

IN THE MATTER OF

**Georgia State Conference of the
NAACP, et al
vs
Kemp**

Transcript of Deposition of

Dan O'Connor

On December 13, 2017

*Reported by Joel P. Moyer
Certified Court Reporter*



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THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGIA STATE CONFERENCE OF THE NAACP,
as an organization; LAVELLE LEMON, MARLON
REID, LAURETHA CELESTE SIMS, PATRICIA
SMITH, COLEY TYSON,
NAACP Plaintiffs,

AUSTIN THOMPSON, WAYNE SWANSON, DARRYL PAYTON,
AUDRA CUNNINGHAM, SABRINA MCKENZIE, JAMIDA
ORANGE, ANDREA SNOW, SAMMY ARREYMBI, LYNNE
ANDERSON, CORETTA JACKSON,
Thompson Plaintiffs,

vs. CASE NO. 1:17-cv-01427-TCB-WSD-BBM

BRIAN KEMP, in his official capacity as
Secretary of the State for the State of
Georgia,
Defendant.

- - -

Videotaped Deposition of
DAN O'CONNOR,

Taken by Jon M. Greenbaum,

Before Joel P. Moyer,
Certified Court Reporter,

At the Offices of
Bryan Cave LLP,
Atlanta, Georgia,

On Wednesday, December 13, 2017,
Beginning at 9:12 a.m. & ending at 12:34 p.m.

- - -

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(Exhibits Contained in Separate Volume)

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1 December 13, 2017

2 9:12 a.m.

3 (Whereupon the reporter provided a written
4 disclosure to all counsel pursuant to
5 Article 8.B. of the Rules and Regulations
6 of the Board of Court Reporting.)

7 THE VIDEOGRAPHER: We are now on
8 video record. This is the beginning of file
9 number one. The date is December 13th, 2017.
10 The time is 9:12 a.m.

11 DAN O'CONNOR,

12 being first duly sworn, was examined and
13 testified as follows:

14 EXAMINATION

15 BY MR. GREENBAUM:

16 Q Good morning, Mr. O'Connor. My name
17 is John Greenbaum. I introduced myself to you
18 a few minutes ago. I'm one of the lawyers for
19 the Plaintiffs in this litigation. I'm going
20 to talk about a couple of preliminary things
21 before we get started with the substance.

22 Just so you know, you may be aware,
23 counsel may have informed you that he's in the
24 process of producing documents with respect to
25 some of your files.

1 A Right.

2 Q So we are going to come back for a
3 second session. I get a combined maximum of
4 seven hours with you, and we'll divide it up
5 between today and when we come back.

6 A Okay.

7 Q Okay?

8 A Uh-huh (affirmative).

9 Q Have you ever had your deposition
10 taken before?

11 A No.

12 Q Okay. So you may have gotten some
13 of this from your counsel in preparation for
14 this, but we'll go over some of the ground
15 rules.

16 One of the things that you notice is
17 that you're being videotaped today and, in
18 addition, that we have a court reporter here so
19 that there's a record of everything that both
20 you and I and anybody else that says that's on
21 the record. Do you understand?

22 A Right.

23 Q And that a couple minutes ago you
24 had your oath taken. Do you understand you're
25 giving your testimony under oath today?

1 A Yes.

2 Q Two of the things to remember with
3 depositions because there -- because there is a
4 paper record is that it's important that you
5 and I not speak over one another. So far,
6 you're doing a good job of not speaking over
7 me, and I also need to do a good job of not
8 speaking over you. Do you understand that?

9 A Yes, sir.

10 Q And then the other thing that you've
11 been good about is giving audible responses so
12 that we capture that on the record. Do you
13 understand that?

14 A Right, uh-huh.

15 Q If I ask you a question that you
16 don't understand, please let me know, and I'll
17 try to rephrase the question so that it makes
18 better sense to you. Do you understand that?

19 A Uh-huh (affirmative).

20 Q Is there any reason why your
21 deposition can't be taken today?

22 A No.

23 Q Okay. All right. So with that in
24 mind, why don't we start with, can you give me
25 your educational history beginning with

1 college?

2 A I have a bachelor's degree from
3 Washington and Lee University and a master's
4 degree from the University of Virginia.

5 Q And your master's degree from UVA is
6 in what?

7 A Government.

8 Q Government. And then how about your
9 undergraduate degree?

10 A History.

11 Q History. And what year did you get
12 your bachelor's?

13 A 1986.

14 Q Okay. And then what year did you
15 get your master's?

16 A 1991.

17 Q Okay. Did you have any work history
18 in between getting your bachelor's and your
19 master's?

20 A I did. I had two jobs in between.

21 Q What did you do in those jobs?

22 A I worked a year at Central Atlanta
23 Progress basically on an urban planning study
24 that was going on between 1986 and '87, and
25 then I worked for three years at the Southern

1 Legislative Conference.

2 Q Okay. What did you do for the
3 Southern Legislative Conference?

4 A It's a public policy research firm
5 that's part of the counsel of state governments
6 in Kentucky and basically produced a lot of
7 research on different issues: transportation,
8 elections, public policy, things like that.

9 Q And did you do a report related to
10 redistricting during your time there?

11 A Not during that time.

12 Q Okay.

13 A But afterward, when I was in between
14 jobs.

15 Q Okay. And could you -- I wasn't
16 sure if it was you when I was looking this up,
17 but could you tell us a little bit about what
18 that report was?

19 A Well, it was -- it was a report, I
20 was just doing it as a contract thing in
21 between jobs, just looking at the redistricting
22 in different southern states, just the
23 processes and history of it.

24 Q Had you worked on redistricting
25 prior to that?

1 A No, sir.

2 Q Okay. And what did you learn from
3 having put together that report?

4 A I mean, I learned just, you know,
5 about the different processes that went on in
6 each state. I mean, I haven't looked at it
7 recently.

8 Q Okay.

9 A And just some of the history, you
10 know, some of the legal issues that were behind
11 it up to that time.

12 Q Okay. Okay. And then while you
13 were at UVA, did you do anything with respect
14 to redistricting issues while you were there?

15 A I took a course on voting rights and
16 redistricting.

17 Q Who taught it?

18 A A guy named Tim O'Rourke.

19 Q Okay. And I know it's been a while,
20 but can you recall what was covered in that
21 course?

22 A It was basically the history of a
23 lot of the different, you know, court cases
24 involving redistricting.

25 Q Do you know if Mr. O'Rourke is a

1 lawyer?

2 A I mean, I haven't had contact with
3 him for years. I don't think he was.

4 Q Okay. All right. And upon getting
5 your master's degree, what did you do next?

6 A I worked basically different jobs
7 for a year here in Atlanta. I was looking for
8 work during the '91 recession, so I worked at
9 a -- I think I remember working at a temp
10 agency for some of that time. In fact, I think
11 for most of that time.

12 Q Okay.

13 A For basically '91 till like summer
14 of '92.

15 Q And then what happened in summer of
16 '92?

17 A I got a job offer with the South
18 Carolina House of Representatives.

19 Q And to do what for the South
20 Carolina House of Representatives?

21 A It was basically doing a legislative
22 update during their sessions and, you know,
23 helping with any research questions people
24 might have or legislators might have.

25 Q How long did you do that?

1 A For about three-and-a-half years.

2 Q During that time, did you work on
3 any issues related to redistricting or
4 reapportionment?

5 A No, huh-uh.

6 Q Did you work on any issues having to
7 do with voting, voting rights?

8 A No. It was basically just
9 summarizing bills and helping with speeches.
10 But, no, I wasn't active in redistricting in
11 that.

12 Q Okay. And then at the end of that
13 three-and-a-half years, what did you do next?

14 A I got a job with Ayers & Associates
15 polling firm.

16 Q What -- and what were -- what did
17 you do for Ayers & Associates?

18 A I did analysis of polling data for
19 different races they were looking at.

20 Q Were there -- was there anything
21 particular with -- that you looked at with
22 respect to candidates or issues? Did you
23 specialize in anything while you were there?

24 A Basically, it was just, you know, we
25 would be looking at data and making

1 recommendations, like if you were running
2 better or worse in a, you know, maybe a certain
3 area, certain county, things like that.

4 Q Okay. So did -- so was Ayers &
5 Associates, was most of their work on behalf of
6 candidates for office?

7 A Most of it.

8 Q Okay. And so you were helping with
9 doing the polling and making recommendations on
10 the polling?

11 A Well, it wasn't doing the polling
12 per se. It was analyzing.

13 Q Analyzing?

14 A You know, a firm will -- you know, a
15 company will, you know, do the polling results,
16 and they will send them -- you know, they'll
17 send you the answers, and then you analyze
18 them. So I wasn't actually making the polling
19 calls, if that's what you mean.

20 Q Okay. And was this work
21 concentrated in any particular geographic
22 areas?

23 A As I remember, it was basically -- I
24 think it was basically in the south.

25 Q Was any of the work in Georgia that

1 you can recall?

2 A I think the Millner Senate race,
3 1996.

4 Q Okay. And I can't remember at that
5 time because didn't Mr. Miller at one time
6 switch between the Democratic and the
7 Republican party?

8 A Are you talking about Zell Miller or
9 Guy Millner?

10 Q Oh, okay. I had the wrong
11 candidate. I might have had the wrong
12 candidate. I was thinking of Zell.

13 A Yeah. Zell was the governor, and
14 then Guy Millner with an N --

15 Q Okay.

16 A -- as opposed to an L, was the
17 Republican,

18 Q Okay.

19 A But he never switched parties.

20 Q Okay. During that, during that
21 time, do you recall doing any polling with
22 respect to African-American voters?

23 A In what sense?

24 Q Well, let's take Mr. Millner's race
25 in terms of how Mr. Millner was polling among

1 African-American voters.

2 A I'm sure we looked at that, yeah,
3 uh-huh.

4 Q You don't have any specific
5 recollection of that?

6 A No, huh-uh.

7 Q Okay. And so you were at Ayers &
8 Associates until what time?

9 A Just for a year.

10 Q Okay. And that, and that was around
11 1996?

12 A Yeah, just during '96. Right.

13 Q And then after your job at Ayers,
14 what did you do next?

15 A I worked at basically some temp jobs
16 for about a year after that, and then I got a
17 job with the Millner for Governor campaign, the
18 second one, 1998.

19 Q Okay. And that's Millner with an N?

20 A Yeah. I think M-I-L-L-N-E-R.

21 Q Okay. And what was your role with
22 respect to that campaign?

23 A It was basically producing issue
24 information for the candidate about, you know,
25 he would want a public policy briefing on maybe

1 transportation, tax reform, the budget,
2 education, also looking at, you know, past
3 data, how counties have voted, things of that
4 nature.

5 Q So part of the job was looking at
6 electoral history of counties?

7 A Uh-huh (affirmative), or of the
8 state, yes.

9 Q Or of the state?

10 A Not necessarily every county.

11 Q Okay. How did Mr. Millner do in
12 that race?

13 A In 1998?

14 Q Yes.

15 A He lost by -- I think it was about
16 eight points.

17 Q In the general election?

18 A In the general, uh-huh
19 (affirmative).

20 Q During that time, were you looking
21 at all with respect to how Mr. Millner polled
22 among African-American vote, voters?

23 A I don't remember that. I never
24 really looked at polling data with them. That
25 wasn't really my task there.

1 Q Did you look at all at the history
2 of how past Republican candidates had done
3 among African-American voters?

4 A No.

5 Q Okay. All right. So we're up to,
6 up through 1998 now. What did you do next?

7 A Well, the campaign ended in a loss,
8 so it was time to find work. After that, I got
9 a temporary job with the Metro Atlanta Chamber
10 of Commerce, which is now I think called the
11 Metro Atlanta Chamber.

12 Q Okay. What did you do for them?

13 A Basically, I was hired to work on
14 the -- their education reform task force. At
15 the time when Roy Barnes was governor,
16 education reform was a big package there, and
17 they were trying to get involved to support the
18 initiatives.

19 So they basically hired me to, you
20 know, produce memos, go to different task force
21 meetings, and, you know, see what some of the
22 issues were being discussed there.

23 Q How long did you do that?

24 A About nine or ten months.

25 Q And then what did you do next?

1 A Then I got a job at the State
2 Republican Party.

3 Q What was your role -- and this was
4 around 1999? 2000?

5 A 2000.

6 Q For the 2000 election?

7 A Well, 2000 and beyond, uh-huh
8 (affirmative).

9 Q Okay. How long did you work for the
10 State Republican Party?

11 A About five years.

12 Q Five years. And when you first
13 worked for the State Republican Party, what was
14 your position?

15 A It was more a temporary position.
16 It wasn't a permanent position at that time. I
17 think that came a year later.

18 Q Okay. In the temporary position
19 that first year, what did you do?

20 A Well, as I remember, what I did for
21 the party was like there were maybe some
22 districts they were looking at. I would, you
23 know, look at -- maybe do a report on the, on
24 the district like demographics, precincts,
25 things of that nature.

1 Q And when you say districts, are you
2 talking congressional districts, State Senate
3 districts, State House --

4 A It would be state legislative
5 districts, not congressional.

6 Q When you looked -- you mentioned the
7 demographics being part of it. Did part -- was
8 part of looking at the demographics looking at
9 the racial demographics?

10 A Of a district? That was part of it,
11 uh-huh (affirmative).

12 Q Was there, was there an
13 understanding that the racial demographics
14 might protect -- might affect how well a
15 Republican candidate may perform?

16 A I mean, nobody mentioned that to me.

17 Q Is that something that you observed?

18 A I mean, I don't remember. It was,
19 you know, 17 years ago.

20 Q Okay. What, other than racial
21 demographics, what other demographics did you
22 look at?

23 A Well, you might look at political
24 performance, would be another thing. And
25 sometimes people might want, you know, features

1 of the district, like is there a military base,
2 you know, major employers, things like that.

3 Q Did you perform any sort of written
4 analyses that -- for these analyses?

5 A Well, I would do, you know,
6 briefings of a few pages just looking at
7 districts.

8 Q Tell me, how would you -- how would
9 you determine political performance?

10 A Well, look at, you know, past
11 elections maybe, you know, like past two
12 elections before then.

13 Q In terms of racial demographics,
14 what metrics did you look at? Did you look at
15 census data, for example?

16 A Trying to recall. I mean, it's been
17 a while. I mean, I don't -- I don't know if it
18 was census data. It could have been voter
19 registration, but I'm just not sure.

20 Q And when you refer to voter
21 registration, is it your understanding that
22 Georgia maintains voter registration and voter
23 turnout data by race?

24 A Yes, uh-huh.

25 Q And that -- but Georgia does not, in

1 terms of its voter registration and voter
2 turnout data, ask voters to identify by party;
3 correct?

4 A Correct, right, yeah. We've never
5 had party registration.

6 Q Now, the one thing -- that one thing
7 you can do is you can look at how Republican
8 and Democratic candidates perform at the
9 precinct level; correct?

10 A Yes, uh-huh.

11 Q Did you -- did you have a means then
12 of looking at Republican performance at any
13 unit lower than the precinct level?

14 A No, huh-uh.

15 Q Today, to the extent that you look
16 at partisan performance, do you have data that
17 allows you to see partisan performance at a
18 unit lower than the precinct level?

19 A Well, our data has, I mean, census
20 blocks.

21 Q How does -- how do you -- how are
22 you able to analyze partisan performance by
23 census block?

24 A By census block? Well, that's more
25 difficult because that best represents a

1 estimate. So really, the precinct's the only
2 level you can get an, you know, really official
3 count of the area.

4 Q Okay. Now, with race, you are able
5 to look at racial data, at least census level
6 racial data, down to the precinct block level;
7 correct?

8 A Correct, uh-huh.

9 Q All right. So you mentioned that
10 you spent five years with the State Republican
11 Party. The first year was in a temporary
12 position.

13 A Uh-huh (affirmative).

14 Q When -- after that first year, what
15 was your role with the State Republican Party?

16 A In 2000 -- well, in 2001, it became
17 permanent, and part of it was observing the
18 redistricting process for the first year.
19 After that, it was more, you know, doing, you
20 know, various reports of districts.

21 Q When you say "observing the
22 redistricting process," what do you mean
23 specifically?

24 A Well, I would go down to the, you
25 know, meetings and just monitor what was going

1 on there.

2 Q Now, at that time, Georgia had a
3 Democratic governor; correct?

4 A Correct, uh-huh.

5 Q And was it also the case that
6 Georgia had a Democratic majority in both the
7 State Senate and the State House?

8 A Correct.

9 Q So Republicans were in a position
10 where they really had very limited control of
11 the redistricting process at that time; is that
12 correct?

