for complying with this Court’s Order. To be clear, the Court is not required to conduct a “beauty contest” between the 2023 remedial plans and Plaintiffs’ illustrative plans. *See Allen v. Milligan*, 143 S. Ct. 1487, 1505 (2023).

“When evaluating a defendant’s proposal, a court is not to inquire whether the defendants have proposed the very best available remedy, or even whether the defendants have proposed an appealing one.” *United States v. Euclid City Sch. Bd.*, 632 F. Supp. 2d 740, 750 (N.D. Ohio 2009). The Court’s “analysis in the first instance” is limited to whether the remedial plans correct the Section 2 violation that the Court previously found. If the remedial plans correct that violation, then the Court may consider any claims by Plaintiffs that the remedial plans “violate[] federal law anew.” *Singleton*, 2023 U.S. Dist. LEXIS 155998, at *140. That is why comparisons to compactness scores or other metrics are inappropriate at this stage—the only question is whether the remedial plans comply with this Court’s Order and other binding precedent.

II. The remedial plans do not eliminate existing minority opportunity districts (APA/Grant/Pendergrass).

Faced with the reality that the remedial plans retain all existing majority-Black districts from the 2021 plans and add the required majority-Black districts where the Court directed, Plaintiffs spend most of their objection briefs alleging that the State failed to comply with another part of this Court’s instructions—the requirement not to eliminate any existing minority opportunity districts. But the General Assembly also fully complied with this portion of the Court’s Order.

A. The remedial plans increase the number of majority-Black districts and do not eliminate any existing majority-Black districts (*APA/Grant/Pendergrass*).

As shown by Dr. Barber's report, the remedial plans increase the number of majority-Black districts and do not eliminate any existing majority-Black districts elsewhere in the plans. Barber Report, §§ 2.2, 3.2, 4.2. Instead, in the legislative plans there is a corresponding decrease in majority-white districts and in the Congressional plan, there is a decrease in non-majority-Black districts. Significantly, the legislative plans do not eliminate any district where minority voters constituted a majority of the voting-age population.

Despite Grant Plaintiffs' attempts to re-imagine this Court's instructions [Grant Doc. 317, p. 15], this Court did not give the same instruction as the *Singleton* court. Instead, this Court clearly required additional *majority-Black districts*, which the General Assembly has created. Thus, under the definition of minority opportunity district that is most logical based on this Court's ruling and discussion of opportunity districts in this case, *see, e.g.*, Order, pp. 106, 145–46, 211, 268, 417–20, 427, and 511, no existing minority opportunity districts—that is, no majority-Black districts—were eliminated in any of the remedial plans. That should end the analysis of the legislature's compliance on that point.

Further, the legislative plans have the same number of districts that are majority-minority, but not majority-Black, as the 2021 enacted plans. Barber

Report, §§ 3.2, 4.2. This means the change in the legislative plans is a reduction in the number of majority-white districts. And none of the remedial plans decrease the number of majority-Black districts. All of them increase that number.

But that is not enough for all Plaintiffs and Amici except for the *APA* Plaintiffs. Instead, they propose at least three different definitions of “minority opportunity districts,” none of which are appropriate under Section 2, any binding cases, or the facts of these cases.

B. Crossover districts are not required by Section 2 or binding precedent (*Grant*).

Grant Plaintiffs argue that the proper definition of “minority opportunity district” is a crossover district, where white voters and Black voters vote for the same candidates. [Grant Doc. 317, p. 16]. They then propose that a series of five districts, four of which were majority-white, are protected by the VRA because they were previously electing Democratic candidates but now will elect Republican candidates. *Id.* at 16–17. Not only is the dismantling of majority-white districts something to be expected when this Court ordered the creation of new majority-Black districts, but Plaintiffs’ arguments about crossover districts are not supported by any legal theory.

Plaintiffs admit, as the Supreme Court explained in *Bartlett v. Strickland*, 556 U.S. 1 (2009) (plurality op.), that “as a statutory matter, § 2

does not mandate creating or preserving crossover districts.” *Id.* at 23. This is because crossover districts cannot satisfy the majority-minority rule required under the first *Gingles* precondition:

Minority groups in crossover districts cannot form a voting majority without crossover voters. In those districts minority voters have the same opportunity to elect their candidate as any other political group with the same relative voting strength.

Id. at 20. If this Court concludes, as Plaintiffs request, that majority-white districts are somehow protected by Section 2 or that the General Assembly could not dismantle them as part of compliance with the Court’s Order, it would guarantee Black voters an electoral advantage which is neither a “wrong” under the Voting Rights Act nor a valid remedy. *Id.* at 15.

Crossover districts are also not protected by the VRA because it would be “difficult to see how the majority-bloc-voting requirement” of the third *Gingles* precondition would be satisfied “where, by definition, white voters join in sufficient numbers with minority voters to elect the minority’s preferred candidate.” *Id.* at 16. Yet this is precisely what the *Grant* Plaintiffs ask this Court to do when they ask this Court to consider crossover districts to be “minority opportunity districts.” [Grant Doc. 317, p. 17]. They seek to insulate

these districts solely based on the fact that they currently elect Democratic members to the General Assembly.¹⁰

If crossover districts are not required or protected under federal law, as Plaintiffs concede, then this Court cannot order their creation or preservation even if it is attached to some other relief ordered pursuant to a demonstrated Section 2 violation. “Federal courts are barred from intervening in state apportionment in the absence of a violation of federal law precisely because it is the domain of the States, and not the federal courts, to conduct apportionment in the first place.” *Voinovich*, 507 U.S. at 156. That means this Court cannot order the State to protect a district for which federal law does not otherwise mandate protection. “[T]he federal courts are bound to respect the States’ apportionment choice unless those choices contravene federal requirements.” *Id.* at 156–57.

In the end, “[n]othing in § 2 grants special protection to a minority group’s right to form political coalitions.” *Bartlett*, 556 U.S. at 15. This is because Section 2 is not a guarantee of political success—“minority voters are not immune from the obligation to pull, haul, and trade to find common

¹⁰ Indeed, as discussed below, interpreting the VRA to protect political parties rather than membership in a minority group is an unconstitutional interpretation of the VRA because it means it is no longer congruent and proportional to address equal political opportunity for Black voters. *See City of Boerne v. Flores*, 521 U.S. 507, 518 (1997).

political ground.” *Johnson v. De Grandy*, 512 U.S. 997, 1020 (1994). If this Court finds that crossover districts are “minority opportunity districts,” then it is requiring the legislature to protect political coalitions rather than ensuring the equality of Black electoral opportunities. Protecting political coalitions would violate Section 2 because nothing in Section 2 requires legislatures to draw election districts in such a manner as “to give minority voters the **most potential** or the **best potential**, to elect a candidate,” as Plaintiffs are requesting here. *Bartlett*, 556 U.S. at 15 (emphasis added). Instead, as this Court correctly found, it only requires new opportunity districts that are majority-Black when a violation is shown. Order, pp. 509–11. Proceeding as the *Grant* Plaintiffs urge would place this Court in “the untenable position of predicting many political variables and tying them to race-based assumptions,” which courts are not permitted to do and which this Court has already expressly said it would not do. *Bartlett*, 556 U.S. at 17–18; Order, pp. 240–42.

Thus, the legislature is not prevented by Section 2 or by this Court’s Order from eliminating existing majority-white districts to create majority-Black districts—indeed, there is no other way it could have complied with the Order.

C. Coalition districts are not required by Section 2, binding precedent, or the facts of these cases (*Pendergrass*).

Pendergrass Plaintiffs argue that the term “minority opportunity district” instead protects coalition districts—that is, districts where the total number of non-white voters is more than 50%. [Pendergrass Doc. 317, pp. 10–12]. But this is not required by Section 2. And even if it was, *Pendergrass* Plaintiffs have not presented evidence of a viable political coalition here.

Further, while claiming that “minority opportunity district” means “coalition district,” *Pendergrass* Plaintiffs also ignore this Court’s discussion of enacted Congressional District 7. In the Order, this Court did not call enacted Congressional District 7 a minority opportunity district, but rather referred to it as a “majority-minority district.” Order, p. 255. And *Pendergrass* Plaintiffs’ reliance on *League of United American Citizens v. Perry*, 548 U.S. 399 (2006) (*LULAC*), does not help them here. [Pendergrass Doc. 317, p. 9]. In *LULAC*, the district at issue had been 57.5% majority-Latino before redistricting. 548 U.S. at 427. Congressional District 7 under the 2021 plans was not majority-Black (or majority of any single race), and *Pendergrass* Plaintiffs did not introduce evidence at trial of voting patterns of non-Black minorities in enacted Congressional District 7. There is no basis for this Court to conclude that coalition districts are “minority opportunity districts.”

1. *Coalition districts are not required by or protected under Section 2 of the VRA.*

Beginning with the text of Section 2, it expressly protects “members of *a class* of citizens” and “members of *a protected class*.” 52 U.S.C. § 10301(b) (emphasis added). Both references are to a singular class of citizens, not to multiple classes of citizens who happen to be politically aligned. Similarly, paragraph (a) prohibits voting practices that result “in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color,” 52 U.S.C. 10301(a), which ties the protections of Section 2 to membership in a particular racial group, not in a coalition of races. *See also Nixon v. Kent Cty.*, 76 F.3d 1381, 1386 (6th Cir. 1996) (en banc). From the text alone, it is clear that Section 2 protects opportunities for single racial groups, not combinations of various groups.

Further, the continuing development of Section 2 law shows that coalition claims are not valid. As discussed above, *Bartlett* explained that crossover districts are not required, in part because there is no “special protection to a minority group’s right to form political *coalitions*.” 556 U.S. at 15 (emphasis added). The Sixth Circuit has completely rejected coalition-district claims under Section 2. *Nixon*, 76 F.3d at 1386. And while the Fifth Circuit previously authorized coalition district claims, it is currently

considering whether to overturn its precedent *en banc*. *Petteway v. Galveston Cty.*, 86 F.4th 214, 218 (5th Cir. 2023).

The only Eleventh Circuit precedent on this point was a statement in introductory language in *Concerned Citizens of Hardee Cty. v. Hardee Cty. Bd. of Comm'rs*, 906 F.2d 524, 526 (11th Cir. 1990). That statement was not part of the holding of the case because the plaintiffs in that case presented no evidence of cohesion and because the statement was only in the explanation of the *Gingles* preconditions section, not the analysis. *Id.* As a three-judge panel in this district recently concluded, the Eleventh Circuit's "assertion about coalition districts was dicta." *Ga. State Conference of the NAACP v. Georgia*, Civil Action No. 1:21-cv-05338-ELB-SCJ-SDG, 2023 U.S. Dist. LEXIS 192070, at *47 (N.D. Ga. Oct. 26, 2023) (three-judge court) (citing *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 762 (11th Cir. 2010)).

Thus, the text of Section 2 exclusively contemplates individual minority groups as falling within its purview. And under all binding precedent, the existence of coalition-district claims as a remedy under Section 2 is—at best—"something of an open question." *Ga. State Conference of the NAACP*, 2023 U.S. Dist. LEXIS 192070, at *46. In light of the unambiguous text of Section 2, this Court should resolve that question against coalition districts. At the very least, there is not sufficient law to rely on to determine that a coalition of minority

voters would be sufficient under the first *Gingles* precondition to show a Section 2 violation.

2. *Plaintiffs have presented no evidence of minority voters forming coalitions that are protected.*

But even if coalition districts could be a valid showing for the first *Gingles* precondition, Plaintiffs have not presented sufficient evidence here because they have presented no evidence that Black, Latino, and Asian voters are cohesive in any context except in general elections. [Pendergrass Doc. 317-2, p. 2]; Barber Report, § 2.2. Thus, Plaintiffs have presented no evidence that shows that Black, Latino, and Asian voters support the same candidates when partisanship is not a factor. They can only show that these racial groups support Democratic candidates in the general election.

Without primary data, Plaintiffs have not presented any evidence that the cohesion they say exists is anything more than partisan political behavior by voters. Without this data, there is no proof of things like situations where “hispanic voters supported and worked for black candidates” or any evidence that Asian voters, Latino voters, and Black voters “worked together and formed political coalitions.” *Concerned Citizens of Hardee Cty.*, 906 F.2d at 527.

Further, *Pendergrass* Plaintiffs must rely on a coalition of Black, Latino, and Asian individuals, because the Black and Latino CVAP numbers without Asian citizens in the enacted Congressional District 7 are below 50%.

Pendergrass PX-1 (Cooper Report), Ex. K-1 (p. 119); Barber Report, § 2.2. Only by adding Asian citizens does the analysis push the minority citizen voting age population of enacted Congressional District 7 over 50%. Barber Report, § 2.2. But, as discussed below, *Pendergrass* Plaintiffs have not presented evidence on many points for Asian voters, including evidence of historical discrimination or socioeconomic status disparities that affect Asian voters.

Further, making changes to Congressional District 7, even if it was a functioning coalition district, does not “offset” minority gains in one part of the state with losses in another. [Pendergrass Doc. 317, pp. 10-11]. Not only are the changes made to create the required new majority-Black district primarily in metro Atlanta instead of across the state, the Supreme Court has still only ever considered questions of offsets with a single race of voters, not coalitions. *De Grandy*, 512 U.S. at 1019. And there is no question that the remedial plans add opportunities for Black voters, which is what this Court required.

D. Districts which elect Democrats are not required by Section 2 or binding precedent (*Amici/APA/Grant/Pendergrass*).

Finally, Amici from the three-judge panel cases offer a third possible definition of “minority opportunity district,” which is a district which reliably

elects a Democrat. *See* [APA Doc. 363,¹¹ pp. 12-13]. To illustrate how difficult it is to make this case even from decisions of other trial courts, Amici place the bracketed word “[minorities]” in their quote from *Wright v. Sumter Cty. Bd. of Elections & Registration*, No. 1:14-CV-42 (WLS), 2020 U.S. Dist. LEXIS 17348, at *12 (M.D. Ga. Jan. 29, 2020), to replace the phrase “African Americans in Sumter County” in that quote. This sleight-of-hand effectively rewrites the meaning of the quoted passage. Amici also misread this Court’s Order—it did not require “drawing *additional* Black opportunity districts” in a political-performance sense, [APA Doc. 363, p. 12]. Instead, this Court required “additional majority-Black . . . districts.” Order, p. 509.

In contrast to the Court’s requirements, Amici’s definition of “effective for Black voters” refers solely to districts that elect Democrats. [APA Doc. 363-1, p. 7]. While Amici include some primary data from 2018 in an attempt to avoid relying exclusively on general-election data, they only identify a single district where they claim there is a divergence between primary and general election performance.¹² *See* [APA Doc. 363-1, pp. 5–6]. In other words, Amici simply re-imagine this Court’s Order to require political coalitions, *Bartlett*,

¹¹ The Court authorized Amici to file the same brief in all three cases. It was filed at [APA Doc. 363], [Grant Doc. 321], and [Pendergrass Doc. 322]. For ease of reference, this brief refers to the APA docket numbers.

¹² This approach is in sharp contrast to the parties to these cases, who offer no primary data at this stage.

556 U.S. at 26, and then use the phrases “Black-preferred” and “white-preferred” to refer to Democrats and Republicans, respectively. [APA Doc. 363-1, pp. 5-6].

Not only does reading Section 2 to require protection of political coalitions violate *Bartlett*, it also would make Section 2 unconstitutional because it would no longer be congruent and proportional to addressing equal political opportunity for Black voters. *See City of Boerne*, 521 U.S. at 518. This Court should reject a definition of “minority opportunity district” that is designed to ensure Democratic political performance through the VRA.

III. SB 3EX does not independently violate Section 2 of the VRA (*Pendergrass*).

Faced with the full compliance of the General Assembly with this Court’s Order, *Pendergrass* Plaintiffs launch one final line of attack—that the prior Congressional District 7 is required by Section 2 and thus any changes to its boundaries is itself a violation of Section 2. [Pendergrass Doc. 317, pp. 14–27].

Initially, finding a Section 2 violation on 12 pages of briefing and a handful of exhibits on an expedited basis without the opportunity for discovery, cross-examination or any other procedural protections defies the required “intensely local appraisal” this Court must carry out in the context of Section 2, especially on claims that have never been raised in this case. *Wright*, 979

F.3d at 1288. But even if this Court considers the merits of Plaintiffs’ claims, their claim of a separate Section 2 violation fails.

A. There is no sufficiently large and geographically compact minority group that constitutes a majority in enacted Congressional District 7 (first *Gingles* precondition).

In order to find that numerosity of minority voters exists in enacted Congressional District 7, *Pendergrass* Plaintiffs must rely on a connections among three separate minority groups. [Pendergrass Doc. 317, p. 15]. Using the CVAP metric Plaintiffs rely on, they cannot reach a majority without including Asian voters, as shown by Mr. Cooper’s expert report in this case, which shows the total Black and Latino CVAP in enacted Congressional District 7 is 43.64% using the highest metrics.

District	% NH Single-Race Black CVAP*	% NH DOJ Black CVAP**	% Latino CVAP	% SR NH White CVAP
001	29.16%	29.67%	4.49%	63.10%
002	49.55%	50.001%	3.17%	44.62%
003	22.53%	22.86%	3.38%	71.12%
004	57.71%	58.46%	3.98%	32.82%
005	51.64%	52.35%	3.48%	39.75%
006	9.72%	10.26%	5.63%	76.60%
007	31.88%	32.44%	11.20%	43.69%
008	30.46%	30.76%	3.79%	63.40%
009	10.03%	10.34%	7.35%	77.37%
010	22.11%	22.56%	4.06%	70.80%
011	17.57%	18.30%	6.28%	71.12%
012	36.60%	37.19%	3.39%	56.94%
013	66.36%	67.05%	5.80%	23.21%
014	13.19%	13.71%	6.20%	78.21%

Pendergrass PX-1 (Cooper Report), Ex. K-1 (p. 119); *see also* Barber Report, § 2.2. Despite the necessity of including Asian voters, the *entirety* of *Pendergrass* Plaintiffs’ evidence for this sweeping three-part political coalition is the election analysis of Dr. Palmer and the testimony of a single individual before a legislative committee. [Pendergrass Doc. 317, pp. 17-18].

For all the reasons outlined in Section II.C. above, coalition districts are not required by Section 2. But even if they are, for purposes of the first *Gingles* precondition, *Pendergrass* Plaintiffs have presented no evidence of situations where “hispanic voters supported and worked for black candidates” or any evidence that Asian voters, Latino voters, and Black voters “worked together and formed political coalitions,” *Concerned Citizens of Hardee Cty.*, 906 F.2d at 527, beyond similar voting behavior in partisan general elections. This is far more akin to offering only “anecdotal testimony regarding individual instances” instead of offering data supporting coalition claims in any context that is not partisan, such as primary data. *Id.* *Pendergrass* Plaintiffs ask this Court to merely presume a coalition exists because three groups of non-white voters support Democratic candidates in general elections—that is not sufficient to meet the numerosity requirement of the first *Gingles* precondition because no majority exists otherwise.

B. The second and third *Gingles* preconditions emphasize the political nature of Plaintiffs' claims.

Pendergrass Plaintiffs offer Dr. Palmer's analysis of elections from 2012 to 2022 in enacted District 7 for the proposition of cohesion among voters. But while Dr. Palmer studiously avoids giving names of candidates or party affiliation of candidates, the data demonstrates that the cohesion in general elections only is in support of Democratic candidates. [Pendergrass Doc. 317-2, pp. 10-11]. But as other experts before this Court explained, primaries can be a "barrier for Black-preferred candidates." Order, p. 151 (citing Dr. Handley's testimony). *Pendergrass* Plaintiffs have presented no evidence that Black, Latino, and Asian voters support the same candidates in primaries or that those primary elections are not barriers for Black-preferred (or Asian-preferred or Latino-preferred) candidates.

While this Court found that concerns about partisanship are properly raised in the totality of the circumstances analysis, the unique nature of the coalition claims advanced here requires analysis at the *Gingles* preconditions stage. And this Court already concluded that drawing districts where Black voters are a majority was necessary because of racially polarized voting. Order, pp. 419–20. Without more, *Pendergrass* Plaintiffs cannot carry their burden regarding the political cohesion required under the *Gingles* preconditions by

adding all non-white voters together based solely on support for candidates in partisan general elections.

C. The totality of the circumstances does not support a finding of lack of equal openness as to a combination of Black, Latino, and Asian voters in prior Congressional District 7.

Pendergrass Plaintiffs present the entirety of their totality of the circumstances evidence in just seven pages of their brief. But that evidence cannot support a finding of a lack of equal openness as to Black, Latino, and Asian voters in the prior Congressional District 7.

1. *Senate Factor 1: This Court cannot import its findings about Black voters to Latino and Asian voters.*

As this Court made clear, the findings it made about the history of discrimination in these cases were about the history involving Black voters.¹³ Order, pp. 213–33. *Pendergrass* Plaintiffs now rely on an expert report from another case to establish a brand-new Section 2 claim involving coalition districts, which have never been at issue in this case. As discussed above, this Court should reject the attempt to find a coalition as a matter of law and on the *Gingles* preconditions.

¹³ Defendant has been unable to locate any reference to Asian voters or Latino voters in the Order that are unrelated to district statistics.

But even if this Court considers what *Pendergrass* Plaintiffs offer, it proves nothing about a history of discrimination as to Latino and Asian voters. *Pendergrass* Plaintiffs identify three instances with passing references to both Latino and Asian voters, the newest of which is more than a decade old. [Pendergrass Doc. 317, pp. 21–22]. They rely on Georgia citizenship-check processes, where individuals who previously provided documentary proof they were *not* citizens are asked for details if they later register to vote. This Court has already ruled that the process complies with the Constitution and with Section 2 of the VRA. *Fair Fight Action, Inc. v. Raffensperger*, 634 F. Supp. 3d 1128, 1235, 1250 (N.D. Ga. 2022). And that process is still in place despite attempts to enjoin it, while it is also currently the subject of litigation in *Georgia Coalition for the People’s Agenda v. Raffensperger*, Case No. 1:18-cv-04727-ELR (N.D. Ga.). *Pendergrass* Plaintiffs next rely on a process from 2008–2009 involving matching records that is also similar to what this Court upheld in *Fair Fight Action*. Finally, *Pendergrass* Plaintiffs cite to an 11-year-old statement by then-Rep. Stacey Abrams regarding the 2011 redistricting, which involved plans that were drawn under Section 5 of the VRA and precleared by the U.S. Department of Justice.¹⁴

¹⁴ To be clear, even under Plaintiffs’ view, the General Assembly created a coalition district on the 2021 enacted Congressional plan, undermining then-Rep. Abrams’ claims.

These three isolated instances, one of which has been upheld against almost-identical claims of racial discrimination, do not suffice to carry Plaintiffs' burden to show a history of discrimination against Latino and Asian voters in Georgia. This is a far cry from the evidence this Court relied on for the first Senate factor in its Order, which was focused on Black voters. Order, pp. 216–32.

2. *Senate Factor 2: No evidence on racially polarized voting beyond what was already presented.*

Pendergrass Plaintiffs offer no evidence at all regarding the second Senate factor, which is where this Court would analyze the potential impact of partisanship. As this Court explained, determining “whether voter polarization is on account of partisanship and race is a difficult issue to disentangle.” Order, p. 235. The same issues explained by Dr. Alford infect the analysis offered here, with no evidence by *Pendergrass* Plaintiffs of any connection between race and partisanship of Latino and Asian voters at this point in the case, unlike the evidence presented to the Court regarding Black voters. Order, p. 236–37. Further, *Pendergrass* Plaintiffs have presented no evidence regarding the success of Latino or Asian candidates based on the racial makeup of a district. Order, p. 239. And *Pendergrass* Plaintiffs have presented no evidence regarding the history of the Republican Party and Latino and Asian voters. Order, p. 241. Without any evidence on this point,

this Court cannot conclude that failing to preserve the 2021 enacted Congressional District 7 means the political processes are not equally open to Latino and Asian voters.

3. *Senate Factor 3: No evidence regarding discriminatory voting practices in the jurisdiction.*

Pendergrass Plaintiffs also offer no evidence regarding Senate Factor 3, or any impact of particular voting practices in the jurisdiction on Latino and Asian voters. Again, without evidence about the impact on the alleged coalition, there is no basis for a finding of a lack of equal openness.

4. *Senate Factor 5: Socioeconomic indicators for Latino and Asian voters are of limited utility in this context.*

For socioeconomic indicators, *Pendergrass* Plaintiffs offer a new three-page report by Dr. Collingwood, summarizing American Community Survey (ACS) data. Dr. Collingwood did not review data on Latino or Asian Georgians as part of his expert reports or testify regarding these groups in his direct trial testimony. *See* Trial Tr. at 692:9–15, 19–24 (09/07/23) (nothing in Dr. Collingwood’s reports about Asian-Americans in Georgia).

Dr. Collingwood’s new report has a number of flaws, especially as *Pendergrass* Plaintiffs wish to use it. First, by its terms, the data is only available at the county level and not at the district level, so this Court cannot reach conclusions about the voters who are actually within the boundaries of enacted Congressional District 7. [*Pendergrass* Doc. 317-5, p. 1].

Second, Dr. Collingwood admits in footnote 1 that he was missing data for Pacific Islanders, compared to Asian-Americans generally, thus admitting the existence of at least one subgroup within Asian-Americans for which he does not have data. [Pendergrass Doc. 317-5, p. 1 n.1]. This Court cannot assume that all Asian voters are similar. *Students for Fair Admissions v. President & Fellows of Harvard Coll.*, 143 S. Ct. 2141, 2258 (“the Asian American community is not a monolith”) (Sotomayor, J., dissenting).

Third, Dr. Collingwood’s report summarizes ACS data, which by its nature lumps multiple distinct ethnic groups together. According to the ACS page on the U.S. Census Bureau website, “People who identify with the terms ‘Hispanic’ or ‘Latino’ are those who classify themselves in one of the specific Hispanic or Latino categories listed on the American Community Survey questionnaire and various Census Bureau survey questionnaires – ‘Mexican, Mexican Am., Chicano’ or ‘Puerto Rican’ or ‘Cuban’ – as well as those who indicate that they are ‘another Hispanic, Latino, or Spanish origin.’” See <https://www.census.gov/acs/www/about/why-we-ask-each-question/ethnicity>. Thus, “Latino” is a broad category embracing numerous subgroups, and Dr. Collingwood has not attempted to account for the differences among those subgroups, instead just relying on the concept that they are all similar.

Further, the socioeconomic data he presents does not demonstrate a consistency across Latino and Asian households, with Asian individuals far

closer to (and in some cases exceeding) white socioeconomic standards he cites. For example, Dr. Collingwood's data shows that Asian individuals have higher rates of college education than whites [Pendergrass Doc. 317-5, p. 2, Table 1]. Other data shows a lack of connection with the alleged coalition, with more white individuals disabled than Asian and Latino individuals and a lower unemployment rate for Asian and Latino individuals than for white individuals. *Id.* Again, this evidence does not demonstrate consistency of socioeconomic standards for Black, Latino, and Asian voters, which would be required to find that Senate Factor 5 favors *Pendergrass* Plaintiffs in their attempt to establish a coalition in this area.

Thus, *Pendergrass* Plaintiffs have only presented inconsistent socioeconomic data and presented no evidence of Asian and Latino voter participation. *Compare* [Pendergrass Doc. 317, p. 22] *with* Order, pp. 242–50]. Without more, this Court cannot conclude that there is any impact on the political participation of Black, Latino, and Asian voters in the area of enacted Congressional District 7.

5. *Senate Factor 6: No evidence of racial appeals in campaigns.*

Pendergrass Plaintiffs also present no evidence at all on any racial appeals affecting Latino and Asian voters. Thus, this Court cannot conclude that the political campaigns in the area of enacted Congressional District 7 are

“characterized by subtle or overt racial appeals.” *Wright*, 979 F.3d at 1296. As it did in its Order, this Court should assign no weight to this factor. Order, p. 252.

6. *Senate Factor 7: Extent of election of Latino and Asian officials is not relevant when they are not the relevant minority group.*

It is unclear how *Pendergrass* Plaintiffs ask this Court to apply Senate Factor 7, because they seek to rely on the lack of Latino or Asian elected officials. But Plaintiffs admit Georgia currently has a statewide elected Latino official and a statewide Asian-American official. [Pendergrass Doc. 317, p. 23]. Also, Plaintiffs do not address the statewide Latino and Asian populations, which are significantly smaller than the Black population in Georgia.

7. *Senate Factor 8: This Court cannot presume unresponsiveness, as it already found.*

Pendergrass Plaintiffs revisit the same approach this Court already rejected regarding unresponsiveness, simply assuming that unresponsiveness exists because they do not like the remedial Congressional plan. *Pendergrass* Plaintiffs present no evidence of a “determination to impose a ceiling on minority opportunity in the State” nor any evidence of unresponsiveness. Just as during the trial, they simply ask this Court to assume unresponsiveness. This Court already found this kind of approach to Senate Factor 8 is not appropriate, and it should not be utilized here either. Order, pp. 259–60.

8. *Senate Factor 9: This Court already determined the State’s policies were partisan and they remained so.*

Perhaps most surprising given the requirement of presuming the good faith of the legislature, *Pendergrass* Plaintiffs attack the motivations of the General Assembly in adopting the remedial plans. This Court earlier found that the motivations for the 2021 redistricting plans were non-tenuous because they were partisan, Order, pp. 260–62, and the statements of legislators in the 2023 special session match that approach—they repeatedly emphasized that they were seeking to achieve partisan ends while also complying with the Court’s Order and taking into account a variety of traditional redistricting principles and communities of interest. *See, e.g.*, Ex. C at 10:22–11:12; Ex. D at 24:21–25,

Pendergrass Plaintiffs also attempt to import the entirety of their “beauty contest” approach into this Senate factor, claiming that the mere fact that the General Assembly lowered the compactness scores for districts it had previously created showed some improper intent. *Pendergrass* Plaintiffs again claim that coalition district precedent is “binding,” [Pendergrass Doc. 317, pp. 24-25], when that is simply not true.

Finally, *Pendergrass* Plaintiffs walk right up to the line of alleging intentional racial discrimination by the General Assembly during the 2023 special session. Not only does this ignore the required presumption of good

faith to legislative actions, it is inappropriate to conclude based on a single legislator's statement. *Greater Birmingham Ministries v. Sec'y of Ala.*, 992 F.3d 1299, 1324 (11th Cir. 2021). Further, this claim ignores the careful, deliberative process the General Assembly undertook and explained in committee meetings about the plan. *See* Facts Regarding Remedial Plans, Sections II–V, above. *Pendergrass* Plaintiffs have not offered any evidence that supports a finding of intentional racial discrimination, nor is that appropriate to consider under this Senate factor.

Just like the evidence at trial, partisanship by a political branch is not a tenuous justification and does not support a finding of a Section 2 violation here.

D. *Pendergrass* Plaintiffs have not shown a Section 2 violation from changing the character of District 7.

Pendergrass Plaintiffs are wrong on the law and have not put forward sufficient evidence to support their claims about enacted Congressional District 7. Although it originally drew Congressional District 7 as a coalition district in 2021 as an exercise of state policy, the General Assembly is not *required* to draw a coalition district where Congressional District 7 was previously located. Even if it was, *Pendergrass* Plaintiffs have not put forward sufficient evidence of a coalition that could support a Section 2 claim in that area based on the *Gingles* preconditions, especially considering the significant

differences in Asian, Latino, and Black voters in the district. Further, *Pendergrass* Plaintiffs have not shown that the totality of the circumstances shows a lack of equal openness for Asian, Latino, and Black voters in the area covered by the former Congressional District 7. As a result, *Pendergrass* Plaintiffs have not shown that the Congressional remedial plan has any Section 2 violation in it, and there is no reason to stop the State from using that plan in the 2024 elections.

IV. This Court should not adopt Plaintiffs' plans (APA/Grant/Pendergrass).

Even if this Court determines that the General Assembly plans should not be used, it should not adopt Plaintiffs' plans outright. This Court is required to defer to the legislative policy determinations as far as is possible except in situations where there are separate violations of Section 2 or the Constitution. *Tallahassee Branch of NAACP*, 827 F.2d at 1438. The Court now has the benefit of the General Assembly's remedial plans and must defer to the policy decisions made in those plans as far as is possible. Because none of Plaintiffs' plans were drawn with those policy goals in mind, they are not appropriate remedies for this Court to order.

