

APPEAL

**U.S. District Court [LIVE AREA]
Middle District of Georgia (Albany)
CIVIL DOCKET FOR CASE #: 1:14-cv-00042-WLS**

WRIGHT v. SUMTER COUNTY BOARD OF ELECTIONS
AND REGISTRATION

Assigned to: U.S. District Judge W LOUIS SANDS

Case in other court: U.S. Court of Appeals – 11th Circuit,
15–13628–D

U.S. Court of Appeals – 11th Circuit,
18–11510–H

U.S. Court of Appeals – 11th Circuit,
18–13510–H

Cause: 42:1983 Civil Rights Act

Special Master

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Date Filed	#	Page	Docket Text
03/07/2014	<u>1</u>		COMPLAINT against SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, Filing Fee \$ 400, Receipt Number 40723, filed by MATHIS KEARSE WRIGHT, JR. (bcl) (Entered: 03/07/2014)
03/07/2014	<u>2</u>		Summons Issued as to SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Attorney William NeSmith) on 3/7/2014. (bcl) (Entered: 03/07/2014)
03/07/2014	<u>3</u>		Summons Issued as to SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Michael Tracy) on 3/7/2014. (bcl) (Entered: 03/07/2014)
03/07/2014	<u>4</u>		Summons Issued as to SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Robert Brady) on 3/7/2014. (bcl) (Entered: 03/07/2014)
03/07/2014	<u>5</u>		Summons Issued as to SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Edith A. Green) on 3/7/2014. (bcl) (Entered: 03/07/2014)
03/07/2014	<u>6</u>		Summons Issued as to SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Donnie Smith) on 3/7/2014. (bcl) (Entered: 03/07/2014)
03/10/2014	<u>7</u>		NOTICE of INJUNCTION Hearing set for 3/13/2014 04:00 PM in Albany before U.S. District Judge W LOUIS SANDS. (jbk) (Entered: 03/10/2014)
03/11/2014	<u>8</u>		NOTICE of RESETTING Hearing: INJUNCTION Hearing RESET for 3/14/2014 11:00 AM in Albany before U.S. District Judge W LOUIS SANDS. (jbk) (Entered: 03/11/2014)
03/11/2014	<u>9</u>		NOTICE of Attorney Appearance by WILLIAM DALLAS NESMITH, III on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney WILLIAM DALLAS NESMITH, III added to party SUMTER COUNTY BOARD OF ELECTIONS AND

		REGISTRATION(pty:dft) (NESMITH, WILLIAM) (Entered: 03/11/2014)
03/13/2014	<u>10</u>	NOTICE of the Issuance of Subopenas re <u>8</u> Notice of Hearing – Injunction Hearing set for 3/14/14 @ 11 am before Judge W. Louis Sands. (bcl) (Entered: 03/14/2014)
03/14/2014	<u>11</u>	Minute Entry for proceedings held before U.S. District Judge W LOUIS SANDS: Evidentiary Hearing held on 3/14/2014. (Court Reporter: Darlene Pino.) (jbk) Modified on 3/17/2014 (bcl). (Entered: 03/17/2014)
03/14/2014	<u>12</u>	MASTER Witness List by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, MATHIS KEARSE WRIGHT, JR re Injunction Hearing held on 3/14/2014.(bcl) Modified on 3/17/2014 (bcl). (Entered: 03/17/2014)
03/14/2014	<u>13</u>	MASTER Exhibit List by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re Injunction Hearing held on 3/14/2014. (Attachments: # <u>1</u> Exhibit 1 – Letter, # <u>2</u> Exhibit 2 – Report of Special Review, # <u>3</u> Exhibit 3 – Monitoring Review Report, # <u>4</u> Exhibit 4 – Monitoring Visit Report, # <u>5</u> Exhibit 5 – Letter)(bcl) (Entered: 03/17/2014)
03/17/2014	<u>14</u>	ORDER denying Plaintiff's Motion for Preliminary Injunction as to March 18, 2014 election. Ordered by U.S. District Judge W LOUIS SANDS on 3/17/2014. (mpw) (Entered: 03/17/2014)
03/26/2014	<u>15</u>	Letter regarding Update on election deadline dates (NESMITH, WILLIAM) (Entered: 03/26/2014)
03/28/2014	<u>16</u>	ANSWER to <u>1</u> Complaint by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION.(NESMITH, WILLIAM) (Entered: 03/28/2014)
04/03/2014	<u>17</u>	ORDER denying Plaintiff's Motion for Preliminary Injunction (Doc. 1). Ordered by U.S. District Judge W LOUIS SANDS on 4/3/14. (wks) (Entered: 04/03/2014)
04/21/2014	<u>18</u>	RULES 16/26 ORDER: Scheduling Conference set for 6/24/2014 03:30 PM in Albany before U.S. District Judge W LOUIS SANDS. Ordered by U.S. District Judge W LOUIS SANDS on 4/21/14. (jbk) (Entered: 04/21/2014)
04/28/2014	<u>19</u>	Arbitration Referral Letter sent 4/28/2014 (hrm) (Entered: 04/28/2014)
04/30/2014	<u>20</u>	***Arbitration Opt Out Letter by Defendant (NESMITH, WILLIAM) (Entered: 04/30/2014)
06/03/2014		This is a text only entry; no document issued.RULES 16/26 ORDER: Scheduling Conference RESET for 6/25/2014 03:30 PM in Albany before U.S. District Judge W LOUIS SANDS. Ordered by U.S. District Judge W LOUIS SANDS on 6/3/14. [The parties are directed to submit a Proposed Rules 16/26 Scheduling Order consistent with the Courts previous order dated 4/21/2014.](jbk) (Entered: 06/03/2014)
06/03/2014		CERTIFICATE OF SERVICE re Text Order – Rules 16/26: Mailed to Plaintiff at address listed on the docket (jbk) (Entered: 06/03/2014)
06/17/2014		Proposed Scheduling/Discovery Order Received and forwarded to Chambers (bcl) (Entered: 06/18/2014)