13 A Correct.

14 Q So other than attending meetings,
15 what else did -- what else did you do with
16 respect to the redistricting that took place in
17 2001?

18 A Oh, in addition to just going down
19 there?

20 Q Yes.

21 A Well, monitor, let the -- let the
22 staff know, you know, what was going on there,
23 what the different proposals were.

24 Q Did the Republicans present, or
25 State House, 2001 -- did the Republicans

1 present proposals of their own?

2 A I believe they did in the House,
3 yes.

4 Q Were you involved at all in the
5 creation of those proposals?

6 A No.

7 Q So those proposals didn't reflect
8 your input in any way?

9 A Correct, uh-huh.

10 Q Okay. So you mentioned that in the
11 2001 time frame, you were observing the
12 redistricting process?

13 A Uh-huh (affirmative).

14 Q What else were you doing for the
15 party during that time frame?

16 A During?

17 Q The 2001 time frame.

18 A I mean, it was basically that. And
19 then, I mean, that was, that was a lot of the
20 time. I mean, I don't remember specifically
21 what else. I might have been looking at, you
22 know, other districts and --

23 Q You mentioned doing analysis of
24 districts. At what point did you start
25 analyzing legislative districts?

1 A You know, when I first got to the
2 party in 2000.

3 Q Okay. After that 2000 period of
4 time, did you start analyzing districts again
5 once the districts were redrawn?

6 A In 2002, yeah, not in 2001 because
7 we didn't have anything.

8 Q And who would -- who was it that
9 would ask you to do an analysis of districts?
10 Would particular members ask you to do it? Did
11 somebody in the party ask you to do it?

12 A Oh, it would be the party.

13 Q Okay.

14 A Uh-huh (affirmative).

15 Q And what is it that they would ask
16 you to analyze?

17 A Just a report of the district like
18 the geography and the politics of it.

19 Q And would you typically come up --
20 would you typically write some sort of memo, or
21 what, what, what would your end product
22 typically end up looking like?

23 A A report probably of a few pages.

24 Q Would you look at all in this report
25 at the racial demographics of the district?

1 A Yes, uh-huh.

2 Q Why is it that you would look at the
3 racial demographics?

4 A Just, you know, you know, people
5 might want to know that, just to give a total
6 thing of the population, the demographics.

7 Q Did you have any sense that the
8 racial demographics -- racial demographics had
9 any correlation to how particular candidates
10 would perform?

11 A I'm not sure.

12 Q Would the racial demographics be
13 sort of a standard part of each one of these
14 analyses that you would do?

15 A Well, I mean, the focus would be on
16 the, you know, precincts, just looking at how
17 they had voted, not necessarily the
18 demographics.

19 Q Okay. Would you, would you talk at
20 all about what the racial demographics of the
21 district were?

22 A I mean, it could come up. I mean, I
23 don't recall specifically in each instance.

24 Q But was a typical part of your
25 report that you would put in something about

1 what the racial demographics of the district
2 were?

3 MR. KHOURY: Object to the form.
4 You can answer the question.

5 A I'm sorry. What?

6 Q Was it a standard part of the
7 reports that you would do that you would
8 indicate what the racial demographics of the
9 district were?

10 A Yes.

11 Q All right. And that's something
12 that you did during the 2002 election cycle?

13 A Well, 2002, uh-huh (affirmative).

14 Q Okay. What else during the 2002
15 election cycle were you doing for the party at
16 the time?

17 A I may have -- basically general
18 research data.

19 Q Can you give me an example of what
20 general research might have included?

21 A I mean, it's been 15 years. I mean,
22 generally, it would be, you know, just
23 collecting data, population, things of that
24 nature.

25 Q Were you considered to be -- strike

1 that.

2 Was there anybody else to your
3 knowledge, other than you, that was doing this
4 sort of work for the Georgia Republican Party?

5 A No.

6 Q Was it understood that you were sort
7 of the guy with the Georgia Republican Party
8 that people would look to to understand how
9 particular districts would perform?

10 A Yes, uh-huh.

11 Q Going back to the introductory part
12 of the deposition, in preparation for the
13 deposition today, did you speak to anybody
14 other than Mr. Khoury about the deposition?

15 A And Mr. Strickland?

16 Q And Mr. Strickland?

17 A No. I mean, speaking -- you mean
18 other than people here today? No, huh-uh.

19 Q So you spoke to Mr. Khoury and
20 Mr. Strickland both about the deposition?

21 A Well, they were -- they were there
22 yesterday.

23 Q Okay. So Mr. Strickland -- so, so
24 you met with Mr. Khoury and Mr. Strickland
25 yesterday about the deposition?

1 A Correct, uh-huh.

2 Q And roughly how long did you meet?

3 A Probably about two, two-and-a-half
4 hours.

5 Q During the course of that
6 two-and-a-half hours, did you look at any
7 documents?

8 A We -- you know, he showed some
9 documents that they had been looking at, uh-huh
10 (affirmative).

11 Q Did you bring any of those documents
12 with you today?

13 A No, huh-uh.

14 Q Were any of those documents emails?

15 A Yes, uh-huh.

16 Q Were any of those documents emails
17 that you had drafted?

18 A Yes, uh-huh.

19 Q We are going to be going through
20 some emails that you drafted during the course
21 of the day today, and I might ask you whether
22 this was a particular document that you looked
23 at yesterday.

24 A Uh-huh (affirmative).

25 Q Okay?

1 A Okay.

2 Q Other than Mr. Khoury and -- your
3 meeting with Mr. Khoury and Mr. Strickland
4 yesterday, have you spoken to anybody else
5 about the deposition?

6 A No, huh-uh.

7 Q And other than the documents that
8 you looked at during your meeting with
9 Mr. Khoury and Mr. Strickland, have you looked
10 at any documents in preparation for your
11 deposition today?

12 A No, huh-uh.

13 Q All right. So now we're going back
14 to your work for the State Republican Party.
15 We're at 2002.

16 A Uh-huh (affirmative).

17 Q And we're through the 2002 election
18 cycle.

19 A Uh-huh (affirmative).

20 Q After the 2002 election cycle, what
21 were you next engaged in for the State
22 Republican Party?

23 A Well, 2003 is usually a slower year,
24 you know, because it's an off-year cycle. I
25 don't remember specifically what we were doing

1 that year.

2 Q Okay. Now, there was some
3 litigation involving legislative districts in
4 Georgia. Did you have any role at all in terms
5 of that litigation?

6 A In -- I mean, I went to the
7 meetings, but I wasn't, you know, involved in
8 the actual litigation, no.

9 Q What do you mean by you went to the
10 meetings? Meetings of whom?

11 A Well, I meant I went to the trial
12 that was taking place.

13 Q Okay. So you went to --

14 A I just went as an observer for the
15 party.

16 Q You went to -- you went to sessions
17 in court?

18 A Sessions in court, correct, yeah.

19 Q Other than that, did you -- did you
20 have any role with respect to that
21 redistricting litigation?

22 A No.

23 Q Okay. So I know it's been almost 15
24 years. Can you recall, other than attending
25 these trial hearings, what it was you were

1 doing for the Republican party in the 2003 time
2 frame?

3 A No.

4 Q Okay. How about for 2004?

5 A 2004 would have been more reports on
6 districts.

7 Q And these were similar to the
8 reports that you had done in 2002?

9 A Yes.

10 Q And then 2005.

11 A Uh-huh (affirmative).

12 Q You mentioned that you worked for
13 the State Republican Party for five years and
14 you started around 2000.

15 A Uh-huh (affirmative).

16 Q Did you make a transition in 2005,
17 or was it before or after that?

18 A In 2005, yes, uh-huh.

19 Q And what did you transition to in
20 2005?

21 A To the redistricting office.

22 Q And who was working in the
23 redistricting office at that time?

24 A I mean, how many people or the
25 specific --

1 Q Well, let's start with -- okay. Was
2 there an executive director for that office?

3 A Oh, yes, uh-huh.

4 Q And who was that at the time?

5 A Shantée El.

6 Q And then do you recall if
7 Mr. Strangia was in the office at that time?

8 A He was there, uh-huh (affirmative).

9 Q And how about Ms. Wright?

10 A She was there.

11 Q And do you recall what
12 Mr. Strangia's role was at the time?

13 A He's basically our GIS, geographic
14 information specialist, there, so he keeps the
15 software going.

16 Q Does he draw any maps?

17 A No, huh-uh.

18 Q With respect to the data that might
19 go into the system, is he responsible for
20 getting the data into the system?

21 A Yeah. That's basically his role,
22 right, uh-huh.

23 Q Okay. And what was Ms. Wright's
24 role at the time?

25 A She, you know, basically -- I mean,

1 I'm trying to remember because it's 12 years
2 ago. But she basically, you know, probably
3 helped with map production, things of that
4 nature.

5 Q Now, we were talking before that
6 at -- during the 2001 time frame, Georgia, the
7 governor was Democrat, and the majority in both
8 parties were Democrat; correct?

9 A Correct.

10 Q By 2005, it had completely turned
11 around, and the governor was Republican, and
12 the majority in both parties were -- in both
13 houses were Republican; correct?

14 A Correct, uh-huh.

15 Q And Georgia actually, during that
16 whole period of time, the districts were being
17 changed for at least some of the bodies in
18 Georgia, including the State House; correct?

19 A In -- I think that was in 2006.

20 Q In 2006?

21 A Uh-huh (affirmative).

22 Q And what role, if any, did you have
23 in the 2006 redistricting for the State House?

24 A We -- I was involved in a couple of
25 the districts that were being adjusted.

1 Q Who was it that was adjusting the
2 districts?

3 A You mean -- you mean what members
4 were affected?

5 Q Well, let's start with, was this
6 something that the -- a court was doing or that
7 the legislators were doing?

8 A Oh, the legislators were doing.

9 Q Okay. Now, my -- is it the case
10 that one of the things that happened in the
11 2001 redistricting is that House districts,
12 some or all of them, became multi-member
13 districts; is that correct?

14 A Correct.

15 Q And one of the things that happened
16 as a result of the court case and decisions
17 after that is that the multi-member districts
18 were disbanded; is that correct?

19 A That's correct.

20 Q And were you involved at all in the
21 process of determining how to get to a system
22 of -- from a system of multi-member districts
23 to a system of single-member districts?

24 A You mean in 2001?

25 Q Well, at what point did Georgia go

1 from having multi-member districts to
2 single-member districts?

3 A Well, in the Larios case in 2004,
4 the court drew single-member districts for the
5 House. Of course, the Senate by the state
6 constitution has to be single-member districts.
7 So when the court drew the format, they drew
8 single-member districts.

9 Q Okay. And then the Georgia
10 legislature between 2004 and 2006 made changes
11 to that single-member district plan for the
12 State House?

13 A A few changes, correct.

14 Q And what role, if any, did you have
15 in those changes?

16 A I had a role in a few of the
17 districts that were being changed.

18 Q And what was -- strike that.

19 In terms of any of the districts you
20 worked on, was one of the aims to make those
21 districts perform better for Republican
22 candidates?

23 A No.

24 Q No?

25 A No, huh-uh.

1 Q Okay. All right. With respect to
2 those districts, what sort of analysis -- that
3 you worked on, what sort of analysis did you
4 do?

5 A Well, it was basically the districts
6 I worked on were down in the St. Simons-Sea
7 Island area between Roger Lane and Jerry King.

8 Q Now, at some point, Mr. Lane became
9 head of the House Reapportionment Committee; is
10 that correct?

11 A Correct, uh-huh.

12 Q Was he head of the House
13 Reapportionment Committee at the time?

14 A I don't believe so, no, huh-uh.

15 Q Other than the districts involving
16 Mr. Lane and Mr. King, did you work on the 2006
17 redistricting?

18 A No.

19 Q And what was -- in 2005 when you
20 came to the Reapportionment Office, what was
21 your role?

22 A It was just whatever the others -- I
23 mean, I was the, obviously the least senior
24 member there, so whatever the members, you
25 know, the staff requested, whether it was maps,

1 people asking, you know, questions on
2 districts, things like that.

3 Q So as part of that, you worked on
4 actually drawing maps yourself?

5 A In the 2 -- yeah, the 2006 House
6 redistricting, uh-huh.

7 Q Had you drawn -- had you drawn maps
8 prior to the 2006 House redistricting?

9 A No, huh-uh.

10 Q Okay. And you mentioned before that
11 you worked on districts in the St. Simons area.

12 A Uh-huh (affirmative).

13 Q Did you do any map drawing in the
14 2006 for the 2006 House redistricting other
15 than in the St. Simons area?

16 A No, huh-uh.

17 Q So the maps get drawn for the 2006
18 election. What did you do at that point after
19 the maps were drawn?

20 A After that point, it probably was
21 just, you know, when people wanted, you know,
22 maps drawn, I would run those off.

23 Q You would print the maps?

24 A Print maps, right, like you see
25 here.

1 Q And at a certain point in time, did
2 your role change, or did you come up with a
3 niche within the office?

4 A No. It basically stayed the same.

5 Q From 2005 until when did it stay the
6 same?

7 A It's basically always been, you
8 know, production of maps of the state and
9 congressional level and then helping with, you
10 know, any, any requests members may have.

11 Q Have you been a member or a staff
12 member of the Reapportionment Office for the
13 whole time since 2005 without interruption?

14 A There was a break of about
15 two-and-a-half years, 2008 to '11, where I was
16 just with the House research office.

17 Q And what was your role or what did
18 you do when you were in the House research
19 office?

20 A I worked mainly as a staff assistant
21 for the natural resources and environment
22 committee.

23 Q Was the timing of your return to the
24 House Reapportionment Office -- strike that.

25 Was the timing of your return to the

1 Georgia Reapportionment Office, did it
2 correlate with the post-2010 redistricting
3 cycle?

4 A Yes.

5 Q Was there -- so when you came back,
6 was there a particular person that you
7 replaced, or were you just added onto the
8 existing team?

9 A Added onto the existing team.

10 Q And between the time you left in
11 2008 and the time you came back in 2011, were
12 there other staff changes to that office?

13 A There was one person named Blake
14 Tillery who was there, and I think he left
15 during that time.

16 Q Okay. Was anybody added?

17 A Well -- oh, well, Shantée El left,
18 and then Jimmy McDonald became new executive
19 director in place of Shantée.

20 Q Was there anybody that asked you to
21 come back to go work for the Reapportionment
22 Office again?

23 A I mean, I don't, don't remember
24 specifically. I think it was just whatever
25 the, you know, speaker's office wanted me to

1 do.

2 Q So your understanding is that the
3 speaker's office played a role in getting you
4 reassigned back to the Reapportionment Office?

5 A Yes, uh-huh.

6 Q Okay. Is it your understanding that
7 the speaker's office made that decision?

8 A I can't say for sure.

9 Q Okay. Had you known Mr. McDonald
10 prior to going to work for the second time for
11 the Reapportionment Office?

12 A No, huh-uh.

13 Q Okay. All right. For the 2011
14 redistricting, what role -- for the House,
15 State House, what role, if any, did you play in
16 that?

17 A I would be at meetings with members.
18 We would -- we would basically have meetings in
19 our office with members of various, sometimes
20 individually, sometimes with counties, and try
21 to, you know, work on maps for their areas.

22 Q Were any of these meetings with
23 Democratic members?

24 A Don't recall.

25 Q Do you recall meeting with

1 Republican members?

2 A Yes.

3 Q And were some of the meetings with
4 Republican members in groups?

5 A Some were in groups, uh-huh.

6 Q Do you recall any meetings with the
7 speaker?

8 A No.

9 Q Do you recall any meetings with the
10 head of the House redistricting committee?

11 A Any meetings in terms of?

12 Q To go over maps with the head of the
13 House redistricting committee?

14 A Well, he would, he would sit in on a
15 lot of our meetings if -- you know, meetings
16 with members.

17 Q Okay. And who -- and who was the
18 head of the House redistricting committee at
19 the time?

20 A Roger Lane.

21 Q Okay. Would -- strike that.

22 In these meetings with House members
23 that sometimes included Mr. Lane, who on staff
24 would typically be in those meetings?

25 A I mean, it could vary.

1 Q Did you ever meet with them alone?

2 A I don't recall.

3 Q Was Ms. El ever at these meetings?

4 A I don't remember her being at those,
5 but I'm not -- trying to remember if she was
6 there at that time, what time when she left,
7 so.