V. Time is of the essence to ensure election officials can administer the 2024 elections (APA/Grant/Pendergrass).

As this Court is aware, the administration of elections is a complicated endeavor, and works backward from the date of the election. *Alpha Phi Alpha*

Fraternity v. Raffensperger, 587 F. Supp. 3d 1222, 1321 (N.D. Ga. 2022). Under the 2024 election calendar, which is attached as Ex. J, the addition of the Presidential Preference Primary in March 2024 complicates the election schedule this year. Nomination petitions can be circulated as early as January 11, 2024, and qualifying for the May Primary and November General elections begins on March 4, 2024 at 9:00am. Ex. J, pp. 1, 3. Time is of the essence to ensure the parameters of the election are set before the eve of the election. *Purcell v. Gonzales*, 549 U.S. 1, 4–5 (2006) (per curiam); *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205, 1207 (2020).

CONCLUSION

The Georgia General Assembly took this Court and its obligations to Georgia voters seriously and fulfilled the mission this Court gave it—to create additional majority-Black districts in defined areas, while also complying with other traditional redistricting principles.

Plaintiffs admit the General Assembly drew the districts this Court required. And their objections are based on partisanship rather than in fact or law. But Plaintiffs’ mere dislike of the political outcome of their case is not a legal ground for the Court to reject the remedial plans. Georgia’s remedial maps fully comply with this Court’s Order and the Voting Rights Act. This Court should overrule Plaintiffs’ objections and allow Georgia to use its chosen district maps in the 2024 election cycle.

Respectfully submitted this 18th day of December, 2023.

Christopher M. Carr
Attorney General
Georgia Bar No. 112505
Bryan K. Webb
Deputy Attorney General
Georgia Bar No. 743580
Russell D. Willard
Senior Assistant Attorney General
Georgia Bar No. 760280
State Law Department
40 Capitol Square, S.W.
Atlanta, Georgia 30334

/s/ Bryan P. Tyson
Bryan P. Tyson
Special Assistant Attorney General
Georgia Bar No. 515411
btyson@taylorenghish.com
Frank B. Strickland
Georgia Bar No. 687600
fstrickland@taylorenghish.com
Bryan F. Jacoutot
Georgia Bar No. 668272
bjacoutot@taylorenghish.com
Diane Festin LaRoss
Georgia Bar No. 430830
dlaross@taylorenghish.com
Donald P. Boyle, Jr.
Georgia Bar No. 073519
dboyle@taylorenghish.com
Daniel H. Weigel
Georgia Bar No. 956419
dweigel@taylorenghish.com
Taylor English Duma LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339

Telephone: 678-336-7249

*Counsel for Defendant Secretary of State
Brad Raffensperger*

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing Response Brief has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ *Bryan P. Tyson*
Bryan P. Tyson

No. 24-10231

**In the United States Court of Appeals
for the Eleventh Circuit**

COAKLEY PENDERGRASS, et al.,
Plaintiffs-Appellants,

v.

SECRETARY OF STATE OF GEORGIA,
Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of Georgia
No. 1:21-cv-05339—Steve C. Jones, Judge

APPELLANTS' APPENDIX VOLUME VII OF VII

Joyce Gist Lewis
Adam M. Sparks
KREVOLIN & HORST, LLP
One Atlantic Center
1201 W. Peachtree St. NW,
Suite 3250
Atlanta, GA 30309
Telephone: (404) 888-9700

Abha Khanna
Makeba Rutahindurwa
ELIAS LAW GROUP LLP
1700 Seventh Ave,
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177

Counsel for Plaintiffs-Appellants

Index of Appendix

	Docket/Tab #
<u>Volume I</u>	
District Court Docket Sheet	A
Complaint.....	1
Plaintiff’s Motion for Preliminary Injunction.....	32
Answer to Complaint	89
<u>Volume II</u>	
Order Following Coordinated Hearing on Motions for Preliminary Injunction	97
<u>Volume III</u>	
Amended Complaint	120
Answer to Amended Complaint.....	122
Opinion and Memorandum of Decision (pp. 1–190).....	286
<u>Volume IV</u>	
Opinion and Memorandum of Decision (pp. 191–434).....	286
<u>Volume V</u>	
Opinion and Memorandum of Decision (pp. 435–516).....	286
Notice of Adoption of Remedial Plans	312
Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	317
Exhibit 1 to Doc. 317: Expert Report of William S. Cooper	317-1
Exhibit 2 to Doc. 317: Expert Report of Maxwell Palmer, Ph.D.....	317-2

Exhibit 3 to Doc. 317	
Attachment to Expert Report of Maxwell Palmer, Ph.D.:	
Ecological Interference Appendix Tables	317-3
Plaintiffs’ Supplemental Notice of Filing of Exhibits Supporting	
Objections to the Georgia General Assembly’s Remedial	
Congressional Plan	318
Exhibit A-1 to Doc. 318:	
Population Summary Report for the Illustrative Plan	318-1
Exhibit A-2 to Doc. 318:	
Population Summary Report for the 2023 Enacted Plan.....	318-2
Exhibit A-3 to Doc. 318:	
Population Summary Report for the 2021 Enacted Plan.....	318-3
Exhibit B-1 to Doc. 318:	
County Level Population Assignments by District for the	
Illustrative Plan	318-4

Volume VI

Exhibit B-2 to Doc. 318:	
County Level Population Assignments by District for the	
2023 Enacted Plan	318-5
Exhibit B-3 to Doc. 318:	
County Level Population Assignments by District for the	
2021 Enacted Plan	318-6
Exhibit B-4 to Doc. 318:	
Table Reporting 2020 Census Georgia Population by County	
Race and Ethnicity	318-7
Exhibit C-1 to Doc. 318:	
Core Constituencies Table Regarding 2021 Enacted Plan CD 7	
and VRA Section 2 Violation Area	318-8
Exhibit C-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan CD 6,	
2023 Enacted Plan CD 6, and VRA Section 2 Violation Area	318-9

Exhibit D-1 to Doc. 318:	
Map Packet Depicting the Illustrative Plan	318-10
Exhibit D-2 to Doc. 318:	
Map Packet Depicting the 2023 Enacted Plan.....	318-11
Exhibit D-3 to Doc. 318:	
Map Packet Depicting the 2021 Enacted Plan.....	318-12
Exhibit E-1 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-13
Exhibit E-2 to Doc. 318:	
Core Constituencies Table Regarding Illustrative Plan Core Components	318-14
Exhibit F-1 to Doc. 318:	
Compactness Report (District-by-District) for Illustrative Plan	318-15
Exhibit F-2 to Doc. 318:	
Compactness Report (District-by-District) for 2023 Enacted Plan.....	318-16
Exhibit F-3 to Doc. 318:	
Compactness Report (District-by-District) for 2021 Enacted Plan.....	318-17
Exhibit G-1 to Doc. 318:	
County and VTD Split Report for the Illustrative Plan.....	318-18
Exhibit G-2 to Doc. 318:	
County and VTD Split Report for the 2023 Enacted Plan	318-19
Exhibit G-3 to Doc. 318:	
County and VTD Split Report for the 2021 Enacted Plan	318-20
Exhibit H-1 to Doc. 318:	
Split Report for All Municipalities for the Illustrative Plan.....	318-21
Exhibit H-2 to Doc. 318:	
Split Report for All Municipalities for the 2023 Enacted Plan	318-22
Exhibit H-3 to Doc. 318:	
Split Report for All Municipalities for the 2021 Enacted Plan	318-23

Exhibit I-1 to Doc. 318:	
Regional Split Report for the Illustrative Plan	318-24
Exhibit I-2 to Doc. 318:	
Regional Split Report for the 2023 Enacted Plan.....	318-25
Exhibit I-3 to Doc. 318:	
Regional Split Report for the 2021 Enacted Plan.....	318-26
Consolidated Response to Plaintiff’s Objections Regarding Remedial Plans.....	327

Volume VII

Exhibit B to Doc. 327:	
Expert Report of Michael Barber	327-2
Exhibit F to Doc. 327:	
Senate Committee Hearing Held Dec. 4, 2023.....	327-6
Plaintiffs’ Reply in Support of Objections to the Georgia General Assembly’s Remedial Congressional Plan	328
Minute Sheet for Evidentiary Hearing Held Dec. 20, 2023	329
Order Overruling Plaintiff’s Objections to the Georgia General Assembly’s Remedial Congressional Plan	334
Notice of Appeal	336
Certificate of Service	

327-2

EXHIBIT B

Expert Report for Georgia 2023 Remedial Redistricting Plans

Dr. Michael Barber
Brigham Young University
724 Spencer W. Kimball Tower
Provo, UT 84604
barber@byu.edu

Contents

1	Introduction and Qualifications	3
1.1	Summary of Conclusions:	4
2	Congressional Map	5
2.1	Maps of Remedial Districts	5
2.2	Number of Majority Black Voting Age Population (BVAP) Districts	8
2.3	BVAP Assigned to Majority-BVAP Districts	10
2.4	Similarity to Illustrative Districts	10
2.5	Electoral Effectiveness	11
3	State Senate	13
3.1	Maps of Remedial Districts	13
3.2	Number of Majority-BVAP Districts	16
3.3	BVAP Assigned to Majority-BVAP Senate Districts	18
3.4	Maps of Remedial Districts SD-17 and SD-28	19
3.5	Similarity to Illustrative Districts	21
3.6	Electoral Effectiveness	22
4	State House	24
4.1	Maps of Remedial Districts	24
4.2	Number of Majority-BVAP Districts	27
4.3	BVAP Assigned to Majority-BVAP Districts	29
4.4	Remedial House District 64 - West-metro Atlanta	31
4.5	Remedial House District 74 and 117 - South-metro Atlanta	33
4.6	Remedial House District 145 and 149 - Macon-Bibb	36
4.7	Electoral Effectiveness	40

1 Introduction and Qualifications

I have been asked by counsel for the Georgia Secretary of State to compose a report to evaluate the remedial redistricting maps that were passed by the Georgia State Legislature and signed by Governor Kemp on December 8, 2023.

I am an associate professor of political science at Brigham Young University and director of the Center for the Study of Elections and Democracy in Provo, Utah. I received my PhD in political science from Princeton University in 2014 with emphases in American politics and quantitative methods/statistical analyses. In my position as a professor of political science, I have conducted research on a variety of election- and voting-related topics in American politics and public opinion. Much of this research has been published in my discipline's top peer-reviewed journals. I have published more than 20 peer-reviewed articles. I have worked as an expert witness in a number of redistricting cases in which I have been asked to analyze and evaluate various political and geographic-related data and maps, including in New York, Ohio, Pennsylvania, Louisiana, and North Carolina. I have previously provided expert reports in several other cases related to voting, redistricting, and Section 2 of the Voting Rights Act for groups representing both Republican, Democratic, and non-partisan interests. Cases in which I have testified at trial or by deposition are listed in my CV, which is attached to the end of this report. Outside of litigation and courtrooms, I also recently contracted to work with the Virginia Office of Civil Rights as a voting rights expert consultant.

The analysis and opinions I provide below are consistent with my education, training in statistical analysis, and knowledge of the relevant academic literature. These skills are well-suited for this type of analysis in political science and quantitative analysis more generally. My conclusions stated herein are based upon my review of the information available to me at this time. I am being compensated at a rate of \$500.00 per hour. My compensation does not depend in any way on the outcome of the case or on the opinions or testimony that I provide. I reserve the right to update and revise this report as new information becomes available.

1.1 Summary of Conclusions:

- In its October 26, 2023 order, the Court required the drawing of an additional majority-Black Congressional district, two new majority-Black Senate districts, and five new majority-Black House districts.
- The remedial maps closely adhere to the Court's instructions and create an additional majority-Black Congressional district, two new majority-Black Senate districts, and five new majority-Black House districts.
- These new majority-BVAP districts are similar to districts put forward by plaintiffs in either their illustrative maps from the trial or newly proposed remedial maps.
- The new remedial maps increase the number of Black voters who reside in majority-BVAP districts.
- Plaintiffs' criticisms of the new majority-BVAP districts in the remedial maps often also apply to the plaintiffs' own illustrative and proposed remedial maps, and would lead to the conclusion that the plaintiffs' own proposed remedial maps are possibly also in violation of the Court's order and Section 2 of the VRA.

2 Congressional Map

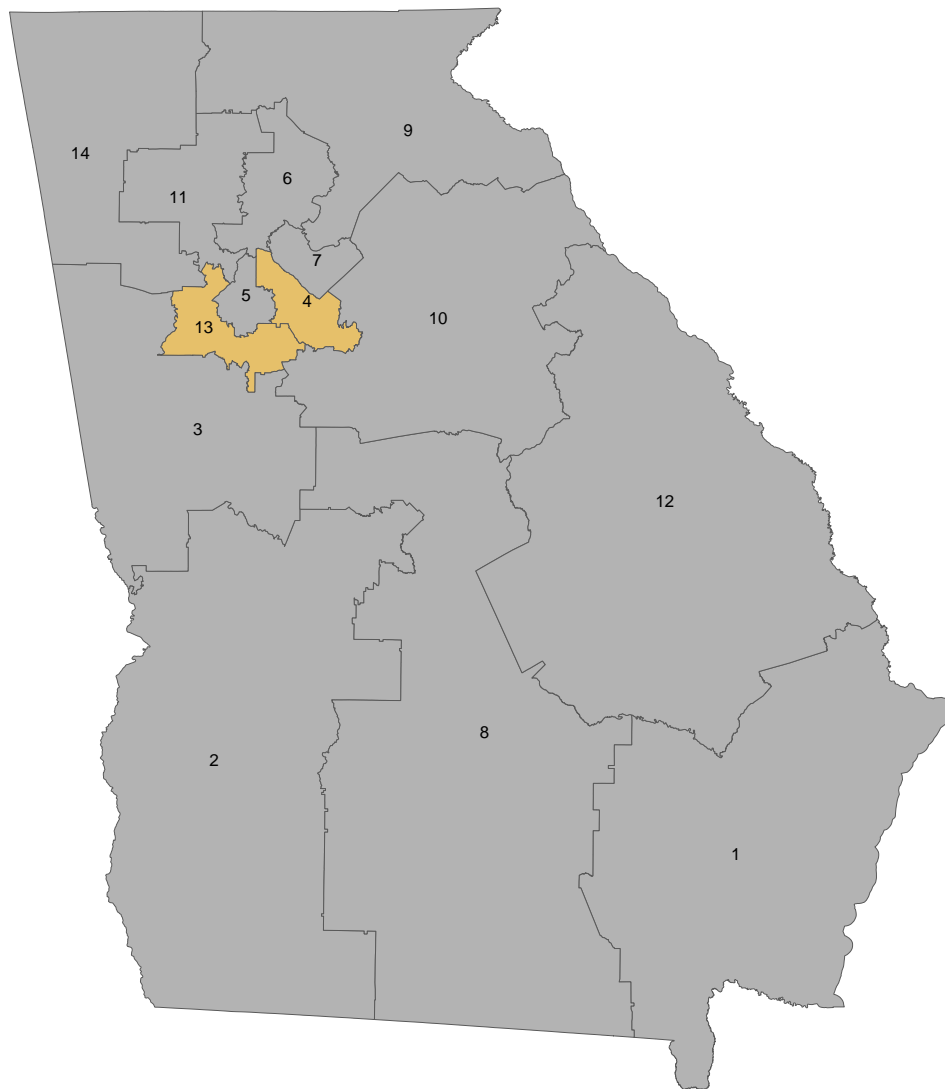
2.1 Maps of Remedial Districts

The first map below shows the 2021 congressional district boundaries. The second map shows the boundaries of the 2023 remedial congressional map. Districts in yellow are majority BVAP. Districts in blue are the newly created majority-BVAP districts in the remedial map.

2021 Enacted Congressional Map




Majority-BVAP districts highlighted in yellow

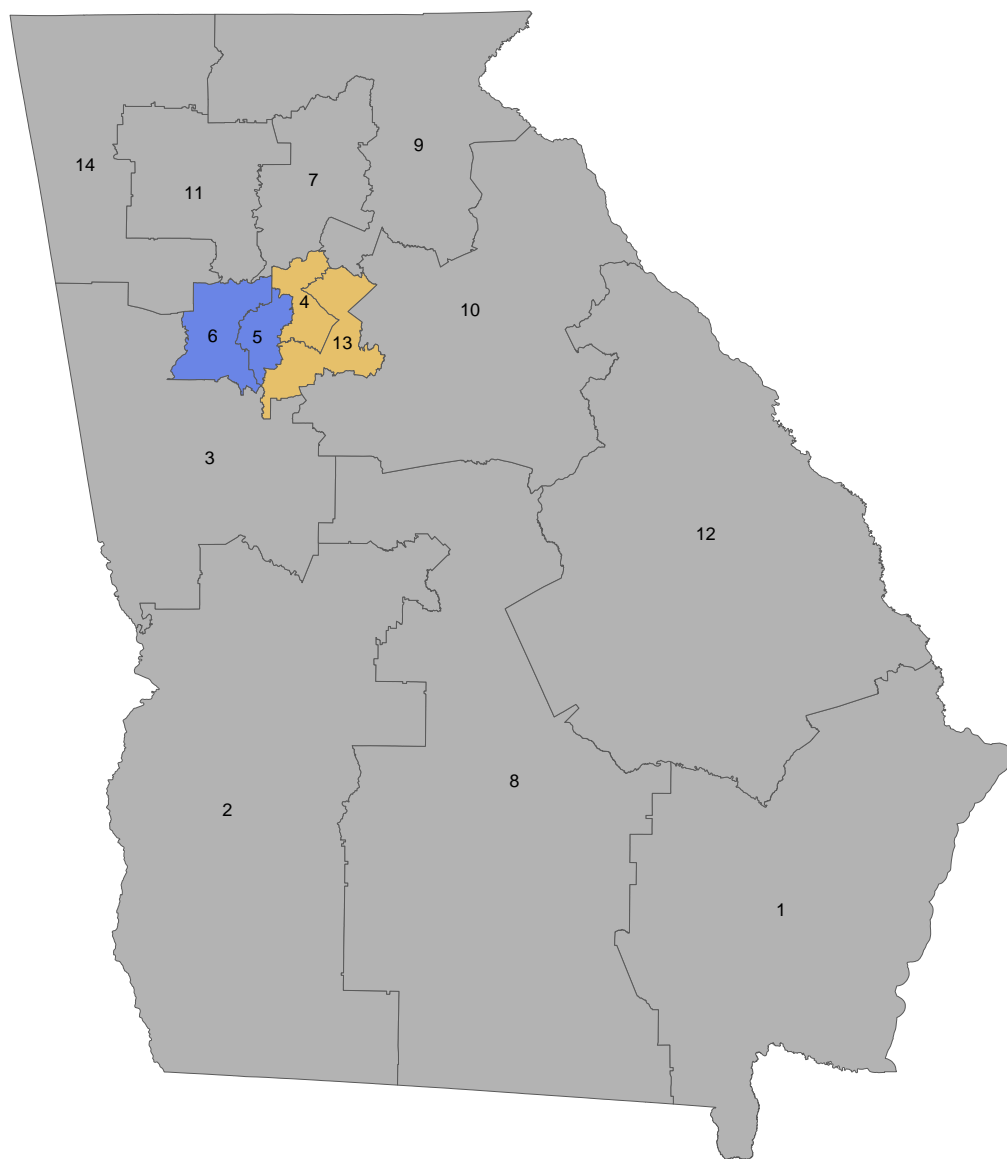
 Maj-BVAP  Non Maj-BVAP



2023 Remedial Congressional Map

New Majority-BVAP districts highlighted in blue

 Maj-BVAP  New Maj-BVAP  Non Maj-BVAP



2.2 Number of Majority Black Voting Age Population (BVAP) Districts

The 2021 enacted Congressional map contained 2 majority any-part BVAP districts (13 and 4), 2 districts that were not majority BVAP but were majority any-part Black (2 and 5), and one district that was majority minority (7). Collectively, there were 5 majority-minority VAP districts in the 2021 plan (2, 4, 5, 7, and 13).

District 7 requires a little more explanation because the demographics of that district change dramatically depending on the population statistics one uses. Using voting age population, old CD-7 was 29.82% any-part BVAP and 21.27% HVAP, for a Black + Hispanic voting age population of 51.09%. However, the any-part Black statistic includes Black individuals who also identify as Hispanic, so the combination of these two categories will double count people who fall into both categories. Using the Non-Hispanic Black VAP statistics, old CD-7 was 27.3% NH-BVAP, 21.27% HVAP, for a total Black + Hispanic population of 48.6%. Adding non-Hispanic Asian VAP from the district (14.9%) is required for the district to move above the majority-minority VAP threshold. Finally, the citizen voting age population (CVAP) statistics also change because of the large proportion of Hispanic adults who are not citizens. Using CVAP numbers, old CD-7 was 31.93% NH single-race Black, 10.21% Hispanic, and 11.79% single-race non-Hispanic Asian. Together these three groups constituted 53.93% of the district's citizen voting age population.¹

The 2023 remedial map now contains 4 majority any-part BVAP districts (4, 5, 6, and 13). District 2 in the 2023 remedial map remains unchanged from the 2021 map and still has a majority any-part Black population and majority-minority voting age population. Collectively, there are 5 majority-minority VAP districts in the 2023 remedial map (2, 4, 5, 6, and 13).

Several of the plaintiffs' objections to the 2023 remedial Congressional map center around changes made to old CD-7, with accompanying claims that this district was protected under Section 2 of the Voting Rights Act. An assessment of whether or not old CD-7 qualifies as a protected Section 2 district and meets the various *Gingles* criteria is a question for the court,

¹See Cooper report, Exhibits G and H.

but several pieces of information are helpful for the Court in making that determination. First, no single racial group is a majority in the district. Second, no two minority groups constitute a majority in the district when calculated using CVAP statistics, as is common in Section 2 cases involving Hispanic and/or Asian populations. Thus, the district was majority-minority by combining Black, Hispanic, and Asian voters, as noted above. While these groups appear to have similar partisan preferences in this region when voting in partisan general elections (see expert report of Dr. Palmer, page 3), it is not clear, nor have I been presented with any analysis to show if these three groups share cohesive preferences in their choice of which candidate to nominate in primary elections.

Table 1: Racial statistics for Congressional Maps

2021 Enacted Map			2023 Remedial Map		
District	BVAP %	Minority VAP %	District	BVAP %	Minority VAP %
13	66.75	81.18	6	51.75	67.20
4	54.52	71.75	13	51.45	72.17
5	49.6	62.08	5	51.06	66.35
2	49.29	57.27	4	50.59	78.25
12	36.72	45.35	2	49.29	57.27
8	30.04	39.48	12	36.72	45.35
7	29.82	67.22	8	30.04	39.48
1	28.17	39.59	1	28.17	39.59
3	23.32	33.17	10	23.69	34.72
10	22.6	33.8	3	23.32	33.17
11	17.95	36.01	11	12.83	30.63
14	14.28	28.67	9	12.65	35.49
9	10.42	31.71	14	12.59	26.88
6	9.91	33.37	7	8.93	33.23

Note: Districts are sorted by BVAP percentages in each map. Districts highlighted in yellow are majority-BVAP. Districts highlighted in green are majority-minority. Districts highlighted in Blue are newly majority-BVAP in the 2023 remedial map. BVAP is calculated from the 2020 US Census “any-part Black 18+”. Minority VAP is 100 minus Non-Hispanic White 18+ percent.

2.3 BVAP Assigned to Majority-BVAP Districts

Overall, the remedial congressional map increases the number of Black voters who reside in majority-BVAP districts compared to the 2021 enacted congressional map. The table below shows that in the 2021 congressional map 27% of Black voters resided in majority-BVAP districts. In the 2023 remedial map this number increases to 46.4%. On page 514 of the Court’s October 26, 2023 order, the Court states, “SB 2EX violates Section 2 of the Voting Rights Act as to the following districts/areas: Enacted Congressional Districts 3, 6, 11, 13, and 14.” If we limit the inquiry to these five districts, 50.0% of Black voters in this area resided in majority BVAP districts in the 2021 congressional map. Remaining within this area, but looking at the 2023 remedial congressional map, 57.2% of Black voters in this area now reside in majority BVAP districts under the remedial congressional map.

Table 2: Black Voters Residing in Majority-BVAP Congressional Districts

Congressional Maps	% of Black voting age population living in a majority-BVAP district
Statewide	
2021 Enacted	27.0%
2023 Remedial	46.4%
Within 2021 districts Court listed in ordering paragraphs	
2021 Enacted	50.0%
2023 Remedial	57.2%

Note: Page 514 of the Court’s October 26, 2023 order states, “SB 2EX violates Section 2 of the Voting Rights Act as to the following districts/areas: Enacted Congressional Districts 3, 6, 11, 13, and 14.” The bottom half of the table limits the calculations to the area covered by those districts.

2.4 Similarity to Illustrative Districts

Overall, remedial CD-6 is quite similar to CD-6 in the plaintiff’s own illustrative maps. The majority of the population in remedial CD-6 is contained in CD-6 in the Cooper illustrative map. Table 3 shows how the population of the new majority-BVAP remedial Congressional

district relates to the illustrative Congressional districts and the degree to which they overlap. The illustrative district that contains the largest overlap is bolded. For example, remedial CD-6 contains 72.5% of Cooper illustrative CD-6’s total population and 80.8% of the BVAP in Cooper illustrative CD-06.

Table 3: Similarity between Remedial Senate Districts and Illustrative Districts

Remedial Congressional District 6:	Shared Population	
Illustrative District:	Total	BVAP
Cooper CD-6	72.5%	80.8%
Cooper CD-5	25.3%	16.8%
Cooper CD-13	2.16%	2.37%
	100%	100.0%

Note: The overwhelming majority of the total population and Black voting age population in remedial CD-6 is contained in Cooper illustrative CD-6. The illustrative district that contains the largest overlap is bolded.

2.5 Electoral Effectiveness

All four of the majority-BVAP districts in the 2023 plan and the remaining majority-minority district (CD-2) have performed uniformly for Democratic candidates in past statewide general elections. To measure this I looked at the general election results of 15 statewide election contests from 2106-2022 in each of the districts. Table 4 below shows the proportion of those elections in which the Democratic candidate won a majority of the two-party votes cast in that district.² The table also shows the electoral performance of the 2021 congressional districts for reference. In both maps there are five congressional districts that are likely to be solidly Democratic in future elections.

²The specific elections considered are: 2022: Attorney General, Governor, Secretary of State, US Senate, Lt. Governor; 2021: US Senate Runoff, US Special Senate Runoff; 2020: US Special Senate, US Senate, President; 2018: Attorney General, Governor, Lt. Governor; 2016: President, US Senate.

Table 4: Reconstituted Election Results in Congressional Districts

2021 Districts	% of elections where Democrat wins	Remedial Districts	% of elections where Democrat wins
CD-1	0%	CD-1	0%
CD-2	100%	CD-2	100%
CD-3	0%	CD-3	0%
CD-4	100%	CD-4	100%
CD-5	100%	CD-5	100%
CD-6	0%	CD-6	100 %
CD-7	100%	CD-7	0%
CD-8	0%	CD-8	0%
CD-9	0%	CD-9	0%
CD-10	0%	CD-10	0%
CD-11	0%	CD-11	0%
CD-12	0%	CD-12	0%
CD-13	100%	CD-13	100%
CD-14	0%	CD-14	0%

Note: Performance is based on the percent of the two-party vote won by the Democratic candidate in the district for 15 statewide elections between 2016 and 2022. Yellow districts are majority-BVAP. Green districts are majority-minority VAP. Blue districts are newly created majority-BVAP districts in the remedial Congressional map.

3 State Senate

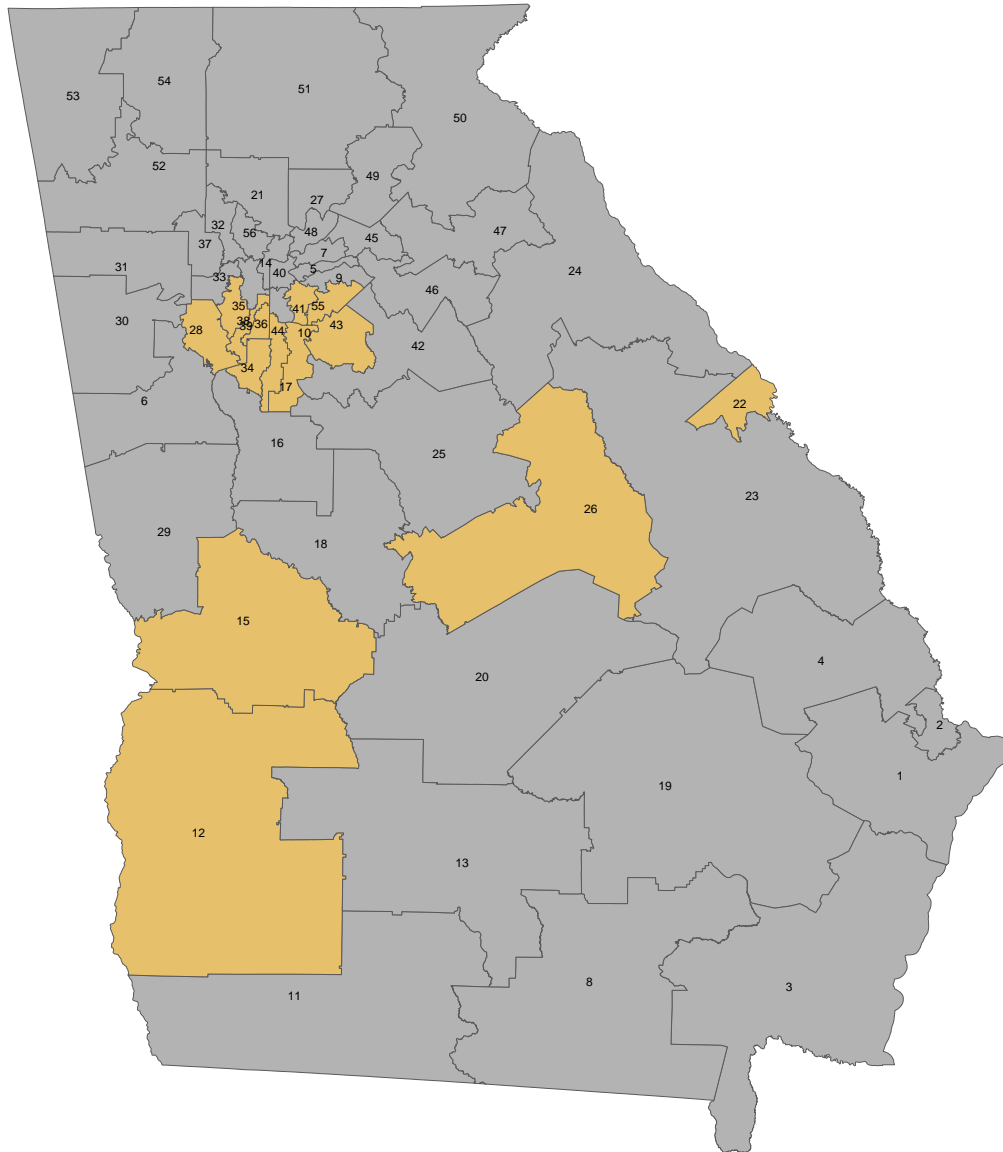
3.1 Maps of Remedial Districts

The first map below shows the 2021 Senate district boundaries. The second map shows the boundaries of the 2023 remedial Senate map. Districts in yellow are majority BVAP. Districts in blue are the newly created majority-BVAP districts in the remedial Senate map.