06/25/2014			Minute Entry for proceedings held before U.S. District Judge W LOUIS SANDS: Discovery Hearing held on 6/25/2014. Discovery and Scheduling Order to be entered. [Note: Atty Nesmith was not present.] (Court Reporter: Darlene Pino.) (jbk) (Entered: 06/26/2014)
07/02/2014	<u>21</u>		SCHEDULING/DISCOVERY ORDER: Jury Trial tentatively set for 4/6/2015 08:30 AM in Albany before U.S. District Judge W LOUIS SANDS. Ordered by U.S. District Judge W LOUIS SANDS on 7/2/2014. (Attachments: # <u>1</u> Text of Proposed Order)(bcl) (Entered: 07/02/2014)
07/30/2014	<u>22</u>		NOTICE of Attorney Appearance by LAUGHLIN MCDONALD on behalf of MATHIS KEARSE WRIGHT, JR Attorney LAUGHLIN MCDONALD added to party MATHIS KEARSE WRIGHT, JR(pty:pla) (MCDONALD, LAUGHLIN) (Entered: 07/30/2014)
07/31/2014	<u>23</u>		NOTICE of Attorney Appearance by CHAD M BROCK on behalf of MATHIS KEARSE WRIGHT, JR Attorney CHAD M BROCK added to party MATHIS KEARSE WRIGHT, JR(pty:pla) (BROCK, CHAD) Modified on 8/1/2014 (bcl).***EMAILED ATTORNEY BROCK AND ADVISED THAT CERTIFICATE OF SERVICE IS MISSING*** (Entered: 07/31/2014)
08/01/2014	<u>24</u>		CERTIFICATE OF SERVICE re <u>23</u> Notice of Attorney Appearance, (BROCK, CHAD) (Entered: 08/01/2014)
08/07/2014	<u>25</u>		NOTICE of Attorney Appearance by ANNE WARE LEWIS on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney ANNE WARE LEWIS added to party SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(pty:dft) (LEWIS, ANNE) (Entered: 08/07/2014)
08/07/2014	<u>26</u>		NOTICE of Attorney Appearance by BRYAN P TYSON on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney BRYAN P TYSON added to party SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(pty:dft) (TYSON, BRYAN) (Entered: 08/07/2014)
09/11/2014	<u>27</u>		MOTION for Extension of Time to Complete Discovery by MATHIS KEARSE WRIGHT, JR filed by LAUGHLIN MCDONALD. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Extension of Time for Discovery)(MCDONALD, LAUGHLIN) (Entered: 09/11/2014)
09/12/2014			Notice of Deficiency; Certificate of Service not attached – (related document(s): <u>27</u> Motion for Extension of Time to Complete Discovery filed by MATHIS KEARSE WRIGHT, JR). (bcl) (Entered: 09/12/2014)
09/12/2014	<u>28</u>		CERTIFICATE OF SERVICE re <u>27</u> MOTION for Extension of Time to Complete Discovery (BROCK, CHAD) (Entered: 09/12/2014)
09/18/2014	<u>29</u>		ORDER granting <u>27</u> Motion for Extension of Time to Complete Discovery. Ordered by U.S. District Judge W LOUIS SANDS on 9/18/2014. (bcl) (Entered: 09/18/2014)
10/10/2014	<u>30</u>		NOTICE of Attorney Appearance by CHARA FISHER JACKSON on behalf of MATHIS KEARSE WRIGHT, JR Attorney CHARA FISHER JACKSON added to party MATHIS KEARSE WRIGHT, JR(pty:pla) (Attachments: # <u>1</u> Certificate of Service)(JACKSON, CHARA) (Entered: 10/10/2014)