8 Q How about Mr. McDonald, would he
9 typically be there?

10 A Oh, he would be in the meetings,
11 yes.

12 Q Would Ms. Wright be there?

13 A Ms. Wright?

14 Q Yes.

15 A Some of them.

16 Q Were there any other meeting --
17 members of the staff that would be at some or
18 most of those meetings?

19 A Well, we had Brian Knight. He could
20 have been, but I can't say for sure.

21 Q Anybody else?

22 A No, huh-uh.

23 Q And where would these meetings
24 typically take place?

25 A In the conference room of the

1 office.

2 Q During the course of these meetings,
3 would there -- would you actually look at maps
4 during the meetings?

5 A Yes.

6 Q Was the software on a laptop so that
7 districts could be drawn on the spot?

8 A Yes.

9 Q Was -- would that be sort of a
10 standing operating procedure that, that you'd
11 meet with a member or members and you'd draw
12 districts on the spot?

13 A Yes, uh-huh.

14 Q Were the maps that were drawn, would
15 they typically be saved?

16 A Yes, uh-huh.

17 Q And how would they be saved?

18 A Well, it would be saved on our
19 Maptitude programming.

20 Q Okay. Would there be -- would there
21 be a system where there would be a particular
22 file for each member? Or how, how would it be
23 organized so that somebody, somebody in your
24 office would know where to find maps that had
25 been saved?

1 A They would be saved by their
2 district number.

3 Q And how about -- these are
4 individual maps. What about the drafts of the
5 plan as a whole? Would there be a certain file
6 folder that those would go into?

7 A Yeah, and I think Ms. Wright worked
8 more in terms of the statewide ones. So there
9 would be a folder for the statewide one, yeah,
10 uh-huh.

11 Q Okay. And is it your understanding
12 that those would go into Mr. Lane's folder?

13 A I can't say for sure.

14 Q Okay. And during these meetings,
15 would you ever be the one drawing the maps?

16 A In some instances.

17 Q Was -- would Mr. McDonald ever be
18 the one drawing the maps?

19 A Usually not, huh-uh.

20 Q How about Ms. Wright? Would she
21 ever be the one drawing the maps?

22 A Yes.

23 Q And Mr. Knight, would he ever be the
24 one drawing the maps?

25 A He generally was not involved on the

1 House ones. He was on the Senate ones.

2 Q So other than you and Ms. Wright,
3 can you think of anyone else who would
4 typically be drawing the maps in these
5 meetings?

6 A No, huh-uh.

7 Q And in terms of division of labor
8 for the House, was -- within the office, would
9 it be fair to say that most of the labor was
10 divided up between you and Ms. Wright?

11 A Yes, uh-huh.

12 Q And, and between the two of you, was
13 there a division of labor in terms of one of
14 you worked on sort of portions of the state and
15 one of you worked on other portions of the
16 state?

17 A I don't think there was any
18 particular order to that. I should mention one
19 other thing. We did have I think temporary
20 staff. Kade Cullefer was there too, and I
21 forgot to mention him. He was involved in some
22 of the House districts too.

23 Q Okay.

24 A As a temporary staff.

25 Q As a temporary staff?

1 A Uh-huh (affirmative).

2 Q So if there was a meeting that both
3 you and Mr. Cullefer were in with House
4 members, would one of you typically be the one
5 who would be drawing the maps in those
6 meetings?

7 A I mean, it, it could vary.

8 Q That sometimes would be you
9 sometimes would be him?

10 A Correct, uh-huh.

11 Q With respect to Gwinnett County, did
12 you have any role in terms of the map drawing
13 for House districts in Gwinnett County in 2011?

14 A I don't recall specifically.

15 Q Do you know if anybody on staff had
16 any special role with respect to Gwinnett
17 County?

18 A In terms of special, not that I know
19 of.

20 Q Okay. How about with respect to --

21 A Oh, I'm sorry. I'll have to get
22 that. I apologize for that. Sorry. Apologize
23 for that.

24 Q Yes, sir. That's okay. How about
25 with respect to Henry County? Did you have any

1 role in terms of the districts that were being
2 drawn in the Henry County area?

3 A I don't recall specifically on that
4 now.

5 Q Do you recall whether you -- strike
6 that.

7 Is there any area of the state that
8 you can recall taking a particularly
9 significant role with respect to the drawing of
10 the maps for the 2011 redistricting?

11 A I would say the Augusta area -- the
12 Augusta area, Fulton County. Trying to think
13 of others. I mean, those are the two that come
14 to mind.

15 Q What was your understanding of what
16 the aims of Mr. Lane were with respect to the
17 redistricting?

18 A Is that -- well, his aims were to
19 get a redistricting plan, you know, through the
20 legislature that would, you know, meet the one
21 vote -- one man, one vote requirements and
22 comply with the Voting Rights Act.

23 Q Did he have any particular desire in
24 terms of making sure that the State House
25 remained in control of Republicans?

1 A He never mentioned that to me,
2 huh-uh (negative).

3 Q All right. Did you have an
4 understanding that one of the aims of the
5 Republican party in the 2011 redistricting was
6 for Republicans to remain in control of the
7 House?

8 A Did he mention that?

9 Q No. I'm saying generally, did you
10 have an understanding that the aim of the
11 Republican party in Georgia or an aim of the
12 Republican party in Georgia was to -- was to
13 retain Republican control of the State House?

14 A Well, I mean, no one specifically
15 would say that, no.

16 Q But you understood that that was
17 part of your -- part of the job in terms of the
18 redistricting plan is to make sure that
19 Republicans maintained control; correct?

20 MR. KHOURY: Object to the form.

21 A Well, I mean, I was just following,
22 you know, what I was told to do there. I mean,
23 nobody told me specifically told me that.

24 Q So are you saying you didn't
25 understand that one of your roles was to make

1 sure that Republicans maintained control of the
2 House?

3 A That was one of my roles? I mean,
4 yes, uh-huh.

5 Q So you understood that one of the
6 aims was, was in the end to create a plan that
7 would not only satisfy legal requirements get
8 passed, but would also maintain Republican
9 control of the House?

10 MR. KHOURY: Object to the form.

11 A I mean, I mean, that would be an
12 assumption. Again, nobody specifically came up
13 to me and said, you know, you've got to do this
14 to do that.

15 Q But did you understand that that
16 was --

17 MR. STRICKLAND: Okay. Objection.
18 Asked and answered.

19 MR. GREENBAUM: Look, the judge
20 has -- the judge has very clear rules on when
21 objections can be made. He hasn't answered my
22 question. He has -- he's saying that nobody
23 ever told him, but I'm asking him did he have
24 an understanding.

25 And it may be that nobody said the

1 words, you have to do this. But I'm asking him
2 did he have an understanding that one of the
3 aims of the Republicans in 2011 was to pass a
4 plan that would allow Republicans to maintain
5 control of the House.

6 MR. STRICKLAND: And my objection
7 was that you've asked the question at least
8 three times, and he's answered it.

9 MR. GREENBAUM: And speaking
10 objections are not allowed by Judge Batten,
11 very clear on that.

12 Q You can answer the question, sir.

13 A Okay. I would say an understanding,
14 yes.

15 Q Okay. Thank you. Now, you
16 mentioned that one of the areas you worked on
17 was Fulton County.

18 A Right, uh-huh.

19 Q Now, Fulton County, is it fair to
20 say, is a majority Democrat county in terms of
21 how it performs countywide?

22 A Yes, uh-huh.

23 Q And typically, in terms of the
24 partisan split, how does Fulton County perform
25 countywide in elections?

1 A Over what? In just a general
2 election or --

3 Q Let's say during the 2011 time
4 frame. How well did Fulton County perform for
5 Democrats? What percentage of the vote would
6 you expect that they would get?

7 A Probably roughly 60 percent.

8 Q 60 percent. And did you have an
9 understanding that in drawing districts for
10 Fulton County that they be drawn in such a way
11 that the majority of the legislative,
12 legislative delegation would likely be
13 Republican?

14 A Yes, uh-huh.

15 Q And was that something somebody
16 specifically mentioned to you, or was that
17 something you just understood?

18 A Understood, uh-huh (affirmative).

19 Q And why did you understand that?

20 A Well, just might say a number of
21 districts that came into the county from other
22 counties.

23 Q What, what authority does a county
24 legislative delegation have?

25 A Well, it has authority in terms of,

1 you know, local legislation that, you know, may
2 affect the county.

3 Q Does it also have authority in terms
4 of any appointments?

5 A I'm not sure specifically with
6 Fulton.

7 Q Okay. Do you know who, for example,
8 appoints the election commission for Fulton?

9 A No, huh-uh.

10 Q Okay. Do you have an understanding
11 that generally that county delegations do have
12 some appointment authority?

13 A Generally, yes.

14 Q Was there -- was there an
15 understanding that the Republicans wanted to
16 have a majority in as many county delegations
17 as possible?

18 MR. KHOURY: Object to the form.
19 Are you asking his understanding or somebody
20 else's understanding?

21 MR. GREENBAUM: I'm asking his
22 understanding.

23 MR. KHOURY: Okay.

24 A No, huh-uh.

25 Q Okay. Did anybody ever -- did

1 anybody ever -- well, strike that.

2 Where -- why is it that you
3 understood that it was important in Fulton
4 County for Republicans to likely have majority
5 of the legislative delegation?

6 A I thought that just might have been
7 something the delegation wanted for whatever
8 reason.

9 Q Did anybody from the delegation ever
10 mention to you that they would like for
11 Republicans to have a majority of the
12 legislative delegation in Fulton County?

13 A Not that I recall, huh-uh
14 (negative).

15 Q Do you recall any legislator --
16 legislature ever telling you that they wanted
17 to make sure that Republicans had a majority of
18 the legislative delegation?

19 A That told me that specifically, no.

20 Q But it's still something that you
21 understood?

22 A Uh-huh. Yes, uh-huh.

23 Q Thank you.

24 Were you -- did you have any role
25 with respect to the data that was submitted to

1 the Department of Justice as part of the State
2 section 5 submission in 2011?

3 A No, huh-uh.

4 Q Okay. Do you know who in your
5 office may have worked on that?

6 A It probably was Rob Strangia.

7 MR. GREENBAUM: We've been going for
8 about an hour. Would you like to take a
9 five-minute break?

10 THE WITNESS: Sure.

11 MR. GREENBAUM: Okay. Great.

12 THE VIDEOGRAPHER: Going off the
13 record at 10:10 a.m.

14 (Proceedings in recess, 10:10 a.m. to
15 10:26 a.m.)

16 THE VIDEOGRAPHER: We are back on
17 video record at 10:26 a.m. This is the
18 beginning of file number two.

19 Q Mr. O'Connor, did you attend any of
20 the community meetings that the General
21 Assembly held in 2011 over the redistricting?

22 A You mean the hearings around the
23 state?

24 Q Hearings around the state, yes.

25 A Yes, I did, uh-huh.

1 Q Did you attend all of them?

2 A I may have missed one, but I was at
3 most of them.

4 Q Okay.

5 A I think I may have missed one in
6 Augusta. But, otherwise, I think I went to
7 every one or about every one.

8 Q Did you ever hear at any of the
9 hearings a concern about the splitting of the
10 city of Lawrenceville?

11 A No.

12 Q Do you recall at any time anybody
13 bringing to your attention a concern of the
14 fact that the city of Lawrenceville was being
15 split in the State, State House plan?

16 A No, huh-uh.

17 Q Now, the House did a redistricting
18 in 2012; correct?

19 A Yeah. They made some changes to the
20 2011, I think.

21 Q Were you involved at all in the 2012
22 redistricting?

23 A I don't recall offhand.

24 Q And, of course, you're aware that
25 the House also redistricted in 2015?

1 A Yes, uh-huh.

2 Q Did you have any involvement in that
3 process?

4 A In the Gwinnett and Henry? No.

5 Q Did you have any involvement in the
6 process at all?

7 A Only involvement might have been
8 analyzing the districts afterward, but I
9 didn't -- I didn't draw the actual districts.

10 Q Did you ever have any discussions
11 with Ms. Wright about the districts?

12 A Not that I recall.

13 Q Did you recall ever having any
14 meetings with anybody in the House of
15 Representatives or their staffs with respect to
16 the districts?

17 A On this, no, huh-uh.

18 Q How about with respect to 2017, the
19 proposed redistricting, did you have any role
20 in that process?

21 A Yes, I did, uh-huh.

22 Q What was your role in that process?

23 A It was basically with the district
24 of Rich Golick.

25 Q Could you spell his name?

1 A Oh, yes. G-O-L-I-C-K.

2 Q Other than with respect to
3 Mr. Golick's district, did you have any
4 involvement at all?

5 A Well, his and Sheila Jones'. It was
6 right next door.

7 Q Other than with respect to
8 Mr. Golick and Ms. Jones, did you have any
9 involvement?

10 A Some in the -- Jan Jones and Chuck
11 Martin were adjusting some precincts in North
12 Fulton.

13 Q Did you -- did you have any meetings
14 at all with anybody on the, the House staff
15 with respect to the proposed redistricting in
16 2017?

17 A With any of the districts?

18 Q With any of the districts.

19 A I'm sure I met with Ms. Wright, yes,
20 uh-huh.

21 Q Did you -- I'm not talking about
22 the -- I'm not talking about in the
23 Reapportionment Office. Did you have any
24 dealings with anybody on the House staff, 2017,
25 with respect to the proposed redistricting?

1 A Well, I mean, Ms. Wright. Oh, you
2 mean -- oh, not the Reapportionment staff, the
3 House staff.

4 Q I'm not talking about the
5 Reapportionment staff. I'm talking about the
6 House staff.

7 A Oh, no, not that I recall.

8 Q Mr. O'Connor, did you have -- who --
9 strike that.

10 Mr. O'Connor, do you know who
11 Caulder Harvill-Childs is?

12 A Yes.

13 Q Who is Caulder Harvill-Childs?

14 A He works on the House staff.

15 Q Okay. So you said a minute ago that
16 you did not interact with anybody on the House
17 staff in terms of the proposed redistricting
18 for 2017.

19 MR. KHOURY: Objection to form.

20 MR. GREENBAUM: And I haven't asked
21 a question yet.

22 MR. KHOURY: Sorry. Sorry.

23 MR. GREENBAUM: I have not asked a
24 question yet, please.

25 MR. KHOURY: All right.

1 A I should have said not as I
2 recalled. I didn't remember specifically
3 meeting with him.

4 Q And you don't recall communicating
5 with him in any way?

6 A I mean, not offhand, huh-uh, no.

7 Q Okay. And are you familiar with a
8 gentleman who's first name is Spiro?

9 A Spiro.

10 Q Spiro. I always mess up his --

11 A Yes, uh-huh.

12 Q And what's Spiro's last name?

13 A Amburn.

14 Q Okay. Could you spell that for me?

15 A A-M-B-U-R-N.

16 Q Okay. So did you have any
17 communications with Mr. Amburn with respect to
18 the proposed redistricting in 2017?

19 A I mean, I may have. I don't recall
20 specifically.

21 (Whereupon a document was identified as
22 Plaintiff's Exhibit 48.)

23 Q All right. Okay. So this is a
24 document that in Ms. Wright's deposition was
25 marked as Exhibit 48, and we're going to use

1 that same numbering system.

2 MR. POWERS: You can look in the
3 Plaintiff's Exhibit binder and pull --

4 THE WITNESS: Oh, this?

5 MR. POWERS: -- the actual -- yes.
6 And it's tabbed, so.

7 A Oh. What is it? P --

8 Q 48.

9 A Uh-huh (affirmative.)

10 Q And you'll see that heading of
11 it is -- begins with an email from
12 Mr. Harvill-Childs to you dated December 14th,
13 2016, at 9:47. Is that the correct document?

14 A Yes, uh-huh.

15 Q Why don't you take a minute to look,
16 to look through the document. I'm going to --
17 I'm going to be asking you about documents
18 along the chain, so it's an email. Go ahead
19 and look at -- look at the whole email chain
20 first.

21 A When you say the whole -- what do
22 you mean by the whole chain? I mean, the --

23 Q So there should be -- it should be
24 three pages long.

25 A Oh. You mean just this one.

1 Q Yeah.

2 A Right? Just this one.

3 Q And because of the way that email
4 works --

5 A Yeah.

6 Q -- the bottom of the chain --

7 A Right.

8 Q -- is actually the first email, and
9 the top of the chain is the last email.

10 A Right, uh-huh.

11 Q So I'm going to be asking you --

12 A Oh, okay. Right.

13 Q So for all these emails, what I'm
14 typically going to do is I'm going to start
15 with the end of the chain, which is the first
16 email.