2021 Enacted Senate Map

Majority-BVAP districts highlighted in yellow

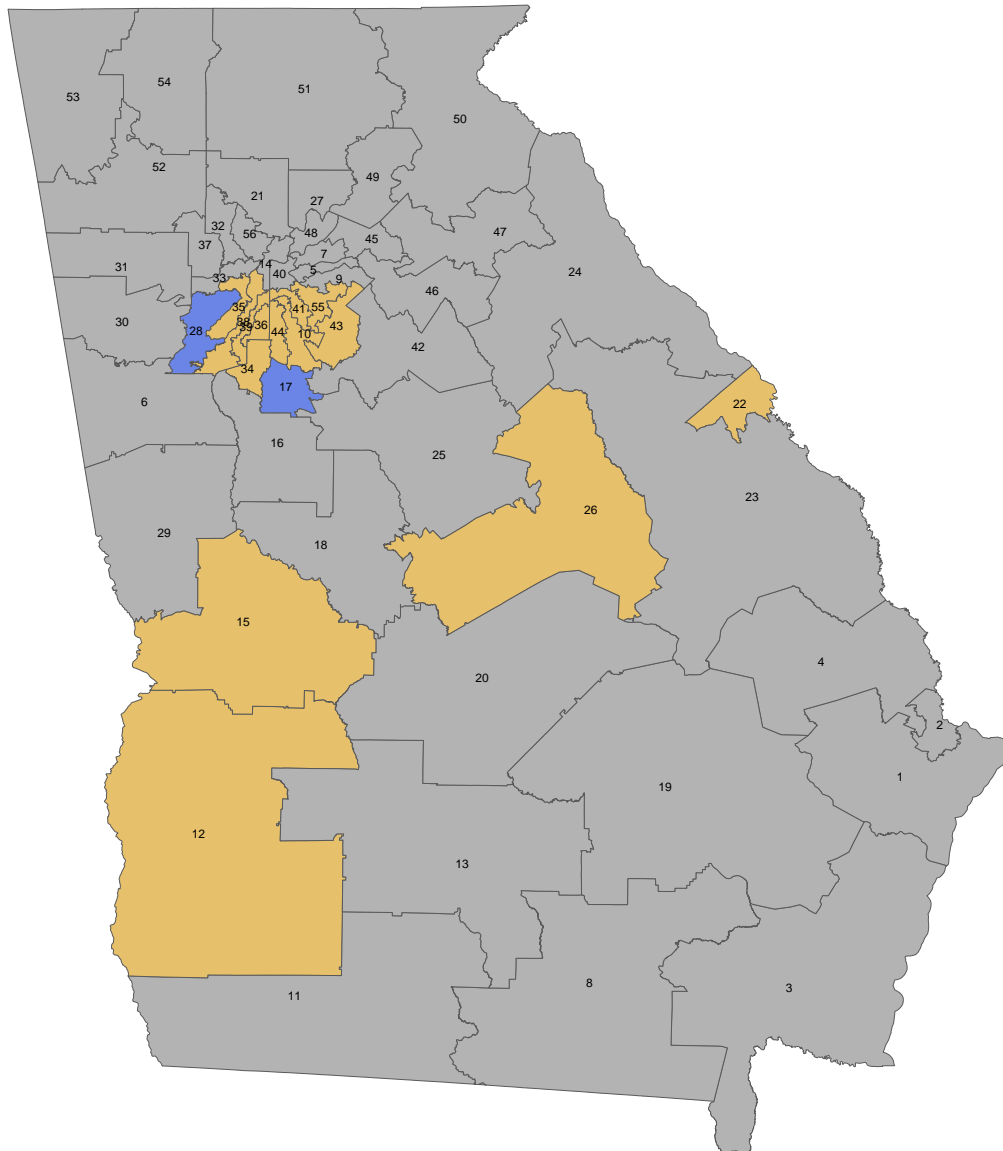
 Maj-BVAP  Non Maj-BVAP



2023 Remedial Senate Map

New Majority–BVAP districts highlighted in blue

Maj–BVAP New Maj–BVAP Non Maj–BVAP



3.2 Number of Majority-BVAP Districts

The 2021 enacted Senate map contained 14 majority any-part BVAP districts, 6 districts that were not majority BVAP but were majority-minority.³

The 2023 remedial Senate map adds two additional majority-BVAP districts, SD-17 and SD-28 for a total of 16 majority BVAP Senate districts throughout the state. The 2023 remedial Senate map also contains 6 districts that were not majority BVAP but were majority minority.

Table 5 shows the BVAP and minority VAP percentages for districts in the 2021 and 2023 remedial Senate maps. Districts are sorted by BVAP percentages in each map. Districts highlighted in yellow are majority-BVAP. Districts highlighted in green are majority-minority. Districts highlighted in Blue are newly majority-BVAP in the 2023 remedial map.

³Non-White percentage is defined as 100 minus the non-Hispanic single-race White VAP percentage.

Table 5: Racial Statistics for Senate Maps

2021 Enacted Map			2023 Remedial Map		
District	BVAP %	Minority VAP %	District	BVAP %	Minority VAP %
35	71.90	81.18	34	69.54	86.64
10	71.46	80.36	10	65.24	74.55
44	71.34	84.71	43	63.76	75.04
34	69.54	86.64	17	63.61	76.45
55	65.97	79.44	55	62.18	76.35
38	65.30	78.13	38	60.88	70.18
43	64.33	73.47	41	58.46	76.72
41	62.61	78.61	12	57.97	63.29
39	60.70	72.13	26	56.99	63.40
12	57.97	63.29	22	56.50	65.62
26	56.99	63.40	28	56.42	71.60
22	56.50	65.62	39	55.42	68.10
15	54.00	63.48	35	54.67	69.65
36	51.34	63.82	15	54.00	63.48
2	46.86	59.79	44	53.53	67.07
33	42.96	69.75	36	51.34	63.82
23	35.48	43.11	2	46.86	59.79
25	33.48	40.06	23	35.48	43.11
17	32.01	40.58	33	35.26	61.95
20	31.28	38.29	42	32.56	40.87
11	31.04	41.03	20	31.28	38.29
42	30.78	48.61	11	31.04	41.03
18	30.40	39.31	25	30.81	37.13
8	30.38	39.90	18	30.40	39.31
5	29.94	84.31	8	30.38	39.90
9	29.53	64.19	5	29.94	84.31
13	26.97	35.90	9	29.53	64.19
29	26.88	36.78	13	26.97	35.90
19	25.72	36.01	29	26.88	36.78
1	25.08	38.01	19	25.72	36.01
6	23.90	42.21	1	25.08	38.01
4	23.37	33.22	30	23.71	34.08
16	22.70	33.09	4	23.37	33.22
7	21.44	62.16	16	22.70	33.09
3	21.18	31.12	7	21.44	62.16
30	20.92	30.59	3	21.18	31.12
31	20.70	31.74	31	20.70	31.74
24	19.85	30.19	24	19.85	30.19
28	19.51	30.56	37	19.27	34.63
37	19.27	34.63	40	19.24	53.66
40	19.24	53.66	14	18.97	42.90
14	18.97	42.90	45	18.58	44.53
45	18.58	44.53	47	17.42	32.54
47	17.42	32.54	6	17.28	27.68
46	16.90	30.10	46	16.90	30.10
32	14.86	34.22	32	14.86	34.22
52	13.04	25.26	52	13.04	25.26
48	9.47	47.75	48	9.47	47.75
49	7.96	34.36	49	7.96	34.36
56	7.57	23.83	56	7.57	23.83
21	7.46	26.13	21	7.46	26.13
50	5.61	18.46	50	5.61	18.46
53	5.10	12.69	53	5.10	12.69
27	5.00	28.50	27	5.00	28.50
54	3.79	30.02	54	3.79	30.02
51	1.21	9.76	51	1.21	9.76

Note: Districts are sorted by BVAP percentages in each map. Districts highlighted in yellow are majority-BVAP. Districts highlighted in green are majority-minority. Districts highlighted in Blue are newly majority-BVAP in the 2023 remedial map. BVAP is calculated from the 2020 US Census “any-part Black 18+”. Minority VAP is 100 minus Non-Hispanic single-race White 18+ percent.

3.3 BVAP Assigned to Majority-BVAP Senate Districts

Overall, the remedial Senate map increases the number of Black voters who reside in majority-BVAP Senate districts compared to the 2021 enacted Senate map. Table 6 below shows that in the 2021 Senate map 49.7% of Black voters resided in majority-BVAP Senate districts. In the 2023 remedial map this number increases to 53.5%. On page 514 of the Court’s October 26, 2023 order, the Court states, “SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44.” If we limit the inquiry to these ten districts, 72.9% of Black voters in this area resided in majority BVAP districts in the 2021 Senate map. Remaining within this area, but looking at the 2023 remedial Senate map, 73.3% of Black voters in this area now reside in majority BVAP districts under the remedial Senate map.

Table 6: Black Voters Residing in Majority-BVAP Districts

Senate Maps	% of Black voting age population living in a majority-BVAP district
Statewide	
2021 Enacted	49.7%
2023 Remedial	53.5%
Within 2021 districts Court listed in ordering paragraphs	
2021 Enacted	72.9%
2023 Remedial	73.3%

Note: Page 514 of the Court’s October 26, 2023 order states, “SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44.” The bottom half of the table limits the calculations to the area covered by those districts.

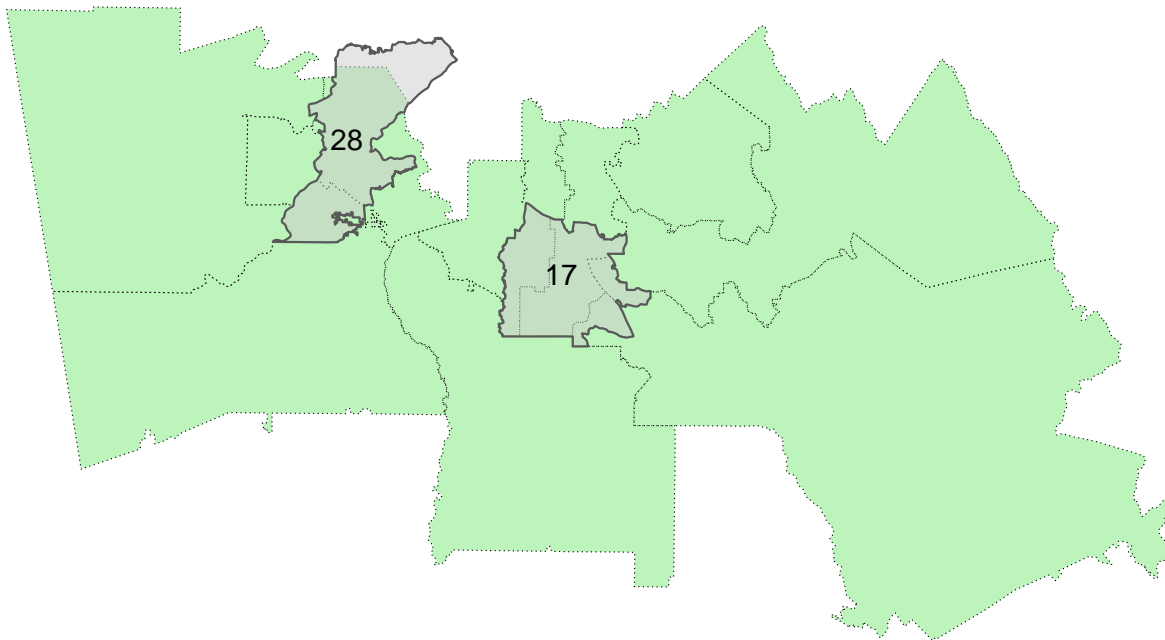
3.4 Maps of Remedial Districts SD-17 and SD-28

The Grant plaintiffs critique the Senate remedial districts for extending outside of the 2021 Senate districts articulated on page 514 of the Court’s October 26, 2023 order.⁴ However, remedial SD-17 is entirely contained in the region, so the critique is only applicable to SD-28, and a majority (56.8%) of the Black voting age population in remedial SD-28 reside within that area. Figure 1 shows a map of these two remedial Senate districts. Behind them is overlaid the area contained in the 2021 Senate districts listed in the Court’s October 26, 2023 order.

Figure 1: Map of Remedial SD-17 and SD-28 Overlaid on 2021 Districts

2023 Remedial SDs–17 and 28 shown in grey

BVAP overlap: SD–17=56.8%, SD–28=100%



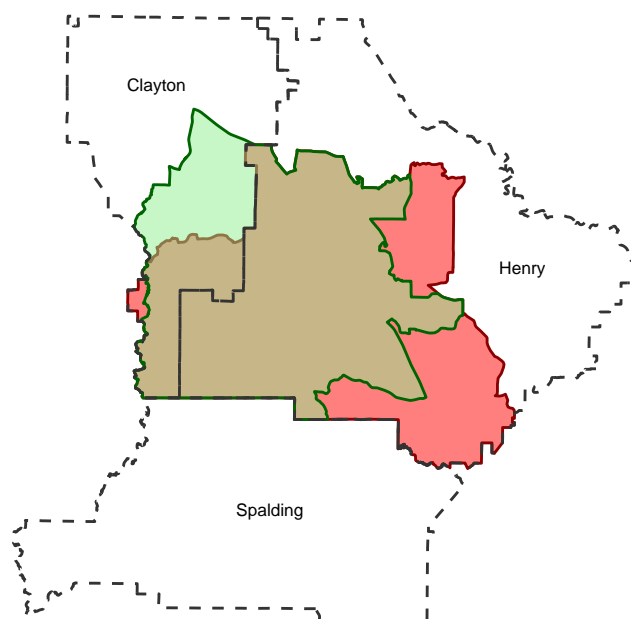
Note: 2021 Senate districts listed by the Court in ordering shown in green

⁴See, for example, page 8 of the Grant Plaintiffs’ Objections to the Georgia General Assembly’s Remedial State Legislative Plans. The court order specifically says: “SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44.”

The APA plaintiffs critique SD-17 for a different reason - its failure to extend southward into Spalding county.⁵ However, this critique would equally apply to another of the plaintiff's illustrative maps. Mr. Esselstyn's SD-15 illustrative district also spans Clayton and Henry counties while not extending southward into Spalding County. Furthermore, the Esselstyn illustrative district that does cover Spalding County (Esselstyn SD-16) is not majority-BVAP either. Thus, the APA plaintiff's critique that no Black voters in Spalding county will reside in a majority-BVAP district under the remedial map is also true of the Grant plaintiff's own illustrative map. The population of remedial SD-17 overlaps Esselstyn illustrative SD-25 by more than 75% and the two districts are shown in Figure 2 below.

Figure 2: Remedial SD-17 and Esselstyn Illustrative SD-25

2023 Remedial Map SD-17: green,
Esselstyn Illustrative SD-25: red
78.6% population overlap, 76.6% BVAP overlap



Note: County boundaries shown with dashed lines

⁵See pages 12-13 of Alpha Phi Alpha Plaintiffs' objections to Defendant's Remedial Proposal and Memorandum of Law.

3.5 Similarity to Illustrative Districts

Overall, remedial SD-17 and SD-28 are quite similar to majority-BVAP districts in the plaintiffs’ own illustrative maps. In both cases, the majority of the population in both remedial Senate districts is contained in a majority-BVAP illustrative district in either the Cooper or Esselstyn illustrative maps. Table 7 shows how the population of each new majority-BVAP remedial Senate district relates to the illustrative Senate districts and the degree to which they overlap. The illustrative district that contains the largest overlap is bolded. For example, remedial SD-17 contains 78.6% of Esselstyn illustrative SD-25 total population and 76.6% of the BVAP in Esselstyn illustrative SD-25.

Table 7: Similarity between Remedial Senate Districts and Illustrative Districts

	Shared Population	
Illustrative District	Total	BVAP
Remedial Senate District 17:		
Esselstyn SD-25	78.6%	76.6%
Esselstyn SD-44	21.4%	23.4%
	100%	100%
Cooper SD-16	43.3%	39.3%
Cooper SD-10	13.3%	12.4%
Cooper SD-17	13.9%	14.3%
Cooper SD-28	29.6%	34.0%
	100%	100.0%
Remedial Senate District 28:		
Esselstyn SD-35	52.6%	55.8%
Esselstyn SD-28	1.6%	1.1 %
Esselstyn SD-33	19.7%	17.5 %
Esselstyn SD-38	26.1%	25.7 %
	100%	100%
Cooper SD-20	50.4%	50.6%
Cooper SD-33	33.2%	33.8%
Cooper SD-35	3.8%	6.2%
Cooper SD-38	12.6%	9.4 %
	100%	100%

Note: The majority of the population in both remedial Senate districts is contained in a majority-BVAP illustrative district in either the Cooper or Esselstyn illustrative maps. The illustrative district that contains the largest overlap is bolded.

3.6 Electoral Effectiveness

Both of the newly created majority-BVAP districts in the 2023 remedial Senate plan perform uniformly for Democratic candidates. To measure this I looked at the general election results of 15 statewide election contests from 2106-2022 in each of the districts. The table below shows the proportion of those elections in which the Democratic candidate won a majority of the two-party votes cast in that district.⁶ I also include the electoral performance of the other 14 majority-BVAP districts and 6 majority-minority districts in the remedial Senate map. For comparison, I also show the electoral performance of the 12 majority-BVAP and 6 majority-minority districts in the 2021 enacted map. All of the districts in the table in both maps are solidly Democratic.

⁶The specific elections considered are: 2022: Attorney General, Governor, Secretary of State, US Senate, Lt. Governor; 2021: US Senate Runoff, US Special Senate Runoff; 2020: US Special Senate, US Senate, President; 2018: Attorney General, Governor, Lt. Governor; 2016: President, US Senate.

Table 8: Reconstituted Election Results in Senate Districts

2021 Districts	% of elections where Democrat wins	Remedial Districts	% of elections where Democrat wins
10	100%	17	100%
12	100%	28	100%
15	100%	10	100%
22	100%	12	100%
26	100%	15	100%
34	100%	22	100%
35	100%	26	100%
36	100%	34	100%
38	100%	35	100%
39	100%	36	100%
41	100%	38	100%
43	100%	39	100%
44	100%	41	100%
55	100%	43	100%
2	100%	44	100%
5	100%	55	100%
7	93.3%	2	100%
9	93.3%	5	100%
33	100%	7	93.3%
40	93.3%	9	93.3%
		33	100%
		40	93.3%

Note: Performance is based on the percent of the two-party vote won by the Democratic candidate in the district for 15 statewide elections between 2016 and 2022. Yellow districts are majority-BVAP. Green districts are majority-minority VAP. Blue districts are newly created majority-BVAP districts in the remedial map.

4 State House

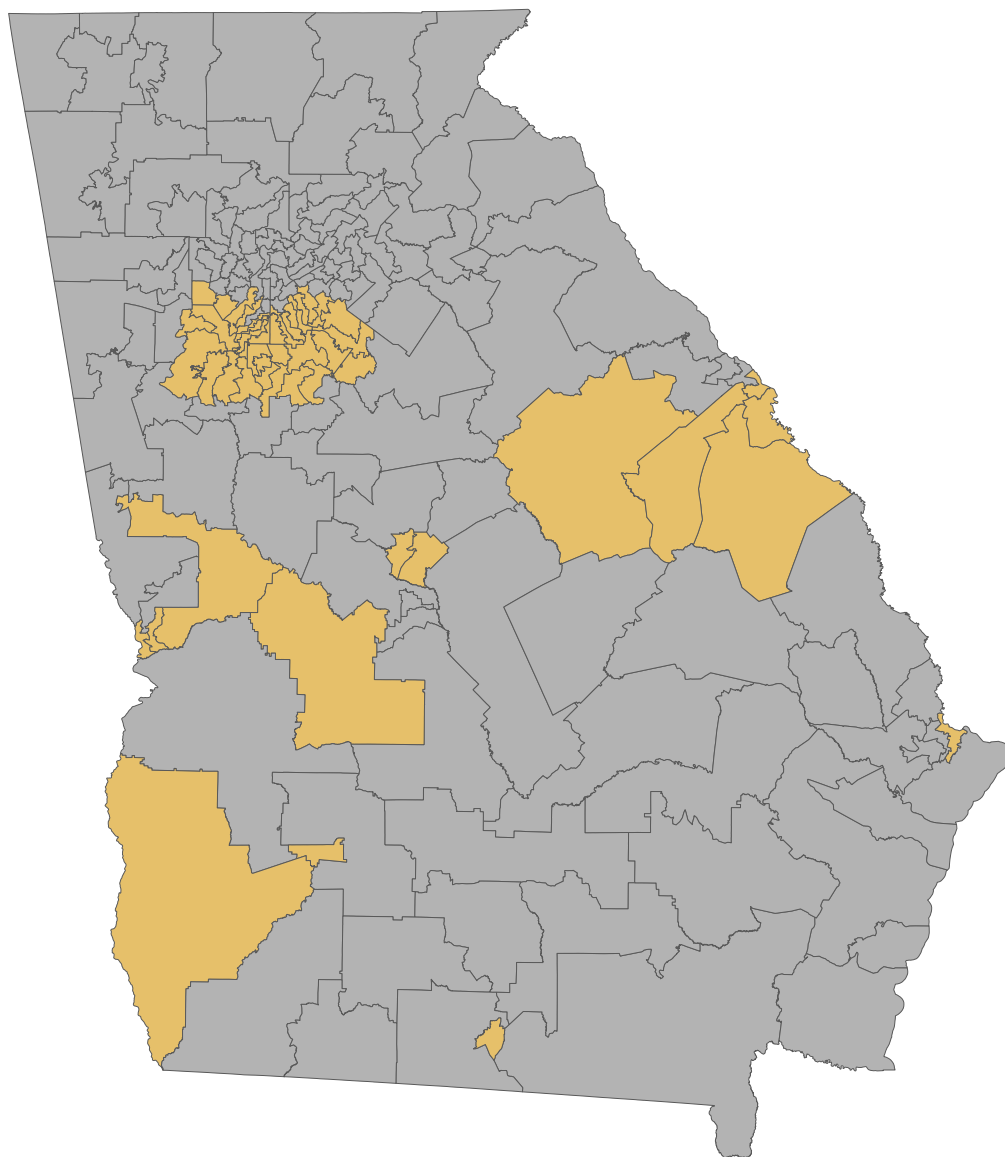
4.1 Maps of Remedial Districts

The first map below shows the 2021 House district boundaries. The second map shows the boundaries of the 2023 remedial Senate map. Districts in yellow are majority BVAP. Districts in blue are the newly created majority-BVAP districts in the remedial House map.

2021 Enacted House Map

Majority-BVAP districts highlighted in yellow

 Maj-BVAP  Non Maj-BVAP

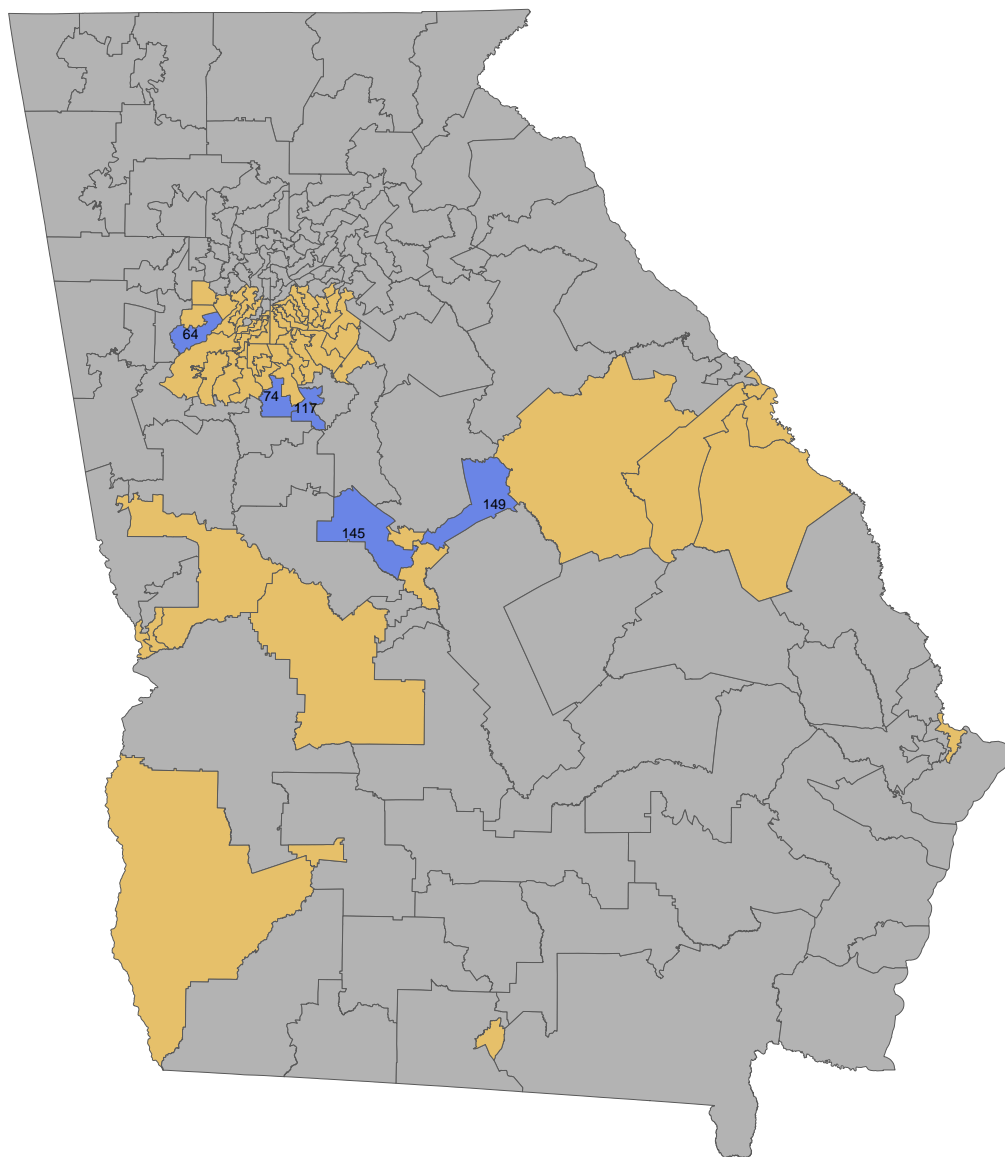


Note: District numbers omitted for clarity.

2023 Remedial House Map

New Majority-BVAP districts highlighted in blue

Maj-BVAP New Maj-BVAP Non Maj-BVAP



Note: District numbers omitted except for additional majority-BVAP districts for clarity.

4.2 Number of Majority-BVAP Districts

The 2021 enacted House map contained 49 majority any-part BVAP districts and 27 districts that were not majority BVAP but were majority-minority.⁷

The 2023 remedial House map adds five additional majority-BVAP districts, HDs-64, 74, 117, 145, and 149, for a total of 54 majority BVAP House districts throughout the state. The 2023 remedial House map also contains 27 districts that were not majority BVAP but were majority-minority.

Table 9 shows the BVAP and minority VAP percentages for districts in the 2021 and 2023 remedial House maps. Districts are sorted by BVAP percentages in each map. Districts highlighted in yellow are majority-BVAP. Districts highlighted in green are majority-minority. Districts highlighted in Blue are newly majority-BVAP in the 2023 remedial House map.

⁷Non-White percentage is defined as 100 minus the non-Hispanic single-race White VAP percentage.

Table 9: Racial statistics for House Maps

2021 Enacted Map			2023 Remedial Map		
District	BVAP %	Minority VAP %	District	BVAP %	Minority VAP %
77	76.13	92.42	77	76.13	92.42
86	75.05	87.92	115	75.45	82.05
75	74.40	88.73	91	75.04	80.29
61	74.29	83.25	75	74.40	88.73
84	73.66	78.71	116	73.91	82.23
87	73.08	86.50	62	72.26	80.93
62	72.26	80.93	79	71.59	92.85
79	71.59	92.85	65	71.27	75.75
78	71.58	84.95	59	70.09	77.96
59	70.09	77.96	63	69.33	80.78
91	70.04	78.00	92	68.11	77.25
63	69.33	80.78	153	67.95	72.34
94	69.04	81.58	76	67.23	89.49
92	68.79	75.95	95	66.74	80.76
153	67.95	72.34	74	66.00	76.31
76	67.23	89.49	93	64.87	78.30
95	67.15	78.17	69	63.56	73.11
93	65.36	77.09	88	63.35	81.70
60	63.88	71.91	117	62.93	73.37
69	63.56	73.11	113	61.30	70.00
88	63.35	81.70	130	59.91	66.26
58	63.04	72.44	78	58.99	75.61
85	62.71	80.52	67	58.92	69.14
89	62.54	68.93	58	57.67	67.63
65	61.98	68.54	140	57.63	68.30
143	60.79	67.72	94	57.53	75.39
130	59.91	66.26	141	57.46	68.23
113	59.53	68.20	89	57.09	66.51
142	59.52	65.20	55	56.39	65.14
67	58.92	69.14	84	56.06	65.30
90	58.49	66.02	61	55.91	67.78
116	58.12	72.78	68	55.75	66.06
140	57.63	68.30	39	55.29	76.53
141	57.46	68.23	129	54.87	62.84
68	55.75	66.06	154	54.82	57.76
55	55.38	64.49	86	54.63	70.96
39	55.29	76.53	126	54.47	60.03
129	54.87	62.84	66	54.28	68.80
154	54.82	57.76	38	54.23	69.90
126	54.47	60.03	177	53.88	62.88
38	54.23	69.90	87	53.86	72.83
177	53.88	62.88	150	53.56	61.69
150	53.56	61.69	60	52.93	62.67
66	53.41	66.07	64	52.43	63.46
132	52.34	64.37	132	52.34	64.37
137	52.13	59.18	137	52.13	59.18
115	52.13	63.05	85	51.92	72.04
128	50.41	53.51	142	51.26	57.51
165	50.33	60.82	90	51.11	59.63
110	47.19	63.42	128	50.41	53.51
168	46.26	60.71	165	50.33	60.82
163	45.49	58.08	145	50.30	57.49
56	45.48	63.02	143	50.17	60.03
162	43.73	59.38	149	50.03	54.51
151	42.41	52.80	56	49.38	65.76
41	39.35	72.38	168	46.26	60.71
102	37.62	69.35	163	45.49	58.08
106	36.27	58.78	110	43.99	61.94
42	33.70	61.00	162	43.73	59.38
109	32.51	84.56	151	42.41	52.80
107	29.63	78.04	102	40.31	69.64
105	29.05	58.26	41	39.35	72.38
37	28.18	53.74	109	32.96	86.10
97	26.77	63.56	35	31.54	50.65
43	26.53	53.69	42	31.03	57.12
101	24.19	59.86	43	30.25	55.99
98	23.25	88.34	106	26.95	69.98
96	23.00	79.68	97	26.77	63.56
81	21.83	52.99	37	24.92	51.89
108	18.35	56.64	107	24.68	66.63
83	15.12	52.10	105	23.53	53.57
99	14.71	57.90	98	23.25	88.34
80	14.18	52.37	96	23.00	79.68
29	13.59	57.71	101	21.15	51.49
50	12.40	55.63	108	17.28	54.11
4	5.38	52.22	83	15.12	52.10
			99	14.71	57.90
			80	14.18	52.37
			29	13.59	57.71
			50	12.40	55.63
			4	5.38	52.22

Note: Districts are sorted by BVAP percentages in each map. Districts highlighted in yellow are majority-BVAP. Districts highlighted in green are majority-minority. Districts highlighted in Blue are newly majority-BVAP in the 2023 remedial map. BVAP is calculated from the 2020 US Census “any-part Black 18+”. Minority VAP is 100 minus Non-Hispanic White 18+ percent. Districts that are not majority-BVAP are omitted to conserve space.

4.3 BVAP Assigned to Majority-BVAP Districts

Overall, the remedial House map increases the number of Black voters who reside in majority-BVAP House districts compared to the 2021 enacted House map. Table 10 below shows that in the 2021 House map 53.5% of Black voters resided in majority-BVAP House districts. In the 2023 remedial map this number increases to 56.6%. On page 514 of the Court’s October 26, 2023 order, the Court states, “HB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149.” If we limit the inquiry to these eleven districts, 53.7% of Black voters in this area resided in majority BVAP districts in the 2021 House map. The APA Plaintiff’s critique the remedial House map for failing to add sufficient Black voters into remedial majority-BVAP districts.⁸ However, the remedial map dramatically increases the number of Black voters in majority-BVAP districts within this region. Remaining within the court-defined area, the 2023 remedial House map places 74.3% of Black voters in this area in majority BVAP districts.