10/10/2014	<u>31</u>		MOTION to Substitute Attorney by MATHIS KEARSE WRIGHT, JR filed by CHAD M BROCK. (Attachments: # <u>1</u> Certificate of Service)(BROCK, CHAD) (Entered: 10/10/2014)
10/14/2014	<u>32</u>		NOTICE Plaintiff's First Request for Judicial Notice by MATHIS KEARSE WRIGHT, JR (Attachments: # <u>1</u> Exhibit 1 – 1973 DOJ Letter, # <u>2</u> Exhibit 2 – 1982 DOJ Letter, # <u>3</u> Exhibit 3 – 1983 DOJ Letter)(MCDONALD, LAUGHLIN) (Entered: 10/14/2014)
10/17/2014	<u>33</u>		ORDER granting <u>31</u> Motion to Substitute Attorney. Attorney CHAD M BROCK terminated. Ordered by U.S. District Judge W LOUIS SANDS on 10/16/2014. (bcl) (Entered: 10/17/2014)
10/30/2014	<u>34</u>		MOTION for Extension of Time to Complete Discovery by MATHIS KEARSE WRIGHT, JR filed by LAUGHLIN MCDONALD. (Attachments: # <u>1</u> Text of Proposed Order)(MCDONALD, LAUGHLIN) (Entered: 10/30/2014)
11/04/2014	<u>35</u>		ORDER granting <u>34</u> Motion for Extension of Time to Complete Discovery. Ordered by U.S. District Judge W LOUIS SANDS on 11/4/2014. (bcl) (Entered: 11/04/2014)
01/12/2015	<u>36</u>		Certificate of Need to File Discovery by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION.(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>37</u>		DEPOSITION of Mathis Kearsa Wright, Jr. taken on November 13, 2014 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>36</u> Certificate of Need to File Discovery filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Complaint, # <u>2</u> Exhibit 2 – AmericuSumter Observer on law firm, # <u>3</u> Exhibit 3 – AmericuSumter Observer on county attorney, # <u>4</u> Exhibit 4 – AmericuSumter Observer on republican law firm, # <u>5</u> Exhibit 5 – Letter from AdvancED, # <u>6</u> Exhibit 6 – Plaintiff's Responses to First Interrogatories)(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>38</u>		DEPOSITION of Frederick Glenn McBride taken on November 14, 2014 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>36</u> Certificate of Need to File Discovery filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Report of Frederick McBride, # <u>2</u> Exhibit 2 – Law Review: Extreme Makeover, # <u>3</u> Exhibit 3 – Voter Registration as of August 2014, # <u>4</u> Exhibit 4 – Summary Sheet of Analyzed Elections, # <u>5</u> Exhibit 5 – Response to Defendants Expert Report of Karen L. Owen, # <u>6</u> Exhibit 6 – Expert Report of Karen L. Owen, # <u>7</u> Exhibit 7 – King Estimates Data Output)(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>39</u>		DEPOSITION of Karen Owen taken on November 20, 2014 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>36</u> Certificate of Need to File Discovery filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (Attachments: # <u>1</u> Exhibit 1 – Expert Report of Karen L. Owen)(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>40</u>		