17 A Uh-huh (affirmative). Right. So
18 just -- okay. Uh-huh (affirmative).

19 MR. STRICKLAND: What was the number
20 on this exhibit again?

21 THE WITNESS: P-48.

22 MR. STRICKLAND: Okay.

23 Q Do you recognize this document,
24 Mr. O'Connor?

25 A Yes, uh-huh.

1 Q What is this document?

2 A Well, I mean, it's an email
3 correspondence between Caulder and myself.

4 Q Okay. And I want to take you to the
5 second page of the email, his initial email.

6 A Uh-huh (affirmative).

7 Q And, and it talks about, "On another
8 topic, Spiro has deputized me to oversee a
9 project for the 2017 session."

10 A Uh-huh (affirmative.)

11 Q And it's talking about potentially
12 doing a redistricting for the 2017 session?

13 A Right.

14 Q Do you recall there being
15 correspondence with you, between you and him,
16 talking about the two of you and Mr. Amburn
17 meeting to discuss redistricting for the 2017
18 session?

19 A Yes, uh-huh.

20 Q Okay. And do you recall
21 Mr. Harvill-Childs asking you to prepare some
22 recommendations for Cobb, Gwinnett, Henry
23 County, particularly Strickland's district and
24 even Cheokas's district?

25 A Cheokas's, yes, yes.

1 Q And he says in that same sentence,
2 he talks about, "generally the battlegrounds we
3 always deal with." Did you have an
4 understanding of what he was talking about in
5 terms of battlegrounds?

6 A In a general sense, yes, uh-huh.

7 Q That these were very competitive
8 districts?

9 A Yes.

10 Q Very competitive districts in
11 Gwinnett?

12 A Uh-huh (affirmative).

13 Q And Strickland's district being a
14 very competitive district.

15 A Right.

16 Q Correct?

17 A Uh-huh (affirmative).

18 Q Could you, just instead of saying
19 uh-huh, could you just give me an audible
20 answer?

21 A Yes.

22 Q Thank you. And do you recall him
23 writing you to talk about raising the
24 Republican percentage in Chuck Efstration's
25 district?

1 A I'm sorry. Say that again.

2 Q Yeah. Toward the end of the email,
3 it says, "meaning, we're not looking at taking
4 Chuck Efstoration up to, say, 65 percent
5 Republican or higher, but taking a 53 percent
6 district up to 58 percent."

7 A Right, uh-huh.

8 Q Do you recall him writing you about,
9 about that?

10 A Well, if it's here, yes, yes. I
11 mean, I don't -- I haven't looked at it in a
12 while, but, yes.

13 Q All right. I then want to move to
14 your response to that email.

15 A Uh-huh (affirmative).

16 Q Which I think is basically most of
17 page one beginning with, "Hi, Caulder." Is it
18 fair to say that this is your response to
19 Mr. Harvill-Childs' email?

20 A Yes, uh-huh.

21 Q Okay. So it already, with respect
22 to the first bullet point, it indicates that
23 you had -- you had met with Representative
24 Golick already. Is that correct that as of
25 December 2016 you had already met with

1 Representative Golick about changing his
2 district?

3 A Oh, that's correct, uh-huh.

4 Q Okay. And then the second bullet
5 point refers to Representative Strickland;
6 correct?

7 A Uh-huh, right.

8 Q And it says that you tweaked his
9 district last year?

10 A Uh-huh (affirmative.)

11 Q And perhaps there's more that you
12 could do?

13 A Uh-huh (affirmative).

14 Q But then you note that -- and
15 please, give me yes answers instead of uh-huh
16 for the record, please.

17 A Okay.

18 Q Thank you. And then it notes that
19 the way that Henry is changing, that it backed
20 Clinton over Trump by nearly five points this
21 time, and says it's the first time that the
22 county backed a Democrat for president since
23 1980, that you're not sure there's much more
24 you can do without saying -- endangering
25 Representatives Rutledge and Welch; is that

1 correct?

2 A That's correct.

3 Q And that was your view at the time?

4 A That's correct.

5 Q Is that still your view today?

6 A Yes, uh-huh.

7 Q Okay. And what you're essentially
8 saying is that if you move population around to
9 make the district more -- make Strickland's
10 district more Republican, that what could
11 happen is that other seats that are currently,
12 currently Republican could become endangered;
13 correct?

14 A Correct, uh-huh.

15 Q And then in your next bullet point,
16 you say that Gwinnett is a tough-calls county
17 because there are a number of marginal House
18 seats. And what you're referring to there is
19 the fact that there are a number of seats where
20 Republicans are not winning by safe margins;
21 correct?

22 A Correct.

23 MR. KHOURY: Object to the form.

24 Q All right. And even talk about how
25 Clay Cox's seat, though traditionally

1 Republican, only split even between Trump and
2 Clinton; correct?

3 A Yes.

4 Q All right. And you note that
5 further in that paragraph that Hillary Clinton
6 won the seats of Valerie Clark, David Casas,
7 Joyce Chandler, and Brett Harrell?

8 A Harrell, uh-huh (affirmative).

9 Q And that they're all close together;
10 correct?

11 A Correct.

12 Q Which means that if you -- if you
13 tweak one district, one of those districts to
14 make it more Republican, it could potentially
15 put the other seats at danger; correct?

16 A Right.

17 Q And then you note that even
18 Representative Efration's seat, normally
19 heavily Republican, only gave Trump in the 50s
20 percentage; correct?

21 A Correct.

22 Q And that what you're talk -- what
23 you're trying to balance here is do you have a
24 situation where you have a number of seats
25 where Republicans are closely -- are winning

1 them closely now or do you make some seats more
2 safely Republican with the likely result that,
3 if you do that, other seats will turn
4 Democratic; correct?

5 A Correct.

6 Q That essentially what's --
7 essentially what's going on in both -- strike
8 that.

9 Is it true that what's going on in
10 both Henry and Gwinnett counties is that
11 they're becoming increasingly minority?

12 A Correct.

13 Q That they're becoming increasingly
14 Democrat?

15 A Yes.

16 Q And these were counties that, up
17 until recently, had been predominantly white
18 and predominantly Republican; correct?

19 A Correct, uh-huh.

20 Q And with the increase in minority
21 population in these counties, they are becoming
22 more Democrat?

23 A Correct.

24 Q And that the end result is that
25 Republicans have to play this balancing act

1 between trying to win as many districts as
2 possible and potentially putting some at risk
3 or making some seats safer and likely losing
4 others to the Democrats; correct?

5 MR. KHOURY: Object to the form.

6 A I mean, rephrase that.

7 MR. GREENBAUM: Re-read the
8 question.

9 THE WITNESS: Okay.

10 (Whereupon the court reporter read back
11 the referred-to portion as follows:)

12 Q And that the end result is that
13 Republicans have to play this balancing act
14 between trying to win as many districts as
15 possible and potentially putting some at risk
16 or making some seats safer and likely losing
17 others to the Democrats; correct?

18 (Whereupon the reading back was
19 concluded.)

20 A Well, I would say correct, uh-huh.

21 Q And that's in fact what you say in
22 this paragraph. "You might have a situation
23 which can have three or four safe seats after
24 tweaking in that area, but perhaps one or two
25 which might have been to be conceded in the

1 process. "Otherwise, you have five or six
2 marginal seats instead of just one or two."
3 Correct?

4 A Correct, uh-huh.

5 Q All right. So do you recall -- and
6 then, and then at the top of the email,
7 Harvill-Childs mentions Spiro suggesting a time
8 for a meeting of 2:00 p.m. on Tuesday?

9 A Uh-huh (affirmative).

10 Q Do you recall the three of you
11 meeting in December of 2016?

12 A We may have. I mean, I don't recall
13 that specifically.

14 Q Okay. And then at the top in his --
15 at the email at the top, he says, "What you're
16 saying with Gwinnett, though, I think is what
17 we're looking for. Since we have so many
18 marginal districts, what are our best chances
19 at creating safer seats long-term even if one
20 to two are sacrificed?" Correct?

21 A Right.

22 (Whereupon a document was identified as
23 Plaintiff's Exhibit 49.)

24 Q All right. All right. So,
25 Mr. O'Connor, why don't you move to 49 in your

1 tabs.

2 A Uh-huh, yes.

3 Q And the lead -- the top email for
4 that should be an email from Mr. Harvill-Childs
5 to you dated January 5th, 2017, at 11:37 a.m.

6 A Right.

7 Q Is that the right document?

8 A Right.

9 Q Okay. Why don't you -- why don't
10 you take a minute to look at that. You'll
11 notice once you get to about the middle of the
12 second page, it's the chain that we had just
13 talked about. So only read up until the middle
14 of the second page.

15 A Right. Okay. Okay.

16 Q Okay. Do you recognize this
17 document, Mr. O'Connor?

18 A Yes, I do.

19 Q What is it?

20 A Well, it's an email from Caulder
21 Harvill-Childs.

22 Q And it's a set of emails between you
23 and him; correct?

24 A Correct, uh-huh.

25 Q And I want to start with an email --

1 the portion of the trail that's a few lines
2 down on the second page.

3 A Oh, on the second page?

4 Q Yeah.

5 A Uh-huh (affirmative).

6 Q Wednesday, December 14th, 2016, at
7 9:51 a.m.

8 A Uh-huh (affirmative).

9 Q And is this something that you wrote
10 to Mr. Caudell Childs?

11 A Yes.

12 Q Harvill-Childs?

13 A Yes.

14 Q I'm sorry. I got his name wrong.
15 Yes. And you -- the first paragraph, you
16 take -- you talk about Gwinnett.

17 A Uh-huh (affirmative.)

18 Q And you talk about the fact that
19 maybe look at the most marginal ones and say
20 that those may have to go. When you're talking
21 about that, you're talking specifically about
22 taking districts in which Republicans were
23 currently getting elected and likely making
24 other districts more Republican, but making
25 these particular districts likely to go

1 Democrat?

2 A Right.

3 Q Okay. Then in the second paragraph,
4 you talk about -- when you're talking about
5 Brian, you mean Brian Strickland?

6 A Correct.

7 Q And you're talking about that people
8 mentioning to me -- mentioning to you that he's
9 going to run for Jeffares' seat when he
10 retires?

11 A Correct.

12 Q And in fact, Strickland is running
13 for Jeffares' House Senate seat?

14 A That's right, uh-huh, next month.

15 Q Great. And then you say, "Brian has
16 been consistent in performance, 53 percent in
17 2012 and '14 and 52 percent last month." And
18 then it says, "If we had not tweaked his
19 district last year, he probably would have lost
20 this time."

21 Meaning that if the 2015
22 redistricting had not taken place, Strickland
23 would have likely lost in 2016?

24 A Correct, uh-huh.

25 Q And what do you base that on?

1 A What do I base that on?

2 Q Yes.

3 A It's just my, my assessment of
4 probably what would have happened if the lines
5 had stayed the same. I mean, just a guess.

6 Q And you've been doing these sorts
7 of analyses in Georgia for the Republicans
8 since 2000; correct?

9 A I mean, not in this format, but off
10 and on, yes.

11 Q But in terms of actually thinking
12 in your mind the analysis about what is likely
13 to happen in a House district in a future
14 election?

15 A Oh, yeah, I would say so, yes.

16 Q And that you have been the person
17 who the Republicans in Georgia have looked to
18 in terms of doing that analysis for State
19 House seats; correct?

20 A Oh, correct, uh-huh.

21 Q And then toward -- the next
22 sentence says, "I haven't calculated
23 Trump-Clinton numbers yet, but will do so."
24 And then it says in parentheses, "his district
25 is hard to calculate for president because

1 there are so many split precincts in the
2 district. Henry has a lot of large precincts."

3 A Uh-huh (affirmative).

4 Q What challenges does having split
5 precincts create in terms of predicting
6 partisan performance or assessing partisan
7 performance?

8 A Well, it can be -- it can difficult
9 because, you know, you might have one part to
10 split precincts more Democrat than Republican
11 than the others.

12 Q And there's no -- and there's no way
13 for you to assess it below the precinct level;
14 correct?

15 A Correct, right, uh-huh.

16 (Whereupon a document was identified
17 as Plaintiff's Exhibit 6.)

18 Q I want -- let's take a look at what
19 in the Gina Wright deposition is Exhibit 6, and
20 that's the 2015 House plan as it applies to
21 Henry County. So let's take a minute. It's
22 going to be the last map over here.

23 A Oh. Look at the map?

24 Q Last big map.

25 A Oh, the last -- this one right here?

1 Q Yeah.

2 A Uh-huh, uh-huh (affirmative).

3 (Whereupon off-the-record discussions
4 ensued.)

5 Q Okay. And take a look at 111. And
6 my understanding is that there are five split
7 precincts in 111. And could we go over that to
8 confirm whether that's an accurate statement?

9 So is it correct that, working from
10 the top of the district, that Flippen is a
11 split precinct?

12 A Yes.

13 Q So that's one?

14 A Uh-huh (affirmative).

15 Q That Hickory Flat is a split
16 precinct?

17 A Hickory -- right, uh-huh.

18 Q All right. So that's two?

19 A Uh-huh (affirmative).

20 Q That McDonough Central is a split
21 precinct; is that correct?

22 A That's correct.

23 Q So that's three?

24 A Uh-huh (affirmative).

25 Q That if you move to the left, that

1 Mt. Carmel --

2 A Mt. Carmel.

3 Q -- is split precincts? Carmel?

4 A Uh-huh (affirmative).

5 Q So we're up to four. And at
6 Tussahaw it's a split precinct?

7 A Right.

8 Q All right. So five, five split
9 precincts. And there may be, I don't know, 11
10 precincts, 11 or 12 precincts in the district.
11 Does that sound about right?

12 A Probably about right.

13 Q Yeah. Why don't we just count them,
14 just --

15 A Well, one, two, three, four, five,
16 six, seven, eight, nine, 10, 11, 12. I count
17 13.

18 Q Okay. So 13?

19 A Uh-huh (affirmative).

20 Q So of the 13, of the 13 precincts in
21 the district, five of them are split; correct?

22 A Correct, uh-huh.

23 Q And that makes it really hard to
24 assess political performance in that district
25 because there are so many split precincts.

1 A Correct.

2 Q Correct?

3 A Right, uh-huh.

4 Q Now, one thing you do have, right,
5 is you do have -- you do have the census data?

6 A Uh-huh (affirmative).

7 Q So at the block level, you're able
8 to do analysis of what the racial demographics
9 of the precinct are; correct?

10 A Correct, uh-huh.

11 Q All right. So I want to go back to
12 the document that we were looking for --
13 looking at before, which I think is Exhibit 49.

14 A Uh-huh (affirmative). Are we on 50
15 or 49?

16 Q On 49.

17 A 49. Okay. Oh, okay. Uh-huh
18 (affirmative).

19 Q Okay. So I want to -- so we just
20 talked about your email. I want you to look at
21 the one before that from Mr. Harvill-Childs
22 that's dated January 5th at 10:28 a.m.

23 A Okay.

24 Q Do you see that in the chain?

25 A Yes, I do.

1 Q Okay. It talks about trying to put
2 together a meeting with whoever the chairman of
3 the Reapportionment Committee is either late
4 next week or the week after to bring them up to
5 speed. Do you recall doing a meeting with the
6 chair of the Reapportionment Committee and
7 Mr. Harvill-Childs?

8 A I mean, not offhand, huh-uh
9 (negative).

10 Q And then it asks you whether,
11 whether you've had a chance to look at some of
12 the options that the two of you had discussed;
13 correct?

14 A What, on the paragraph below?

15 Q Yes.

16 A Uh-huh (affirmative).

17 Q Did I read that correctly?

18 A I'm sorry. Say that again.

19 Q Yeah. That he wanted to know
20 whether you had a chance to look at the options
21 that the two of you had previously corresponded
22 about in email; correct?

23 MR. KHOURY: Object to the form.

24 A Are you talking about the email on
25 the second page or what?

1 Q Yeah, the top of the second --

2 A At the top of the second --

3 Q At the top of the second page.

4 A Okay. And what's the question?

5 Q The question is: He wanted to know
6 whether you had actually looked at what the two
7 of you had been discussing previously, correct,
8 and the options in Gwinnett County, among other
9 places?

10 A Correct, yeah. That was him, yeah,
11 uh-huh.

12 Q All right. And then it says, "Happy
13 to come over and chat in person if that's
14 easier." Do you recall whether or not you met
15 in person?

16 A I don't remember offhand.

17 Q Okay. All right. So then I want to
18 go to what I think is your response later that
19 day on January 5th at 11:17. Is that -- is
20 that your response?