⁸See, for example, pages 20-21 of the APA Objections to Defendant’s Remedial Proposal and Memorandum of Law. However, their critiques are limited to the Atlanta area, as they state: “The 2023 Proposed House Plan’s lines in the Macon-Bibb area do appear to include Black voters from the vote-dilution area in new majority-Black districts in numbers comparable to the APA remedial plan” (pg. 21).

Table 10: Black Voters Residing in Majority-BVAP House Districts

House Maps	% of Black voting age population living in a majority-BVAP District
Statewide	
2021 Enacted	53.5%
2023 Remedial	56.6%
Within 2021 districts Court listed in ordering paragraphs	
2021 Enacted	53.7%
2023 Remedial	74.3%

Note: Page 514 of the Court’s October 26, 2023 order states, “HB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted House Districts 61, 64, 74, 78, 117, 133, 142, 143, 145, 147, and 149.” The bottom half of the table limits the calculations to the area covered by those districts.

4.4 Remedial House District 64 - West-metro Atlanta

The Grant plaintiffs critique the House remedial districts for extending outside of the 2021 House districts articulated on page 514 of the Court's October 26, 2023 order.⁹ However, this critique, in many cases, applies to the proposed remedial map put forward by the APA plaintiffs expert, Mr. Cooper. In other words, if the Grant plaintiffs are correct in their criticisms, then they would lead to the conclusion that the APA plaintiffs' proposed remedial map is possibly also in violation of the Court's order and Section 2 of the VRA.

The left panel of Figure 3 shows a map of HD-64, one of the five new majority-BVAP districts in the remedial House map. Remedial HD-64 extends across 2021 HDs 61 and 64 with 32.5% of remedial HD-64's population contained in the green area delineating the two 2021 House districts mentioned by this Court in this area. Given the particular orientation of these two districts that were mentioned by the Court in its October order, it would be especially difficult to draw any new majority-BVAP district that is entirely, or even largely, contained in this area. The two districts are somewhat horseshoe shaped with only a small geographic connection at the northern end. In fact, the Cooper proposed remedial map draws district 64 in much the same way.¹⁰ As seen in the figure, the APA plaintiffs' proposed remedial map contains less overlap with the court-delineated region than the remedial map passed by the state.

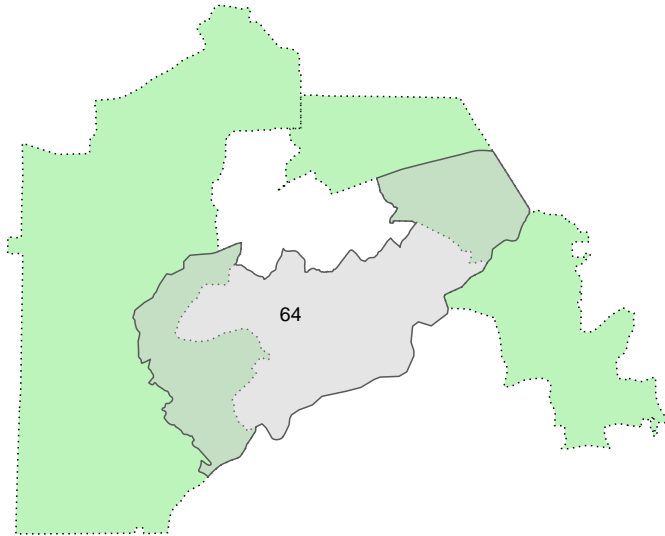
Remedial HD-64 is also quite similar to majority-BVAP districts in the plaintiffs' illustrative maps. The majority of the population in remedial HD-64 is contained in a majority-BVAP illustrative district in the Esselstyn illustrative map (Esselstyn HD-61). Table 11 shows how the population of remedial HD-64 relates to the illustrative House districts and the degree to which the populations overlap. The illustrative district that contains the largest overlap is bolded for each illustrative map. For example, remedial SD-64 contains 54.7% of Esselstyn illustrative HD-61 total population and 52.2% of the BVAP in Esselstyn illustrative HD-61.

⁹See, for example, pages 9-12 of the Grant Plaintiffs' Objections to the Georgia General Assembly's Remedial State Legislative Plans. The court order specifically says: "SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44."

¹⁰It is important to note that this is the proposed remedial map, not the original illustrative map. This is important because Mr. Cooper drew this map with the same information as the state legislature regarding the areas articulated by the Court regarding the particular location of Section 2 violations throughout the state.

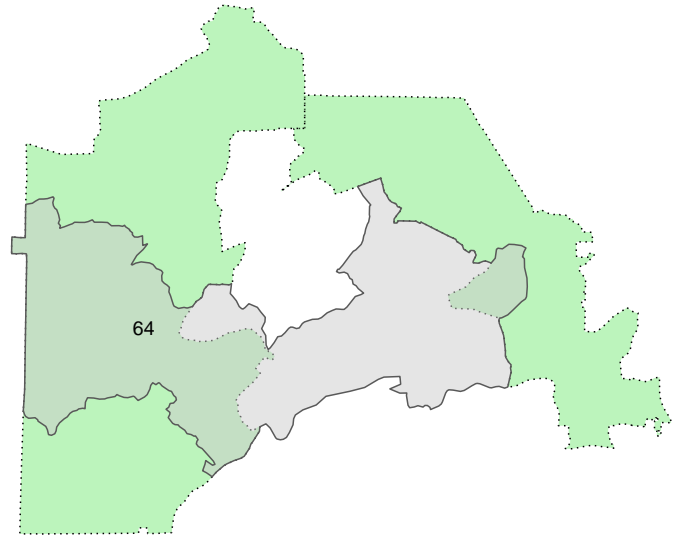
Figure 3: HD-64 in the Remedial Map (left) and the Cooper Proposed Remedial Map (right)

2023 Remedial HD-64 shown in grey
BVAP overlap: 32.5%



Note: House districts listed by the Court in ordering shown in green

2023 Cooper Remedial HD-64 shown in grey
BVAP overlap: 20.8%



Note: House districts listed by the Court in ordering shown in green

Table 11: Similarity between Remedial HD-64 and Illustrative Districts

Illustrative District	Shared Population	
	Total	BVAP
Remedial House District 64:		
Esselstyn HD-61	54.7%	52.2%
Esselstyn HD-64	15.4%	21.2 %
Esselstyn HD-66	29.9%	26.6 %
	100 %	100 %
Cooper HD-65	32.6%	39.4%
Cooper HD-61	15.4 %	21.2%
Cooper HD-64	18.9 %	11.3%
Cooper HD-66	33.2 %	28.0%
	100%	100%

Note: The majority of the population in HD-64 is contained in a majority-BVAP illustrative district in either the Cooper or Esselstyn illustrative maps. The district that contains the largest overlap is bolded in each illustrative map.

4.5 Remedial House District 74 and 117 - South-metro Atlanta

The Grant plaintiffs also critique House remedial districts 74 and 117 for extending outside of the 2021 House districts articulated on page 514 of the Court's October 26, 2023 order.¹¹ This critique is weak for two reasons. First, remedial HD-74's Black voting age population overlaps the court-defined area by upwards of 93%. Only 6.71% of the Black voting-age population reside outside the area. Second, while HD-117 overlaps by much less (34.1%), it is again the case that the plaintiffs' own proposed remedial map commits the same purported error. Mr. Cooper's proposed HD-117 likewise extends beyond the 2021 districts noted by the Court and contains similar population overlap (35.3%). If this were such a significant violation of the Court's direction, it would be unusual for the plaintiffs to violate this order themselves in their own proposed remedial map.¹²

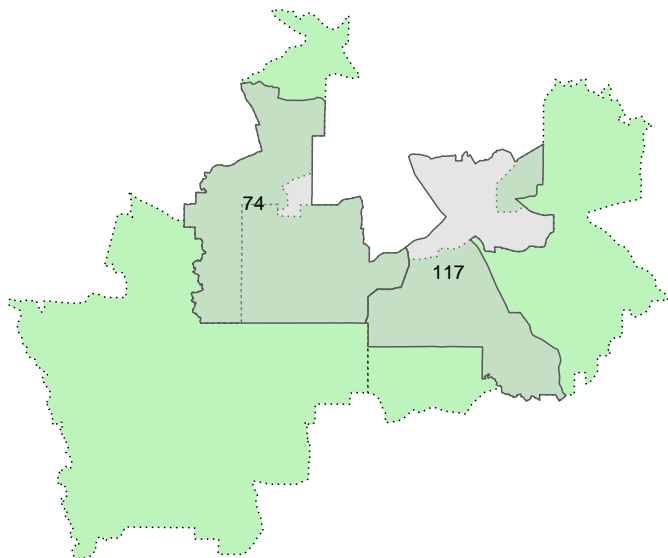
Furthermore, remedial HDs-74 and 117 are quite similar to majority-BVAP districts in the plaintiffs' illustrative maps. 81.8% of the Black voting-age population in remedial HD-74 is contained in a majority-BVAP illustrative district in the Cooper illustrative map (Cooper HD-74) and 70.2% of the Black voting-age population in remedial HD-117 is shared with illustrative HD-117 in the Esselstyn illustrative map. Table 12 shows how the population of remedial HDs-74 and 117 relate to the Cooper and Esselstyn illustrative House districts and the degree to which the district populations overlap. The illustrative district that contains the largest overlap with each remedial district is bolded.

¹¹See, for example, pages 9-12 of the Grant Plaintiffs' Objections to the Georgia General Assembly's Remedial State Legislative Plans. The court order specifically says: "SB 1EX violates Section 2 of the Voting Rights Act as to the following areas/districts: Enacted Senate Districts 10, 16, 17, 25, 28, 30, 34, 35, 43, and 44."

¹²It is again important to note that this is the proposed remedial map, not the original illustrative map. This is important because Mr. Cooper drew this map with the same information as the state legislature regarding the areas articulated by the Court regarding the particular location of Section 2 violations throughout the state.

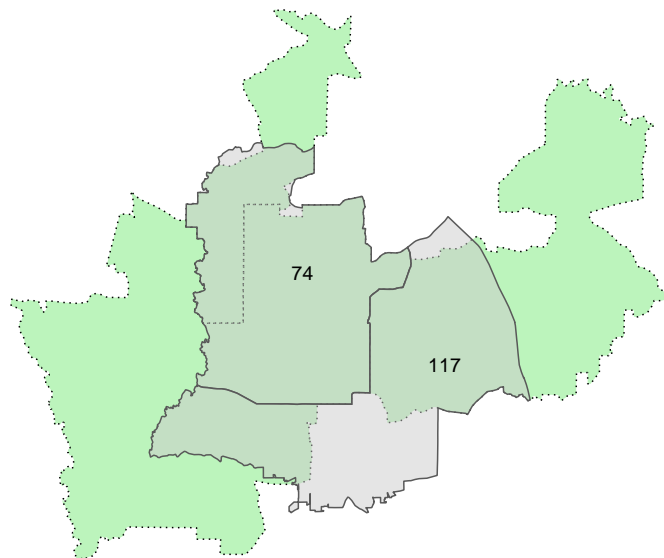
Figure 4: HDs-74 and 117 in the Remedial Map (left) and the Cooper Proposed Remedial Map (right)

2023 Remedial HDs-74 and 117 shown in grey
BVAP overlap: HD-74=93.3%, HD-117=34.1%



Note: House districts listed by the Court in ordering shown in green

2023 Cooper Remedial HDs-74 and 117 shown in grey
BVAP overlap: HD-74=87.3%, HD-117=35.4%



Note: House districts listed by the Court in ordering shown in green

Table 12: Similarity between Remedial HDs-74 and 117 and Illustrative Districts

	Shared Population	
Illustrative District	Total	BVAP
Remedial House District 74:		
Esselstyn HD-78	72.9%	69.5%
Esselstyn HD-74	14.8%	19.3%
Esselstyn HD-75	5.3%	4.4%
Esselstyn HD-116	7.0%	6.7%
	100%	100%
Cooper HD-74	80.8%	81.8%
Cooper HD-78	14.7%	14.2%
Cooper HD-116	4.5 %	4.1%
	100%	100%
Remedial House District 117:		
Esselstyn HD-117	69.2%	70.2%
Esselstyn HD-116	30.8%	29.8 %
	100%	100%
Cooper HD-115	60.2%	63.1%
Cooper HD-117	39.8 %	36.9%
	100%	100%

Note: The district that contains the largest overlap is bolded in each illustrative map. For example, 81.8% of the Black voting-age population in HD-74 is contained in the Cooper illustrative HD-74.

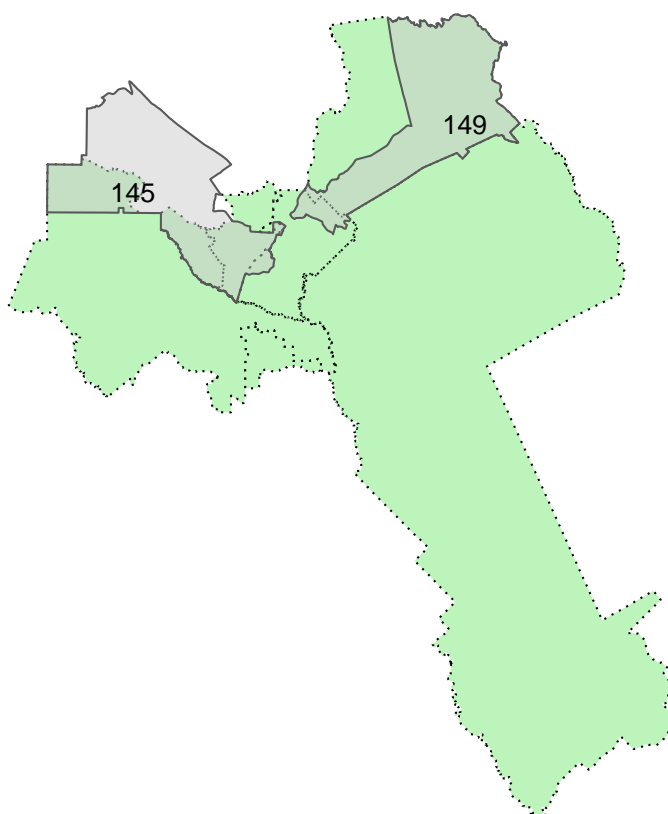
4.6 Remedial House District 145 and 149 - Macon-Bibb

The APA plaintiffs' appear to be content with House remedial House districts 145 and 149. In their objections brief they state: "The 2023 Proposed House Plan's lines in the Macon-Bibb area do appear to include Black voters from the vote-dilution area in new majority-Black districts in numbers comparable to the APA remedial plan" (footnote 4, pg. 21). There are no other references to these two remedial districts in their brief. And yet, the Grant plaintiffs raise objections to these districts, particularly HD-145. Regardless of whether or not the various plaintiffs agree with one another on whether or not the remedial map is problematic in this region, the districts comport with the Court's direction to create two additional majority-BVAP districts in the Macon-Bibb region.

The thrust of the Grant plaintiffs' objections in this region is similar to their objections in the other parts of the map, which is that the remedial districts extend beyond the specific boundaries of the 2021 House districts articulated by the Court. However, remedial HD-149 is entirely contained within this area and is therefore not subject to this critique at all. This leaves remedial HD-145 as the only district that any plaintiff offers any critique of in this region. However, 77.4% of remedial HD-145's Black voting age population overlaps the area noted in the Court's October order. As the APA plaintiffs' note, this is similar to the amount of overlap that Mr. Cooper's own proposed remedial map contains in this region. The substantial overlap between remedial HD-149 with the court-delineated area, combined with the fact that the other plaintiffs in the case find no fault with HD-145 at all is strong evidence that the district is indeed compliant with the court's orders.

Figure 5: HDs-145 and 149 in the Remedial Map

2023 Remedial HDs—145 and 149 shown in grey
BVAP overlap: HD-145=77.4%, HD-149=100%



Note: House districts listed by the Court in ordering shown in green

Remedial HDs-145 and 149 are quite similar to majority-BVAP districts in the plaintiffs' illustrative maps. 59.1% of the Black voting-age population in remedial HD-145 is contained in a majority-BVAP illustrative district in the Esselstyn illustrative map (Esselstyn HD-142) and 64.3% of the Black voting-age population in remedial HD-149 is shared with illustrative HD-149 in the Cooper illustrative map. Table 13 shows how the population of remedial HDs-142 and 149 relate to the Cooper and Esselstyn illustrative House maps and the degree to which the district populations overlap. The illustrative district that contains the largest overlap with each remedial district is bolded.

Table 13: Similarity between Remedial HDs-145 and 149 and Illustrative Districts

Illustrative District	Shared Population	
	Total	BVAP
Remedial House District 145:		
Esselstyn HD-142	57.8%	59.1%
Esselstyn HD-133	13.8%	13.3%
Esselstyn HD-135	10.1%	3.3%
Esselstyn HD-145	11.7%	14.5%
Esselstyn HD-149	6.7%	9.7%
	100%	100%
Cooper HD-145	46.4%	41.3%
Cooper HD-135	22.3%	15.7%
Cooper HD-142	24.0%	31.9%
Cooper HD-143	7.3%	11.2%
	100%	100%
Remedial House District 149:		
Esselstyn HD-149	57.2%	64.3%
Esselstyn HD-133	33.7%	20.6%
Esselstyn HD-143	9.1%	15.1%
	100%	100%
Cooper HD-144	39.6%	21.8%
Cooper HD-133	38.1%	42.5%
Cooper HD-143	22.3%	35.7%
	100%	100%

Note: The majority of the population in remedial HDs-145 and 149 are contained in a majority-BVAP illustrative district in either the Cooper or Esselstyn illustrative maps. The district that contains the largest overlap is bolded in each illustrative map.

4.7 Electoral Effectiveness

All five of the newly created majority-BVAP House districts in the 2023 remedial House plan perform uniformly for Democratic candidates. To measure this I looked at the general election results of 15 statewide election contests from 2106-2022 in each of the districts. Table 14 shows the majority-BVAP and majority-minority VAP districts in both the 2021 enacted and 2023 remedial House maps. The table then shows the proportion of the 15 elections in which the Democratic candidate won a majority of the two-party votes cast in that district.¹³

There are 71 Democratic-leaning districts in Table 14 for the 2021 enacted House map. There are 74 Democratic-leaning districts in Table 14 for the 2023 remedial House map.¹⁴ All of the majority-BVAP districts in both the 2021 enacted and 2023 remedial House maps are solidly Democratic with the exception of HD-128, which leans Republican in both maps, but is nevertheless currently represented by a Black Democratic legislator. Of the 27 majority-minority districts in the 2021 enacted House map, 23 are Democratic-leaning. Of the 27 majority-minority districts in the 2023 remedial House map, 21 are Democratic-leaning.

¹³The specific elections considered are: 2022: Attorney General, Governor, Secretary of State, US Senate, Lt. Governor; 2021: US Senate Runoff, US Special Senate Runoff; 2020: US Special Senate, US Senate, President; 2018: Attorney General, Governor, Lt. Governor; 2016: President, US Senate.

¹⁴I define Democratic leaning as a district in which the Democratic candidate won at least 8 of the 15 elections considered.

Table 14: Reconstituted Election Results in House Districts

2021 Districts	% of elections where Democrat wins	Remedial Districts	% of elections where Democrat wins
38	100%	64	100%
39	100%	74	100%
55	100%	117	100%
58	100%	145	100%
59	100%	149	100%
60	100%	38	100%
61	100%	39	100%
62	100%	55	100%
63	100%	58	100%
65	100%	59	100%
66	100%	60	100%
67	100%	61	100%
68	100%	62	100%
69	100%	63	100%
75	100%	65	100%
76	100%	66	100%
77	100%	67	100%
78	100%	68	100%
79	100%	69	100%
84	100%	75	100%
85	100%	76	100%
86	100%	77	100%
87	100%	78	100%
88	100%	79	100%
89	100%	84	100%
90	100%	85	100%
91	100%	86	100%
92	100%	87	100%
93	100%	88	100%
94	100%	89	100%
95	100%	90	100%
113	100%	91	100%
115	93.3%	92	100%
116	100%	93	100%
126	100%	94	100%
128	26.7%	95	100%
129	100%	113	100%
130	100%	115	100%
132	100%	116	100%
137	100%	126	100%
140	100%	128	26.7%
141	100%	129	100%
142	100%	130	100%
143	100%	132	100%
150	93.3%	137	100%
153	100%	140	100%
154	73.3%	141	100%
165	100%	142	100%
177	66.7%	143	100%
4	0%	150	93.3%
29	0%	153	100%
37	93.3%	154	73.3%
41	100%	165	100%
42	100%	177	66.7%
43	93.3%	4	0%
50	86.7%	29	0%
56	100%	35	93.3%
80	93.3%	37	93.3%
81	100%	41	100%
83	93.3%	42	100%
96	100%	43	100%
97	100%	50	86.7%
98	100%	56	100%
99	40%	80	93.3%
101	86.7%	83	93.3%
102	100%	96	100%
105	86.7%	97	100%
106	86.7%	98	100%
107	100%	99	40%
108	73.3%	101	100%
109	100%	102	100%
110	93.3%	105	26.7%
151	0%	106	100%
162	100%	107	93.3%
163	100%	108	53.3%
168	100%	109	100%
		110	93.3%
		151	0%
		162	100%
		163	100%
		168	100%

Note: Performance is based on the percent of the two-party vote won by the Democratic candidate in the district for 15 statewide elections between 2016 and 2022. Yellow districts are majority-BVAP. Green districts are majority-minority VAP. Blue districts are newly created majority-BVAP districts in the remedial map.

I, Dr. Michael Barber, acting in accordance with 28 U.S.C. § 1746, Federal Rule of Civil Procedure 26(a)(2)(B), and Federal Rules of Evidence 702 and 703, hereby declare that the foregoing is true and accurate to the best of my knowledge

A handwritten signature in black ink, appearing to read "Michael Barber". The signature is fluid and cursive, with the first name "Michael" and last name "Barber" clearly distinguishable.

Michael Barber

December 18, 2023

Michael Jay Barber

CONTACT INFORMATION

Brigham Young University
Department of Political Science
724 KMBL
Provo, UT 84602

barber@byu.edu
<http://michaeljaybarber.com>
Ph: (801) 422-7492

ACADEMIC APPOINTMENTS

Brigham Young University, Provo, UT

August 2020 - present Associate Professor, Department of Political Science
Jan 2023 - present Director, Center for the Study of Elections and Democracy
2014 - July 2020 Assistant Professor, Department of Political Science
2014 - Jan 2023 Faculty Scholar, Center for the Study of Elections and Democracy

EDUCATION

Princeton University Department of Politics, Princeton, NJ

Ph.D., Politics, July 2014

- Advisors: Brandice Canes-Wrone, Nolan McCarty, and Kosuke Imai
- Dissertation: "Buying Representation: the Incentives, Ideology, and Influence of Campaign Contributions on American Politics"
- 2015 Carl Albert Award for Best Dissertation, Legislative Studies Section, American Political Science Association (APSA)

M.A., Politics, December 2011

Brigham Young University, Provo, UT

B.A., International Relations - Political Economy Focus, April, 2008

- *Cum Laude*

RESEARCH INTERESTS

American politics, congressional polarization, political ideology, campaign finance, survey research

PUBLICATIONS

26. **"The Crucial Role of Race in 21st Century U.S. Political Realignment**, with Jeremy Pope
Forthcoming at *Public Opinion Quarterly*
25. **"Misclassification and Bias in Predictions of Individual Ethnicity from Administrative Records"**, with Lisa Argyle
Forthcoming at *American Political Science Review*
24. **"Partisanship and Trolleyology"**, with Ryan Davis
Forthcoming at *Research & Politics*
23. **"Does Issue Importance Attenuate Partisan Cue-Taking"**, with Jeremy Pope
Forthcoming at *Political Science Research and Methods*

22. **“A Revolution of Rights in American Founding Documents”**, with Scott Abramson and Jeremy Pope
Forthcoming at *Journal of Political Institutions and Political Economy*
21. **“Groups, Behaviors, and Issues as Cues of Partisan Attachments in the Public”**, with Jeremy Pope
Forthcoming at *American Politics Research*
20. **“Ideological Disagreement and Pre-emption in Municipal Policymaking”**, with Adam Dynes
American Journal of Political Science, no. 1 (2023): 119-136.
19. **“400 million voting records show profound racial and geographic disparities in voter turnout in the United States”**, with John Holbein
PloS One, 2022, Vol. 17, no. 6: e0268134
18. **“Comparing Campaign Finance and Vote Based Measures of Ideology”**
Journal of Politics, 2022. Vol. 84, no. 1 (2022): 613-619.
17. **“The Participatory and Partisan Impacts of Mandatory Vote-by-Mail”**, with John Holbein
Science Advances, 2020. Vol. 6, no. 35, DOI: 10.1126/sciadv.abc7685
16. **“Issue Politicization and Interest Group Campaign Contribution Strategies”**, with Mandi Eatough
Journal of Politics, 2020. Vol. 82: No. 3, pp. 1008-1025
15. **“Campaign Contributions and Donors’ Policy Agreement with Presidential Candidates”**, with Brandice Canes-Wrone and Sharece Thrower
Presidential Studies Quarterly, 2019, 49 (4) 770–797
14. **“Conservatism in the Era of Trump”**, with Jeremy Pope
Perspectives on Politics, 2019, 17 (3) 719–736
13. **“Legislative Constraints on Executive Unilateralism in Separation of Powers Systems”**, with Alex Bolton and Sharece Thrower
Legislative Studies Quarterly, 2019, 44 (3) 515–548
Awarded the Jewell-Loewenberg Award for best article in the area of subnational politics published in *Legislative Studies Quarterly* in 2019
12. **“Electoral Competitiveness and Legislative Productivity”**, with Soren Schmidt
American Politics Research, 2019, 47 (4) 683–708
11. **“Does Party Trump Ideology? Disentangling Party and Ideology in America”**, with Jeremy Pope
American Political Science Review, 2019, 113 (1) 38–54
10. **“The Evolution of National Constitutions”**, with Scott Abramson
Quarterly Journal of Political Science, 2019, 14 (1) 89–114
9. **“Who is Ideological? Measuring Ideological Responses to Policy Questions in the American Public”**, with Jeremy Pope
The Forum: A Journal of Applied Research in Contemporary Politics, 2018, 16 (1) 97–122
8. **“Status Quo Bias in Ballot Wording”**, with David Gordon, Ryan Hill, and Joe Price
The Journal of Experimental Political Science, 2017, 4 (2) 151–160.
7. **“Ideologically Sophisticated Donors: Which Candidates Do Individual Contributors Finance?”**, with Brandice Canes-Wrone and Sharece Thrower
American Journal of Political Science, 2017, 61 (2) 271–288.
6. **“Gender Inequalities in Campaign Finance: A Regression Discontinuity Design”**, with Daniel Butler and Jessica Preece
Quarterly Journal of Political Science, 2016, Vol. 11, No. 2: 219–248.

5. **“Representing the Preferences of Donors, Partisans, and Voters in the U.S. Senate”**
Public Opinion Quarterly, 2016, 80: 225–249.
4. **“Donation Motivations: Testing Theories of Access and Ideology”**
Political Research Quarterly, 2016, 69 (1) 148–160.
3. **“Ideological Donors, Contribution Limits, and the Polarization of State Legislatures”**
Journal of Politics, 2016, 78 (1) 296–310.
2. **“Online Polls and Registration Based Sampling: A New Method for Pre-Election Polling”** with Quin Monson, Kelly Patterson and Chris Mann.
Political Analysis 2014, 22 (3) 321–335.
1. **“Causes and Consequences of Political Polarization”** In *Negotiating Agreement in Politics*. Jane Mansbridge and Cathie Jo Martin, eds., Washington, DC: American Political Science Association: 19–53. with Nolan McCarty. 2013.
 - Reprinted in *Solutions to Political Polarization in America*, Cambridge University Press. Nate Persily, eds. 2015
 - Reprinted in *Political Negotiation: A Handbook*, Brookings Institution Press. Jane Mansbridge and Cathie Jo Martin, eds. 2015

AVAILABLE

WORKING PAPERS

“Race and Realignment in American Politics”

with Jeremy Pope (Revise and Resubmit at *Public Opinion Quarterly*)

“The Policy Preferences of Donors and Voters”

“Estimating Neighborhood Effects on Turnout from Geocoded Voter Registration Records.”

with Kosuke Imai

“Super PAC Contributions in Congressional Elections”

WORKS IN

PROGRESS

“Collaborative Study of Democracy and Politics”

with Brandice Canes-Wrone, Gregory Huber, and Joshua Clinton

“Preferences for Representational Styles in the American Public”

with Ryan Davis and Adam Dynes

INVITED

PRESENTATIONS

“Are Mormons Breaking Up with Republicanism? The Unique Political Behavior of Mormons in the 2016 Presidential Election”

- Ivy League LDS Student Association Conference - Princeton University, November 2018, Princeton, NJ

“Issue Politicization and Access-Oriented Giving: A Theory of PAC Contribution Behavior”

- Vanderbilt University, May 2017, Nashville, TN

“Lost in Issue Space? Measuring Levels of Ideology in the American Public”

- Yale University, April 2016, New Haven, CT

“The Incentives, Ideology, and Influence of Campaign Donors in American Politics”

- University of Oklahoma, April 2016, Norman, OK

“Lost in Issue Space? Measuring Levels of Ideology in the American Public”

- University of Wisconsin - Madison, February 2016, Madison, WI

“Polarization and Campaign Contributors: Motivations, Ideology, and Policy”

- Hewlett Foundation Conference on Lobbying and Campaign Finance, October 2014, Palo Alto, CA

“Ideological Donors, Contribution Limits, and the Polarization of State Legislatures”

- Bipartisan Policy Center Meeting on Party Polarization and Campaign Finance, September 2014, Washington, DC

“Representing the Preferences of Donors, Partisans, and Voters in the U.S. Senate”

- Yale Center for the Study of American Politics Conference, May 2014, New Haven, CT

CONFERENCE
PRESENTATIONS

Washington D.C. Political Economy Conference (PECO):

- 2017 discussant

American Political Science Association (APSA) Annual Meeting:

- 2014 participant and discussant, 2015 participant, 2016 participant, 2017 participant, 2018 participant

Midwest Political Science Association (MPSA) Annual Meeting:

- 2015 participant and discussant, 2016 participant and discussant, 2018 participant

Southern Political Science Association (SPSA) Annual Meeting:

- 2015 participant and discussant, 2016 participant and discussant, 2017 participant

TEACHING
EXPERIENCE

Poli 301: Data Visualization

- Summer 2022, Fall 2022

Poli 315: Congress and the Legislative Process

- Fall 2014, Winter 2015, Fall 2015, Winter 2016, Summer 2017, Fall 2022

Poli 328: Quantitative Analysis

- Winter 2017, Fall 2017, Fall 2019, Winter 2020, Fall 2020, Winter 2021

Poli 410: Undergraduate Research Seminar in American Politics

- Fall 2014, Winter 2015, Fall 2015, Winter 2016, Summer 2017

AWARDS AND GRANTS

2019 BYU Mentored Environment Grant (MEG), American Ideology Project, \$30,000

2017 BYU Political Science Teacher of the Year Award

2017 BYU Mentored Environment Grant (MEG), Funding American Democracy Project, \$20,000

2016 BYU Political Science Department, Political Ideology and President Trump (with Jeremy Pope), \$7,500

2016 BYU Office of Research and Creative Activities (ORCA) Student Mentored Grant x 3

- Hayden Galloway, Jennica Peterson, Rebecca Shuel

2015 BYU Office of Research and Creative Activities (ORCA) Student Mentored Grant x 3

- Michael-Sean Covey, Hayden Galloway, Sean Stephenson

2015 BYU Student Experiential Learning Grant, American Founding Comparative Constitutions Project (with Jeremy Pope), \$9,000

2015 BYU Social Science College Research Grant, \$5,000

2014 BYU Political Science Department, 2014 Washington DC Mayoral Pre-Election Poll (with Quin Monson and Kelly Patterson), \$3,000

2014 BYU Social Science College Award, 2014 Washington DC Mayoral Pre-Election Poll (with Quin Monson and Kelly Patterson), \$3,000

2014 BYU Center for the Study of Elections and Democracy, 2014 Washington DC Mayoral Pre-Election Poll (with Quin Monson and Kelly Patterson), \$2,000

2012 Princeton Center for the Study of Democratic Politics Dissertation Improvement Grant, \$5,000

2011 Princeton Mamdouha S. Bobst Center for Peace and Justice Dissertation Research Grant, \$5,000

2011 Princeton Political Economy Research Grant, \$1,500

OTHER SCHOLARLY ACTIVITIES

Expert Witness in Nancy Carola Jacobson, et al., Plaintiffs, vs. Laurel M. Lee, et al., Defendants. Case No. 4:18-cv-00262 MW-CAS (U.S. District Court for the Northern District of Florida)

Expert Witness in Common Cause, et al., Plaintiffs, vs. Lewis, et al., Defendants. Case No. 18-CVS-14001 (Wake County, North Carolina)

Expert Witness in Kelvin Jones, et al., Plaintiffs, v. Ron DeSantis, et al., Defendants, Consolidated Case No. 4:19-cv-300 (U.S. District Court for the Northern District of Florida)

Expert Witness in Community Success Initiative, et al., Plaintiffs, v. Timothy K. Moore, et al., Defendants, Case No. 19-cv-15941 (Wake County, North Carolina)

Expert Witness in Richard Rose et al., Plaintiffs, v. Brad Raffensperger, Defendant, Civil Action No. 1:20-cv-02921-SDG (U.S. District Court for the Northern District of Georgia)

Expert Witness in Georgia Coalition for the People's Agenda, Inc., et. al., Plaintiffs, v. Brad Raffensperger, Defendant. Civil Action No. 1:18-cv-04727-ELR (U.S. District Court for the Northern District of Georgia)

Expert Witness in Alabama, et al., Plaintiffs, v. United States Department of Commerce; Gina Raimondo, et al., Defendants. Case No. CASE No. 3:21-cv-00211-RAH-ECM-KCN (U.S. District Court for the Middle District of Alabama Eastern Division)

Expert Witness in League of Women Voters of Ohio, et al., Relators, v. Ohio Redistricting Commission, et al., Respondents. Case No. 2021-1193 (Supreme Court of Ohio)

Expert Witness in Regina Adams, et al., Relators, v. Governor Mike DeWine, et al., Respondents. Case No. 2021-1428 (Supreme Court of Ohio)

Expert Witness in Rebecca Harper, et al., Plaintiffs, v. Representative Destin Hall, et al., Defendants (Consolidated Case). Case No. 21 CVS 500085 (Wake County, North Carolina)

Expert Witness in Carter, et al., Petitioners, v. Degraffenreid et al., Respondents (Consolidated Case). Case No. 464 M.D. 2021 (Commonwealth Court of Pennsylvania)

Expert Witness in Harkenrider, et al., Petitioners, v. Hochel et al., Respondents. Case No. E2022-0116CV (State of New York Supreme Court: County of Steuben)

Expert Witness in Our City Action Buffalo, Inc., et al., v. Common Council of the City of Buffalo (State of New York Supreme Court: County of Erie)

Expert Witness in Citizens Project, et al., v. City of Colorado Springs, et al. Case No. 22-cv-1365-CNS-MDB (U.S. District Court for the District of Colorado)

Expert Witness in Dr. Dorothy Nairne, et al., Plaintiffs, v. R. Yle Ardoyn, Defendant, CIVIL NO. 3:22-cv-00178 (U.S. District Court for the Middle District of Louisiana)

ADDITIONAL
TRAINING

EITM 2012 at Princeton University - Participant and Graduate Student Coordinator

COMPUTER
SKILLS

Statistical Programs: R, Stata, SPSS, parallel computing

Updated December 18, 2023

327-6

EXHIBIT F

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REAPPORTIONMENT AND REDISTRICTING

GEORGIA SENATE

December 4, 2023 Part 2

Video Runtime: 1:04:43

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 2

1 (Beginning of Video Recording.)
2 SENATOR ECHOLS: Thank you all for
3 being patient with us. I was trying to wait
4 on Leverett, to come be available, but he is
5 tied up with his committee hearing right now.
6 So right now, we're going to have public
7 comment on the House map. And so I had one
8 person, Susan Clymer (phonetic). And you can
9 come right up here to this podium right beside
10 you, and you can make your comments to the
11 committee. And just tilt the mic -- yeah,
12 perfect. Thank you.