		MOTION for Summary Judgment by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by ANNE WARE LEWIS. (Attachments: # <u>1</u> Memorandum in Support Brief in Support of Motion, # <u>2</u> Exhibit Statement of Material Facts as to Which There is No Genuine Dispute to be Tried, # <u>3</u> Exhibit A – Report of Frederick McBride, # <u>4</u> Exhibit B – Expert Report of Karen L. Owen)(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>41</u>	MOTION for Hearing re <u>40</u> MOTION for Summary Judgment by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by ANNE WARE LEWIS.(LEWIS, ANNE) (Entered: 01/12/2015)
01/12/2015	<u>42</u>	MOTION Exclude Portion of Plaintiff's Expert Report and Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by ANNE WARE LEWIS. (Attachments: # <u>1</u> Memorandum in Support of Motion, # <u>2</u> Exhibit A – Report of Frederick McBride)(LEWIS, ANNE) (Entered: 01/12/2015)
01/30/2015	<u>43</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>42</u> MOTION Exclude Portion of Plaintiff's Expert Report and Testimony (Attachments: # <u>1</u> Exhibit 1 – McBride Declaration)(MCDONALD, LAUGHLIN) (Entered: 01/30/2015)
02/02/2015	<u>44</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>40</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 – Sumter County District Demographics, # <u>2</u> Exhibit 2 – Letter from Pottinger to Crisp, 7/13/1973, # <u>3</u> Exhibit 3 – Letter from Reynolds to Crisp, 12/17/1982, # <u>4</u> Exhibit 4 – Letter from Reynolds to Crisp, 9/6/1983, # <u>5</u> Exhibit 5 – Edge v. Sumter Cnty. Sch. Dist. Order, # <u>6</u> Exhibit 6 – Edge v. Sumter Cnty. Sch. Dist. Supplemental Order, # <u>7</u> Exhibit 7 – Letter from Skipper to Herren, 1/19/2012, # <u>8</u> Exhibit 8 – Wilkerson v. Ferguson Amended Final Judgment, # <u>9</u> Exhibit 9 – Wilkerson v. Ferguson Second Amended Judgment, # <u>10</u> Exhibit 10 – Americus Adds a Wrinkle, # <u>11</u> Exhibit 11 – Americus Stifles Negro Drive, # <u>12</u> Exhibit 12 – Harris v. Chappell, # <u>13</u> Exhibit 13 – Election Law Study Committee Minutes, # <u>14</u> Exhibit 14 – Letter from Horne to Fortson, 10/18/1963, # <u>15</u> Exhibit 15 – Letter from Crisp to Fortson, 11/12/1963, # <u>16</u> Exhibit 16 – Americus Negroes Prepare for Siege, # <u>17</u> Exhibit 17 – Negroes Reject Americus Panel, # <u>18</u> Exhibit 18 – Racial Duress Studied by U.S., # <u>19</u> Exhibit 19 – Desegregation of Public Schools in Georgia)(MCDONALD, LAUGHLIN) (Entered: 02/02/2015)
02/03/2015		Notice of Deficiency; Document exceeds page limit, leave of court required before filing – ***DO NOT REFILE*** (related document(s): <u>44</u> Response to Motion,,, filed by MATHIS KEARSE WRIGHT, JR). (bcl) (Entered: 02/03/2015)
02/13/2015	<u>45</u>	REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>42</u> MOTION Exclude Portion of Plaintiff's Expert Report and Testimony (LEWIS, ANNE) (Entered: 02/13/2015)
02/17/2015	<u>46</u>	REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>40</u> MOTION for Summary Judgment (LEWIS, ANNE) (Entered: 02/17/2015)
03/13/2015	<u>47</u>	***STRICKEN FROM THE RECORD PER <u>61</u> ORDER*** MOTION for Summary Judgment by MATHIS KEARSE WRIGHT, JR filed by

		LAUGHLIN MCDONALD. (Attachments: # <u>1</u> Memorandum in Support of Cross-Motion for Summary Judgment, # <u>2</u> Statement of Material Facts as to Which There is No Genuine Dispute to Be Tried)(MCDONALD, LAUGHLIN) Modified on 7/14/2015 (bcl). (Entered: 03/13/2015)
03/18/2015	<u>48</u>	MOTION to Strike <u>47</u> MOTION for Summary Judgment, MOTION to Stay Time for Defendant to Respond to Plaintiff's Motion by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by ANNE WARE LEWIS. (Attachments: # <u>1</u> Memorandum in Support)(LEWIS, ANNE) (Entered: 03/18/2015)
03/20/2015	<u>49</u>	ORDER for Response to Motion re: <u>48</u> MOTION to Strike <u>47</u> MOTION for Summary JudgmentMOTION to Stay Time for Defendant to Respond to Plaintiff's Motion filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (). The Court also stays Defendant's time to respond to Wright's Motion for Summary Judgment pending resolution of the Motion to Strike. Ordered by U.S. District Judge W LOUIS SANDS on 3/20/15. (wks) (Entered: 03/20/2015)
03/25/2015	<u>50</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>48</u> MOTION to Strike <u>47</u> MOTION for Summary JudgmentMOTION to Stay Time for Defendant to Respond to Plaintiff's Motion (MCDONALD, LAUGHLIN) (Entered: 03/25/2015)
03/25/2015	<u>51</u>	PLAINTIFFS RESPONSE TO DEFENDANTS NUMBERED MATERIAL FACTS AND STATEMENT OF MATERIAL FACTS TO WHICH THERE EXISTS A GENUINE DISPUTE TO BE TRIED filed by MATHIS KEARSE WRIGHT, JR re <u>49</u> Order (MCDONALD, LAUGHLIN) Modified on 3/26/2015 (bcl). (Entered: 03/25/2015)
03/26/2015		Notice of Deficiency; Certificate of Service not attached; please file a Certificate of Service in conncection with these documents – (related document(s): <u>50</u> Response to Motion filed by MATHIS KEARSE WRIGHT, JR, <u>51</u> Response to Motion filed by MATHIS KEARSE WRIGHT, JR). (bcl) (Entered: 03/26/2015)
03/26/2015	<u>52</u>	CERTIFICATE OF SERVICE re <u>50</u> Response to Motion, <u>51</u> Response to Motion (MCDONALD, LAUGHLIN) (Entered: 03/26/2015)
03/26/2015	<u>53</u>	REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>48</u> MOTION to Strike <u>47</u> MOTION for Summary JudgmentMOTION to Stay Time for Defendant to Respond to Plaintiff's Motion (LEWIS, ANNE) (Entered: 03/26/2015)
04/01/2015	<u>54</u>	MOTION to Withdraw as Attorney by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by BRYAN P TYSON. (Attachments: # <u>1</u> Text of Proposed Order)(TYSON, BRYAN) (Entered: 04/01/2015)
04/02/2015	<u>55</u>	NOTICE of Attorney Appearance by Kimberly A. Reid on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (wks) (Entered: 04/02/2015)
04/06/2015	<u>56</u>	ORDER granting <u>54</u> Motion to Withdraw as Attorney. Attorney BRYAN P TYSON terminated. Ordered by U.S. District Judge W LOUIS SANDS on