21 A Yes, it is.

22 Q Okay. And then the first part says,
23 "I will send updated totals for the House
24 presidential data later today."

25 A Uh-huh (affirmative).

1 Q What are you referring to about
2 that?

3 A Well, it's an estimate of how the, I
4 mean, of how House districts voted.

5 Q Okay. You say that Gwinnett will be
6 tough because of the trends there. And what
7 are the trends?

8 A Well, the political and -- you know,
9 the political trends of the county and, you
10 know, I'll say the demographic trends.

11 Q The racial trends; correct?

12 A Yes. You could say that.

13 Q That more African-American have
14 moved into Gwinnett; correct?

15 A Correct.

16 Q The Latino population has increased
17 significantly in Gwinnett; correct?

18 A Certainly.

19 Q And the Asian population has
20 increased in Gwinnett; correct?

21 A Yes, uh-huh.

22 Q Now, do you make any effort to
23 assess how Latinos vote in partisan elections?

24 A No. That's not anything I've done,
25 huh-uh (negative).

1 Q Okay. So you don't build that in?

2 A No.

3 Q You don't build that into your
4 model?

5 A No.

6 Q How about Asians?

7 A No. I mean, I haven't developed a
8 model for that, no, huh-uh.

9 Q But you look very closely about
10 African-American performance for Republicans;
11 correct?

12 A Well, in this state because there --
13 you know, the voter registration for that's
14 been maintained for a while.

15 Q Right. And but that -- the fact of
16 the matter is that most African-Americans vote
17 Democrat; correct?

18 A Correct, uh-huh.

19 Q And so that the more
20 African-American a district is, the less
21 likelihood a Republican is going to win it;
22 correct?

23 A I would say correct, uh-huh.

24 Q Now, you talk about consensual
25 redistricting in your email. What do you mean

1 by that?

2 A That means where -- well, depending
3 on how many members are involved, if, say,
4 possible district changes affect two members,
5 that both members agree, or if it's three
6 members or four, just whoever is impacted by
7 those, you know, the changes.

8 Q So in other words, usually what ends
9 up happening is you're not going to have --
10 you're not going to have Democrats necessarily
11 agree to changes that a Republican wants;
12 correct?

13 A I mean, not -- I mean, there have
14 been times that's happened, but not, not
15 necessarily, no.

16 Q Now, with respect to what you're
17 talking about in 2017, you make the point, "You
18 may have some Democrats who smell blood
19 politically in these seats, figuring why should
20 they help a marginal Republican when perhaps a
21 Democrat could win it next time?" Correct?

22 A Correct, uh-huh.

23 Q And so what you're talking about in
24 this instance is you're basically having to --
25 you're basically going to have to trade

1 districts amongst Republicans as opposed to a
2 Democrat doing something to help out a
3 Republican who's in a marginal seat; correct?

4 MR. KHOURY: Object to the form.

5 A In terms of a consensual change
6 or --

7 Q Yes.

8 A That --

9 Q That if the rule -- well, let's
10 start with this.

11 A Okay.

12 Q The rule in Georgia is, if you're
13 going to do a mid-decade redistricting, it has
14 to be consensual; correct?

15 A Well, that's, that's not a statute.
16 That's been just an informal understanding that
17 it has to -- that it should be consensual.
18 It's not statutorily required.

19 Q And if it was done in a
20 nonconsensual way, that would be inconsistent
21 with what the custom has been in Georgia?

22 A Sure, yeah, uh-huh.

23 Q Okay. And so here, your point is
24 it's very unlikely in a place like Gwinnett
25 that you are going to get a Democrat to agree

1 to modify his or her district to help a
2 marginal Republican; correct?

3 A Correct, uh-huh.

4 Q So essentially what you're trying to
5 do here is figure out a way of how to either
6 help Republicans, some Republicans, without
7 harming others, or your other potential choice
8 is to help some Republicans and harm other
9 Republicans, or to do nothing. Those are your
10 three choices; correct?

11 A That would be correct, uh-huh.

12 (Whereupon a document was identified as
13 Plaintiff's Exhibit 50.)

14 Q Okay. Why don't we move to what was
15 marked in Ms. Wright's deposition as
16 Exhibit 50.

17 A Uh-huh (affirmative).

18 Q And I just want to make sure we're
19 looking at the same document. The document I'm
20 looking at that's marked as Exhibit 50, the top
21 is an email from you to Ms. Wright dated
22 February 1st, 2017, 9:03 a.m.?

23 A Correct.

24 Q Okay. Do you recognize this
25 document, Mr. O'Connor?

1 A Yes, I do.

2 Q What is it?

3 A Well, it's an email from me to
4 Ms. Wright.

5 Q Why were you emailing Ms. Wright
6 about House Districts 105 and 111?

7 A I suppose she had asked for some
8 information on the districts.

9 Q Do you know why she asked for
10 information?

11 A No, huh-uh.

12 Q Did -- do you -- what information
13 did she want to know?

14 A Did she want to know?

15 Q Yes.

16 A I guess she just wanted some general
17 information on the district about political
18 performance.

19 Q Okay.

20 A And turnout.

21 Q Okay. And do you know why these two
22 particular districts were ones that she was
23 interested in?

24 A Let's see. I suppose it would be
25 because those were two districts they were

1 looking at, you know, making changes to this
2 time.

3 Q That the House Republicans were
4 looking at?

5 A Right, for 2017.

6 Q For 2017?

7 A Yes.

8 Q And these were two districts that
9 had been changed in 2015; correct?

10 A That's right.

11 Q And you had said before that
12 Strickland would have likely lost in '16 if his
13 district hadn't been tweaked; correct?

14 A Correct, uh-huh.

15 Q Would you say that the same was true
16 with District 105, that Chandler would have
17 lost if her district hadn't been tweaked in
18 2015?

19 A I would say yes, uh-huh.

20 Q And, in fact, that, that election
21 ended up coming down to a recount, it was so
22 close; correct?

23 A I don't know if it was a recount,
24 but it was pretty close.

25 Q Okay. As you note in this email,

1 that was the closest State House contest last
2 fall, the only one decided by a point or less;
3 correct?

4 A Right, uh-huh.

5 Q And after the tweaking from the 2015
6 plan. So even after modified, it was a
7 close -- a close call?

8 A Close district, yes.

9 Q Right. And then in the next -- in
10 the next paragraph, you talk about the fact --
11 you talk about Republican percentage?

12 A Uh-huh (affirmative).

13 Q What are you basing that on?

14 A The Republican percentage --

15 Q About the old 105 with the new 105?

16 A Uh-huh (affirmative). Based on --
17 it was probably based on, you know, past
18 performance, either 2014 and/or 2012.

19 Q Okay.

20 A Or it said 2014. I'm sorry. Oh,
21 yeah, uh-huh.

22 Q All right. And then you note that
23 in the old 105 David Perdue would have lost the
24 district, whereas as opposed, he won it in the
25 new 105; correct?

1 A Correct, uh-huh.

2 Q So reflecting the fact that the
3 shift in that district affects the likely
4 result of who wins between the Democrat and the
5 Republican; correct?

6 A Correct.

7 Q And then moving down to 111, you do
8 a similar -- you do a similar type of analysis.

9 A Uh-huh (affirmative).

10 Q And then you talk about the old 111
11 and how the new 111 is about four points more
12 Republican; correct?

13 A Correct, uh-huh.

14 Q And then you -- and then similar to
15 105, Perdue would have lost the old 111 but
16 wins the new 111; correct?

17 A Correct.

18 Q And then -- and then you have some
19 comments below that focus on the turnout data
20 by race; correct?

21 A Correct.

22 Q So in the same email where you're
23 doing a political analysis, you're also doing a
24 racial demographic analysis; correct?

25 A Yes.

1 Q And it talks about the difference in
2 2012 and 2016 that, first of all, more people
3 voted in '16 than '12; correct?

4 A Right, uh-huh.

5 Q The percentage of black voters went
6 up between '12 and '16; correct? Or percentage
7 of people who voted that were black went up in
8 '16 as compared --

9 A Right.

10 Q -- to 2012; correct?

11 A Right, uh-huh.

12 Q The percentage of white voters
13 decreased by about six percentage points
14 between 2012 and 2016; correct?

15 A Correct.

16 Q That, that -- and that the
17 percentage of Asian and Hispanic voters went up
18 in 2016 and two thousand -- compared to 2012;
19 correct?

20 A Correct.

21 Q All of which are bad demographic
22 trends for Republican candidates; correct?

23 A Yeah. They would be adverse, yes.

24 Q And then you note that Gwinnett had
25 backed Clinton for president for the first time

1 in four years in the presidential election;
2 correct?

3 A Correct, uh-huh.

4 Q And then on to the next page, we
5 talk -- it talks about Henry County.

6 A Uh-huh (affirmative).

7 Q And that Henry County, the overall
8 turnout went up by about 7,000 voters between
9 '12 and '16; correct?

10 A Correct.

11 Q Meaning that more people are
12 continuing to move into both Gwinnett and Henry
13 counties; correct?

14 MR. KHOURY: Object to the form.

15 A Yes, uh-huh.

16 Q Yeah. That the -- that the
17 percentage of black voters or percentage of all
18 vote -- strike that.

19 Of all voters, the percentage of
20 those who are black increased in 2016 from
21 2012; correct?

22 A Correct.

23 Q The percentage of white voters
24 decreased by over four percentage points;
25 correct?

1 A Correct.

2 Q And that there were increases in
3 Asian and Hispanic voters; correct?

4 A Yes.

5 Q All trends that are bad for
6 Republican candidates; correct?

7 A I mean, not for all Republican
8 candidates, but would be probably seen
9 generally adverse.

10 Q In most circumstances, it's going to
11 be adverse for Republican candidates; correct?

12 A Correct, uh-huh.

13 Q All right. And then similar to
14 Gwinnett County, you note that this was the
15 first time that Henry County had gone for a
16 Democratic candidate in a presidential
17 election, this time -- in a long time, and this
18 time it was the first time since 1980 that
19 Henry County had gone for a Democratic
20 candidate for president; correct?

21 A Correct, yeah, uh-huh.

22 MR. GREENBAUM: All right. All
23 right. So 57.

24 (Whereupon a document was identified as
25 Plaintiff's Exhibit 57.)

1 (Whereupon off-the-record discussions
2 ensued.)

3 Q So I'm going to mark as Exhibit 57 a
4 one-page email from Gina Wright to Dianne
5 Hardin.

6 A Uh-huh (affirmative).

7 Q And take a -- take a minute to read
8 this email, and it's -- and it's number GA 91.

9 And, Mr. O'Connor, do you recognize
10 this email?

11 A Yes.

12 Q And what is this email referencing?

13 A A meeting with the Gwinnett
14 Republican delegation on whether to redistrict.

15 Q Okay. And did that meeting occur?

16 A Yes.

17 Q And the speaker was there?

18 A As I recall, yes.

19 Q And the Republican Gwinnett
20 delegation was there?

21 A I don't know if all of it was there,
22 but most of it at least.

23 Q Okay. Were you there?

24 A Yes, I was there.

25 Q And who else was there?

1 A In terms of what? The delegation?

2 Q What other -- what other people
3 other than the speaker, yourself, Ms. Wright,
4 and the Republican delegation? Do you recall
5 anybody else being there?

6 A Caulder Harvill-Childs was there. I
7 don't remember anybody else offhand.

8 Q Okay. Where's room 417 CAP?

9 A It's in the -- I think the southwest
10 corner of the capitol at the, like the top
11 floor.

12 Q Okay. So it's not where the
13 Reapportionment Office is?

14 A That's correct, uh-huh.

15 Q Did anybody from the Reapportionment
16 Office bring a laptop to that meeting to look
17 at maps?

18 A Not that I recall, huh-uh
19 (negative).

20 Q Were any physical maps brought to
21 that meeting?

22 A I think a map of the county with a
23 presidential breakdown.

24 Q What do you mean by "presidential
25 breakdown"?

1 A Well, showing precincts voting Trump
2 and Clinton.

3 Q Okay.

4 A I think that was the one, but no
5 laptop, anything like that.

6 Q All right. And do you recall
7 approximately how long this meeting went?

8 A Maybe an hour.

9 Q Okay. And could you describe what
10 was discussed at the meeting?

11 A It was basically about whether there
12 was any consensus with the delegation about
13 whether to proceed with redistricting this
14 session.

15 Q Now, in the earlier emails between
16 you and Mr. Harvill-Childs, you had discussed
17 this potential issue of making some Republican
18 districts more safe and putting others at risk?

19 A Uh-huh (affirmative).

20 Q Was that discussed in this meeting?

21 A Yes, uh-huh.

22 Q And who said what with respect to
23 this issue?

24 A I mean, I don't recall specifically
25 what people said about it. But there was an

1 acknowledgement that, you know, if you were
2 going to strengthen some people, you were
3 probably going to have to sacrifice some
4 others.

5 But I don't recall a specific like I
6 want to trade this precinct for that precinct.

7 Q Who, who made the statement that if
8 you want to strengthen some districts, you may
9 have to sacrifice others?

10 A Well, I don't recall anybody
11 specifically. I think that was just the
12 general feeling of the delegation because
13 nobody, nobody would say we agree to a plan
14 today.

15 Q Did the speaker make any
16 introductory remarks in the meeting?

17 A He did to the extent he basically
18 said that this is, you know, Gwinnett's call if
19 you want to do anything.

20 Q And Gwinnett's call if you want to
21 do anything is redistricting and raising this
22 issue of whether to make some districts safe
23 and putting others as risk?

24 MR. KHOURY: Object to the form.

25 A Well, or the option could be to do

1 nothing.

2 Q Right.

3 A Just to do that or, or to, you know,
4 maybe just do two of the districts and don't
5 touch some of the others, so.

6 Q Okay. And were there -- in terms of
7 that third option, because we haven't discussed
8 that before, we've discussed the other two
9 options --

10 A Uh-huh (affirmative).

11 Q -- was there a particular discussion
12 as to what districts would be part of any
13 change?

14 A I mean, in a general sense, they
15 were -- I mean, I don't know if I recall each
16 one. But there were, you know, probably Joyce
17 Chandler's, Clay Cox's, Harrell's, and maybe
18 one other.

19 Q Did any -- do you recall anybody at
20 the meeting being a proponent of let's make
21 some changes to strengthen some of these
22 districts?

23 A I mean, not specifically, no.

24 Q You don't recall any, any particular
25 person being a proponent of that?

1 A Right, uh-huh.

2 Q Do you recall any particular person
3 being opposed to making changes?

4 A No, huh-uh.

5 Q So at the end of the meeting, where
6 did things end up?

7 A Basically nowhere. It was
8 basically, you know, come back, you know, have
9 discussions with fellow members, see if you
10 want to do anything. But there was no
11 consensus reached on doing anything that day.

12 Q Did you, did you talk at all in this
13 meeting?

14 A Yes.

15 Q What did you say?

16 A I just talked about the political
17 performance in the county, what happened in the
18 recent election.

19 Q Did you talk about the changing
20 demographics at all?

21 A I probably did a bit, yes.

22 Q Why do you think you probably did?

23 A Well, I don't remember the exact
24 content of what I said.

25 Q But it would be part of your

1 analysis in looking at the county, would be to
2 note the fact that there are changing
3 demographics; correct?

4 A Or --

5 MR. KHOURY: Object to the form.

6 A Or, or it could be -- it could be
7 just a matter of people seeing Clinton winning
8 their district and saying, you know, that
9 doesn't look good for our performance.

10 Q Right. But you mentioned
11 specifically that you probably would have
12 mentioned demographics as part of --

13 A I probably -- I can't say for sure,
14 yes.

15 Q Okay. Because demographics are
16 relevant to political performance in Georgia;
17 correct?

18 A Sure.

19 MR. KHOURY: Object to the form.

20 A Uh-huh (affirmative).

21 Q Now, was there a point in time in
22 which you had an understanding in your
23 conversations with -- communications with
24 Mr. Harvill-Childs that you were going to kind
25 of be a point person involved in this

1 redistricting?

2 A I mean, was there a specific point
3 to that?

4 Q Yeah.

5 A Not that I recall, huh-uh
6 (negative).

7 Q Were you surprised when he reached
8 out to you in December of '16 to say, let's
9 talk about redistricting?

10 A No, no, I wasn't surprised.

11 Q Had he ever done that before in a --

12 A Had he ever --

13 Q Well, had he ever done that before
14 in a prior cycle?

15 A Not that I remember, no, huh-uh.

16 Q Had you had conversations with him
17 or communications with him prior to December of
18 2016 about potential redistricting for the
19 State House plan?