13 MS. CLYMER: Can you hear me?

14 SENATOR ECHOLS: Yes, ma'am.

15 MS. CLYMER: Okay.

16 SENATOR ECHOLS: You're ready.

17 MS. CLYMER: All right. Thank you very
18 much. My name is Susan Dix Clymer, and I am a
19 resident of Gwinnett County. And I'm speaking
20 in opposition to the proposed Republican map,
21 which still violates the Federal Voting Rights
22 Act. It does not comply with Judge Jones's
23 order. That was to increase majority minority
24 district. It merely shuffles them like a
25 well-worn deck of cards.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 3

1 The proposed map also creates
2 unnecessary chaos and changes in areas well
3 outside of the judge's order, particularly in
4 Gwinnett County -- my Gwinnett County. For
5 example, House District 101 would move from
6 Gwinnett to DeKalb County and sets up a
7 disruptive race, one in which an incumbent
8 versus incumbent would be in House District
9 107. I deserve better. We all deserve
10 better. Thank you.

11 SENATOR ECHOLS: Thank you.

12 All right. Since no one else has
13 signed up to comment on the house map, I
14 believe it is -- it is the appropriate time to
15 entertain emotion. So what number --

16 (Inaudible conversation)

17 MALE VOICE: I'll make that motion,
18 ma'am. Motion do pass.

19 SENATOR ECHOLS: Okay. So we've got a
20 motion due pass on LC472575. That's --

21 MALE VOICE: No -- yes.

22 SENATOR ECHOLS: Yes. House Bill 1 EX.
23 That's correct, right? That is correct.

24 MALE VOICE: That's what's in -- that's
25 what's in the (inaudible).

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 4

1 SENATOR ECHOLS: So that is the motion.

2 Do I have a second?

3 MALE VOICE: Second.

4 SENATOR ECHOLS: All right. Any
5 discussion?

6 MS. ANDERSON: You said you were
7 waiting on the chairman to Come and present
8 the map?

9 SENATOR ECHOLS: To come and be
10 available.

11 MS. ANDERSON: To present.

12 SENATOR ECHOLS: He presented it last
13 week.

14 MS. ANDERSON: Friday. Okay.

15 SENATOR ECHOLS: Yes. Yes.

16 MS. ANDERSON: So he's available for
17 questions. Do you want (inaudible) questions
18 or --

19 SENATOR ECHOLS: Do you have questions?

20 MS. ANDERSON: No. I'm asking why
21 we're waiting on him.

22 SENATOR ECHOLS: Well, if anyone had
23 questions, I was -- I was just giving him the
24 opportunity -- giving anyone the opportunity
25 to have him answer questions. But if no one

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 5

1 has any questions --

2 MS. ANDERSON: No, I don't.

3 SENATOR ECHOLS: So we have a motion,

4 and we have it a second, and we're open for

5 discussion. Any more discussion? Okay. At

6 this time, I think it's appropriate to go

7 ahead and vote on that map.

8 All of those in favor of the motion do

9 pass on the House map, raise your hand.

10 You got it all?

11 Okay. All those opposed to the motion.

12 We have -- okay. So the motion passes.

13 Now I'm going to present the

14 congressional maps. I think that's what a lot

15 of folks are interested in today. I'll walk

16 through a presentation, district by district,

17 just as I did last week, and then we'll have

18 some discussion after -- well, actually, we'll

19 have public comment after I do the

20 presentation. We'll open up for public

21 comment. Then after public comment closes,

22 then we'll get down to the committee's work.

23 So the congressional plan -- you have a

24 copy of it in your in your folder. You've got

25 a map packet, and then I believe you also have

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 6

1 the legislation. We began by carefully
2 reviewing Judge Jones's order, just as we have
3 before. The order was very specific about
4 what needs to be done for Congress, and I'll
5 quote, "The remedy involves an additional
6 majority black congressional district in West
7 Metro Atlanta." And that is found on Page 509
8 of his order.

9 We consulted with legal counsel and
10 then began drawing districts with Gina Wright
11 in her office. We relied on Ms. Wright's
12 extensive knowledge of Georgia as we put these
13 districts together. We first drew the new
14 majority black district required by the court
15 order. That is District 6 on your map. This
16 district is very similar to the proposed
17 District 6 in the Pendergrass case, which is
18 the congressional district litigation.

19 The plaintiff's expert in that case
20 included portions of Fayette, Fulton, Douglas,
21 and Cobb Counties in the district, and we have
22 covered basically the same area. We've also
23 moved the portion of Southwest Cobb County
24 that was in District 14 into the new District
25 6. To be very clear, we did not eliminate any

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 7

1 existing majority black seats in drawing this
2 district. So District 6 is, in fact, a new
3 majority black congressional district.
4 We then had to begin making changes
5 around that district. Our proposed
6 congressional plan involves changes to nine
7 districts, all in north Georgia. Districts 1,
8 2, 3, 8, and 12 were not changed. All changes
9 happened within that north Georgia area.
10 After drawing the new majority black
11 district required by the court order, we then
12 followed our existing traditional
13 redistricting principles to work on the
14 remaining districts. Those principles
15 include: maintaining district populations so
16 they are exactly the same, plus or minus one
17 person, which is higher than what is allowed
18 on legislative plans, so we comply with the
19 U.S. Constitution requirements of one person,
20 one vote; limiting additional split counties
21 as much as possible; drawing the new districts
22 utilizing the most recent precincts from
23 county governments; ensuring all districts are
24 contiguous; ensuring all districts are
25 reasonably compact in shape; ensuring

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 8

1 communities of interest are protected as far
2 as possible.

3 Another goal was to ensure that
4 existing partisan balance of the congressional
5 plan remain the same so we maintain continuity
6 of representation as much as possible. To do
7 that, we utilize election return data from
8 2018, 2020, and 2022 that had been allocated
9 on the plan to understand the partisan impact
10 of this plan, which remains the same political
11 balance as it was in 2021.

12 So now I'll go through and talk about
13 each individual district that was changed.
14 Congressional District 6 -- as I've all
15 already referenced, Congressional District 6
16 is the new majority black district and has in
17 any part black voting age population
18 percentage of 51.75 percent. It's located in
19 the same location as the plaintiff's expert
20 district in the congressional case. It
21 includes the same highways and health care
22 systems Judge Jones relied on at Pages 325 and
23 326 of his order.

24 The district includes part of the city
25 of South Fulton and moves north into Austell,

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 9

1 areas that Judge Jones found to share strong
2 connections at Pages 190 and 191. The
3 district connects a number of suburbs around
4 Metro Atlanta that are all experiencing growth
5 and are diverse communities.

6 Next, we'll discuss Congressional
7 District 5. Moving to the east, Congressional
8 District 5 shifted east to accommodate the new
9 majority black district. This district
10 remains centered in the City of Atlanta and
11 includes the airport as it has historically
12 been for a number of decades now. It has a
13 strong it has strong connections between
14 Atlanta and its suburbs and is a relatively
15 compact shape as it was in the 2021 plan. In
16 the process of drawing this district, it's
17 black VAP increased to 51.06 percent, and VAP
18 is voting age population.

19 Next is Congressional District 4.
20 Congressional District 4 also shifted east to
21 accommodate the new majority black district.
22 It retains a strong connection with I285 and
23 I85 along the eastern side of Atlanta and has
24 moved out of the farther eastern suburbs it
25 previously had to track up I85 and take in the

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 10

1 Buford Highway Corridor.
2 It includes Dunwoody, Stonecrest,
3 Norcross, Duluth, Chamblee, and Doraville, all
4 suburban Atlanta communities that are growing
5 and share a number of similar interest and
6 issues. In the process of drawing this
7 district, its Black VAP decreased from just
8 over 52 percent to 50.59 percent, but we do
9 not believe that decrease will affect its
10 political performance.

11 Congressional District 13. Because
12 District 6 had to take so much of existing
13 Congressional District 13's territory to
14 accommodate the required new majority black
15 district, this district shifted significantly
16 to the east. Notably, the plaintiff's expert
17 had also shifted District 13 to the east but
18 had included a number of additional rural
19 counties that did not fit as well with the
20 metro Atlanta suburban character of District
21 13.

22 We have drawn a better District 13 that
23 begins with the portions of Clayton and Henry
24 that had previously been in 13 and stays in
25 the Atlanta suburbs by taking all of Rockdale

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 11

1 and part of Newton Counties along with a
2 significant portion of Gwinnett County. This
3 configuration enables us to keep the district
4 anchored in Metro Atlanta instead of sending
5 it sending it far to the east in rural areas.
6 This configuration also keeps Conyers,
7 Snellville, and Lilburn whole, all of which
8 are suburban cities with some significant
9 shared interests, given their to Atlanta. In
10 draw drawing District 13, its black VAP
11 decreased significantly, but it remains a
12 majority black district at 51.45 percent.

13 Let me pause there for a minute and
14 just be clear. This plan increases the number
15 of majority black districts from the prior
16 plan based on the numbers, and it adds the
17 required majority black district in Metro
18 Atlanta as required by Judge Jones. This plan
19 includes four majority black districts, which
20 is about 29 percent of the districts in the
21 state. Moving to the other districts that
22 were affected, you can see the ripple effects
23 of these changes.

24 Next is Congressional District 14.
25 District 14 shifts north in Cobb County after

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 12

1 removing the territory that was added to the
2 to the new majority black district. It
3 maintains its general shape, not crossing the
4 mountains at the north part of the district as
5 the plaintiff's expert had done, but instead
6 maintaining the western character of the
7 district.

8 Congressional District 11. District 11
9 also changes its split of Cobb to accommodate
10 the new district and takes in Gordon County
11 from District 14. In order to ease the burden
12 on election officials, the split of Cherokee
13 County that was previously in place remains
14 the same.

15 Congressional District 7. With all the
16 shifting in Metro Atlanta and the wrapping of
17 District 13 into Gwinnett County to maintain
18 it as a Metro Atlanta focused district,
19 District 7 shifts significantly north to
20 encompass much of the territory previously in
21 District 6. It includes North Fulton and
22 moves up to Lumpkin County.

23 As I indicated, the split of Cherokee
24 County is the same as the previous map, and
25 the split of Hall County recognizes an

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 13

1 important community of interest around Lake
2 Lanier. The Forsyth Hall border is the lake,
3 and the people of both sides often share
4 similar interest. Hall County is my home
5 county. And so under this plan, the speaker's
6 home county and my home county are both now
7 split.

8 Congressional District 9. District 9
9 retains much of its prior character as a
10 mountain-focused district and puts Jackson
11 County back in the district, which is
12 Congressman Clyde's home county. Because of
13 the need for population after adjusting for
14 the new district seven boundaries, it includes
15 portions of Northern Gwinnett County, like it
16 did previously, but on a slightly different
17 boundary. Gwinnett County was split three
18 ways previously, but it's now split four ways
19 because it has a -- because it is a large
20 county, and a lot of the population changes
21 ended up landing in that area.

22 Congressional District 10. This
23 district shifts to accommodate the changes
24 around as around it, as well. Its boundaries
25 in Henry and Newton do not change, but it adds

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 14

1 a portion of Gwinnett and takes in Franklin
2 and Hart to account for Jackson going into
3 9th. This district retains its eastern
4 Georgia character, and elections officials
5 will not need to worry about changes on
6 southern or western sides because those
7 boundaries have not changed.

8 As with the legislative plans, we took
9 Ms. Wright's expertise into account in
10 creating this plan. We also took into account
11 the work on county election officials who have
12 to update the voter registration database. By
13 drawing them out this way, we are working to
14 minimize the amount of work required before
15 the 2024 elections where we can.

16 This plan does -- also does not
17 eliminate any existing minority opportunity
18 districts. Judge Jones was clear on Page 510
19 in the order that we cannot eliminate any
20 existing majority opportunity districts in
21 drawing the new majority black districts.
22 While he doesn't define that term, it's clear
23 he's referencing two existing majority black
24 districts. On Page 511, he refers to whether
25 plan provides black voters with additional

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 15

1 opportunity districts. There are also
2 references to opportunity districts that
3 clearly refer to black voters on Page 106, 145
4 and 146, 211, 268, 417 through 20, and 427.

5 Further, in the context of Section 2, a
6 minority opportunity district must be a
7 district where a single racial group is a
8 majority. This congressional plan does not
9 eliminate any existing majority black
10 districts. Instead, it takes a district that
11 is not a majority black district and shifts it
12 north where it remains nonmajority black. To
13 be clear, the Voting Rights Act protects
14 distinct racial groups, not coalitions of
15 voters. District 7 was not a majority black
16 district on the 2021 plan, and it is not a
17 majority black district on this plan, so
18 there's no concern about eliminating a
19 minority opportunity district.

20 Finally, like the legislative plan,
21 it's important to remember that we believe our
22 2021 congressional plan complies with the
23 Voting Rights Act and are pursuing an appeal
24 of the judge -- judge's order. That's why you
25 will see language in this bill that reverts to

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 16

1 the 2021 plan, if the appeal is successful.
2 This mirrors language used by the Democrat
3 majority in 2002 when the state senate plan
4 was not precleared in time for use in that
5 election.

6 But if anyone is upset with how a
7 district is configured, remember, we did not
8 draw these districts this way in '21
9 originally, and we did not want to withdraw
10 these districts. We're doing this because we
11 were sued by democratically-affiliated groups.
12 That concludes my presentation, so now we'll
13 move to the public comment portion of the
14 agenda.

15 I'll list who's up, who's on deck, and
16 we'll move forward that way. I have first,
17 Ken Lawler (phonetic), and then Ana Dennis is
18 after Ken.

19 FEMALE VOICE: Do you want (inaudible)?

20 SENATOR ECHOLS: Yeah. We don't have
21 to.

22 So, yeah, thank you for making your way
23 to the podium. And if you're on deck, Ana and
24 Dennis, if you'll just stand against the wall,
25 that way we can move through quickly. Thank

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 17

1 you. All right. The floor is yours.

2 MR. LAWLER: Thank you, Chair Echols,
3 members of the committee. Glad to be back to
4 discuss our nonpartisan analysis on the
5 congressional map. Again, our principles in
6 looking at these maps are two things. Number
7 one is, did does the map implement the remedy?
8 And number two, does it contain changes for
9 political gain?

10 We have disagreements about some of
11 those principles, which we'll talk about. So,
12 again, we have it -- you have in front of us
13 our scorecard --everybody should have that --
14 with our two-part pass/fail test. On the
15 racial demographic test, we believe this map
16 fails the test, and I'll explain why.

17 First of all, we agree that the map
18 does implement new Congressional District 6 as
19 a black majority district. On a technical
20 matter, as the Chair mentioned in the
21 presentation, District 5 also has now gone
22 from below 50 percent to just above 50
23 percent, so it actually counts as a new black
24 majority district, but -- from where it was,
25 but it was already a very strongly performing

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 18

1 black opportunity district, so it really
2 doesn't add in terms of participation for
3 black voters. So really, what you got here,
4 the map does add the one, as requested by the
5 court.

6 Our issue with the map and the reason
7 we say it fails the test is because of the way
8 District 7 has been treated. District 7 was a
9 minority opportunity district in our view.
10 Yes, it was a coalition, but it was very
11 strongly minority coalition at around 67
12 percent minority voters. The new map has it
13 at 33 percent. So we clearly believe that
14 this is in violation of the spirit of the
15 court's order, notwithstanding, Chair Echols,
16 your -- the interpretation, our view -- and I
17 admit I'm not a lawyer, not a Voting Rights
18 Act expert, but I -- my interpretation would
19 be that the purpose of the judge stating
20 the -- or -- the writing the order the way he
21 did was that he wanted the Voting Rights Act
22 Protections, which protect all voters of color
23 and language minorities, that -- that -- that
24 those -- those other minority groups should
25 retain their protections under the map.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 19

1 Our view is that District 7 does not
2 retain those protections as it was a strong
3 minority district -- well, with the coalition,
4 but it's no longer a strong minority district
5 at all. So by losing District 7 as a minority
6 district, we believe that this is -- this
7 is -- our view is that it does not pass
8 muster. It does not meet the requirements of
9 the court order. That's our interpretation.

10 The -- okay. On the political side,
11 again, we disagree with the objective, the
12 political design of the map. We've been
13 saying at the -- since the beginning of the
14 session that our belief is that this exercise
15 should be about implementing the remedy and
16 all political considerations should be off the
17 table. We know that -- we know that this is a
18 disagreement from the way the committee treats
19 this process, that you're trying to maintain
20 the political balance of the state. Our view
21 is that that consideration should not be in
22 employed here.

23 And as a result, we give the map a fail
24 because of repurposing District 7 as a --
25 (inaudible) Democratic district, not a

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 20

1 Republican. So we just disagree with the
2 principle here, and our analysis would show
3 that that's why we would fail the map.

4 Now let me explain one of the reasons
5 why we disagree with this principle. This is
6 something that we call mid-cycle
7 redistricting. Mid-cycle redistricting is
8 when a map is changed without waiting for a
9 census and without in direct response to a
10 requirement in a court order. Unfortunately,
11 Georgia has a very long and sordid history of
12 mid-cycle redistricting.

13 Just so you know, since 2006, there
14 have been 64 different districts altered in
15 mid-cycle redistricting without waiting for --
16 again, without waiting for a census and
17 without waiting for a court order. These
18 changes have always been done for political
19 purposes. And by the way, both parties have
20 been involved. This is not a one-sided
21 problem.

22 Our view is that mid-cycle
23 redistricting, frankly, is a practice that
24 should be banned. We should -- we should --
25 we would love to see that practice just taken

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 21

1 off the table completely. The time to deal
2 with the partisan matters is when you redraw
3 the map for the census, not at any other time
4 and not -- certainly not in response to a
5 court order, which is focused on implementing
6 a remedy for, in this case, a violation of the
7 Voting Rights Act.

8 So our problem with this issue -- our
9 issue -- the reason we're objecting and with
10 the reason we are not raising the issue that
11 we raised two years ago about the partisan
12 balance of these maps at this time is because
13 we think that partisan considerations,
14 political considerations should be off the
15 table in this procedure. We simply disagree
16 with the principle. We understand your
17 principle is to do it that way. We believe
18 it's not.

19 Now, lest you think that we are doing
20 this -- we are making this statement sort of
21 as a protection to -- for Democrats, let me
22 explain a couple things. First of all, this
23 committee is probably not aware that last
24 week, we gave a failing grade to the
25 Democratic caucus proposal on the House map.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 22

1 That map failed, and we said that it failed.

2 We are equal opportunity critics. We have
3 criticized both parties when necessary.

4 Secondly, I'll remind that the
5 member -- many of the members of the committee
6 were here in 2021. When the congressional map
7 was debated in 2021, there were two proposals
8 on the table, the one that the committee --
9 the map that was enacted and a Democratic
10 proposal. At that time, I was the one who
11 testified for our group, and I said, I don't
12 like either one of those maps. Both of those
13 maps go too far in their respective partisan
14 directions. We said that the first map was
15 between the two.

16 Again, we did not reraise that point
17 here because we're not trying to relitigate
18 2021. We'll wait till 2030 to have that
19 conversation. We just think it should be off
20 the table here. So, again, we are doing our
21 best to be nonpartisan here. We're explaining
22 what we said our principles are for how we
23 evaluate the maps, and I would welcome any
24 questions you have about the scorecard, the
25 information in front of you.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 23

1 SENATOR ECHOLS: We've got one question
2 for Number 7.

3 MR. LAWLER: Okay.

4 MALE VOICE: So the -- and thanks for
5 being here and providing this for us. Could
6 you explain why this changed from last week to
7 today? The language on the flyers? The one
8 we got last week was worded differently than
9 this.

10 MR. LAWLER: We added to the court
11 mandate language and clarity around -- without
12 eliminating any minority opportunity
13 districts. We, quite frankly, missed that on
14 last week's flyers. We've actually updated
15 those on our website so they're all
16 consistent. You've -- you're correct that we
17 changed the language because we felt like we
18 did not pay enough attention to that last
19 week. We have updated the flyers on our
20 website so that they all now have consistent
21 language.

22 MALE VOICE: Thank you.

23 MR. LAWLER: You're welcome.

24 SENATOR ECHOLS: Any more questions?

25 Okay. Thank you. Next step is Anna Dennis

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 24

1 (phonetic). And After Anna is or maybe Ana

2 (phonetic) -- I apologize -- Cindy Battles

3 (phonetic).

4 MS. DENNIS: Thank you. Good day,
5 y'all, or good morning. I'm Ana Dennis, and
6 it's good to see you all again, Chairwoman and
7 Committee. I'm the executive director of
8 Common Cause Georgia. And for many decades in
9 cycle -- sorry. I am really short. So I'm
10 going to --

11 SENATOR ECHOLS: Just adjust it.
12 You're fine.

13 MS. DENNIS: Yeah. I'm trying to
14 figure out the mic here.

15 So for many decades, Common Cause
16 Georgia has been on the hills of engaging in
17 redistricting through many cycles, mid-cycle,
18 through traditional redistricting. What we've
19 noticed with these maps is that there's this
20 blatant disregard of traditional redistricting
21 principles. Something that Common Cause is a
22 network we work on across the country is fair
23 redistricting practices. And we also work on
24 creating independent redistricting commissions
25 because we definitely do believe that if we

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 25

1 can come together as advocates, community, and
2 electeds, we can definitely get redistricting
3 right, and we can make it look a little bit
4 different here, especially in Georgia.

5 But to talk more about, this map, there
6 seems to be a blame disregard of what the
7 court is actually asking us to do or asking
8 you all actually to do. There has been a
9 disregard that we have a county that has a
10 four-way split, and this county is Gwinnet
11 County, and this county is one of the most
12 diverse counties in the Southeast of the
13 United States. And this would definitely
14 negatively impact voters of color and minority
15 voters. So we're definitely concerned about
16 that. And we're also concerned that there
17 actually was not a new drawing of a minority
18 district.

19 So we are really urging the committee
20 to relook at these maps, and let's try to get
21 this right. And then as we move forward in
22 the future, let's work on independent
23 redistricting commissions altogether. That's
24 it. Thank you.

25 SENATOR ECHOLS: Thank you. Next is

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 26

1 Cindy, and then after Cindy is Stephanie Ali.
2 MS. BATTLES: Good morning, Committee.
3 Thank you all so much for the opportunity to
4 be here today. My name is Cindy Battles, and
5 I am the director policy and engagement for
6 the Georgia Coalition For the People's Agenda.
7 I'll echo what Ken Lawler said. We managed to
8 make both political parties angry with our
9 thoughts, including when we presented the
10 unity maps during the 2020 redistricting
11 cycle, which no one liked.
12 I want to talk a little bit about the
13 congressional maps that are being presented
14 today. We do not, in fact, feel like this
15 meets the judge's order. You mentioned that
16 coalition districts aren't protected by
17 Section 2 of the Voting Rights Act. I'm going
18 to point out that the 5th and 11th districts
19 actually disagree with that and have said that
20 coalition districts are protected by Section 2
21 of the Voting Rights Act because they're a
22 voting block that are impacted in similar
23 fashion when we talk about housing, when we
24 talk about education, when we talk about
25 voting and election bills.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 27

1 These -- this diverse county, Gwinnett
2 County, is equally impacted by these things,
3 even up to the point where we still don't have
4 an opportunity way on our QBE. So they --
5 they do have similar interests. They are a
6 community of interest. So dividing this
7 county up in four different ways is
8 diminishing their voting capacity.

9 Additionally, the moving of Lucy McBath
10 from another district. We are nonpartisan but
11 watching someone be removed from her district
12 for a -- or her district change for the third
13 time -- if we're going to tell voters that
14 their vote counts, we can't just tell them,
15 hey, your vote counts if you vote Republican.
16 If you are trying to convince voters to vote
17 for you, then you can't tell them that they
18 have to vote for your party, even if it's
19 against their interest.

20 And what we have seen in the state of
21 Georgia is that There's about a 49 percent, 51
22 percent voting population in this state, and
23 that is not reflected in the way that these
24 maps have been drawn. So what I would ask
25 this committee to do is -- I know we're on a

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 28

1 short timeline. I understand that. But let's
2 draw maps in a way that really reflect what
3 the voters of Georgia want and need. And I --
4 and I know that this has been done by
5 Democrats. We talk about this all the time.
6 I understand what the history of this state
7 is. I understand what the history of the
8 Civil Rights Movement is.

9 So let me ask this. What in the world
10 are we saying when we are saying never in the
11 history of this state have we set aside
12 partisan interest to let the voices of
13 Georgians be the number one priority when
14 we're drawing our districts? This could be
15 the first time in the history of the state
16 that politicians looked at people in Georgia
17 and said, hey, you know what? What you want
18 and need as a voting block or a person who
19 cares about your state is more important than
20 whether or not we retain power. And that's
21 what I would ask you to do in this process.
22 Thank you.

23 SENATOR ECHOLS: Thank you. I think
24 you have a question.

25 MALE VOICE: Has your group drawn a map

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 29

1 that accomplishes what you want?

2 MS. DENNIS: Yes, sir. And we
3 presented it in 2020. It was the unity maps,
4 and I emailed it to everybody and shopped it
5 around. And I had a Democrat tell me that
6 his -- he had a duty to his constituents to
7 stay in power.

8 MALE VOICE: And so even the Democratic
9 Party would not accept your proposed map?

10 MS. DENNIS: Exactly.

11 MALE VOICE: All right. Thank you.

12 SENATOR ECHOLS: Okay. Next up is
13 Stephanie and then Rashida Hassan (phonetic).
14 I apologize.

15 MS. ALLI: All right. Morning, y'all.
16 So, again, I'm Stephanie Ali. I am the policy
17 director with New Georgia Project Action Fund.
18 And first off, condolences to everyone over
19 the weekend. We deserve better. We deserve
20 better as a state. (Inaudible).

21 Anyhow, on to these maps. So like
22 everyone said, these maps are built on
23 partisan breakdowns. They are not built on
24 community interest. We -- we've already kind
25 of discussed that District 7, specifically,

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 30

1 now breaks what was once a coalition district
2 now splits up into majority white district.
3 Specifically, this is a heavy AAPI district at
4 the --right now in a heavily Latinx district.
5 And the -- like the people before me have
6 said, the judge in this case specifically said
7 we -- that these new majority Black districts
8 cannot be created by eliminating minority
9 majority districts or minority opportunity
10 districts.

11 These are -- this is the same area that
12 was in 2020 one's redistricting targeted on
13 the senate maps to break up AAPI coalition
14 districts and to remove currently sitting AAPI
15 representation. As the mother of an AAPI
16 child, the wife of an AAPI voter, I find this
17 insulting. This is a growing community. This
18 is growing at one of the fastest rates in our
19 state and has a bright future in the state.
20 But to say that one group of people has to
21 suffer at the benefit for another is not what
22 the point of these maps was for. We don't
23 have to break up a growing population in North
24 Fulton and North Gwinnett, just to see the
25 rebranding of other districts in Western and

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 31

1 Central Atlanta.

2 Further, we see at least in just the
3 metro area alone, six county seats that would
4 be split up, that would be broken into
5 multiple districts. And that shows just a
6 refusal to keep communities together. We
7 talked about, McDonough already being hit
8 pretty hard in the house and in the senate
9 side and now in the congressional side. I
10 don't know what the poor city did to this
11 committee, but McDonough deserves to stay
12 together at least in one map.

13 But we are seeing county seats all
14 along the metro area split by these
15 congressional districts, which means that
16 these cities will have very little power to
17 weigh in when they need something from their
18 congresspeople. They will have to share that
19 along multiple issue areas to multiple
20 congressional seats.