		4/2/2015. (bcl) (Entered: 04/06/2015)
04/21/2015	<u>57</u>	MOTION to Withdraw as Attorney by MATHIS KEARSE WRIGHT, JR filed by CHARA FISHER JACKSON. (Attachments: # <u>1</u> Text of Proposed Order Proposed Withdrawal Order)(JACKSON, CHARA) (Entered: 04/21/2015)
04/23/2015	<u>58</u>	ORDER granting <u>57</u> Motion to Withdraw as Attorney. Attorney CHARA FISHER JACKSON terminated. Ordered by U.S. District Judge W LOUIS SANDS on 4/22/2015. (bcl) (Entered: 04/23/2015)
04/30/2015	<u>59</u>	MOTION to Withdraw as Attorney by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by WILLIAM DALLAS NESMITH, III. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(NESMITH, WILLIAM) (Entered: 04/30/2015)
05/01/2015	<u>60</u>	ORDER granting <u>59</u> Motion to Withdraw as Attorney. Attorney WILLIAM DALLAS NESMITH, III terminated. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 5/1/15 (wks) (Entered: 05/01/2015)
07/14/2015	<u>61</u>	ORDER granting <u>48</u> Motion to Strike ; terminating <u>48</u> Motion to Stay. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 7/14/2015 (bcl) (Entered: 07/14/2015)
07/14/2015	<u>62</u>	ORDER granting <u>40</u> Motion for Summary Judgment; finding as moot <u>41</u> Motion for Hearing; finding as moot <u>42</u> Motion to Exclude. The Clerk is doirected to enter judgment in favor of Defendant Sumter County Board of Elections and Registration. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 7/14/2015 (bcl) (Entered: 07/14/2015)
07/14/2015	<u>63</u>	JUDGMENT in favor of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION against MATHIS KEARSE WRIGHT, JR. (bcl) (Entered: 07/14/2015)
08/11/2015	<u>64</u>	NOTICE OF APPEAL as to <u>63</u> Judgment by MATHIS KEARSE WRIGHT, JR. Filing fee \$ 505, Receipt No.: 113G-2143609. (MCDONALD, LAUGHLIN) (Entered: 08/11/2015)
08/12/2015	<u>65</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: <u>62</u> Order on Motion for Summary Judgment, Order on Motion for Hearing, Order on Motion for Miscellaneous Relief,,, <u>63</u> Judgment, <u>64</u> Notice of Appeal Judge Appealed: W. Louis Sands. Court Reporter: Darlene Pino. Fee Paid: Paid. (bcl) (Entered: 08/12/2015)
08/12/2015		Appeal Instructions re <u>64</u> Notice of Appeal. The Transcript Information Form and instructions are available on the District Court website under Forms & Guides. **PLEASE NOTE** Separate forms must be filed for each court reporter. Transcript Order Form due by 8/31/2015 (bcl) (Entered: 08/12/2015)
08/13/2015	<u>66</u>	BILL OF COSTS by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Attachments: # <u>1</u> Exhibit)(LEWIS, ANNE) (Entered: 08/13/2015)
08/13/2015	<u>67</u>	MEMORANDUM in Support of <u>66</u> Bill of Costs (LEWIS, ANNE) (Entered: 08/13/2015)