20 A I mean, not that I remember, no.

21 (Whereupon a document was identified as
22 Plaintiffs' Exhibit 51.)

23 Q All right. All right. So could you
24 move to tab 51, Mr. O'Connor?

25 A Uh-huh, uh-huh (affirmative).

1 Q So just to make sure that we're
2 looking at the same document, what I have is
3 a -- is an email from Chuck Efstration to you
4 dated February 14th, 2017 --

5 A Right.

6 Q -- at 11:06 a.m.?

7 A Yes, uh-huh.

8 Q Okay. So why don't you go ahead and
9 take a look at the document, and then I'm going
10 to ask you about it.

11 A Okay.

12 Q Do you recognize this document,
13 Mr. O'Connor?

14 A Yes, I do.

15 Q What is it?

16 A It's an email from me to Chuck
17 Efstration.

18 Q Concerning?

19 A Well, the Gwinnett redistricting.

20 Q Okay. And then attached to that
21 email is this document that says Gwinnett
22 County - Voting by Precinct in the 2016
23 Presidential Election. Do you recognize that?

24 A Yes, uh-huh.

25 Q What is that?

1 A It's a table of the -- how the
2 precincts voted in Gwinnett for president.

3 Q Okay. Now, this email is actually
4 two days before -- it looks like the meeting of
5 the Gwinnett delegation, now I'm going back to
6 Exhibit 57, was on February 16th. And this
7 email is dated February 14th.

8 This information of the Voting by
9 Precinct in 2016 Presidential Election, is that
10 information that was shared as part of the
11 meeting with the entire delegation two days
12 after you sent this email?

13 A I don't recall.

14 Q Okay. Do you recall who compiled
15 the data in the Gwinnett County - Voting by
16 Precinct in 2016 Presidential Election?

17 A You mean this table?

18 Q Yeah, this table.

19 A Yeah. I did it, uh-huh
20 (affirmative).

21 Q Okay. All right. So the email says
22 in the second paragraph, it talks about
23 potentially meeting with Representative
24 Efstration. Did you meet with him prior to the
25 group meeting with the delegation?

1 A I don't remember.

2 Q Okay. And then the next sentence
3 says, "I understand Gwinnett delegation is
4 meeting Thursday afternoon and have discussed
5 with Brett Harrell" --

6 A Harrell.

7 Q -- "some possible" -- Harrell?

8 A Uh-huh (affirmative).

9 Q -- "some possible changes." Who is
10 Brett Harrell?

11 A He's a state representative.

12 Q In Gwinnett County?

13 A Right.

14 Q Is his district one of those
15 Republican districts that's at risk?

16 A Yes, uh-huh.

17 Q Okay. And then you say that, "I
18 don't think there's much that can be done for
19 Clay Cox's district, given its location at the
20 western edge." What's the significance of it
21 being at the western edge of the county?

22 A Well, the intent was, if changes
23 were going to be made, to make them solely
24 within Gwinnett County and not go into DeKalb
25 or other counties. Just keep it within the

1 county.

2 Q Okay.

3 A And his district borders DeKalb.

4 Q All right. And then you talk about
5 making Brett's district stronger might mean
6 weakening David Casas's already trending D
7 district?

8 A Right, uh-huh.

9 Q And then the next sentence talked
10 about David, and I assume you're referring to
11 Mr. Casas?

12 A Right.

13 Q Representative Casas talked about
14 potentially taking this up in 2018?

15 A Uh-huh (affirmative).

16 Q And it makes a reference to the
17 Gwinnett lawsuits would be settled one way or
18 the other?

19 A Uh-huh (affirmative).

20 Q What, what are you referring to when
21 you're talking about the Gwinnett lawsuits?

22 A The School Board and Commission
23 ones.

24 Q Okay. And then you talk about
25 taking up in 2019. The end of the sentence

1 says, "and given Gwinnett's rapid growth since
2 then, not as useful"?

3 A Uh-huh (affirmative).

4 Q And it's not as useful -- when
5 you're talking about the rapid, rapid growth,
6 you're really talking about the increase in
7 minority population; correct?

8 A You're going to be talking about
9 population too.

10 Q Okay. Why don't we --

11 A Yeah, because Gwinnett's grown so
12 much.

13 Q Sure. Why don't we -- why don't we
14 look at some of the census data for Gwinnett.

15 A Uh-huh (affirmative).

16 Q And do you look -- do you actually
17 look at census data?

18 A Sure.

19 Q And you'll look at census data at
20 the county level?

21 A Oh, yes, uh-huh.

22 Q Do you -- do you look at any of the
23 census data that's mid-decade census data?

24 A I've looked at some before, yes,
25 uh-huh.

1 Q Okay. So I'd like you to the look
2 at some of the data for Gwinnett County.

3 A Uh-huh (affirmative).

4 (Whereupon a document was identified as
5 Plaintiff's Exhibit 58.)

6 Q Do you recognize Exhibit 58?

7 A Yeah. Looks like a census 2000
8 breakdown of the county.

9 Q And these are the -- these are sort
10 of the data profiles that you'll -- that you'll
11 look at for counties; is that correct?

12 A Yeah. I mean, I've seen those on
13 the census website, uh-huh (affirmative).

14 (Whereupon a document was identified as
15 Plaintiff's Exhibit 59.)

16 Q Okay. All right. I want to mark as
17 Exhibit 59 a 2010 demographic profile data. So
18 I want to do some comparisons between the 2000
19 data and the 2010 data.

20 A Uh-huh (affirmative).

21 Q So if you look at -- looking at
22 Exhibits 58 and 59, is it correct to say that
23 the total population of Gwinnett County in 2000
24 was 588,488 and in 2010 was 805,321 according
25 to the census?

1 A Right.

2 Q So the increase is over 200,000
3 people; correct?

4 A Yeah. About 217, yeah.

5 Q Okay. And then I want you to look
6 at -- what I want to compare is the white
7 non-Hispanic population between 2000 and 2010.
8 So the overall population has increased more
9 than 200,000?

10 A Right.

11 Q And if you go to the second page of
12 Exhibit 58 --

13 A Uh-huh (affirmative).

14 Q -- and you go to Hispanic or Latino
15 in Race?

16 A Right.

17 Q And then you go down there, and
18 there's a section that says non-Hispanic and
19 Latino, and then it says white alone. Do you
20 see that?

21 A Yes, I do.

22 Q And so that's basically the white
23 non-Hispanic population; correct?

24 A Correct.

25 Q So in 2000, it's 394,000; correct?

1 A Correct, yeah, uh-huh.

2 Q And then if you look at 2010 and you
3 go to Hispanic or Latino in Race, which is on
4 the third page --

5 A Uh-huh (affirmative).

6 Q -- and you go to non-Hispanic or
7 Latino, and you'll see white alone with the
8 white non-Hispanic population?

9 A Uh-huh (affirmative).

10 Q That says 354,316; correct?

11 A Correct.

12 Q So while the county as a whole, the
13 population went -- grew more than 200,000
14 people, the white population actually decreased
15 by about 40,000 people; correct?

16 A Right, uh-huh.

17 Q So minority population -- white
18 population increased by 40,000 people, the
19 minority population increased by about 250,000
20 people between 2000 and 2010; correct?

21 A Say that again?

22 Q Yeah. All right. So the -- so I
23 was just doing math. We'll go through the
24 steps.

25 A Okay.

1 Q The overall population increases by
2 more than 200,000?

3 A Right.

4 Q By --

5 A 217,000.

6 Q -- 217,000; right?

7 A Right.

8 Q The white population decreases by
9 40,000?

10 A Yes, uh-huh.

11 Q All right. So that must mean that
12 the minority population increased by 250,000;
13 correct?

14 A That the minority increased by 250?
15 Well, I mean, depending on how the census, you
16 know, Hispanic and black, you know, how you --
17 I think they regard Hispanic as an ethnicity.
18 So sometimes, you know, it could have some
19 overlap between Hispanic and black.

20 Q Let me phrase it another way.

21 A Uh-huh (affirmative).

22 Q The nonwhite population increased by
23 250,000; correct? White population decreases
24 by 40,000; nonwhite population increases by
25 250,000. Correct?

1 A Well, I mean, what would -- well,
2 let me -- the -- the non -- so you're saying
3 the nonwhite population in 2000 was -- was --

4 Q All right.

5 A -- 194 --

6 Q Let's -- let's start --

7 A I know. Actually, I'm just --

8 Q Yeah.

9 A -- trying to think --

10 Q Yeah, yeah.

11 A Okay.

12 Q Population increases by 250,000;
13 correct?

14 A 17,000.

15 Q The population increases by 217,000?

16 A Correct, yes.

17 Q The non-Hispanic white population
18 decreases by 40,000?

19 A Correct, uh-huh.

20 Q So for all other groups, other than
21 non-Hispanic whites, the increase was 250,000
22 between 2000 and 2010; correct?

23 A Yes, uh-huh.

24 Q Okay.

25 A Okay. I was just -- it's just all

1 the different groups. There's a lot to -

2 Q So -- and I know it's a lot of
3 groups together.

4 A Yeah.

5 Q But what's happened in Gwinnett
6 County is dramatic population increase;
7 correct?

8 A Yes, uh-huh.

9 Q And that population, that population
10 increase is happening at a time when the
11 non-Hispanic white population is actually
12 decreasing; correct?

13 A Correct, uh-huh.

14 Q So when we're talking about
15 demographic trends in Gwinnett County that you
16 talk about in this email --

17 A Uh-huh (affirmative).

18 Q -- and you talk about the increase
19 in population --

20 A Uh-huh (affirmative).

21 Q -- what you're talking about is the
22 increase in population other than non-Hispanic
23 whites?

24 A Well, based on this, yes, uh-huh.

25 Q Yeah. And based on your, your --

1 and based on what you study in terms of
2 Gwinnett County; correct?

3 A Correct, uh-huh.

4 Q Okay. So the next -- we're back to
5 Exhibit 51 now, which is -- which is in your
6 booklet.

7 A Right, uh-huh.

8 Q All right. And we are -- oh, at the
9 end of the first paragraph, you make a
10 reference to Isakson and Woodall maps for
11 Gwinnett?

12 A Uh-huh (affirmative).

13 Q What are those?

14 A That's probably within maps about
15 how Isakson and Woodall did by precinct in
16 Gwinnett.

17 Q Okay. So would it be a map similar
18 to the maps that are on the table, the map that
19 we're looking at for Henry County?

20 A You know, it would probably -- if we
21 did those, it would be in this format, yeah,
22 just showing the precincts. You'd color them
23 red and blue, probably.

24 Q Okay. You'd color them red and
25 blue?

1 A Uh-huh (affirmative).

2 Q They would be large maps like
3 this --

4 A Yeah.

5 Q -- 36-by-44 --

6 A Oh, sure.

7 Q -- inch map?

8 A Yeah.

9 Q So that people could clearly see --

10 A The precincts.

11 Q -- how different precincts are
12 performing?

13 A Sure.

14 Q Now, are the -- would the maps be
15 just red and blue, or would they be shades of
16 red and blue depending on how Democratic or how
17 Republican the district performs?

18 A I mean, I haven't seen those two
19 maps lately. I'd have to go back and look.

20 Q But those two maps were -- or the
21 maps were created for this meeting that you had
22 with the Republican delegation for Gwinnett?

23 A I don't know if we create -- I'd
24 have -- I don't know if we created Isakson and
25 Woodall. I said we could look it, but I don't

1 recall if I did so.

2 Q But one was created for
3 Trump-Clinton?

4 A Yes, uh-huh.

5 Q Okay. Now, in the next paragraph,
6 you referenced talking to Chairman Caldwell.
7 Who is Chairman Caldwell?

8 A It's Johnny Caldwell who is the
9 chairman of the House Legislative &
10 Congressional Reapportionment Committee.

11 Q Okay. And he's talking about really
12 needing to get moving by next week in terms of
13 legislation?

14 A Uh-huh (affirmative).

15 Q And is your, your recollection that
16 you did get moving on a, on a plan to -- on a
17 proposed redistricting plan in '17?

18 A For, for --

19 Q For the House generally.

20 A Not --

21 Q I'm not --

22 A Not necessarily for Gwinnett, but
23 just a plan overall?

24 Q Yes.

25 A Yes, that we were having to get --

1 because we were getting near the end of -- the
2 midway point of session, yes.

3 Q And Gwinnett was not part of what
4 was proposed; correct?

5 A Correct, uh-huh.

6 Q And do you have an understanding as
7 to why Gwinnett was not part of what was
8 proposed?

9 A I think basically the members just
10 couldn't agree.

11 Q Okay. And were you doing any of the
12 map drawing yourself in '17?

13 A In -- on the 2017 one?

14 Q Yes.

15 A Yeah, for Rich Golick and some for
16 Jan Jones.

17 Q Okay. So those two, you worked on?

18 A Right.

19 Q Who -- now, Henry County was part of
20 the proposed plan for, for '17; correct?

21 A It was, and it later got dropped
22 when it got to the Senate. But as I recall,
23 yes.

24 Q And then who worked on that?

25 A I think Ms. Wright did.

1 (Whereupon a document was identified as
2 Plaintiff's Exhibit 52.)

3 Q Okay. Okay. And now I want to move
4 on to what's going to be Exhibit 52 in your
5 binder.

6 A Uh-huh (affirmative).

7 Q And to be sure that we're looking at
8 the right document, it's an email from Jan
9 Jones to you dated February 24th, 2017.

10 A Yes, uh-huh.

11 Q Okay. Who is Jan Jones?

12 A She's the speaker pro tem, basically
13 the deputy speaker of the Georgia House.

14 Q And why were you emailing with her?

15 A Well, she was -- she was wanting to
16 do, among -- you know, some changes in her
17 district with Chuck Martin. But she was also,
18 you know, trying to follow what other changes
19 might be made.

20 Q And why was she -- did she explain
21 to you why she was interested in other
22 districts?

23 A Well, I think just being the speaker
24 pro tem, just following what was, you know,
25 going on in general.

1 Q Okay. And you have -- you have a
2 list of Gwinnett districts?

3 A Uh-huh (affirmative).

4 Q And why did you have a list of
5 Gwinnett districts?

6 A Well, just because there had been
7 discussion about maybe changing some of the
8 Gwinnett districts.

9 Q Okay. And these aren't all the
10 districts in Gwinnett; right?

11 A No. Certainly not, no.

12 Q And why, why were these -- why were
13 these districts ones you included in your email
14 and you didn't include all the districts?

15 A Because those were ones that were
16 probably given the greatest scrutiny in terms
17 of potential changes.

18 Q Okay. And these six districts were
19 all ones in which Clinton had outperformed
20 Trump in 2016; correct?

21 A Correct, uh-huh.

22 Q Do you know if there were other
23 districts in Gwinnett where Clinton had
24 outperformed Trump in 2016?

25 A Other districts entirely within

1 Gwinnett or districts coming in? There -- I
2 think there are a couple of DeKalb districts
3 that come into Gwinnett. But in terms of those
4 entirely within Gwinnett, I can't think of any
5 others.

6 Q Okay. And then, then you note some
7 other districts?

8 A Uh-huh (affirmative).

9 Q What you would describe as R-held
10 districts?

11 A Uh-huh (affirmative).

12 Q Why were these particulars districts
13 identified?

14 A Well, these were among districts
15 where there were discussions about potential
16 changes.

17 (Whereupon a document was identified as
18 Plaintiff's Exhibit 53.)

19 Q Okay. All right. Now,
20 Mr. O'Connor, can you to go Exhibit 53 of your
21 binder?

22 A Uh-huh, uh-huh (affirmative).

23 Q Do you recognize this document?

24 A Yes, I do, uh-huh.

25 Q What is it?

1 A It's a summary of the re -- House
2 Reapportionment Committee meeting.

3 Q And did you attend that meeting?

4 A Yes, I did.

5 Q Okay. And were these notes that you
6 took either at the meeting or shortly
7 thereafter?

8 A Right, uh-huh.

9 Q Okay. I want to reference on the
10 bottom of what's page 1 that has 93 in the
11 bottom right-hand corner.

12 A Uh-huh (affirmative).

13 Q If you turn the page?

14 A Oh, the bottom of the page?

15 Q I'm looking at -- it's the same page
16 that says Members in Attendance on it.

17 A Right.

18 Q I'm interested in Representative
19 Scott, Representative Scott's comments, which
20 is at the very bottom of the page. It's like
21 the last two lines of the page.

22 A Uh-huh (affirmative).

23 Q And it says that Representative
24 Scott expressed concern about the changes to
25 District 73 and 111 in Henry County. Do you

1 recall the nature of Representative Scott's
2 concerns?