21 Finally, I -- while we are talking
22 about the fact that there were majority black
23 districts created. I ask you to look at this
24 from another angle that there are still nine
25 majority white districts. That is an angle

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 32

1 that I think the judge is going to look at,
2 and that it's going to be important for this
3 committee to think about if we don't want to
4 spend more taxpayer money in court, if we
5 don't want to have to be seeing it redrawn by
6 a special master. And those definitions are
7 important to be thoughtful of.

8 I thank you for your time. I think
9 this map is not going to pass muster, and I
10 hope that our -- our committee can and will do
11 better, and we still have time to make these
12 adjustments. Thank you.

13 SENATOR ECHOLS: Thank you. Next is
14 Rashida Hassan, and then on deck is David
15 Garcia. And I apologize if I've mispronounced
16 your name.

17 MS. HASSAN: All right. Good morning,
18 Madam Chairwoman, Committee Members. My name
19 is Rashida Hassan. I have been a resident of
20 the State of Georgia for over 25 years and
21 have resided in DeKalb County 15 of those
22 years. I am here today to represent the
23 League of Women Voters of Georgia. I am a
24 former board member and am currently an active
25 member of the DeKalb County chapter.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 33

1 We have several concerns on SB3EX, the
2 proposed congressional maps. Throughout the
3 inception of this process, we have
4 consistently sought and continue to request,
5 number one, changes to the maps be limited to
6 those required to address the remedy ordered
7 by the court; number 2, the committee should
8 reject any and all attempts by members of
9 either party to incorporate other changes for
10 partisan political purposes.

11 When reviewing this map, it is clear
12 that SB3EX does not comply with the judge's
13 order. As an organization dedicated to voter
14 education, we are concerned about the large
15 number of voters whose U.S. representative and
16 potentially polling location will change in
17 such a quick time frame. Once again, we ask
18 you to review and revise this map to give all
19 voters in Georgia an equal voice. Georgians
20 deserve a redistricting process that inspires
21 trust and confidence from all Georgians.
22 Thank you so much for your time.

23 SENATOR ECHOLS: Thank you. Our last
24 speaker is David Garcia.

25 MR. GARCIA: Good morning, chairwoman

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 34

1 and Members. Thank you for having us here.
2 I'm David Garcia. I work for an organization
3 named Galil Latino Community Development Fund,
4 and we advocate for the Hispanic community
5 throughout Georgia, and I'm here to oppose the
6 proposed Republican map.

7 It is concerning that although they
8 added a majority black district in Congress,
9 the map drawers -- the map drawers dismantled
10 Congressional District 7, a majority black and
11 Hispanic district, once again targeting Lucy
12 McBath, a member of color. To do so, Gwinnett
13 is now split in four ways. It's very
14 concerning to us because our office is located
15 in Gwinnet, and Gwinnet has a very large
16 Hispanic population. And we oppose the
17 proposed map. Thank you.

18 SENATOR ECHOLS: Thank you. I'm sorry?

19 MR. MOY: (Inaudible).

20 SENATOR ECHOLS: Sure. That's fine.

21 What is your what's your name for the record?

22 MR. MOYE: Yes, good morning. My name
23 is John Moyer. I'm the senior director for
24 policy for the Urban League of Greater
25 Atlanta. I certainly apologize. We're --

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 35

1 we're on the House side, and I didn't have an
2 opportunity to do that.

3 But Madam Chairperson, you know, the
4 Urban League really has a long history, and
5 we've really embraced the vision of a
6 multicultural, pluralistic democracy. And we
7 call, at this time, on every state legislator
8 to approach redistricting with the same
9 vision. Let me also add that we will continue
10 to fight for democracy and fair redistricting
11 for all.

12 And we are doing this because
13 redistricting is foundational to American
14 democracy. It determines funding for vital
15 services in institutions like schools, roads,
16 hospitals, and our elected leadership. When
17 we draw fair maps, our communities are
18 represented by leaders who know us, who
19 represent our needs, and fight for the
20 resources that our children and families need
21 in order to thrive.

22 And if I can also add, I --
23 additionally, I'm also a resident of Gwinnett
24 County, and so this is certainly of a personal
25 interest for me, as well. But let me just say

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 36

1 that, in conclusion, redistricting is hard,
2 and we acknowledge that. It's a very
3 difficult process, but we are certainly asking
4 you all to certainly be mindful of these maps
5 as you move forward. And I thank you very
6 much.

7 SENATOR ECHOLS: Thank you.

8 MS. COLEMAN: Excuse me, Madam Chair?
9 May I also address the committee? I was with
10 Mr. Moyer over with the House (inaudible).

11 SENATOR ECHOLS: Sure.

12 MS. COLEMAN: Thank you.

13 SENATOR ECHOLS: I know it's difficult
14 when we're both having hearings at the same
15 time. So I'll --

16 MS. COLEMAN: Thank you. I truly
17 appreciate your consideration.

18 SENATOR ECHOLS: Sure.

19 MS. COLEMAN: So good morning. I'm
20 Octavia Coleman. I am a Henry County
21 resident, here on behalf of the Central
22 Georgia Democracy Center and advocating for
23 the constituents of Congressional District 13.
24 Originally -- or previously, our district was
25 Cobb, Clayton, Douglas, Fayette, portions of

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 37

1 Fulton, portions of Henry County. And the new
2 proposed map will shrink our district down to
3 just simply Clayton -- or parts of Clayton,
4 Henry, Rockdale, and Newton County.

5 Initially, the red flag is that almost
6 all of the agriculture has been removed from
7 the district. And I'm a bit concerned about
8 that because, as a Henry County resident, one
9 thing that brought us to this county within
10 this congressional district was the -- was the
11 agriculture. And I'm concerned that when we
12 take that out of the district, we will lose
13 the diversity in industry. We're already
14 dealing with an increased population as Henry
15 County is one of the fastest growing counties
16 in the state, and we're looking for jobs, you
17 know, jobs that will maintain a living wage to
18 combat the growing homeless population that's
19 going on in Henry County, as well. So initial
20 red flag is that virtually all of the
21 agriculture has been removed from
22 Congressional District 13.

23 Secondly, with the City of McDonough,
24 McDonough is 68 percent identifying as Black
25 or People of Color, African American

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 38

1 population. And with the shrinking, I'm
2 concerned why wouldn't McDonough be put into
3 Congressional District 13 and not be popped
4 up. And again, as a community advocate, many
5 of the concerns is, especially if you're in
6 the Kelleytown area, we have a hard time
7 identifying who's our representative, who is
8 in Congressional District 10, who's in
9 Congressional District 3, who's in
10 Congressional District 13. It would -- to me,
11 it seems like it would make more sense to just
12 keep McDonough in one district and not
13 portioned and chopped up three ways.

14 So if it's a -- if it is a majority
15 black populated city, why not be in
16 Congressional District 13? Because with the
17 new proposed map putting it in Congressional
18 District 10, I fear that this city will not
19 get adequate representation. So I thank you
20 for your time.

21 SENATOR ECHOLS: Thank you. All right.
22 Thank you to everyone who came to voice your
23 opinion. I greatly appreciate you taking the
24 time to be here and be involved in the
25 process. It's important that we hear from

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 39

1 different perspectives. And again, I

2 appreciate you being here to do that.

3 I think now is the appropriate time.

4 MS. ANDERSON: (Inaudible) I have a
5 question.

6 SENATOR ECHOLS: Okay.

7 MS. ANDERSON: (Inaudible) repeating
8 what we did the other day. You avoided
9 questions from the committee (inaudible).
10 So --

11 SENATOR ECHOLS: So the time to ask the
12 questions is when we have discussion, and
13 that'll -- that's coming up.

14 MS. ANDERSON: Okay.

15 SENATOR ECHOLS: So I'll -- I'll open
16 it again for discussion after -- after motions
17 are made. All right.

18 MALE VOICE: Are you prepared for a
19 motion?

20 SENATOR ECHOLS: I'm prepared for a
21 motion. What number are you?

22 MALE VOICE: Number 10. Madam
23 Chairman, I move that we do pass substitute to
24 SB3EX LC Number 472586S.

25 SENATOR ECHOLS: Okay. I have a

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 40

1 motion.

2 MALE VOICE: Second.

3 SENATOR ECHOLS: Second. Okay. Now
4 we'll open up for discussion. And what number
5 are you?

6 MS. ANDERSON: I'm Number 2. My
7 question is on Congressional District 10. I
8 don't remember -- or I don't recall hearing
9 you give the details on Congressional District
10 10.

11 SENATOR ECHOLS: Sure. I'll be glad to
12 read what I read earlier on --

13 MS. ANDERSON: That's fine.

14 SENATOR ECHOLS: -- on Congressional
15 District 10. I said earlier, this district
16 shifts to accommodate the changes around it,
17 as well. Its boundaries in Henry and Newton
18 do not change, but it adds a portion of
19 Gwinnett and takes in Franklin and Hart County
20 to account for Jackson going into the 9th
21 district. This district retains its eastern
22 Georgia character, and election officials will
23 not need to worry about changes on its
24 southern or western sides because those --
25 because those boundaries have not changed.

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 41

1 MS. ANDERSON: So I have a second part
2 to the question because it looks like it did
3 with the Henry County portion. So this really
4 does diminish the black voice and the black
5 vote. And it's all over this map from 10 to
6 Congressional District 7 to -- it's just all
7 over this map, and it's really not a good
8 representation of where we are in Georgia and
9 where we are going. But thank you for
10 expounding on Congressional District 10.

11 SENATOR ECHOLS: Thank you. Any more
12 questions? What -- you're 12.

13 MR. JONES: Excuse me. Number 12.
14 Just trying to get clarification. Are we
15 saying that District 7 is or is not a minority
16 opportunity district? The current -- from
17 where it was.

18 SENATOR ECHOLS: Are -- are you talking
19 about the old district?

20 MR. JONES: Old district. That's
21 correct. Are we saying that it was a minority
22 opportunity district?

23 SENATOR ECHOLS: Well, I think in this
24 order, Judge Jones doesn't find a minority
25 opportunity district, but he reference --

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 42

1 references that as a majority black district.

2 So based on that definition, it -- I don't

3 believe it was.

4 MR. JONES: And can I also follow-up?

5 Can I get the --

6 SENATOR ECHOLS: Sure.

7 MR. JONES: -- because you said

8 those -- you said those page numbers, and I

9 can get them all down. Can you give them the

10 page numbers again where he references those?

11 SENATOR ECHOLS: Uh-hum. I sure will.

12 MR. JONES: Thank you.

13 SENATOR ECHOLS: Okay. So those --

14 what I said earlier, I'll reread it.

15 MR. JONES: That's fine.

16 SENATOR ECHOLS: While he doesn't

17 define that term, it's clear he's referencing

18 existing majority black districts. On Page

19 511, he refers to whether the congressional

20 plan provides black voters with additional

21 opportunity districts. There are also

22 references to opportunity districts that

23 clearly refer to black voters on Page 106,

24 145, 346, 211, 268, 417 through 20, and 427.

25 MR. JONES: So and I just -- my last

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 43

1 one just for kind of like for clarification.

2 So the way it's being looked at is that Judge

3 Jones is citing the minority opportunity

4 district has to be a majority minority

5 district?

6 SENATOR ECHOLS: A majority black

7 district.

8 MR. JONES: Majority black district.

9 SENATOR ECHOLS: Correct.

10 MR. JONES: Okay. I understand.

11 SENATOR ECHOLS: You have a question?

12 MS. BUTLER: It's 3.

13 SENATOR ECHOLS: Okay.

14 MS. BUTLER: Thank you, Madam Chair.

15 This one question, is it more important to you

16 that black voters cast votes that matter or

17 that political balance remains the same?

18 SENATOR ECHOLS: The most important

19 thing to me is to comply with the judge's

20 order.

21 MS. BUTLER: So do you agree that

22 political balance was a consideration in

23 drawing the maps?

24 SENATOR ECHOLS: Well, there were

25 several things that we considered when -- when

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 44

1 drawing the maps, and that was one of the
2 things.

3 MS. BUTLER: That was one of them?

4 SENATOR ECHOLS: Uh-hum. Uh-hum.

5 MS. BUTLER: Thank you.

6 SENATOR ECHOLS: Any more? Okay. 12.

7 MR. JONES: On the new District 6 --
8 and only because I'm not really familiar with
9 a lot of these areas not being from this area.

10 SENATOR ECHOLS: Sure.

11 MR. JONES: I keep hearing about, like,
12 county splits. How many county splits does
13 this new map have, I guess, even overall?
14 Does this -- the map is being presented today,
15 how many county splits are existing. Do we
16 know?

17 SENATOR ECHOLS: I believe there are
18 only two new county splits, and mine is one of
19 those.

20 MR. JONES: And one last one, how do
21 we -- how do we kind of, like, determine
22 compactness for the new District 6 of the
23 African American population?

24 SENATOR ECHOLS: Yeah. So you know,
25 that's one of those things that we relied on,

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 45

1 Gina Wright's expertise in helping us to draw
2 those maps.

3 MR. JONES: All right.

4 MR. ECHOLS: Any more questions? Any
5 more discussion?

6 MS. ANDERSON: I do have one more.

7 So --

8 SENATOR ECHOLS: Let me get you on.
9 Hold on.

10 MS. ANDERSON: I'm Number 2.

11 MS. EHCOLS: Okay. Without eliminating
12 a minority opportunity district, which --
13 which district is the new district?

14 SENATOR ECHOLS: So that's what we
15 said. 6 is the new --

16 MS. ANDERSON: 6? Okay.

17 SENATOR ECHOLS: -- majority black
18 district. So if -- just to be clear, the
19 majority black districts in this in this map
20 are 6, 5, 4, and 13. Anything else?

21 MR. JONES: (Inaudible)?

22 SENATOR ECHOLS: Sure. Let me get you
23 on.

24 MR. JONES: Thank you, Madam Chair.
25 And just, just a couple of quick comments. It

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 46

1 appears that a lot of this is going to come
2 down to how we're actually going to be defined
3 in minority opportunity district. And whether
4 the assertion that minority opportunity
5 district has to be majority black, or can it
6 be a coalition district? And I think that's
7 going to be where the debate is going to have
8 to be had.

9 It's a serious question about whether
10 minority opportunity districts come within the
11 Section 2, and I think there's many
12 authorities to say that it does, and I think
13 that's where the debate will -- will lie. And
14 so I think we have eliminated a minority
15 opportunity district, which goes completely
16 against the judge's order, and that's one of
17 the principal reasons why I'd be against this
18 particular map.

19 And secondly, I do want us to be kind
20 of careful in our language as far as, like,
21 saying, like, different groups are bringing
22 this. It's not my fraternity, but Alpha Phi
23 Alpha Incorporated is -- is basically an
24 African American fraternity. It was the first
25 African American fraternity found in the

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 47

1 United States. They are one of the plaintiffs
2 in this particular case. They're nonpartisan.
3 They do tremendous work in the African
4 American community and basically for the whole
5 community. And I do think we want to be a
6 little bit with our language to say that
7 Democratic groups brought these particular
8 cases and things of that nature when you
9 realize who some of these groups actually are
10 and the benefit that they've given to not only
11 African Americans, but to society in general.

12 SENATOR ECHOLS: Thank you. Thank you
13 for your comment.

14 MR. HATCHETT: (Inaudible).

15 SENATOR ECHOLS: All right.

16 MR. HATCHETT: And just to follow-up,
17 the Alph Phi Alpha did not challenge the
18 congressional maps, correct?

19 MR. JONES: They're part of it.
20 They're -- they're one -- they're part of
21 this. And the -- the statement's been made
22 earlier on all maps. The same statement's
23 been made.

24 MR. HATCHETT: I just wanted to make
25 sure they -- they're not --

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 48

1 MR. JONES: Yeah. Yeah. Same state --

2 MR. HATCHETT: -- (inaudible) challenge

3 these congressional maps.

4 MR. JONES: Same statements have been

5 made for other maps, too, that they're

6 Democratic, left-wing maps.

7 MR. HATCHETT: Yeah, thank you.

8 SENATOR ECHOLS: All right. Any more

9 questions?

10 MR. RHETT: Just thought of one, Madam

11 Chair, if you don't mind. And I was just

12 looking at the recommendation from the

13 nonpartisan organization that the gentleman

14 who spoke earlier. Is there any concern at

15 all that they are saying that 64 districts

16 have been done for political purposes, and

17 that politics -- politics should not be on the

18 table in this regard. What -- why do you

19 think there's so much disparity about what

20 they're looking at and what we apparently

21 going to offer to Judge Jones.

22 SENATOR ECHOLS: I'm -- I'm not sure.

23 I just got that fired this morning when the

24 committee convened. I haven't looked at it,

25 nor -- the only discussion I've had is -- is

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 49

1 when they were up here. All right. Any more
2 questions or comments?
3 Okay. Seeing that there are no more
4 questions or comments from the committee,
5 we've had a motion. We've had a second. So I
6 think it's time to call for a vote. All of
7 those in favor of the motion as due passed for
8 LC 472586S, which is the substitute to Senate
9 Bill 3X, please raise your hand.

10 Okay. And all of those opposed, please
11 raise your hand.

12 Do you have those?

13 Okay. The motion carries.

14 All right. Is there any other --

15 Yeah. So I -- you know, I have not
16 received a proposed plan other than this one.
17 So there's --there's no further business of
18 the committee at this time. So we will move
19 this meeting to be adjourned.

20 Thank you all for your attendance. I
21 appreciate you being here.

22 (End of Video Recording.)

23

24

25

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

Page 50

1 CERTIFICATE

2

3 I, Wendy Sawyer, do hereby certify that I was
4 authorized to and transcribed the foregoing recorded
5 proceedings, and that the transcript is a true record, to
6 the best of my ability.

7

8

9

DATED this 15th day of December, 2023.

10

11

12

13

WENDY SAWYER, CDLT

14

15

16

17

18

19

20

21

22

23

24

25

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: --everybody..7

	12:11	211 15:4	50.59 10:8
-		42:24	
	145 15:3		509 6:7
--everybody	42:24	25 32:20	51 27:21
17:13	146 15:4	268 15:4	51.06 9:17
--right 30:4	15 32:21	42:24	51.45 11:12
	190 9:2	29 11:20	51.75 8:18
1	191 9:2		510 14:18
1 3:22 7:7		3	511 14:24
10 13:22	2	3 7:8 38:9	42:19
38:8,18		43:12	52 10:8
39:22	2 7:8 15:5	325 8:22	5th 26:18
40:7,10,15	26:17,20	326 8:23	
41:5,10	33:7 40:6	33 18:13	
101 3:5	45:10	346 42:24	6
	46:11		6 6:15,17,
106 15:3	20 15:4		25 7:2
42:23	42:24	4	8:14,15
107 3:9	2002 16:3		10:12
11 12:8	2006 20:13	4 9:19,20	12:21
11th 26:18	2018 8:8	45:20	17:18
12 7:8	2020 8:8	417 15:4	44:7,22
41:12,13	26:10 29:3	42:24	45:15,16,
44:6	30:12	427 15:4	20
13 10:11,		42:24	64 20:14
17,21,22,	2021 8:11	472586S	67 18:11
24 11:10	9:15	39:24	68 37:24
12:17	15:16,22		
36:23	16:1 22:6,	49 27:21	
37:22	7,18		7
38:3,10,16	2022 8:8	5	
45:20	2024 14:15	5 9:7,8	7 12:15,19
13's 10:13	2030 22:18	17:21	15:15 18:8
14 6:24	21 16:8	45:20	19:1,5,24
11:24,25		50 17:22	23:2 29:25
			34:10

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023

Index: 8..area

41:6,15	Action 29:17	affect 10:9	44:23
	active 32:24	affected	46:24,25
8	add 18:2,4	11:22	amount 14:14
8 7:8	35:9,22	African	Ana 16:17,
	added 12:1	37:25	23 24:1,5
9	23:10 34:8	44:23	analysis
	additional	46:24,25	17:4 20:2
9 13:8	6:5 7:20	age 8:17	anchored
9th 14:3	10:18	9:18	11:4
40:20	14:25	agenda 16:14	ANDERSON
	42:20	26:6	4:6,11,14,
A	additionally	agree 17:17	16,20 5:2
AAPI 30:3,	27:9 35:23	43:21	39:4,7,14
13,14,15,	address 33:6	agriculture	40:6,13
16	36:9	37:6,11,21	41:1 45:6,
accept 29:9	adds 11:16	ahead 5:7	10,16
accommodate	13:25	airport 9:11	angle 31:24,
9:8,21	40:18	Ali 26:1	25
10:14 12:9	adequate	29:16	angry 26:8
13:23	38:19	ALLI 29:15	Anna 23:25
40:16	adjust 24:11	allocated	24:1
accomplishes	adjusting	8:8	apologize
29:1	13:13	allowed 7:17	24:2 29:14
account	adjustments	Alpha 46:22,	32:15
14:2,9,10	32:12	23	34:25
40:20	admit 18:17	altered	appeal 15:23
acknowledge	advocate	20:14	16:1
36:2	34:4 38:4	altogether	appears 46:1
Act 2:22	advocates	25:23	approach
15:13,23	25:1	American	35:8
18:18,21	advocating	35:13	area 6:22
21:7	36:22	37:25	7:9 13:21
26:17,21			30:11

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: areas..Central

31:3,14	42:2	34:8,10	built 29:22,
38:6 44:9	basically	37:24	23
areas 3:2	6:22 46:23	38:15 41:4	burden 12:11
9:1 11:5	Battles 24:2	42:1,18,	BUTLER
31:19 44:9	26:2,4	20,23	43:12,14,
assertion	began 6:1,10	43:6,8,16	21 44:3,5
46:4	begin 7:4	45:17,19	
Atlanta 6:7	beginning	46:5	<hr/>
9:4,10,14,	2:1 19:13	blame 25:6	C
23 10:4,	begins 10:23	blatant	call 20:6
20,25	behalf 36:21	24:20	35:7
11:4,9,18	belief 19:14	block 26:22	capacity
12:16,18	benefit	28:18	27:8
31:1 34:25	30:21	board 32:24	cards 2:25
attempts	bill 3:22	border 13:2	care 8:21
33:8	15:25	boundaries	careful
attention	bills 26:25	13:14,24	46:20
23:18	bit 25:3	14:7	carefully
Austell 8:25	26:12 37:7	40:17,25	6:1
authorities	black 6:6,14	boundary	cares 28:19
46:12	7:1,3,10	13:17	case 6:17,
avoided 39:8	8:16,17	break 30:13,	19 8:20
aware 21:23	9:9,17,21	23	21:6 30:6
<hr/>	10:7,14	breakdowns	cast 43:16
B	11:10,12,	29:23	caucus 21:25
back 13:11	15,17,19	breaks 30:1	census 20:9,
17:3	12:2	bright 30:19	16 21:3
balance 8:4,	14:21,23,	bringing	Center 36:22
11 19:20	25 15:3,9,	46:21	centered
21:12	11,12,15,	broken 31:4	9:10
43:17,22	17 17:19,	brought 37:9	Central 31:1
banned 20:24	23 18:1,3	Buford 10:1	36:21
based 11:16	30:7 31:22		

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: Chair..concerned

Chair 17:2,	chopped	18:10,11	33:7 36:9
20 18:15	38:13	19:3 26:6,	39:9
36:8 43:14	Cindy 24:2	16,20	committee's
45:24	26:1,4	30:1,13	5:22
chairman 4:7	cities 11:8	46:6	Common 24:8,
39:23	31:16	coalitions	15,21
Chairperson	citing 43:3	15:14	communities
35:3	city 8:24	Cobb 6:21,	8:1 9:5
chairwoman	9:10 31:10	23 11:25	10:4 31:6
24:6 32:18	37:23	12:9 36:25	35:17
33:25	38:15,18	Coleman	community
Chamblee	Civil 28:8	36:8,12,	13:1 25:1
10:3	clarification	16,19,20	27:6 29:24
change 13:25	41:14 43:1	color 18:22	30:17
27:12	clarity	25:14	34:3,4
33:16	23:11	34:12	38:4
40:18	Clayton	37:25	compact 7:25
changed 7:8	10:23	combat 37:18	9:15
8:13 14:7	36:25 37:3	comment 2:7	compactness
20:8 23:6,	clear 6:25	3:13 5:19,	44:22
17 40:25	11:14	21 16:13	completely
chaos 3:2	14:18,22	comments	21:1 46:15
chapter	15:13	2:10 45:25	complies
32:25	33:11	commissions	15:22
character	42:17	24:24	comply 2:22
10:20 12:6	45:18	25:23	7:18 33:12
13:9 14:4	closes 5:21	committee	43:19
40:22	Clyde's	2:5,11	concern
Cherokee	13:12	17:3 19:18	15:18
12:12,23	Clymer 2:8,	21:23	concerned
child 30:16	13,15,17,	22:5,8	25:15,16
children	18	24:7 25:19	33:14
35:20	coalition	26:2 27:25	37:7,11
		31:11	38:2
		32:3,10,18	

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

concerns	40:7,9,14	contiguous	13:4,5,6,
33:1 38:5	41:6,10	7:24	11,12,15,
	42:19		17,20
concludes		continue	14:11
16:12	Congressman	33:4 35:9	25:9,10,11
	13:12		27:1,2,7
conclusion		continuity	31:3,13
36:1	congresspeople	8:5	32:21,25
	31:18		35:24
condolences		conversation	36:20
29:18	connection	3:16 22:19	37:1,4,8,
	9:22		9,15,19
confidence		convince	40:19 41:3
33:21	connections	27:16	44:12,15,
	9:2,13		18
configuration		Conyers 11:6	
11:3,6	connects 9:3	copy 5:24	
configured	consideration	correct 3:23	
16:7	19:21	23:16	couple 21:22
	36:17	41:21 43:9	45:25
Congress 6:4	43:22		
34:8			
		Corridor	court 6:14
congressional	considerations	10:1	7:11 18:5
5:14,23	19:16		19:9
6:6,18	21:13,14	counsel 6:9	20:10,17
7:3,6 8:4,			21:5 23:10
14,15,20	considered	counties	25:7 32:4
9:6,7,19,	43:25	6:21 7:20	33:7
20 10:11,		10:19 11:1	
13 11:24	consistent	25:12	
12:8,15	23:16,20	37:15	court's
13:8,22			18:15
15:8,22	consistently	country	
17:5,18	33:4	24:22	covered 6:22
22:6 26:13			
31:9,15,20	constituents	counts 17:23	created 30:8
33:2 34:10	29:6 36:23	27:14,15	31:23
36:23			
37:10,22	Constitution	county 2:19	creates 3:1
38:3,8,9,	7:19	3:4,6 6:23	creating
10,16,17		7:23 11:2,	14:10
	consulted	25 12:10,	24:24
	6:9	13,17,22,	
	context 15:5	24,25	criticized
			22:3

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: critics..district

critics 22:2	dedicated 29:19	disagreement
	33:13	19:18
crossing 12:3	define 14:22	disagreements
	42:17	17:10
current 41:16	defined 46:2	design 19:12
		discuss 9:6
cycle 24:9	definition 42:2	17:4
26:11		discussed
cycles 24:17	definitions 32:6	29:25
		discussion
D	Dekalb 3:6	4:5 5:5,18
	32:21,25	39:12,16
data 8:7	democracy 35:6,10,14	40:4 45:5
	36:22	dismantled
database 14:12	Democrat 16:2 29:5	34:9
David 32:14	Democratic 19:25	disregard
33:24 34:2	21:25 22:9	24:20
day 24:4	29:8	25:6,9
39:8	democratically	disruptive
deal 21:1	-affiliated 16:11	3:7
dealing 37:14	Democrats 21:21 28:5	distinct
debate 46:7, 13	demographic 17:15	15:14
debated 22:7	Dennis 16:17,24	district
decades 9:12	23:25	2:24 3:5,8
24:8,15	24:4,5,13	5:16 6:6,
deck 2:25	29:2,10	14,15,16,
16:15,23	deserve 3:9	17,18,21,
32:14		24 7:2,3,
decrease 10:9		5,11,15
decreased 10:7 11:11		8:13,14,
		15,16,20,
		24 9:3,7,
		8,9,16,19,
		20,21
		10:7,11,
		12,13,15,

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Ex: districts..EHCOLS

17,20,22	6,15	35:17 45:1	Echols 2:2,
11:3,10,			14,16
12,17,24,	districts	drawers 34:9	3:11,19,22
25 12:2,4,	6:10,13	drawing 6:10	4:1,4,9,
7,8,10,11,	7:7,14,21,	7:1,10,21	12,15,19,
15,17,18,	23,24	9:16 10:6	22 5:3
19,21	11:15,19,	11:10	16:20 17:2
13:8,10,	20,21	14:13,21	18:15
11,14,22,	14:18,20,	25:17	23:1,24
23 14:3	21,24	28:14	24:11
15:6,7,10,	15:1,2,10	43:23 44:1	25:25
11,15,16,	16:8,10		28:23
17,19 16:7	20:14	drawn 10:22	29:12
17:18,19,	23:13	27:24	32:13
21,24	26:16,18,	28:25	33:23
18:1,8,9	20 28:14	drew 6:13	34:18,20
19:1,3,4,	30:7,9,10,	due 3:20	36:7,11,
5,6,24,25	14,25	Duluth 10:3	13,18
25:18	31:5,15,		38:21
27:10,11,	23,25	Dunwoody	39:6,11,
12 29:25	42:18,21,	10:2	15,20,25
30:1,2,3,4	22 45:19	duty 29:6	40:3,11,14
34:8,10,11	46:10		41:11,18,
36:23,24	diverse 9:5	<hr/> E <hr/>	23 42:6,
37:2,7,10,	25:12 27:1		11,13,16
12,22	diversity	earlier	43:6,9,11,
38:3,8,9,	37:13	40:12,15	13,18,24
10,12,16,		42:14	44:4,6,10,
18 40:7,9,	dividing	ease 12:11	17,24
15,21	27:6	east 9:7,8,	45:4,8,14,
41:6,10,	Dix 2:18	20 10:16,	17,22
15,16,19,	Doraville	17 11:5	education
20,22,25	10:3		26:24
42:1 43:4,	Douglas 6:20	eastern	33:14
5,7,8	36:25	9:23,24	
44:7,22		14:3 40:21	effects
45:12,13,	draw 11:10	echo 26:7	11:22
18 46:3,5,	16:8 28:2		EHCOLS 45:11

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: elected..folder

elected	engagement	14:9 45:1	30:18
35:16	26:5	explain	37:15
electeds	engaging	17:16 20:4	favor 5:8
25:2	24:16	21:22 23:6	Fayette 6:20
election 8:7	ensure 8:3	explaining	36:25
12:12	ensuring	22:21	fear 38:18
14:11 16:5	7:23,24,25	expounding	Federal 2:21
26:25	entertain	41:10	feel 26:14
40:22	3:15	extensive	felt 23:17
elections	equal 22:2	6:12	FEMALE 16:19
14:4,15	33:19	<hr/>	
eliminate	equally 27:2	F	fight 35:10,
6:25	evaluate	fact 7:2	19
14:17,19	22:23	26:14	figure 24:14
15:9	Excuse 36:8	31:22	Finally
eliminated	41:13	fail 19:23	15:20
46:14	executive	20:3	31:21
eliminating	24:7	failed 22:1	find 30:16
15:18	exercise	failing	41:24
23:12 30:8	19:14	21:24	fine 24:12
45:11	existing	fails 17:16	34:20
emailed 29:4	7:1,12 8:4	18:7	40:13
embraced	10:12	fair 24:22	42:15
35:5	14:17,20,	35:10,17	fit 10:19
emotion 3:15	23 15:9	familiar	flag 37:5,
employed	42:18	44:8	20
19:22	44:15	families	floor 17:1
enables 11:3	experiencing	35:20	flyers 23:7,
enacted 22:9	9:4	farther 9:24	14,19
encompass	expert 6:19	fashion	focused
12:20	8:19 10:16	26:23	12:18 21:5
ended 13:21	12:5 18:18	fastest	folder 5:24
	expertise		