08/14/2015			Notice of Deficiency; For future reference, documents must be filed in text-searchable PDF format; documents must include a description of exhibit(s) (related document(s): <u>66</u> Bill of Costs filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION). DO NOT REFILE. (bcl) (Entered: 08/14/2015)
08/17/2015	<u>68</u>		USCA Case Number 15-13628-D re <u>64</u> Notice of Appeal filed by MATHIS KEARSE WRIGHT, JR. (bcl) (Entered: 08/17/2015)
09/02/2015	<u>69</u>		Response to <u>66</u> Bill of Costs filed by MATHIS KEARSE WRIGHT, JR. (Attachments: # <u>1</u> Exhibit A – Wright Declaration, # <u>2</u> Exhibit B – Old Person v. Brown Order)(MCDONALD, LAUGHLIN) (Entered: 09/02/2015)
09/16/2015	<u>70</u>		REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, Response to <u>66</u> Bill of Costs filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (LEWIS, ANNE) (Entered: 09/16/2015)
09/25/2015			***ENTERED IN ERROR*** (Entered: 09/25/2015)
10/16/2015			Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>64</u> Notice of Appeal. The entire record on appeal is available electronically (bcl) (Entered: 10/16/2015)
07/28/2016	<u>71</u>		USCA Order as to <u>64</u> Notice of Appeal filed by MATHIS KEARSE WRIGHT, JR. (mdm) (Entered: 07/28/2016)
08/01/2016	<u>72</u>		ORDER directing the Parties to confer and submit a joint report no later than 8/9/2016. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/1/2016. (bcl) (Entered: 08/01/2016)
08/05/2016	<u>73</u>		NOTICE of Attorney Appearance by BARCLAY S HENDRIX on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney BARCLAY S HENDRIX added to party SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(pty:dft) (HENDRIX, BARCLAY) (Entered: 08/05/2016)
08/08/2016	<u>74</u>		Parties Joint REPORT filed by BARCLAY S HENDRIX (HENDRIX, BARCLAY) Modified on 8/9/2016 (bcl). (Entered: 08/08/2016)
08/08/2016	<u>75</u>		NOTICE of Attorney Appearance by BRYAN L SELLS on behalf of MATHIS KEARSE WRIGHT, JR Attorney BRYAN L SELLS added to party MATHIS KEARSE WRIGHT, JR(pty:pla) (SELLS, BRYAN) (Entered: 08/08/2016)
08/09/2016	<u>76</u>		ORDER directing the Parties to submit a joint proposed discovery and scheduling order no later than 8/16/2016. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/9/2016. (bcl) (Entered: 08/09/2016)
08/16/2016	<u>77</u>		RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>76</u> Order (LEWIS, ANNE) (Entered: 08/16/2016)
08/17/2016			Notice of Deficiency; Other – Proposed Scheduling/Discovery Orders should not be e-filed. They should be emailed to the division address where the case

		was filed, per the CM/ECF Administrative Procedures.(related document(s): <u>77</u> RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION). (bcl) (Entered: 08/17/2016)
08/18/2016	<u>78</u>	<i>SUPPLEMENTAL SCHEDULING/DISCOVERY ORDER</i> :Discovery to be complete by 12/26/2016. Dispositive motions due by 2/6/2017. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/17/2016. (bcl) (Entered: 08/18/2016)
08/26/2016	<u>79</u>	MANDATE of USCA as to <u>64</u> Notice of Appeal filed by MATHIS KEARSE WRIGHT, JR (ans) (Entered: 12/20/2016)
09/16/2016	<u>80</u>	UNOPPOSED MOTION for Extension of Time to File expert disclosures. by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Text of Proposed Order)(SELLS, BRYAN) (Entered: 09/16/2016)
09/21/2016	<u>81</u>	<i>ORDER</i> granting <u>80</u> Motion for Extension of Time. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 9/20/2016. (bcl) (Entered: 09/21/2016)
10/26/2016	<u>82</u>	UNOPPOSED MOTION for Extension of Time to File expert disclosures. by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Text of Proposed Order)(Hendrix, Barclay) (Entered: 10/26/2016)
11/02/2016	<u>83</u>	<i>ORDER</i> granting <u>82</u> Motion for Extension of Time. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 11/1/2016. (bcl) (Entered: 11/02/2016)
12/16/2016	<u>84</u>	CONSENT MOTION for Extension of Time to Complete Discovery by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Text of Proposed Order)(Hendrix, Barclay) (Entered: 12/16/2016)
12/20/2016	<u>85</u>	<i>ORDER</i> granting <u>84</u> Motion for Extension of Time to Complete Discovery.Discovery to be complete by 2/24/2017. Dispositive motions due by 4/7/2017. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/20/2016 (bcl) (Entered: 12/20/2016)
02/17/2017	<u>86</u>	CONSENT MOTION for Extension of Time to Complete Discovery by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order to Extend Discovery)(Hendrix, Barclay) (Entered: 02/17/2017)
02/22/2017	<u>87</u>	<i>ORDER</i> granting <u>86</u> Motion for Extension of Time to Complete Discovery. Discovery to be complete by 3/27/2017. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 2/22/2017 (bcl) (Entered: 02/22/2017)
04/07/2017	<u>88</u>	MOTION in Limine regarding the testimony of Dr. Karen L. Owen by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Memorandum in Support Brief in Support, # <u>2</u> Exhibit Owen report, # <u>3</u> Exhibit Owen deposition excerpt)(SELLS, BRYAN) (Entered: 04/07/2017)
04/07/2017	<u>89</u>	