3 A I don't recall offhand, no, huh-uh.

4 Q Okay. Was his concern -- do you
5 recall Representative Scott expressing concern
6 that 111 was going to become -- or strike that.

7 Is Representative Scott
8 African-American?

9 A Yes, she is.

10 Q And did Representative -- was
11 Representative Scott concerned that the change
12 to 111 would increase the white population and
13 decrease the African-American population?

14 A I mean, I don't -- I don't recall
15 what she said there.

16 (Whereupon a document was identified as
17 Plaintiff's Exhibit 60.)

18 Q Okay. All right. I think I only
19 have one copy of this. I'm going to mark as
20 Exhibit 60 a one-page email from Rob Strangia
21 to Gina Wright, Brian Knight, and Dan O'Connor.
22 I only have one copy of this. We'll make other
23 copies during the break.

24 Mr. O'Connor, do you recognize this
25 email?

1 A Yes, I do, uh-huh.

2 Q What is the block equiv file that he
3 references?

4 A That may -- that might be the census
5 block. When you're talking about blocks and
6 census -- it's probably some reference to the
7 form of the census blocks.

8 Q Okay. And H131, who's in H131?

9 A Chairman Caldwell of the
10 redistricting -- the House Redistricting
11 Committee.

12 Q Okay. So if, if it's the case that
13 a plan, an overall plan, goes into the folder
14 of the chair of the committee that would be
15 consistent with that practice, that might be a
16 block equivalency file?

17 A So we would have information like
18 looking at the maps, yeah, uh-huh.

19 Q Okay.

20 A Uh-huh (affirmative).

21 (Whereupon a document was identified as
22 Plaintiff's Exhibit 55.)

23 Q Okay. And now could you to go tab
24 55 in your binder?

25 A Uh-huh, uh-huh (affirmative).

1 Q And, Mr. O'Connor, just to make sure
2 that we're looking at the same thing, the
3 document I have as Exhibit 55 is -- starts with
4 an email from Gina Wright to Alex Azarian.

5 A Yes.

6 Q Is that the document you're looking
7 at?

8 A Uh-huh (affirmative).

9 Q And I want to make -- I want to make
10 sure you go all the way to the end of this
11 because you -- your involvement in this starts,
12 starts at the end.

13 A Uh-huh (affirmative).

14 Q Actually, maybe what we should do,
15 since we're almost done with the tape, go
16 ahead. Keep reading to the end. We'll take a
17 break now.

18 A Okay.

19 Q And then we'll start by asking you
20 some questions.

21 A Okay.

22 MR. GREENBAUM: Okay.

23 THE VIDEOGRAPHER: Going off video
24 record at 11:45 a.m.

25 (Proceedings in recess, 11:45 a.m. to

1 11:54 a.m.)

2 Q Mr. O'Connor, do you recognize
3 Exhibit --

4 THE VIDEOGRAPHER: Excuse me.

5 MR. GREENBAUM: Oh, sorry.

6 THE VIDEOGRAPHER: We are back on
7 the video record at 11:54 a.m. This is the
8 beginning of file number three.

9 Q Mr. O'Connor, you recognize
10 Exhibit 55?

11 A Yes, I do.

12 Q What is it?

13 A Well, at the back part's an email
14 with Susan Cochard about House Bill 515.

15 Q Who is Susan Cochard?

16 A Well, I never knew her before this.
17 I think she was an attorney from Chicago that
18 was trying to get information on House Bill
19 515.

20 Q Okay. And I notice that this starts
21 with you mentioning that Deborah Miller had
22 forwarded your -- her request to you regarding
23 H -- HB 515; is that correct?

24 A Yeah, that's correct, uh-huh.

25 Q And then in your initial email back

1 on June 14th, you give a -- give a history of
2 House Bill 515?

3 A Right.

4 Q A summary of what happened?

5 A Right, uh-huh.

6 Q And do you consider that to be an
7 accurate summary of what happened with House
8 Bill 515?

9 A Let me just take one other -- yes,
10 uh-huh.

11 Q Okay. And then Ms. Cochard asks you
12 some more questions in terms of agenda items
13 and not much substance.

14 A Uh-huh (affirmative).

15 Q And you talk about the March 1st
16 meeting, adopting the proposed changes in HB
17 515; correct?

18 A Right, uh-huh.

19 Q And that in fact was -- a couple of
20 exhibits ago there were some draft meeting
21 minutes that you had drafted up. That was for
22 that March 1st meeting; correct?

23 A Right, uh-huh.

24 Q And then at some point, you
25 forwarded the emails to Ms. Wright?

1 A Correct, uh-huh.

2 Q And why was that?

3 A Well, I just -- I wasn't sure, you
4 know, whether, whether it was going -- I
5 thought it was kind of an unusual request, and
6 I thought maybe she might want to look at it.

7 MR. GREENBAUM: Great. Let's go off
8 the record for 20 seconds.

9 THE VIDEOGRAPHER: Going off.

10 (Whereupon off-the-record discussions
11 ensued.)

12 THE VIDEOGRAPHER: We're back on
13 record.

14 Q I think we were talking about how --
15 why you forwarded the emails to Ms. Wright.
16 Could you state again why you forwarded the
17 emails to Ms. Wright?

18 A Well, I thought the request, we just
19 typically don't get requests from out of state
20 on redistricting matters. I didn't know if
21 this might be a potential litigation thing, so
22 I thought she ought to look at it.

23 (Whereupon a document was identified as
24 Plaintiff's Exhibit 38.)

25 Q Okay. All right. Now, I would like

1 you to go to what is tab 38 in your binder, and
2 I believe this was previously marked as
3 Exhibit 38.

4 A Uh-huh (affirmative).

5 Q And just to make sure we're looking
6 at the same document, it is -- at the top of it
7 is an email from Steve Henson to Dan O'Connor
8 dated April 28th, 2015, at 12:55 p.m.

9 Is that the same document that
10 you're looking at, Mr. O'Connor?

11 A Yes, sir, uh-huh.

12 Q And one of the things I notice --
13 we'll start off with, well, who's Mr. Henson?

14 A He's the Senate minority leader,
15 Steve Henson.

16 Q Okay.

17 A From DeKalb.

18 Q And you had sent Mr. Henson some
19 information. Why did you -- and it says,
20 "Following up from a request this morning."

21 A Uh-huh (affirmative).

22 Q What was the nature of his request?

23 A Well, it looks like he wanted data
24 on House Districts 105, the different versions.

25 Q Did he -- did he ask you

1 specifically for what data he wanted?

2 A I don't recall.

3 Q Okay. So -- and one of the things
4 I noted is that Mr. Henson used -- uses a
5 private email account, Mindspring, and I -- it
6 says, stevehenson@mindspring.com.

7 A Uh-huh (affirmative).

8 Q And I think we had a document
9 earlier where it was correspondence between
10 you and Mr. Efstration?

11 A Uh-huh (affirmative).

12 Q And he was using -- he wasn't using
13 a Georgia government account. He was using a
14 private email account.

15 A Uh-huh (affirmative).

16 Q Do the legislators have public
17 email accounts that say -- that have
18 georgia.gov or something like that in their
19 accounts?

20 A Yeah, house.ga.gov and
21 senate.ga.gov.

22 Q Is it uncommon for legislators when
23 they're communicating to you to use -- or
24 let's say to not use the ga.gov email address?

25 A They will usually do -- yeah, that

1 would be the typical thing.

2 Q They would usually do, but we have
3 two examples here in which they in fact --

4 A Yeah. There might be an occasion
5 where they don't, yes.

6 Q And do you have an understanding as
7 to why -- when a legislator would use an
8 account other than -- other than their Georgia
9 account to communicate with you?

10 A I mean, they don't tell me ahead of
11 time, you know, what they're going to do that,
12 so, you know, not sure.

13 Q Are they more likely to use a
14 private account when the subject matter is
15 redistricting?

16 A It -- I mean, you know, maybe --
17 they might be maybe if it's -- if it's a
18 political question, it might be better on a
19 private account, but I can't say for sure.

20 Q Okay. So this email to Mr. Henson
21 starts off with population data.

22 A Uh-huh (affirmative).

23 Q And then it has black and Hispanic
24 percentage data.

25 A Uh-huh (affirmative).

1 Q Why did you provide Senator Henson
2 with black and Hispanic percentage population
3 data?

4 A Well, I figured he would want to
5 know some general characteristics of the
6 district beyond just the population.

7 Q So I notice -- okay. So if you look
8 at this email as a whole, there's sort of three
9 types of, as I read it, three types of data
10 that you're providing. And tell me if I'm
11 wrong about this.

12 You've got population -- you had
13 racial population data. That's one. Two is
14 you have political performance data. And three
15 is you have voter registration and black and
16 Hispanic voter registration data; correct?

17 A Correct, yeah.

18 Q Why is it that you're providing a
19 combination of racial demographic data,
20 political performance data, and racial voter
21 registration data?

22 A Just to provide him as much
23 information about the district, you know, as he
24 might want.

25 Q And are these the three sort of

1 categories of information that you think are
2 the most germane?

3 A The -- I would say those are the
4 three, yes, uh-huh.

5 (Whereupon a document was identified
6 as Plaintiff's Exhibit 61.)

7 Q Okay. All right. All right. I
8 want to mark as the next exhibit, 61, a
9 document entitled Information Midterm
10 Redistricting in F -- HB 566.

11 A Uh-huh (affirmative).

12 Q Okay. Mr. O'Connor, do you
13 recognize this document?

14 A Yes, I do.

15 Q What is it?

16 A Well, it's a document summarizing
17 the changes to House Bill 566 two years ago.

18 Q Did you play any role in the
19 drafting of this document?

20 A Yes, I did.

21 Q And what role was that?

22 A Well, I drafted it.

23 Q Okay. So this is a document that
24 you drafted?

25 A Yes, uh-huh.

1 Q Okay. I want to ask you about the
2 last -- strike that.

3 Would you say that this document is
4 an accurate summary of H Bill -- HB 566?

5 A Yes, uh-huh.

6 Q Okay. I want to go to the last
7 bullet point where it says, "District line
8 changes can be made for a variety of reasons,
9 as some examples, eliminating a split precinct,
10 reuniting a neighborhood or community of
11 interest, or addressing technical concerns."

12 A Uh-huh (affirmative).

13 Q So I'm going to ask you with respect
14 to District 105, was District 105 changed to
15 eliminate a split precinct?

16 A I don't recall.

17 Q You don't recall that as being a
18 primary reason; correct?

19 A I wasn't involved in this. No, I
20 don't recall that.

21 Q Sure. But is it fair to say that
22 the primary objective of, of District 105 was
23 to make it safer for the Republican incumbent?

24 A Well, again, I wasn't involved in
25 that, so I wouldn't speculate.

1 Q Okay. As far as you know, there was
2 no -- District 105 didn't reunite a
3 neighborhood or a community of interest?

4 A I don't recall.

5 Q Okay. And as far as you know,
6 District 105 wasn't modified to address
7 technical concerns?

8 A Not that I recall, huh-uh
9 (negative).

10 Q Okay. So let's move to 111.

11 A Uh-huh (affirmative).

12 Q With respect to 111, as far as you
13 know, 111 wasn't changed to eliminate a split
14 precinct?

15 A No. And, again, I wasn't involved
16 in 111.

17 Q And as we saw earlier, 111 actually
18 currently has five split precincts; correct?

19 A Correct, uh-huh.

20 Q As far as you know, 111 wasn't
21 modified to reunite a neighborhood or a
22 community of interest; correct?

23 A Not as far as I know, huh-uh
24 (negative).

25 Q And as far as you know, 111 wasn't

1 modified to address technical concerns;
2 correct?

3 A Not that I know. But, again, I
4 wasn't involved in that.

5 (Whereupon a document was identified as
6 Plaintiff's Exhibit 45.)

7 Q Sure. Okay. So I want to move on
8 to a document previously marked as Exhibit 45.
9 And, Mr. O'Connor, just to make sure we're
10 looking at the same document, what I have as
11 the first page is an email from Dan O'Connor to
12 David Knight.

13 A Right, uh-huh.

14 Q Okay. Why don't you -- why don't
15 you go ahead and read through the document, and
16 I will ask you some questions about it.

17 A Uh-huh (affirmative). Okay.

18 Q Mr. O'Connor, do you recognize this
19 document?

20 A Yes, I do.

21 Q And what is it?

22 A Well, it's an email from myself to
23 Representative David Knight.

24 Q Okay. And what was the subject
25 matter of the email?

1 A He wanted the analysis of his new
2 district.

3 Q Okay. Now, we notice that sort of
4 attached to this are Districts 111, or two maps
5 in Districts 111; correct?

6 A You mean attached to this memo?

7 Q Yeah.

8 A Oh, yes, uh-huh, right, uh-huh.

9 Q And do you know why you would have
10 sent Representative Knight information about
11 Districts 111?

12 A Well, because part of his,
13 Representative Knight's, old district might
14 have moved into 111, so he wanted to see, you
15 know, where 111 went in terms of his area.

16 Q Now, the -- in the initial email
17 from October 8th on the second page, you
18 attached a pdf of House District 130.

19 A Uh-huh (affirmative).

20 Q Which is Representative Knight's
21 district; correct?

22 A Correct, uh-huh.

23 Q And you talked about the population,
24 population changes in the district under the
25 new plan; correct?

1 A Correct, uh-huh.

2 Q And then Representative Knight
3 responds to you 13 minutes after you sent your
4 email wanting an analysis of Spalding and Lamar
5 County?

6 A Right.

7 Q Similar to the one done for Henry.

8 A Uh-huh (affirmative).

9 Q And he wants to compare voter data
10 from '14 to '16.

11 A Uh-huh (affirmative).

12 Q When he's talking about voter data,
13 do you know what he was referencing?

14 A He was probably talking about voter
15 registration and political performance.

16 Q Okay. And do you think he was also
17 interested in racial demographics of his
18 district?

19 A I don't recall him specifically
20 saying that.

21 Q Okay. All right. So let's go to
22 the first, the last email in the chain which is
23 the first email at the top of the first page.

24 A Uh-huh (affirmative).

25 Q And this is your response to

1 Representative Knight's email; correct?

2 A Correct, uh-huh.

3 Q And it talks about -- in the first
4 sentence, it talks about what happened in the
5 2012 election cycle from a partisan
6 perspective; correct?

7 A Correct, uh-huh.

8 Q And in the second sentence, it talks
9 about the percentage of black voter
10 registration; correct?

11 A Correct, uh-huh.

12 Q Why, why did you give him
13 information about the percentage of black voter
14 registration?

15 A In case, case he wanted it, like
16 Senator Henson, I supplied that information.

17 Q And because it's relevant to
18 political performance; correct?

19 A Yes. You would say that.

20 Q Okay. Then later on in that
21 paragraph, you say that as you distinctly
22 recall -- or as you distantly?

23 A Distantly.

24 Q Distantly recall?

25 A Uh-huh (affirmative).

1 Q What does that mean, distantly
2 recall?

3 A Well, I mean, might have been a
4 vague recollection. Again, I wasn't involved
5 in the, you know, the map drawing of 111. That
6 may have been after, afterward looking at the
7 district.

8 Q Okay. All right. And then in the
9 second paragraph, you talk about some of the
10 changes in Henry County; correct?

11 A Correct, uh-huh.

12 Q That you talk about how it's evenly
13 divided between Democrats and the GOP, unlike
14 ten years ago when it was strongly Republican;
15 correct?

16 A Correct.

17 Q And then you give examples of
18 elections where that's the case?

19 A Right.

20 Q And then right below that, you talk
21 about changes in voter registration along
22 racial lines; correct?

23 A Correct, uh-huh.

24 Q And you talk about how white
25 registration in the county has stayed about the

1 same, but black registration has increased by
2 about 26,000; correct?

3 A Correct, uh-huh.

4 Q And that -- which, you know, at the
5 time of this email, was more than 20 percent of
6 the total number of registered voters; correct?

7 A What was more than 20 percent?

8 Q The 26,000. What I'm -- in the next
9 sentence, you refer to 120,000 registered
10 voters in Henry.

11 A Oh, in Henry, uh-huh (affirmative).

12 Q So the black -- so adding 26,000
13 black voters when your overall registration
14 base is 120,000 is pretty significant, isn't
15 it?

16 A Yes. I would say that.

17 Q And that currently about 37 percent
18 of registered voters were black?

19 A Right.

20 Q And is it -- is it fair to say that
21 once counties, their black percentage gets into
22 the high 30s around 40 percent, they're,
23 they're roughly, they're roughly toss-up
24 counties between Democrats and Republicans?