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: folks..heavy

folks 5:15	future 25:22	glad 17:3	34:15
follow-up 42:4	30:19	40:11	Gwinnett
Forsyth 13:2	G	goal 8:3	2:19 3:4,6
forward 16:16	gain 17:9	good 24:4,	11:2 12:17
25:21 36:5	Galil 34:3	5,6 26:2	13:15,17
found 6:7	Garcia 32:15	32:17	14:1 27:1
9:1 46:25	33:24,25	33:25	30:24
foundational 35:13	34:2	34:22	34:12
four-way 25:10	gave 21:24	36:19 41:7	35:23
frame 33:17	general 12:3	Gordon 12:10	40:19
Franklin 14:1 40:19	Georgia 6:12	governments 7:23	H
frankly 20:23	7:7,9 14:4	grade 21:24	Hall 12:25
23:13	20:11	Greater 34:24	13:2,4
fraternity 46:22,24,	24:8,16	greatly 38:23	hand 5:9
25	25:4 26:6	group 15:7	happened 7:9
Friday 4:14	27:21	22:11	hard 31:8
front 17:12	28:3,16	28:25	36:1 38:6
22:25	29:17	30:20	Hart 14:2
Fulton 6:20	32:20,23	groups 15:14	40:19
8:25 12:21	33:19 34:5	16:11	Hassan 29:13
30:24 37:1	36:22	18:24	32:14,17,
Fund 29:17	40:22 41:8	46:21	19
34:3	Georgians 28:13	growing 10:4	health 8:21
funding 35:14	Gina 6:10	30:17,18,	hear 2:13
	45:1	23 37:15,	38:25
	give 19:23	18	hearing 2:5
	33:18 40:9	growth 9:4	40:8 44:11
	42:9	guess 44:13	hearings 36:14
	giving 4:23,	Gwinnet 25:10	heavily 30:4
	24		heavy 30:3

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: helping..issue

helping 45:1	3:5,8,13,	45:21	information
Henry 10:23	22 5:9	inception	22:25
13:25	21:25 31:8	33:3	initial
36:20	35:1 36:10	include 7:15	37:19
37:1,4,8,	housing	included	Initially
14,19	26:23	6:20 10:18	37:5
40:17 41:3			
hey 27:15	I	includes	inspires
28:17		8:21,24	33:20
higher 7:17	I285 9:22	9:11 10:2	institutions
Highway 10:1	I85 9:23,25	11:19	35:15
highways	identifying	12:21	insulting
8:21	37:24 38:7	13:14	30:17
hills 24:16	impact 8:9	including	interest 8:1
Hispanic	25:14	26:9	10:5 13:1,
34:4,11,16	impacted	incorporate	4 27:6,19
historically	26:22 27:2	33:9	28:12
9:11	implement	Incorporated	29:24
history	17:7,18	46:23	35:25
20:11	implementing	increase	interested
28:6,7,11,	19:15 21:5	2:23	5:15
15 35:4	important	increased	interests
hit 31:7	13:1 15:21	9:17 37:14	11:9 27:5
Hold 45:9	28:19	increases	interpretation
home 13:4,	32:2,7	11:14	18:16,18
6,12	38:25	incumbent	19:9
homeless	43:15,18	3:7,8	involved
37:18	inaudible	independent	20:20
hope 32:10	3:16,25	24:24	38:24
hospitals	4:17 16:19	25:22	involves 6:5
35:16	19:25	individual	7:6
house 2:7	29:20	8:13	issue 18:6
	34:19	industry	21:8,9,10
	36:10	37:13	31:19
	39:4,7,9		

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: issues..majority

issues 10:6		LC 39:24	long 20:11
	K		35:4
J		LC472575	
	Kelleytown	3:20	longer 19:4
Jackson	38:6	leaders	looked 28:16
13:10 14:2	Ken 16:17,	35:18	43:2
40:20	18 26:7	leadership	lose 37:12
jobs 37:16,	kind 29:24	35:16	losing 19:5
17	43:1 44:21	League 32:23	lot 5:14
John 34:23	46:19	34:24 35:4	13:20 44:9
Jones 8:22	knowledge	legal 6:9	46:1
9:1 11:18	6:12	legislation	love 20:25
14:18		6:1	Lucy 27:9
41:13,20,	L	legislative	34:11
24 42:4,7,	lake 13:1,2	7:18 14:8	Lumpkin
12,15,25	landing	15:20	12:22
43:3,8,10	13:21	legislator	
44:7,11,20	language	35:7	M
45:3,21,24	15:25 16:2	Leverett 2:4	Madam 32:18
Jones's 2:22	18:23	lie 46:13	35:3 36:8
6:2	23:7,11,	Lilburn 11:7	39:22
judge 2:22	17,21	limited 33:5	43:14
6:2 8:22	46:20	limiting	45:24
9:1 11:18	Lanier 13:2	7:20	made 39:17
14:18	large 13:19	list 16:15	maintain 8:5
15:24	33:14	litigation	12:17
18:19 30:6	34:15	6:18	19:19
32:1 41:24	Latino 34:3	living 37:17	37:17
43:2	Latinx 30:4	located 8:18	maintaining
judge's 3:3	Lawler 16:17	34:14	7:15 12:6
15:24	17:2 23:3,	location	maintains
26:15	10,23 26:7	8:19 33:16	12:3
33:12	lawyer 18:17		majority
43:19			
46:16			

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: make..mother

2:23 6:6,	23:11	matter 17:20	mine 44:18
14 7:1,3,	map 2:7,20	43:16	minimize
10 8:16	3:1,13 4:8	matters 21:2	14:14
9:9,21	5:7,9,25	Mcbath 27:9	minorities
10:14	6:15 12:24	34:12	18:23
11:12,15,	17:5,7,15,	Mcdonough	minority
17,19 12:2	17 18:4,6,	31:7,11	2:23 14:17
14:20,21,	12,25	37:23,24	15:6,19
23 15:8,9,	19:12,23	38:2,12	18:9,11,
11,15,17	20:3,8	means 31:15	12,24
16:3	21:3,25	meet 19:8	19:3,4,5
17:19,24	22:1,6,9,	meets 26:15	23:12
30:2,7,9	14 25:5	member 22:5	25:14,17
31:22,25	28:25 29:9	32:24,25	30:8,9
34:8,10	31:12 32:9	34:12	41:15,21,
38:14	33:11,18	members 17:3	24 43:3,4
42:1,18	34:6,9,17	22:5 32:18	45:12
43:4,6,8	37:2 38:17	33:8 34:1	46:3,4,10,
45:17,19	41:5,7		14
46:5	44:13,14		minus 7:16
make 2:10	45:19	mentioned	minute 11:13
3:17 25:3	46:18	17:20	mirrors 16:2
26:8 32:11	maps 5:14	26:15	mispronounced
38:11	17:6 21:12	metro 6:7	32:15
making 7:4	22:12,13,	9:4 10:20	missed 23:13
16:22	23 24:19	11:4,17	money 32:4
21:20	25:20	12:16,18	morning 24:5
MALE 3:17,	26:10,13	31:3,14	26:2 29:15
21,24 4:3	27:24 28:2	mic 2:11	32:17
23:4,22	29:3,21,22	24:14	33:25
28:25	30:13,22	mid-cycle	34:22
29:8,11	33:2,5	20:6,7,12,	36:19
39:18,22	35:17 36:4	15,22	
40:2	43:23 44:1	24:17	mother 30:15
managed 26:7	45:2	mindful 36:4	
mandate	master 32:6		

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023: motion..organization

motion 3:17,		11:14	14:17,20
18,20 4:1	N	17:6,8	15:1,2,6,
5:3,8,11,		23:2 28:13	19 18:1,9
12 39:19,	named 34:3	33:5,7,15	22:2 23:12
21 40:1	negatively	39:21,22,	26:3 27:4
	25:14	24 40:4,6	30:9 35:2
motions		41:13	41:16,22,
39:16	network	45:10	25 42:21,
	24:22		22 43:3
mountain-		numbers	45:12
focused	Newton 11:1	11:16	46:3,4,10,
13:10	13:25 37:4	42:8,10	15
mountains	40:17		
12:4	nonmajority	o	oppose 34:5,
move 3:5	15:12		16
16:13,16,	nonpartisan	objecting	opposed 5:11
25 25:21	17:4 22:21	21:9	opposition
36:5 39:23	27:10	objective	2:20
moved 6:23	Norcross	19:11	order 2:23
9:24	10:3	Octavia	3:3 6:2,3,
Movement	north 7:7,9	36:20	8,15 7:11
28:8	8:25 11:25	office 6:11	8:23 12:11
moves 8:25	12:4,19,21	34:14	14:19
12:22	15:12	officials	15:24
	30:23,24	12:12	18:15,20
moving 9:7	Northern	14:4,11	19:9
11:21 27:9	13:15	40:22	20:10,17
MOY 34:19	Notably	one's 30:12	21:5 26:15
Moye 34:22,	10:16	one-sided	33:13
23 36:10	noticed	20:20	35:21
multicultural	24:19	open 5:4,20	41:24
35:6	notwithstandin	39:15 40:4	43:20
multiple	g 18:15	opinion	46:16
31:5,19	number 3:15	38:23	ordered 33:6
muster 19:8	9:3,12	opportunity	organization
32:9	10:5,18	4:24	33:13 34:2

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 originally..potentially

originally	pause 11:13	16:17	21:14 26:8
16:9 36:24	pay 23:18	24:1,2,3	33:10
		29:13	43:17,22
P	Pendergrass		
	6:17	place 12:13	politicians
packet 5:25	people 13:3	plaintiff's	28:16
Pages 8:22	28:16	6:19 8:19	polling
9:2	30:5,20	10:16 12:5	33:16
	37:25	plan 5:23	poor 31:10
part 8:17,	People's	7:6 8:5,9,	popped 38:3
24 11:1	26:6	10 9:15	
12:4 41:1		11:14,16,	populated
participation	percent 8:18	18 13:5	38:15
18:2	9:17 10:8	14:10,16,	population
parties	11:12,20	25 15:8,	8:17 9:18
20:19 22:3	17:22,23	16,17,20,	13:13,20
26:8	18:12,13	22 16:1,3	27:22
	27:21,22	42:20	30:23
partisan	37:24	plans 7:18	34:16
8:4,9	percentage	14:8	37:14,18
21:2,11,13	8:18	pluralistic	38:1 44:23
22:13	perfect 2:12	35:6	populations
28:12	performance	podium 2:9	7:15
29:23	10:10	16:23	portion 6:23
33:10	performing	point 22:16	11:2 14:1
parts 37:3	17:25	26:18 27:3	16:13
party 27:18	person 2:8	30:22	40:18 41:3
29:9 33:9	7:17,19	policy 26:5	portioned
pass 3:18,	28:18	29:16	38:13
20 5:9	personal	34:24	portions
19:7 32:9	35:24	political	6:20 10:23
39:23	perspectives	8:10 10:10	13:15
pass/fail	39:1	17:9	36:25 37:1
17:14	Phi 46:22	19:10,12,	potentially
passes 5:12	phonetic 2:8	16,20	33:16
patient 2:3		20:18	

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: power..ready

power 28:20	20:2,5	18:22	23:1 28:24
29:7 31:16	21:16,17	protected	39:5 40:7
practice	principles	8:1 26:16,	41:2
20:23,25	7:13,14	20	43:11,15
practices	17:5,11	protection	46:9
24:23	22:22	21:21	questions
precincts	24:21	protections	4:17,19,
7:22	prior 11:15	18:22,25	23,25 5:1
precleared	13:9	19:2	22:24
16:4	priority	protects	23:24
prepared	28:13	15:13	39:9,12
39:18,20	problem	providing	41:12 45:4
present 4:7,	20:21 21:8	23:5	quick 33:17
11 5:13	procedure	public 2:6	45:25
presentation	21:15	5:19,20,21	quickly
5:16,20	process 9:16	16:13	16:25
16:12	10:6 19:19	purpose	quote 6:5
17:21	28:21	18:19	
presented	33:3,20	purposes	R
4:12 26:9,	36:3 38:25	20:19	race 3:7
13 29:3	Project	33:10	racial 15:7,
44:14	29:17	pursuing	14 17:15
pretty 31:8	proposal	15:23	raise 5:9
previous	21:25	put 6:12	raised 21:11
12:24	22:10	38:2	raising
previously	proposals	puts 13:10	21:10
9:25 10:24	22:7	putting	Rashida
12:13,20	proposed	38:17	29:13
13:16,18	2:20 3:1		32:14,19
36:24	6:16 7:5	Q	rates 30:18
principal	29:9 33:2	QBE 27:4	read 40:12
46:17	34:6,17	question	ready 2:16
principle	37:2 38:17		
	protect		

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: reason..revise

reason 18:6	references 40:8	requirement
21:9,10	15:2 42:1,	20:10
reasons 20:4	10,22	requirements
46:17	referencing	7:19 19:8
rebranding	14:23	reraise
30:25	42:17	22:16
recall 40:8	refers 14:24	reread 42:14
recent 7:22	42:19	resided
recognizes	reflect 28:2	32:21
12:25	reflected	resident
record 34:21	27:23	2:19 32:19
Recording	refusal 31:6	35:23
2:1	registration	36:21 37:8
red 37:5,20	14:12	resources
redistricting	reject 33:8	35:20
7:13 20:7,	relied 6:11	respective
12,15,23	8:22 44:25	22:13
24:17,18,	relitigate	response
20,23,24	22:17	20:9 21:4
25:2,23	relook 25:20	result 19:23
26:10	remain 8:5	retain 18:25
30:12	remaining	19:2 28:20
33:20	7:14	retains 9:22
35:8,10,13	remains 8:10	13:9 14:3
36:1	9:10 11:11	40:21
redraw 21:2	12:13	return 8:7
redrawn 32:5	15:12	reverts
refer 15:3	43:17	15:25
42:23	remedy 6:5	review 33:18
reference	17:7 19:15	reviewing
41:25	21:6 33:6	6:2 33:11
referenced	remember	revise 33:18
8:15	15:21 16:7	

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: Rights..speaker

Rights 2:21	16:20	9:15 12:3	11:2,8
15:13,23	23:1,24	share 9:1	significantly
18:17,21	24:11	10:5 13:3	10:15
21:7	25:25	31:18	11:11
26:17,21	28:23	shared 11:9	12:19
28:8	29:12	shifted 9:8,	sim 10:5
ripple 11:22	32:13	20 10:15,	similar 6:16
roads 35:15	33:23	17	10:5 13:4
Rockdale	34:18,20	shifting	26:22 27:5
10:25 37:4	36:7,11,	12:16	simply 21:15
rural 10:18	13,18	shifts 11:25	37:3
11:5	38:21	12:19	single 15:7
	39:6,11,	13:23	sir 29:2
<hr/>	40:3,11,14	15:11	sitting
S	41:11,18,	40:16	30:14
SB3EX 33:1,	23 42:6,	shopped 29:4	slightly
12 39:24	11,13,16	short 24:9	13:16
schools	43:6,9,11,	28:1	Snellville
35:15	13,18,24	show 20:2	11:7
scorecard	44:4,6,10,	shows 31:5	sordid 20:11
17:13	17,24	shrink 37:2	sort 21:20
22:24	45:8,14,	shrinking	sought 33:4
seats 7:1	17,22	38:1	South 8:25
31:3,13,20	sending	shuffles	Southeast
Section 15:5	11:4,5	2:24	25:12
26:17,20	senior 34:23	side 9:23	southern
46:11	sense 38:11	19:10 31:9	14:6 40:24
senate 16:3	services	35:1	Southwest
30:13 31:8	35:15	sides 13:3	6:23
SENATOR 2:2,	session	14:6 40:24	speaker
14,16	19:14	signed 3:13	33:24
3:11,19,22	set 28:11	significant	
4:1,4,9,	sets 3:6		
12,15,19,	shape 7:25		
22 5:3			

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023

speaker's	States 25:13		15,16 18:7
13:5	stating	T	testified
speaking	18:19	table 19:17	22:11
2:19	stay 29:7	21:1,15	that'll
special 32:6	31:11	22:8,20	39:13
specific 6:3	stays 10:24	takes 12:10	thing 37:9
specifically	step 23:25	14:1 15:10	43:19
29:25	Stephanie	40:19	things 17:6
30:3,6	26:1	taking 10:25	21:22 27:2
spend 32:4	29:13,16	38:23	43:25
spirit 18:14	Stonecrest	talk 8:12	44:2,25
split 7:20	10:2	17:11 25:5	thoughtful
12:9,12,	strong 9:1,	26:12,23,	32:7
23,25	13,22	24 28:5	thoughts
13:7,17,18	19:2,4	talked 31:7	26:9
25:10	strongly	talking	thrive 35:21
31:4,14	17:25	31:21	tied 2:5
34:13	18:11	41:18	till 22:18
splits 30:2	substitute	targeted	tilt 2:11
44:12,15,	39:23	30:12	time 3:14
18	suburban	targeting	5:6 16:4
stand 16:24	10:4,20	34:11	21:1,3,12
state 11:21	11:8	taxpayer	22:10
16:3 19:20	suburbs 9:3,	32:4	27:13
27:20,22	14,24	technical	28:5,15
28:6,11,	10:25	17:19	32:8,11
15,19	successful	term 14:22	33:17,22
29:20	16:1	42:17	35:7 36:15
30:19	sued 16:11	terms 18:2	38:6,20,24
32:20 35:7	suffer 30:21	territory	39:3,11
37:16	Susan 2:8,18	10:13	timeline
statement	systems 8:22	12:1,20	28:1
21:20		test 17:14,	today 5:15

GEORGIA SENATE
Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: track..Women

23:7 26:4, 14 32:22 44:14	Urban 34:24 35:4	40:2 41:4 voices 28:12	21 20:8, 15,16,17
track 9:25	urging 25:19	vote 5:7	walk 5:15
traditional 7:12 24:18,20	utilize 8:7 utilizing 7:22	7:20 27:14,15, 16,18 41:5	wall 16:24 wanted 18:21
treated 18:8	<hr/> v <hr/>	voter 14:12 30:16 33:13	watching 27:11
treats 19:18	VAP 9:17	voters 14:25	ways 13:18 27:7 34:13 38:13
trust 33:21	10:7 11:10	15:3,15 18:3,12,22 25:14,15 27:13,16	website 23:15,20
two-part 17:14	versus 3:8 Video 2:1	28:3 32:23 33:15,19 42:20,23 43:16	week 4:13 5:17 21:24 23:6,8,19
<hr/> U <hr/>	view 18:9, 16 19:1,7, 20 20:22	votes 43:16	week's 23:14
U.S. 7:19 33:15	violates 2:21	voting 2:21 8:17 9:18	weekend 29:19
Uh-hum 42:11 44:4	violation 18:14 21:6	15:13,23 18:17,21 21:7 26:17,21, 22,25 27:8,22 28:18	weigh 31:17
understand 8:9 21:16 28:1,6,7 43:10	virtually 37:20		well-worn 2:25
United 25:13	vision 35:5, 9		West 6:6
unity 26:10 29:3	vital 35:14		western 12:6 14:6 30:25 40:24
unnecessary 3:2	voice 3:17, 21,24 4:3 16:19	<hr/> W <hr/>	white 30:2 31:25
update 14:12	23:4,22 28:25 29:8,11 33:19 38:22 39:18,22	wage 37:17 wait 2:3 22:18 waiting 4:7,	wife 30:16 withdraw 16:9 Women 32:23

GEORGIA SENATE

Reapportionment and Redistricting, Pt.2 on 12/04/2023 Index: worded..years

worded 23:8

work 5:22

7:13

14:11,14

24:22,23

25:22 34:2

working

14:13

world 28:9

worry 14:5

40:23

wrapping

12:16

Wright 6:10

Wright's

6:11 14:9

45:1

writing

18:20

y

y'all 24:5

29:15

years 21:11

32:20,22

328

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

**PLAINTIFFS' REPLY IN SUPPORT OF OBJECTIONS TO THE GEORGIA
GENERAL ASSEMBLY'S REMEDIAL CONGRESSIONAL PLAN**

INTRODUCTION

The State of Georgia is playing games. Defendant’s brief deploys a series of word games, carefully categorizing districts to congratulate lawmakers for adding “majority-Black districts” by eliminating “non-majority-Black districts” in the congressional plan, Doc. 327 at 49, while shrugging off the Court’s instruction that the State must not eliminate “minority opportunity districts” across Georgia. It invites this Court and Plaintiffs into a game of whack-a-mole, surfacing a new violation each time the Court stamps out another, hoping that Plaintiffs and the Court will eventually tire in the years-long effort in holding the State accountable under the law. And its purported remedy is little more than a shell game, shuffling Black voters among districts to minimize their voting power statewide, avoid a full remedy to the Section 2 violation, and evade this Court’s instructions.

But for Georgia’s Black voters, compliance with the Voting Rights Act is no game. It is an issue of law for which that they have fought, that they have won, and for which they are—fully and finally—entitled to a remedy. Having been given an opportunity to right its wrong, the State of Georgia has failed its Black voters once again. This Court should strike down the General Assembly’s remedial congressional plan and take steps toward adoption of a lawful congressional plan.

ARGUMENT

I. A Section 2 violation can only be remedied by a redistricting plan that cures the established vote dilution.

The General Assembly has failed to adequately remedy the Section 2 violation identified by the Court by reaching *outside* the vote dilution area to purportedly craft a remedy and, in evidencing its contempt for complying with the task at hand, eliminating minority opportunity elsewhere in the State. Defendant proffers two defenses in response to Plaintiffs' objections: (1) the additional-majority Black district is generally located in the west-metro Atlanta region and thus satisfies the Court's directive, and (2) eliminating a majority-minority district *does not* go against the Court's order that the State cannot eliminate minority-opportunity districts. Both arguments are riddled with factual inaccuracies and legal error.

A. SB 3EX does not sufficiently remedy the actual vote dilution identified by the Court.

The injury found by this Court is the dilution of Black voting strength in the areas encompassing "[e]nacted CDs 3, 6, 11, 13, and 14." Doc. 286 at 514. The General Assembly purports to provide a Section 2 remedy by reaching into CD 5. Doc. 317 at 8. The General Assembly's decision to trade off the voting rights of Black voters *within* the vote dilution area against those of Black voters *outside* of the vote dilution area thus violates the plain language of the Court's order, avoids

providing a Section 2 remedy for thousands of Black voters suffering a Section 2 injury, and fails to completely remedy the Section 2 violation.

Contrary to Defendant’s suggestion, the notion that vote dilution remedies should be limited to defined areas of vote dilution injury is hardly a “novel view,” Doc. 327 at 30. The Court has the power to require new state legislative plans that draw exclusively from the vote-dilution areas because “[t]he scope of [a] federal court’s power to remedy apportionment violations is defined by principles of equity.” *See Arbor Hill Concerned Citizens v. Cnty. of Albany*, 357 F.3d 260, 262 (2d Cir. 2004) (per curiam). “[I]t is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law, whenever that right is invaded.” *Marbury v. Madison*, 5 U.S. 137, 163 (1803). And in the Section 2 context specifically, all parties agree that Plaintiffs are entitled to a remedial plan that “*completely* remedies the prior dilution of minority voting strength and *fully* provides equal opportunity for minority citizens to participate and to elect candidates of their choice.” *United States v. Dall. Cnty. Comm’n*, 850 F.2d 1433, 1442 (11th Cir. 1988) (citing S. Rep. No. 417, 97th Cong. 2d Sess. 26, *reprinted in* 1982 U.S. Code Cong. & Adm. News 177, 208); *see also White v. Alabama*, 74 F.3d 1058, 1069 n.36 (11th Cir. 1996) (same); *United States v. Euclid City Sch. Bd.*, 632 F. Supp. 2d 740, 752 (N.D. Ohio 2009) (“[A] legally acceptable plan is one that corrects the existing Section 2 violation without creating one anew.”); *Ketchum v. Byrne*, 740 F.2d 1398,

1412 (7th Cir. 1984) (remedial plan did not remedy the Voting Rights Act violation because it did not eliminate “the illegal dilution of minority voting strength” and did not “grant to minority citizens a reasonable and fair opportunity to elect candidates of their choice as that concept has been understood in redistricting jurisprudence”). Thus, in Section 2 cases, the “right and remedy are inextricably bound together, for to prove vote dilution by districting one must prove the specific way in which dilution may be remedied by redistricting.” *McGhee v. Granville County*, 860 F.2d 110, 120 (4th Cir. 1988). It is Defendant who offers the “novel view” that a Section 2 remedy can be divorced from the Section 2 violation. Based on the applicable legal standard, the 2023 remedial plan is a plainly insufficient remedy.¹

Defendant argues that the 2023 remedial plan increases the number of Black voters who live in majority-Black districts on a statewide basis, Doc. 327 at 13, but the Court should consider this against the backdrop of the overall Black voting age population’s ability to elect their candidates of choice in the State. Under the 2021 plan, 1,471,996 Black voters, or 56.4%, lived in districts in which they could elect preferred candidates. Doc. 318-3 (adding the 18+AP Black numbers of those in CDs 2, 4, 5, 7, and 13). Under 2023 remedial plan, that number *slightly* increases to

¹ It makes no difference that “th[e] Court identified the injury and the remedy in two distinct parts of its [o]rder.” Resp. at 28. “[T]he nature of the violation,” not the style of the headings in a court order, “determines the scope of the remedy,” *see Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 16 (1971).

1,499,511 Black voters, or 57.5%, lived in districts in which they could elect their preferred candidates. Doc. 318-2 (adding the 18+ AP Black numbers of those in CDs 2, 4, 5, 6, and 13). Conversely, under the Illustrative plan, 1,668,269 Black voters, or 63%, lived in districts in which they could elect their preferred candidates. Doc. 318-1. (adding the 18+AP Black numbers of those in CDs 2, 4, 5, 6, 7, 13).

These numbers are striking not because *every* Plaintiff or Black voter in Georgia must be placed in a majority-Black district, *contra* Doc. 327 at 34, but because they demonstrate the extent to which the General Assembly studiously avoided any practical relief for tens of thousands of Black voters still being deprived of equal opportunity to the electoral process in the very areas the Court identified as requiring a remedy. The plan simply “perpetuates the vote dilution that this case seeks to resolve.” *United States v. Osceola County*, 474 F. Supp. 2d 1254, 1256 (M.D. Fla. 2006).

B. The remedial plan fails to remedy the Section 2 violation because it eliminates a minority opportunity district elsewhere in the state.

By eliminating minority-opportunity CD 7, Defendant disregarded the Court’s order that any remedy could not “eliminat[e] minority opportunity districts elsewhere in the plans.” Doc. 286 at 510. Defendant’s expert Dr. Barber identifies the 2023 remedial map’s fatal flaw: It maintains the same number of majority-minority districts as the 2021 plan. Doc. 327-2 § 2.2; *cf.* Doc. 286 at 9–10 (in determining that the political process is not equally open to Black voters, noting that

all of Georgia’s population growth was attributable to the minority population, however, the number of majority-Black congressional districts remained the same).

Defendant tries to engage the Court in a game of semantics. On the one hand, Defendant chooses his words carefully to distinguish between “majority-Black,” “majority-white,” “non-majority-Black,” and “majority-minority” districts in defense of the remedial plan. *See, e.g.*, Doc. 327 at 54 (using all the above terms). On the other hand, Defendant presumes that the Court couldn’t possibly have meant what it said when it delineated between “majority-Black,” “majority-minority” and “minority opportunity” districts. *Compare* Doc. 286 at 263–66, 510 *with* Doc. 326 at 54 (Defendant arguing the Court must have meant “majority-Black” when it used the term “minority opportunity”). But if the Court had intended to limit its instruction to bar elimination of “majority-Black districts” it would have said so.²

Because the General Assembly’s purported remedy comes at the expense of Black voters in the vote dilution area *and* a minority opportunity district elsewhere in the plan, in direct contravention of this Court’s order, it fails to completely remedy

² Nor can Defendant’s creative math save the remedial plan. Defendant suggests that the Court assumed any remedy would have nine majority-white districts. Doc. 327 at 13. But Defendant carefully ignores the Court’s analysis *the very next page* correctly detailing that the Illustrative Plan contains eight of 14 (not nine of 14) majority-white districts and acknowledging that CD 7 was a majority-minority district. Doc 286 at 264–67.

the violation found by this Court. The Court should strike down the State's unlawful map.

II. SB 3EX independently violates Section 2.

The 2023 congressional plan not only perpetuates the Section 2 violation found by this Court, it creates a new Section 2 violation on its own. Defendant's contention that Plaintiffs have failed to satisfy the Section 2 standard ignores binding precedent and rehashes arguments already rejected by this Court.

Defendant does not dispute that Black, Latino, and Asian Georgians in the 2021 version of CD 7 together are sufficiently numerous and geographically compact to comprise a majority of the voting age population in a reasonably-configured congressional district. Instead, Defendant's counter to Plaintiffs' satisfaction of *Gingles* 1 rests entirely on the hope that coalition districts are not protected under Section 2. Doc. 327 at 79. It is no surprise that Defendant prefers to hang his hat on Sixth Circuit precedent rather than Eleventh Circuit precedent. For all the reasons delineated in Plaintiffs' objection to the remedial plan, the Eleventh Circuit recognizes that Section 2 protects coalition districts in which politically cohesive minority populations are aggregated to satisfy the numerosity requirements. Doc. 317 at 15.

As to the second and third *Gingles* preconditions, Defendant does not meaningfully engage with Plaintiffs' evidence that old CD 7 consisted of a politically

cohesive minority community. *See* Doc. 327 at 68-69. Instead, Defendant insists—as he has done throughout this litigation to no avail—that Dr. Palmer was required to analyze primaries in order to establish political cohesion. But Defendant cites no authority that the *Gingles* analysis requires an analysis of primaries. Nor could he “Primary elections have limited probative value in determining inter-group cohesion.” *Petteway v. Galveston County*, No. 3:22-CV-57, 2023 WL 6786025, at *17 (S.D. Tex. Oct. 13, 2023), *amended sub nom. Petteway v. Galveston Cnty., Texas*, No. 3:22-CV-57, 2023 WL 6812289 (S.D. Tex. Oct. 15, 2023), *and aff’d sub nom. Petteway v. Galveston Cnty., Texas*, No. 23-40582, 2023 WL 7442949 (5th Cir. Nov. 10, 2023). In *Petteway*, the court noted that coalitions “get built in the general election, not the primary election,” that primary elections have lower turnouts so “the resulting estimates are less robust,” and that “candidate preferences are not as likely to be as strong” in a primary contest.³ *Id.* (quotation omitted); *see also* Doc. 97 at 178 (Court noting that Dr. Palmer “provided measured and thoughtful responses” to questions about why he did not use primary data). Just as before, the Court should reject Defendant’s attempt to insert a new requirement into the *Gingles* framework.

³ While the district court’s order is stayed pending rehearing *en banc*, the Fifth Circuit noted that the district court “appropriately applied precedent” and affirmed the court’s Section 2 violation finding. *Petteway v. Galveston Cnty., Texas*, 86 F.4th 214, 218 (5th Cir. 2023), *reh’g en banc granted*, 86 F.4th 1146 (5th Cir. 2023).

Finally, with respect to the totality of the circumstances, Defendant complains that Plaintiffs fail to prove each factor for each individual minority group, but no such showing is required. *Holloway v. City of Va. Beach*, 531 F. Supp. 3d 1015, 1082 (E.D. Va. 2021), *vacated and remanded on other grounds*, 42 F.4th 266 (4th Cir. 2022); *see also United States v. Marengo Cnty. Comm’n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (noting there is “no requirement that any particular number of factors be proved, or that a majority of them point one way or the other”). And the totality of the circumstances demonstrates that the political process is not equal open to Black, Latino, and Asian voters in the areas encompassing old CD 7.

Senate Factor 1. Plaintiffs present evidence that minority voters have experienced discrimination in the State. Doc. 317 at 21. As he did at the liability phase, Doc. 286 at 224–27, Defendant argues that some of the methods of discrimination have been upheld as lawful in the courts, Doc. 327 at 70, but ignore that the history of discrimination inquiry requires focusing on disproportionate impact, *see* Doc. 286 at 233. This factor weighs in Plaintiffs’ favor.