		MOTION for Summary Judgment by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Memorandum in Support Brief in Support, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit A – McBride Report, # <u>4</u> Exhibit B – McBride Rebuttal)(SELLS, BRYAN) (Entered: 04/07/2017)
04/28/2017	<u>90</u>	Certificate of Need to File Discovery by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>89</u> MOTION for Summary Judgment filed by MATHIS KEARSE WRIGHT, JR, <u>88</u> MOTION in Limine regarding the testimony of Dr. Karen L. Owen filed by MATHIS KEARSE WRIGHT, JR.(Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>91</u>	DEPOSITION of Frederick G. McBride taken on March 16, 2017 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>90</u> Certificate of Need to File Discovery, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>89</u> MOTION for Summary Judgment filed by MATHIS KEARSE WRIGHT, JR, <u>88</u> MOTION in Limine regarding the testimony of Dr. Karen L. Owen filed by MATHIS KEARSE WRIGHT, JR. (Attachments: # <u>1</u> Exhibit 1, EI Output, # <u>2</u> Exhibit 2, McBride Corrected Supplemental Report, # <u>3</u> Exhibit 3, McBride Supplemental Report, # <u>4</u> Exhibit 4, Maptitude Population Data, # <u>5</u> Exhibit 5, McBride Rebuttal to Owen Supplemental Report)(Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>92</u>	DEPOSITION of Karen L. Owen taken on March 20, 2017 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>90</u> Certificate of Need to File Discovery, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>89</u> MOTION for Summary Judgment filed by MATHIS KEARSE WRIGHT, JR, <u>88</u> MOTION in Limine regarding the testimony of Dr. Karen L. Owen filed by MATHIS KEARSE WRIGHT, JR. (Attachments: # <u>1</u> Exhibit 1, Owen Resume, # <u>2</u> Exhibit 2, CRJ310 Syllabus, # <u>3</u> Exhibit 3, Southern Politics Syllabus, # <u>4</u> Exhibit 4, Article, # <u>5</u> Exhibit 5, Owen Declaration–Fayette County, # <u>6</u> Exhibit 6, EI Output, # <u>7</u> Exhibit 7, McBride Corrected Supplemental Report, # <u>8</u> Exhibit 8, Owen Supplemental Report)(Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>93</u>	DEPOSITION of Robert Brady taken on February 14, 2017 filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Related document: <u>90</u> Certificate of Need to File Discovery, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>89</u> MOTION for Summary Judgment filed by MATHIS KEARSE WRIGHT, JR. (Attachments: # <u>1</u> Exhibit 1, Notice of Deposition, # <u>2</u> Exhibit 2, Report, # <u>3</u> Exhibit 3, Candidate Qualification, # <u>4</u> Exhibit 4, Pages from McBride Report, # <u>5</u> Exhibit 5, Defendant's Objections and Responses to Plaintiff's Third Interrogatories)(Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>94</u>	NOTICE Defendant's Renewed Motion to Exclude Portion of Plaintiff's Expert Report and Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>95</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>89</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Stmt of Material Facts Resp Defendant's Response to Plaintiff's Statement of Undisputed Material Facts, # <u>2</u> Statement of Material Facts as to Which There