25 A Generally, yes, uh-huh.

1 Q That if what you want to do is you
2 want to maximize the number of Republican
3 seats, you want to avoid districts getting into
4 the high 30s in black percentage; correct?
5 Keep it below that; correct?

6 A Well, I mean, it's speculation.

7 Q But you've analyzed these things;
8 right?

9 A Uh-huh, yeah. I mean, I don't have
10 a hard and fast, you know, thing, but, you
11 know, it could be argued.

12 Q Would it be fair to say that there
13 aren't too many legislative districts in
14 Georgia that are less than 40 percent black and
15 are represented by Democrats?

16 A There are less -- that would be a
17 fair assessment, yes.

18 Q Okay.

19 A Uh-huh (affirmative).

20 Q And that -- and, you know, you've --
21 you've analyzed this data in terms of State
22 House districts going back almost 20 years now;
23 correct?

24 A Well, I wouldn't say 20, 20 years.
25 I mean -- I mean, in this job, it's, you know,

1 been ten years.

2 Q But you did it for the State
3 Republican Party beginning in 2000; right?

4 A Yes, uh-huh, in that sense, yeah,

5 Q So you've analyzed -- you've done
6 these analyses in terms of performance in State
7 House -- State House districts?

8 A Uh-huh (affirmative).

9 Q Beginning in 2000, all the way up to
10 the present --

11 A Uh-huh (affirmative).

12 Q -- with a short break in the middle
13 for two-and-a-half years; correct?

14 A For -- well, like I went from the
15 State Party to redistricting, yeah, uh-huh.

16 Q You may -- you may have done it in a
17 different, in a different office.

18 A Capacity or whatever, uh-huh
19 (affirmative).

20 Q But in terms of doing these types of
21 analyses, except for the two-and-a-half years
22 that you did natural resources work, you have
23 been doing these sorts of --

24 A Oh, that. Oh, you meant that --
25 right. I'm sorry. I didn't understand which

1 two-and-a-half you were talking about. Yeah.

2 Q So let's clean it up.

3 A Right.

4 Q Except for between roughly 2008 to
5 the beginning of 2011, you have consistently in
6 Georgia done these analyses where you've looked
7 at how State House districts performed?

8 A Correct, uh-huh.

9 Q Would it be fair to say that you
10 probably understand this better than anyone
11 else in the state?

12 A I don't know about anybody else in
13 the state. I mean, it could be some professor
14 somewhere, so I don't know if I would say I
15 would be the expert one.

16 Q You don't know anybody who -- but
17 you don't know anybody who's studied this more
18 closely than you have; correct?

19 A Well, that would be correct, yeah.
20 I just can't speak for everybody, you know --

21 Q Sure.

22 A -- in the state in that case.

23 Q In terms of the people that you
24 know, in terms of the people that interact with
25 the Republican party, you're considered to be

1 the person that they turn to when they want --
2 when they want to analyze the likely
3 performance of their district?

4 A Right.

5 MR. KHOURY: Object to the form.

6 A Uh-huh (affirmative).

7 Q All right. So then in the next
8 sentence, you say that you suspect that a lot
9 of Clayton residents have moved to Henry over
10 that time?

11 A Uh-huh (affirmative).

12 Q Why do you think -- why do you
13 suspect that people have moved from Clayton to
14 Henry County?

15 A Why do I suspect that the growth was
16 from Clayton?

17 Q Uh-huh (affirmative).

18 A Well, I mean, Clayton is, you know,
19 right next to Henry County, and that's along
20 I-75, which is the main corridor in the county,
21 where below Henry County it's more rural. So
22 you wouldn't have population increase coming
23 like from Macon as you would from Atlanta, the
24 Atlanta area.

25 Q It's a -- it's a typical concept in

1 terms of metropolitan areas that you have
2 movement, movement from the central area out
3 towards --

4 A Out.

5 Q -- the perimeter?

6 A As opposed to from the outer
7 perimeter coming in.

8 Q Right. And in the case of Clayton
9 County, Clayton County is closer to Atlanta.

10 A Uh-huh (affirmative).

11 Q Clayton County has, at least in the
12 Atlanta metro area, the highest percentage of
13 black population?

14 A Correct. You mean in terms of
15 counties?

16 Q In terms of counties, yes.

17 A Yes, uh-huh.

18 Q And so what you're seeing in Henry
19 County is people moving from Clayton to Henry
20 County. And as a result, what's happening is
21 the population of the county is increasing and
22 the black population of the county is
23 increasing to a disproportionately high
24 percentage of those who are moving in; correct?

25 MR. KHOURY: Object to the form.

1 A Correct, uh-huh.

2 Q All right. And then you note that
3 Clayton is the most heavily Democratic in the
4 state?

5 A Right, uh-huh.

6 Q And is it -- does, as far as you
7 know, Clayton have the highest percentage of
8 black population of any county?

9 A I don't know if that's the case. I
10 can't say for sure.

11 Q But certainly true within the
12 Atlanta, Atlanta metro area?

13 A Metro area, right, uh-huh.

14 (Whereupon a document was identified as
15 Plaintiff's Exhibit 44.)

16 Q Okay. So now I want to move to a
17 document previously marked as Exhibit 44.

18 A Oh, I'm sorry. I as on 40. 44,
19 yeah.

20 Q So just so make sure we're looking
21 at the same document, at the top of the first
22 page is an email from Dan O'Connor to David
23 Knight, Thursday, October 8th, 3:44 p.m.

24 A Right, uh-huh.

25 Q Okay. So why don't you go ahead and

1 read it, and then I will ask you some questions
2 about it.

3 MR. KHOURY: Jon, I think I've got
4 the wrong -- you gave me another copy of
5 Exhibit 45. This is --

6 MR. GREENBAUM: Oh, okay.

7 A Are we on --

8 MR. GREENBAUM: I'll get you the
9 right document. We'll get you the right
10 document.

11 A We're on 44?

12 Q 44.

13 A Okay.

14 Q Mr. O'Connor, do you recognize
15 Exhibit 44?

16 A Yes, uh-huh.

17 Q What is it?

18 A An email from myself to David
19 Knight.

20 Q Okay. So it starts off by you
21 listing the black population percentage of not
22 only Representative Knight's district, but
23 Representative Strickland's district,
24 Representative Welch's district, and
25 Representative Rutledge's district; correct?

1 A Correct, uh-huh.

2 Q And it starts off by looking at the
3 percent black?

4 A Uh-huh (affirmative).

5 Q And what it basically shows is that
6 all these districts now, at least according to
7 using the census data, are between 31 and 36
8 percent black; correct?

9 A Correct, uh-huh.

10 Q That, that a couple of percentage
11 points of black population was added to
12 Representative Rutledge's district; correct?

13 A Correct, uh-huh.

14 Q That in Representative Welch's
15 district it stayed basically the same; correct?

16 A It dropped slightly, but, yeah,
17 basically the same.

18 Q And in the case of Representative
19 Strickland, the percentage black in his
20 district reduced about two-and-a-half
21 percentage points; is that correct?

22 A Correct, uh-huh.

23 Q And that in District 130,
24 Representative Knight's district, increased
25 about two percentage points in terms of black

1 population; correct?

2 A Correct, uh-huh.

3 Q So you start out in terms of
4 analyzing these districts by starting with a
5 percentage of black population; correct?

6 A Correct, in this thing, yes.

7 Q Okay. Now, then you say in the next
8 paragraph these figures are based on 2010
9 census data and that these percentages would be
10 higher, doubtless, given the rapid minority
11 growth in Henry County; correct?

12 A Correct.

13 Q And this is something that we've
14 discussed before; correct?

15 A Yes.

16 Q In that you note that even from the
17 2010 census that Henry County had added more
18 than 7,000 blacks to the voter rolls; correct?

19 A Correct.

20 Q And that it had gone from 34 percent
21 black and 56 percent white to 37 percent black
22 and 48 percent white; correct?

23 A Yes, uh-huh.

24 Q So now Henry County is majority
25 nonwhite in terms of its voter registration;

1 correct?

2 A Today?

3 Q Yes.

4 A I mean, I'm not positive on that.

5 Q All right. In October of 2015,
6 majority nonwhite?

7 A Right, right, uh-huh.

8 Q Correct?

9 A Correct, uh-huh.

10 Q And the trend has consistently been
11 that the white population has decreased;
12 correct?

13 A Correct.

14 Q So it would be a change from the
15 trend of at least the last 15 years, from 2000
16 to 2015, if all of the sudden the white
17 percentage increased in Henry County; correct?

18 A Correct.

19 Q Right. And then you note in the
20 next paragraph that his district becomes about
21 two percentage points more black; correct?

22 A Correct.

23 Q And then in the same sentence after
24 the -- with the semicolons, you discuss the
25 political performance right after you discuss

1 the increase in racial percentage; correct?

2 A Correct, uh-huh.

3 Q And that it had become two
4 percentage points more, more black than in the
5 old district. And in terms of the partisan
6 performance, it became two percentage points
7 more favorable for the Democrat?

8 A What? Comparing --

9 Q Yeah.

10 A -- the 58-41 to 57-42 or --

11 Q I'm comparing this -- so what you
12 say is in the old -- in 2008 election --

13 A 2008.

14 Q -- Romney led Obama by -- oh, wait a
15 second. Strike that.

16 In the old district: Romney 60,
17 Obama 39.

18 A Okay. Yes.

19 Q In the new district: Romney 48,
20 Obama --

21 A 58.

22 Q Romney 58, Obama 41; correct?

23 A Okay. Right.

24 Q So what -- so what you're saying in
25 the same sentence is the district became two

1 percentage points more black and at the same
2 time it performed two percentage points better
3 for the Democrats; correct?

4 A Correct.

5 Q So that, that -- there's a
6 correlation between the two percent more black
7 and the two percent more Democrat; correct?

8 A Not necessarily, huh-uh (negative).

9 Q At least in terms of result, that's
10 correct though; right?

11 A Well, I mean, it would depend on the
12 total turnout. You would have to look at
13 the -- I mean, how many voted. It might not
14 have been the same black percentage voting each
15 time in terms of the electorate, I mean,
16 because we're looking at the, you know,
17 population there.

18 Q Okay. But in any -- in any event,
19 the result is what the result is; correct?

20 A Right, uh-huh.

21 Q And then I want to -- I want to go
22 down to the last paragraph in the first page
23 that goes onto the second page.

24 A Right.

25 Q And it says, "There are a few

1 Democrats today serving in the Georgia House
2 from districts that are less than 40 percent
3 black."

4 A Right, uh-huh.

5 Q And do you believe that's a true
6 statement?

7 A That there are few today? Yes,
8 uh-huh.

9 Q Okay. And can you identify
10 Democrats that serve districts that are less
11 than 40 percent black?

12 A You mean as of today?

13 Q Yes.

14 A I don't know if I can identify all
15 of them. Like we, you know, we've had some
16 special elections recently, so I can't say I
17 identify can every one.

18 Q All right. Let's say after the 2016
19 election.

20 A After that? I would -- Mary
21 Margaret Oliver.

22 Q Okay.

23 A Taylor Bennett and Scott Holcomb.

24 Q Okay. And they are all from DeKalb
25 County?

1 A Correct.

2 Q Can you think of anybody outside of
3 DeKalb County, any Democrat outside of DeKalb
4 County that represents a district that's less
5 than 40 percent black?

6 A It's possible the two Athens ones
7 that the Democrats carry in the House
8 Districts 117, 119, they're probably below 40.

9 Q Okay. Can you think of anybody
10 outside of DeKalb or Athens?

11 A That's below 40?

12 Q Yeah.

13 A No, no, huh-uh.

14 Q So now let me ask the converse.

15 A Uh-huh (affirmative).

16 Q Can you identify any Republicans who
17 represent State House districts that are 40
18 percent or more African-American?

19 A That are 40 percent or more
20 African-American?

21 Q Yes.

22 A Yes.

23 Q Okay.

24 A Gerald Greene.

25 Q Okay. Anybody else?

1 A That's over 40? Not offhand, huh-uh
2 (negative).

3 Q Okay. So while there might be some
4 exceptions to the general rule, the general
5 rule is essentially that 40 percent is about --
6 black is about the dividing line between when a
7 district becomes Republican and when a district
8 becomes Democrat; correct?

9 A The rough approximation, yes.

10 Q And is that something that you have
11 discussed with anybody before?

12 A No, huh-uh.

13 Q Okay. But it's something that has
14 been -- it is something that, that you've sort
15 of come to this conclusion based on close to 20
16 years of studying State House elections in
17 Georgia?

18 A Observations, yes, uh-huh.

19 Q And you've done a lot of
20 observations of this; correct?

21 A Of voter registration? Yes.

22 Q Of, of performance and when a
23 district is more likely to perform for a
24 Democrat versus a Republican, all of that
25 stuff; correct?

1 A Yes, uh-huh.

2 Q And the correlation between the
3 racial percentage in the district and who's
4 likely to win it; correct?

5 A Yes, uh-huh.

6 MR. GREENBAUM: Okay. Why don't we
7 cut off for today, and then we'll resume in a
8 mutually convenient time once we have your
9 documents. Okay?

10 THE WITNESS: Okay.

11 MR. KHOURY: Yeah. That's fine.

12 MR. GREENBAUM: And maybe what we
13 should do is get a calculation of how long
14 we've been on the record so that we can
15 subtract that from seven hours. So should we
16 do that on the record?

17 THE VIDEOGRAPHER: We have been
18 going for 2 hours and 57 minutes.

19 MR. GREENBAUM: Okay. So we have
20 4 hours and 3 minutes left. And if I use less
21 than that, all to the good.

22 All right. Thank you.

23 THE WITNESS: Okay.

24 THE VIDEOGRAPHER: Going off video
25 record at 12:34 p.m.

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THE COURT REPORTER: And are you
reserving signature?

MR. KHOURY: Yes.

(Proceedings adjourned, 12:34 p.m.)

1 I, DAN O'CONNOR, Deponent,
 2 do hereby certify that I have read the
 3 foregoing deposition, and the same is a true
 4 and accurate transcript of my testimony, except
 5 for the changes listed below, if any.

6 PAGE/LINE/CHANGE	REASON
7 _____	
8 _____	
9 _____	
10 _____	
11 _____	
12 _____	
13 _____	
14 _____	
15 _____	
16 _____	
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18 _____	
19 _____	

20 If additional space is needed, please attach
 21 separate sheet(s) and indicate number of
 22 additional page(s) here: _____

23 DAN O'CONNOR, Deponent
 24 This ____ day of _____, 20____.

25 Donovan Reporting, PC FAX: 770-428-5801
 237 Roswell Street Marietta, GA 30060
 Date of Deposition: 12-13-2017 CR: JM

1 CERTIFICATE OF COURT REPORTER

2 STATE OF GEORGIA

3 COUNTY OF COBB

4 I hereby certify that the foregoing
5 deposition was reported as stated in the
6 caption, and the questions and answers thereto
7 were reduced to writing by me;

8 That the witness's right to read and
9 sign the deposition was reserved;

10 That the foregoing pages 1 through 161
11 represent a true, correct, and complete
12 transcript of the evidence given on the
13 above-referenced date by the witness, DAN
14 O'CONNOR, who was first duly sworn by me;

15 That I am not of kin or counsel to any
16 of the attorneys or parties in this case.

17 I do hereby disclose pursuant to
18 Article 10.B. of the Rules and Regulations of
19 the Board of Court Reporting of the Judicial
20 Council of Georgia that I am a Georgia
21 Certified Court Reporter; that I am an employee
22 of Donovan Reporting PC; that Donovan
23 Reporting PC was contacted by the attorney
24 taking the deposition to provide court
25 reporting services for this deposition; that I

1 am not taking this deposition under any
2 contract that is prohibited by OCGA 15-14-37(a)
3 and (b) or Article 7.C. of the Rules and
4 Regulations of the Board; and I am not
5 disqualified for a relationship of interest
6 under OCGA 9-11-28(c).

7 There is no contract to provide
8 reporting services between myself or any person
9 with whom I have a principal and agency
10 relationship nor any attorney at law in this
11 action, party to this action, party having a
12 financial interest in this action, or agent for
13 an attorney at law in this action, party to
14 this action, or party having a financial
15 interest in this action. Any and all financial
16 arrangements beyond my usual and customary
17 rates have been disclosed and offered to all
18 parties.

19 This 18th day of December 2017.

20

21



JOEL P. MOYER, CCR 2745
Certified Court Reporter

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23

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25

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