Senate Factor 2. Having once failed to convince the Court to alter its racially polarized voting analysis, Defendant seeks a do-over and argues that Plaintiffs cannot show voter polarization on account of race, instead of partisanship. Doc. 327 at 71. And while this Court acknowledged the difficulty of disentangling partisanship and race as the cause of voter polarization, it explained in its order that the risk of a

Section 2 violation “is greatest . . . where minority voters are submerged in a majority voting population that regularly defeats their choices.” Doc. 286 at 235 (quoting *Allen v. Milligan*, 599 U.S. 1, 41 (2023) (cleaned up)). Defendant does not dispute Dr. Palmer’s analysis that Black, Latino, and Asian voters in old CD 7 vote cohesively for the Democratic candidate, and that white voters vote cohesively in opposition to the minority-preferred candidate (i.e., the Republican candidate). The Court should find this factor in Plaintiffs’ favor.

Senate Factor 5. Defendant does not meaningfully address Dr. Collingwood’s analysis or conclusions. Instead, Defendant argues that the data is only at the county level, Doc. 327 at 72, but Dr. Collingwood’s analysis focuses on the counties that encompassed old CD 7. Collingwood Remedial Rep. at 1. That some portions of the counties are not within old CD 7 does not detract from his overall conclusions which show clear socio-economic and health disparities among minority groups in that area compared to white voters. *Id.* Second, Defendant attempts to mislead the Court to question the accuracy and relevance of the entirety of Dr. Collingwood’s data because he calculated household median income—and not all the other factors analyzed—only among Asian individuals since Pacific Islander data was missing. Doc. 327 at 73. Third, Defendant contends that the Court should not credit Dr. Collingwood’s report because he relies on ACS data, as he did at trial and at preliminary injunction, which this Court credited. Doc. 286 at 158–59. And finally,

Defendant points out the few instances where Asian Georgians in the focus area achieve similar degrees of success as white voters, such as high rates of education, Doc 327 at 74, but that does not negate the evidence that “minorities are broadly cohesive on a variety of socio-economic measures . . . and share experiences especially related to the poverty line and income.” Collingwood Remedial Rep. at 3. In the end, this factor too weighs decisively in Plaintiffs’ favor.

Senate Factor 7. Defendant’s reliance on Plaintiffs’ evidence that one Latino and one Asian-American has been elected statewide as demonstrative of electoral success is laughable. Doc. 327 at 75. There can be no doubt that being in a class of one establishes the meager extent to which members of the minority group—here, Black, Latino, and Asian Georgians—have been elected to public office.

Senate Factor 8. Defendant argues that Plaintiffs present no evidence of a determination to impose a ceiling on minority opportunity in the State, Doc. 317 at 23, but the defiance of the General Assembly during the special session and Defendant’s defense of its behavior in his response brief speak for themselves. If there was any doubt before, there can be no doubt now that elected officials have not only failed to respond to the needs of the State’s minority voters, they have *refused* to respond.

Senate Factor 9. While the Court found that the motivations for the 2021 redistricting plans were non-tenuous because they were partisan, the distinguishing

factor with the “statements of the legislators in the 2023 special session match[ing] that approach” is that this time the General Assembly had before it the extensive findings, conclusions, and guidance from this Court on the need to provide a meaningful remedy to the State’s Section 2 violation. Instead of following the letter and spirit of the Court’s order and binding precedent, Defendant and the General Assembly misread and mischaracterized the law as set forth by this Court to meticulously craft a remedy that thwarts any actual additional minority opportunity in the State. Doc. 327 at 76–77.

Defendant complains that that “no Plaintiff group offers any plan that starts with the legislature’s policy decisions and goals, including its partisan goals, and then draws the additional majority-Black districts.” Doc. 327 50. But the reason is obvious: in a state where race and partisanship are “inex[tric]ably linked,” Doc. 327 at 237, any lawful remedy would necessarily increase the opportunity for Black-preferred candidates. Indeed, Defendant’s own expert agrees that “race is the strongest predictor” of a person’s actual partisan affiliation. *Rose v. Raffensperger*, 619 F. Supp. 3d 1241, 1255 (N.D. Ga. 2022), *rev’d on other grounds Rose v. Sec’y, State of Ga.*, No. 22-12593, 2023 WL 8166878 (11th Cir. Nov. 24, 2023) (citing Michael Barber & Jeremy Pope, *Groups, Behaviors, and Issues as Cues of Partisan Attachments in the Public*, Am. Pol. Res. (2022), at 4–5). The State’s partisan

preferences cannot override compliance with the Voting Rights Act, either in the first instance or on remedy.

CONCLUSION

The General Assembly failed to enact a remedial plan that provides Black voters in the vote dilution area the opportunity to elect their candidates of choice while preserving existing minority opportunity districts. As a result, SB 3EX fails to adequately remedy the vote dilution injury. Not only has the General Assembly failed to remedy the Section 2 violation found by this Court, it has taken the opportunity to inflict a new Section 2 violation on Georgia's minority voters. This Court should not countenance the State's persistent refusal to comply with the law or the voting rights of its own citizens. It should enjoin SB 3EX as an unlawful remedy and/or an independent violation of Section 2 and proceed to adopt a lawful congressional plan in time for the 2024 elections.

Dated: December 19, 2023

By s/ Adam M. Sparks

Respectfully submitted,

Abha Khanna*
Jonathan P. Hawley*
Makeba A.K. Rutahindurwa*
ELIAS LAW GROUP LLP
1700 Seventh Avenue,
Suite 2100
Seattle, Washington 98101
Phone: (206) 656-0177
Facsimile: (206) 656-0180
Email: AKhanna@elias.law
Email: JHawley@elias.law
Email: MRutahindurwa@elias.law

Joyce Gist Lewis
Georgia Bar No. 296261
Adam M. Sparks
Georgia Bar No. 341578
KREVOLIN & HORST, LLC
One Atlantic Center
1201 West Peachtree Street, NW,
Suite 3250
Atlanta, Georgia 30309
Telephone: (404) 888-9700
Facsimile: (404) 888-9577
Email: JLewis@khlawfirm.com
Email: Sparks@khlawfirm.com

Michael B. Jones
Georgia Bar No. 721264
ELIAS LAW GROUP LLP
250 Massachusetts Avenue NW,
Suite 400
Washington, D.C. 20001
Phone: (202) 968-4490
Facsimile: (202) 968-4498
Email: MJones@elias.law

Counsel for Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **PLAINTIFFS' REPLY IN SUPPORT OF OBJECTIONS TO THE GEORGIA LEGISLATURE'S REMEDIAL CONGRESSIONAL PLAN** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using font types of Times New Roman, point size of 14, and Century Schoolbook, point size of 13.

Dated: December 19, 2023

s/ Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **PLAINTIFFS' REPLY IN SUPPORT OF OBJECTIONS TO THE GEORGIA LEGISLATURE'S REMEDIAL CONGRESSIONAL PLAN** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: December 19, 2023

s/ Adam M. Sparks
Adam M. Sparks
Counsel for Plaintiffs

329

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

1:21-cv-5337-SCJ
Alpha Phi Alpha Fraternity, Inc. et al v. Brad Raffensperger

1:21-cv-5339-SCJ
Coakley Pendergrass et al v. Brad Raffensperger, et al

1:22-cv-00122-SCJ
Annie Lois Grant et al v. Brad Raffensperger et al
Honorable Steve C. Jones

Minute Sheet for proceedings held 12/20/2023.

TIME COURT COMMENCED: 9:25 A.M.

TIME COURT CONCLUDED: 2:55 P.M.

TIME IN COURT: 5:30

COURT REPORTER: V. Zborowski &
P. Coudriet

OFFICE LOCATION: Atlanta

DEPUTY CLERK: Pamela Wright

ATTORNEYS PRESENT: BRYAN TYSON, BRYAN JACOUTOT, DIANNE
LAROSS, FRANK STRICKLAND, and DONALD
BOYLE representing Defendants

ARI SAVITZKY, JUAN RUIS TORO, RAHUL
GARABADU, MICHAEL JONES, ABHA KHANNA,
ADAM SPARKS representing Plaintiffs

PROCEEDING CATEGORY: EVIDENTIARY HEARING

MINUTE TEXT:

Evidentiary hearing held pursuant to the Court's Order of 12/06/2023 regarding the remedial phase of these proceedings following the anticipated enactment of remedial state legislative and congressional plans by the Georgia General Assembly. The Court heard oral argument from counsel. Gina Wright called by Defendants, sworn and testified. These matters were taken under advisement by the Court, with ruling by written order to follow in due

course.

HEARING STATUS: Hearing concluded.

334

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

COAKLEY PENDERGRASS, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of Georgia,

Defendant.

CIVIL ACTION FILE

No. 1:21-CV-05339-SCJ

ORDER

This action is before the Court to address Plaintiffs’ objections to SB 3EX, the remedial congressional plan (“2023 Remedial Congressional Plan”). Doc. No. [317].¹ As explained below, the Court **OVERRULES** Plaintiffs’ objections and **APPROVES** the 2023 Remedial Congressional Plan.

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers cited herein are those imprinted by the Court’s docketing software.

I. BACKGROUND

Plaintiffs filed this suit alleging that Georgia’s congressional electoral plan passed by the General Assembly (SB 2EX, henceforth the “2021 Enacted Congressional Plan”) diluted the votes of Black Georgians in violation of Section Two of the Voting Rights Act of 1965 (“Section 2”). This Court conducted a bench trial on Plaintiffs’ claims as well as the claims from two related cases alleging Section 2 violations in relation to Georgia’s 2021 enacted State House and Senate electoral plans.² Following the trial, this Court issued a consolidated Opinion and Memorandum of Decision on October 26, 2023, containing its Findings of Fact and Conclusions of Law. Doc. No. [286] (“October 26, 2023 Order”). Ultimately, this Court concluded that the 2021 Enacted Congressional Plan violated Section 2 in the western part of metro Atlanta. To remedy the statutory violation, the Court ordered the creation of one additional majority-Black congressional district in the west-metro Atlanta area. *Id.* at 509. The Court also stated that “the State

² See Alpha Phi Alpha v. Raffensperger, No. 1:21-cv-05337-SCJ and Grant v. Raffensperger, No. 1:22-CV-00122-SCJ. The Court addresses the Alpha Phi Alpha and Grant Plaintiffs’ objections to the State’s remedial plans in separate orders.

cannot remedy the Section 2 violations . . .by eliminating minority opportunity districts elsewhere in the plans.” Id. at 509–10.

In accordance with Supreme Court precedent, this Court afforded the General Assembly an opportunity to meet the requirements of Section 2 by adopting substitute measures. Id. (citing Wise v. Lipscomb, 437 U.S. 535, 539–40 (1978)). During a special session beginning November 29, 2023, the General Assembly passed the 2023 Remedial Congressional Plan. On December 8, 2023, Governor Brian Kemp signed the bill into law. Doc. No. [312].

Plaintiffs objected to the 2023 Remedial Congressional Plan (Doc. No. [317]), Defendant responded (Doc. No. [327]), and Plaintiffs replied (Doc. No. [328]). This Court conducted a hearing on the objections and the response thereto on December 20, 2023. Doc. No. [329]. With this background and the Parties’ arguments in mind, the Court resolves Plaintiffs’ objections to the 2023 Remedial Congressional Plan as follows.

II. OBJECTIONS

Plaintiffs argue that the Georgia legislature not only violated the Court’s Order but also generated a remedial plan that “independently” violates Section 2 by (1) moving voters from outside of the “explicitly defined vote dilution area

encompassing 2021 Congressional Districts (“2021 CDs”) 3, 6, 11, 13, and 14” into the new majority-Black congressional district (“CD”) 6 while failing to remedy the vote dilution of 50,000 Black voters from the “vote dilution area” (Doc. No. [317], 6-7) and (2) dismantling 2021 CD 7—a majority-minority district in Gwinnett County—when there was no need to dismantle the district.

Plaintiffs contend that the 2023 Remedial Congressional District is a reshuffling of Black voters rather than a remedy to the vote dilution identified by the Court. Doc. No. [317], 3. To illustrate this argument, Plaintiffs point out that 25% of 2023 CD 6 draws from a majority-Black district outside of the areas at issue here. Id. at 6–7. Plaintiffs further argue that the new plan breaks up 2021 CD 7, cutting the previous 57.81% minority citizen voting age population in this district in half, resulting in the elimination of a “minority opportunity district” despite the Court’s express instruction that the Georgia could not remedy the Section 2 violation by eliminating “minority opportunity districts elsewhere in the plan”. Id. (citing the October 26, 2023 Order at 509–10). The result, according to Plaintiffs, is the creation of one Black-majority district at the expense of a minority-opportunity district, “zero[ing] out the number of minority-opportunity districts statewide.” Id. at 13.

Finally, Plaintiffs claim that the dismantling of 2021 CD 7 independently violates Section 2 because 2021 CD 7 met the factors required by Thornburg v. Gingles, 478 U.S. 30 (1986), and thereby was protected by the Voting Rights Act. Id. at 14. Plaintiffs go on to argue that the evidence they have submitted in support of their objections to the 2021 Congressional Remedial Plan establishes that the Gingles preconditions as well as the totality of the circumstances are satisfied with respect to 2021 CD 7. Id. at 15–24.

In response, Defendant points out that the Court’s order required new districts in specific *regions*, as opposed to specific *districts*. Doc. No. [327], 31–32. Defendant recognizes that a Section 2 violation cannot be remedied by creating a new majority-Black district “somewhere else in the state.” Id. at 32. Defendant nevertheless emphasizes that this prohibition does not require remedial districts precisely or only in the districts specified by the Court following the liability phase of the proceedings. Id. at 32–33. Furthermore, Defendant asserts that the remedial districts were placed in the geographic areas specified by the Court. Id. at 36. Additionally, Defendant argues that the “minority opportunity district” Plaintiffs complain of losing was a coalition district (i.e., districts where there are of multiple racial minority groups who combine to elect the group’s candidate of

choice) and are not required by Section 2. Id. at 60. Therefore, according to Defendant, the State has complied with this Court's order and the elimination of 2021 CD 7 does not violate Section 2, which completes this Court's inquiry.

III. LEGAL STANDARD

The initial task before this Court is to determine whether the 2023 Remedial Congressional Plan remedies the Section 2 violations identified in the October 26, 2023 Order through the creation of an additional congressional district in the area identified by the Court in which Black voters have a demonstrable opportunity to elect their candidate of choice. The Eleventh Circuit has instructed that the new plan must "completely remed[y] the prior dilution of minority voting strength and fully provide[] equal opportunity for minority citizens to participate and to elect candidates of their choice." United States v. Dallas Cnty. Comm'n, 850 F.2d 1433, 1437–38 (11th Cir. 1988) (quoting S.REP. No 97-417, at 31 (1982)); see also Dillard v. Crenshaw Cnty., 831 F.2d 246, 252–53 (11th Cir. 1987) ("This Court cannot authorize an element of an election proposal that will not with certitude completely remedy the Section 2 violation."). Nonetheless, a complete remedy "does not mean that a § 2 plaintiff has the right to be placed in a majority-minority district once a violation of the statute is shown." Shaw v. Hunt, 517 U.S. 899, 917

n.9 (1996). This is because the State retains broad discretion in drawing districts to comply with the mandate of Section 2. Id. (citing Voinovich v. Quilter, 507 U.S. 146, 156–57 (1993); Grove v. Emison, 507 U.S. 25, 32–37 (1993)).

Next, the Court must determine whether the elimination of 2021 CD 7 violated this Court’s order, which stated, “[t]he State cannot remedy the Section 2 violations described herein by eliminating minority opportunity districts elsewhere in the plans.” Doc. No. [286], 509–10. Similarly, the Court must consider whether the elimination of 2021 CD 7 results in a plan that independently violates Section 2.

IV. ANALYSIS

As an initial matter, the Court rejects the foundational assumption of Plaintiffs’ arguments: that because the October 26, 2023 Order listed specific congressional districts where it found that Plaintiffs had proven vote dilution—referred to now by Plaintiffs as the “vote dilution area”—the State was confined to making changes in those districts when creating the 2023 Remedial Congressional Plan. First, Plaintiffs cite no relevant authority to support this

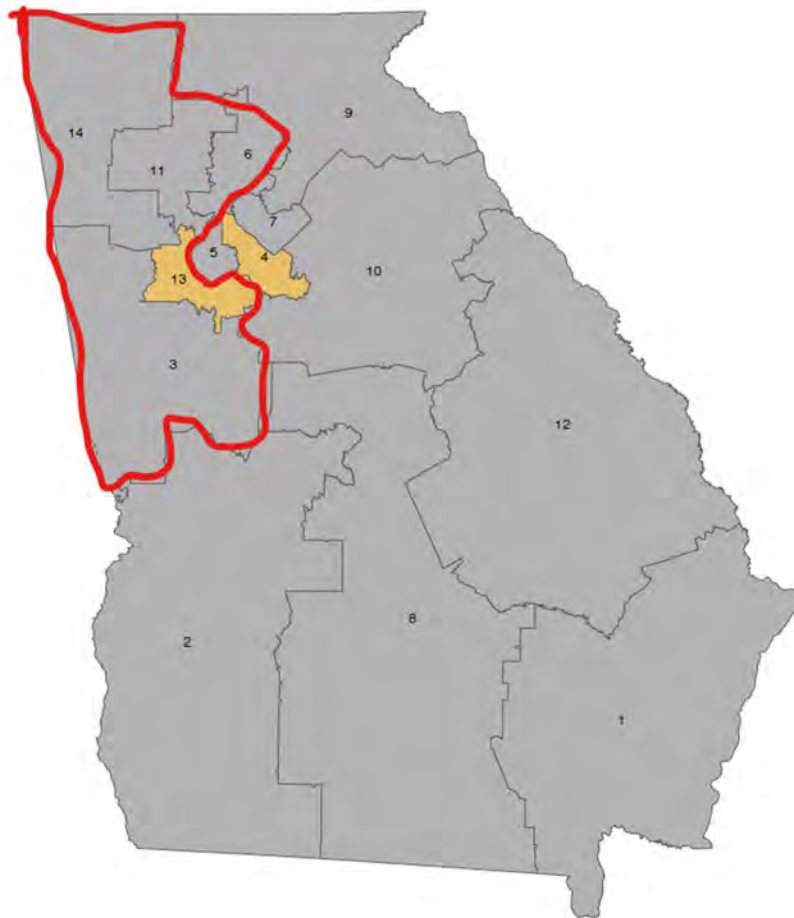
view.³ Second, and more importantly, the Court derived its delineation of specific districts from the list of districts Plaintiffs challenged in the lawsuit. The Court did not, and could not, confine the General Assembly to working only within the enumerated districts to create the additional majority-Black district. Cf. Shaw, 517 U.S. at 917 n.9 (“States retain broad discretion in drawing districts to comply with the mandate of § 2.”). Rather, the Court set forth geographic guidance by specifying an additional majority-Black district in west-metro Atlanta. Doc. No. [286], 509.

It is certainly true that the State cannot remedy vote dilution by creating a safe majority-Black district somewhere else in the State. See Shaw, 517 U.S. at 917. In identifying the geographic area in which vote dilution was found, the Court listed 2021 CDs 3, 6, 11, 13, and 14. Doc. No. [286], 514. Those districts are shown below, circled in red:

³ Plaintiffs cite Shaw v. Hunt, 517 U.S. 899, 917 (1996) in which the Supreme Court held, “[i]f a § 2 violation is proved for particular areas . . . [t]he vote-dilution injuries suffered by these persons are not remedied by creating a safe majority-[B]lack district somewhere else in the state.” As discussed below, the geographic discrepancy in Shaw was actually “somewhere else in the state,” which is not the situation in this case. Shaw, 517 U.S. at 917.

2021 Enacted Congressional Map
Majority-BVAP districts highlighted in yellow




 Maj-BVAP  Non Maj-BVAP

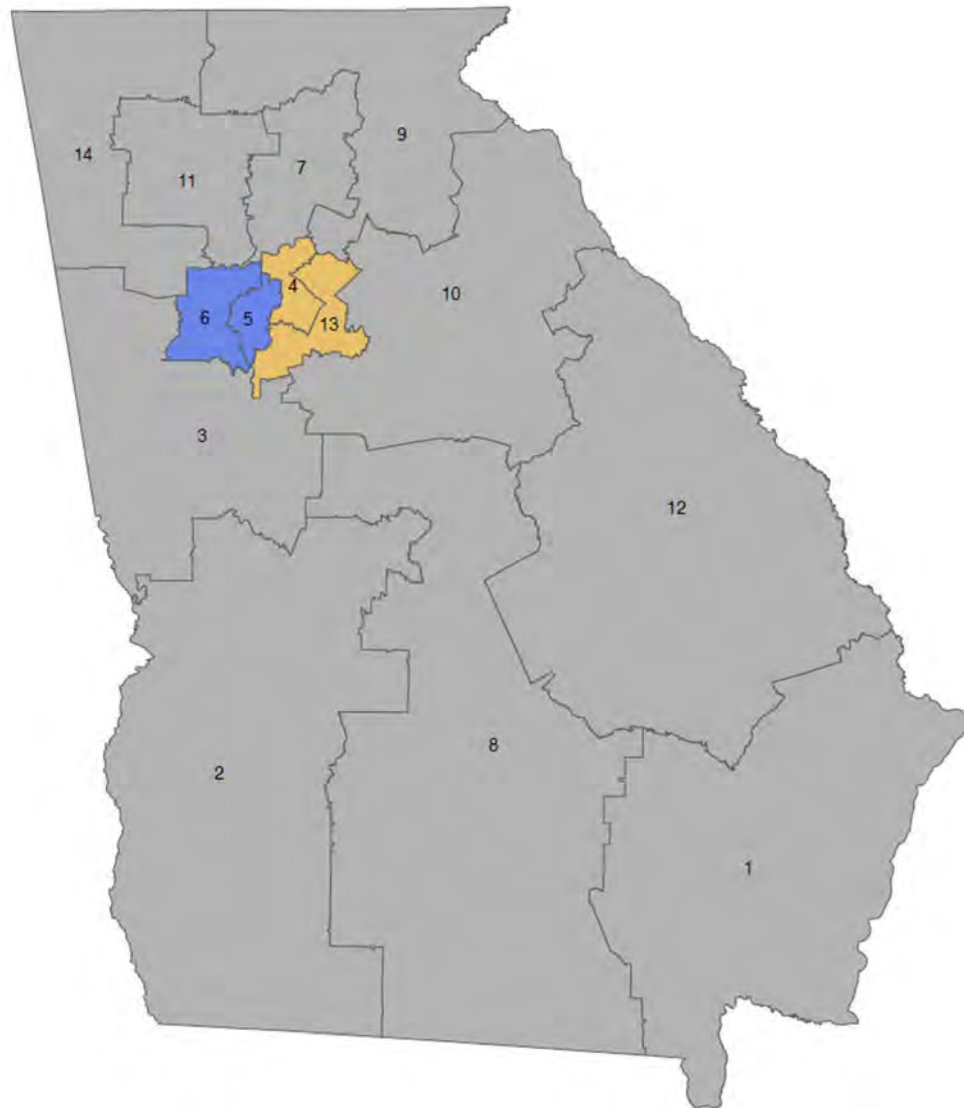


In the 2023 Remedial Congressional Plan, the General Assembly drew an additional majority-Black Congressional district, CD 6, “in western metro Atlanta . . . , located in portions of Cobb, Douglas, and Fulton Counties.” Doc. No. [327-1], 8. As can be seen from the 2023 Remedial Congressional Plan below, 2023

CD 6 falls squarely within the geographic area of state specified by the Court's order:

2023 Remedial Congressional Map
New Majority-BVAP districts highlighted in blue

 Maj-BVAP  New Maj-BVAP  Non Maj-BVAP



Thus, the instant case is not remotely akin to what the Shaw Court described as “somewhere else in the state.” Shaw, 517 U.S. at 917.

Plaintiffs’ objections contain the overarching theme that the 2023 Remedial Plans do not cure vote dilution for enough Black voters in the specified area. However, it is certain that “the inevitably rough-hewn, approximate redistricting remedy” will result in some members of the minority group residing outside of the minority-controlled districts. McGhee v. Granville Cnty., 860 F.2d 110, 119 (4th Cir. 1988). Thus, Plaintiffs’ only remaining argument is that the location of the additional majority-Black district proposed by Plaintiffs helps more Black voters than the placement of CD 6 in the 2023 Remedial Congressional Plan. To put it more starkly, Plaintiffs contend that their illustrative plan is a better remedy than the State’s 2023 Remedial Congressional Plan. Because this Court cannot intrude upon the domain of the General Assembly, however, it declines Plaintiffs’ invitation to compare the 2023 Remedial Congressional Plan with a plan preferred by Plaintiffs and crown the illustrative plan the winner. See Allen v. Milligan, 599 U.S. 1, 21 (2023) (“The District Court . . . did not have to conduct a beauty contest between plaintiffs’ maps and the State’s.”) (quoting Singleton v. Merrill, 582 F. Supp. 3d 924, 1012 (N.D. Ala. 2022)).

The next objection raised by Plaintiffs pertains to the elimination of 2021 CD 7, a majority-minority district located in east-metro Atlanta. Plaintiffs presume that the Court's instruction to the State to refrain from eliminating "minority opportunity districts" encompassed 2021 CD 7. From its onset, however, this case has been about Black voters – as necessitated by Plaintiffs' Complaint. See generally Doc. Nos. [1] (Original Complaint); [120] (Amended Complaint). The Court's entire analysis of political cohesiveness, the second Gingles precondition, has pertained to Black voters. Doc. No. [286], 203-205. This Court has made no finding that Black voters in Georgia politically join with another minority group or groups and that white voters vote as a bloc to defeat the candidate of choice of that minority coalition. Therefore, the Court's reference to "minority opportunity districts" in the October 26, 2023 Order could not refer to any potential coalition district. Thus, the dismantling of CD 7 in the 2023 Remedial Plans did not violate this Court's order.

Finally, Plaintiffs contend that the 2023 Remedial Congressional Plan independently violates Section 2 by eliminating CD 7. To prevail on a new Section 2 claim, Plaintiffs would have to satisfy the same standard they did with respect to the 2021 Enacted Congressional Plan, i.e., demonstrate the existence of the

three Gingles prerequisites (numerosity/compactness, political cohesiveness, and white bloc voting) as well as show under the “totality of circumstances, that the political process is not equally open to minority voters.” Milligan, 143 S. Ct. at 1503 (quoting Gingles, 478 U.S. at 45–46). Notably, Plaintiffs offer evidence to support this new claim *for the first time* in conjunction with their objections. Doc. Nos. [317-2], [317-5]. There was no evidence introduced at trial regarding a coalition of minority voters. In essence, Plaintiffs now seek to litigate a whole new basis for a Section 2 violation involving a combination of three minority groups at the remedial stage of their case – which up until now has involved only *Black* voters. This is the type of challenge to a remedial districting plan that demands development of significant new evidence and therefore is more appropriately addressed in a separate proceeding. See Covington v. North Carolina, 283 F. Supp. 3d 410, 427 (M.D.N.C.), aff’d in part, rev’d in part, 138 S. Ct. 2548 (2018). Accordingly, the Court declines to decide the merits of Plaintiffs’ new Section 2 claim premised on a coalition of minority groups.⁴

⁴ The Court will not opine on the legal and factual issues presented in Plaintiffs’ new Section 2 claim: whether Section 2 protects coalition districts and if there is an evidentiary basis for Plaintiffs’ Section 2 claim of a coalition district around the area of

As the Court recognized in its October 26, 2023 Order, “redistricting and reapportioning legislative bodies is a legislative task [which] the federal courts should make every effort not to preempt.” Doc. No. [294], 509. Here, the committee and floor debate transcripts make clear that the General Assembly created the 2023 Remedial Congressional Plan in a manner that politically protected the majority party (i.e., the Republican Party) as much as possible. Doc. Nos. [327-6], Tr. 9:3–6; [327-9], Tr. 9:3–5. However, redistricting decisions by a legislative body with an eye toward securing partisan advantage does not alone violate Section 2. See Rucho v. Common Cause, 588 U.S. ___, 139 S. Ct. 2484, 2501 (2019). In fact, the Supreme Court has expressly stated that federal judges have no license to reallocate political power between the two major political parties,

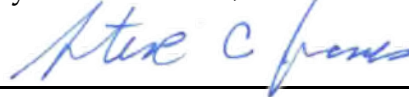
2021 CD 7. The Court acknowledges that it cannot approve a remedial plan with a known Section 2 violation. Cf. Dallas Cnty. Comm’n, 850 F.2d at 1437 (“It is clear that any proposal to remedy a Section 2 violation must itself conform with Section 2.” (quoting Dillard, 831 F.2d at 249)). However, based on the evidence in the record in this case, the Court cannot say that a Section 2 violation exists in the 2023 Remedial Congressional Plan. The Court makes clear that it is not indicating whether such claim *could* be supported after full factual development and presentation of evidence post-discovery. Rather, the Court finds that such new Section 2 claim is better suited for a separate case, not as part of the remedial proceedings at issue in this Order. See Covington, 283 F.Supp.3d at 427 (“[S]ome challenges to a remedial districting plan . . . demand development of significant new evidence and therefore [are] more appropriately addressed in a separate proceeding.”).

given the lack of constitutional authority and the absence of legal standards to direct such decisions. Id. at 2507; see also Seastrunk v. Burns, 772 F.2d 143, 151 (5th Cir. 1985) (“It is the legislature’s function to make decisions of basic political policy. Thus, even where a legislative choice of policy is perceived to have been unwise, or simply not the optimum choice, absent a choice that is either unconstitutional or otherwise illegal under federal law, federal courts must defer to that legislative judgment.”). Plaintiffs’ objections to the contrary are overruled.

V. CONCLUSION

The Court finds that the General Assembly fully complied with this Court’s order requiring the creation of a majority-Black congressional district in the region of the State where vote dilution was found. The Court further finds that the elimination of 2021 CD 7 did not violate the October 26, 2023 Order. Finally, the Court declines to adjudicate Plaintiffs’ new Section 2 claim based on a coalition of minority voters. Hence, the Court **OVERRULES** Plaintiffs’ objections (Doc. No. [317]) and **HEREBY APPROVES** SB 3EX.

IT IS SO ORDERED this 28th day of December, 2023.



HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

336

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

COAKLEY PENDERGRASS; TRIANA
ARNOLD JAMES; ELLIOTT
HENNINGTON; ROBERT RICHARDS;
JENS RUECKERT; and OJUAN GLAZE,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-05339-SCJ

NOTICE OF APPEAL

Plaintiffs appeal to the U.S. Court of Appeals for the Eleventh Circuit the Order overruling Plaintiffs' objections to Georgia's 2023 Remedial Congressional Plan and approving the 2023 Remedial Congressional Plan, entered on December 28, 2023, ECF No. 334.

Dated: January 22, 2024

By /s/ Joyce Gist Lewis

Joyce Gist Lewis

Georgia Bar No. 296261

Adam M. Sparks

Georgia Bar No. 341578

KREVOLIN & HORST, LLC

One Atlantic Center

1201 West Peachtree Street, NW,

Suite 3250

Atlanta, Georgia 30309

Telephone: (404) 888-9700

Facsimile: (404) 888-9577

Email: JLewis@khlawfirm.com

Email: Sparks@khlawfirm.com

Respectfully submitted,

Abha Khanna*

Jonathan P. Hawley*

Makeba A.K. Rutahindurwa*

ELIAS LAW GROUP LLP

1700 Seventh Avenue,

Suite 2100

Seattle, Washington 98101

Phone: (206) 656-0177

Facsimile: (206) 656-0180

Email: AKhanna@elias.law

Email: JHawley@elias.law

Email: MRutahindurwa@elias.law

Michael B. Jones

Georgia Bar No. 721264

ELIAS LAW GROUP LLP

250 Massachusetts Avenue NW,

Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

Email: MJones@elias.law

Counsel for Plaintiffs

*Admitted *pro hac vice*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **NOTICE OF APPEAL** has been prepared in accordance with the font type and margin requirements of LR 5.1, N.D. Ga., using font types of Times New Roman, point size of 14.

Dated: January 22, 2024

/s/ Joyce Gist Lewis
Joyce Gist Lewis
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **NOTICE OF APPEAL** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: January 22, 2024

/s/ Joyce Gist Lewis
Joyce Gist Lewis
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that, on May 8, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: May 8, 2024

Makeba Rutahindurwa

Counsel for Plaintiffs-Appellants