		is Genuine Issue to Be Tried)(Hendrix, Barclay) (Entered: 04/28/2017)
04/28/2017	<u>96</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>88</u> MOTION in Limine regarding the testimony of Dr. Karen L. Owen (Hendrix, Barclay) (Entered: 04/28/2017)
05/01/2017		Notice of Deficiency (related document(s): <u>94</u> Notice (Other) filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION); Other – Document must be re–filed as a motion. (bcl) (Entered: 05/01/2017)
05/01/2017	<u>97</u>	MOTION in Limine regarding Motion to Renew Motion to Exclude Portion of Plaintiff's Expert Report and Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix.(Hendrix, Barclay) (Entered: 05/01/2017)
05/05/2017	<u>98</u>	EMERGENCY MOTION to Strike <u>97</u> MOTION in Limine regarding Motion to Renew Motion to Exclude Portion of Plaintiff's Expert Report and Testimony by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Memorandum in Support)(SELLS, BRYAN) (Entered: 05/05/2017)
05/08/2017	<u>99</u>	ORDER directing the Defendant to respond to <u>98</u> MOTION to Strike <u>97</u> MOTION in Limine regarding Motion to Renew Motion to Exclude Portion of Plaintiff's Expert Report and Testimony filed by MATHIS KEARSE WRIGHT, JR. Plaintiff's deadline to respond to the Daubert motion <u>97</u> is hereby stayed. Plaintiff's replies to Motions <u>88</u> and <u>89</u> are also stayed. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 5/8/2017. (bcl) (Entered: 05/08/2017)
05/22/2017	<u>100</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>98</u> MOTION to Strike <u>97</u> MOTION in Limine regarding Motion to Renew Motion to Exclude Portion of Plaintiff's Expert Report and Testimony (Hendrix, Barclay) (Entered: 05/22/2017)
05/26/2017	<u>101</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>98</u> MOTION to Strike <u>97</u> MOTION in Limine regarding Motion to Renew Motion to Exclude Portion of Plaintiff's Expert Report and Testimony (SELLS, BRYAN) (Entered: 05/26/2017)
05/31/2017	<u>102</u>	ORDER denying <u>98</u> Motion to Strike. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 05/31/2017. (mdm) (Entered: 05/31/2017)
06/05/2017	<u>103</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>89</u> MOTION for Summary Judgment (SELLS, BRYAN) (Entered: 06/05/2017)
06/05/2017	<u>104</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>88</u> MOTION in Limine regarding the testimony of Dr. Karen L. Owen (SELLS, BRYAN) (Entered: 06/05/2017)
06/14/2017	<u>105</u>	***FILED IN ERROR*** MOTION in Limine regarding Portion of Plaintiff's Expert Report and Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix.(Hendrix, Barclay) Modified on 6/15/2017 (mdm). (Entered: 06/14/2017)
06/14/2017	<u>106</u>	MOTION in Limine regarding Portion of Plaintiff's Expert Report and

		Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Memorandum in Support of Renewed Motion to Exclude Testimony)(Hendrix, Barclay) (Entered: 06/14/2017)
06/20/2017	<u>107</u>	MOTION for a telephonic status conference by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 06/20/2017)
06/23/2017	<u>108</u>	ORDER denying <u>107</u> Motion for a Telephonic Status Conference. The Parties are ORDERED to confer and submit a joint status report not later than Friday, July 14, 2017. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 06/23/2017. (mdm) (Entered: 06/23/2017)
07/05/2017	<u>109</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>105</u> MOTION in Limine regarding Portion of Plaintiff's Expert Report and Testimony, <u>106</u> MOTION in Limine regarding Portion of Plaintiff's Expert Report and Testimony (SELLS, BRYAN) (Entered: 07/05/2017)
07/05/2017	<u>110</u>	MOTION for judicial notice of census data by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Exhibit 1 – selected census data)(SELLS, BRYAN) (Entered: 07/05/2017)
07/13/2017	<u>111</u>	STATUS REPORT by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Hendrix, Barclay) (Entered: 07/13/2017)
07/19/2017	<u>112</u>	REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>106</u> MOTION in Limine regarding Portion of Plaintiff's Expert Report and Testimony (Hendrix, Barclay) (Entered: 07/19/2017)
07/26/2017	<u>113</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>110</u> MOTION for judicial notice of census data (Hendrix, Barclay) (Entered: 07/26/2017)
09/21/2017	<u>114</u>	NOTICE OF SETTING Pretrial Conference for 11/15/2017 02:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. (Attachments: # <u>1</u> PROPOSED PRETRIAL ORDER FORM – Non Jury Case)(jbk) (Entered: 09/21/2017)
09/27/2017	<u>115</u>	Notice of Leave of Absence (Attachments: # <u>1</u> Exhibit A, Letter from Doctor)(LEWIS, ANNE) (Entered: 09/27/2017)
09/27/2017	<u>116</u>	CONSENT MOTION for Extension of Time to File Designation of Deposition Testimony. by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Text of Proposed Order Granting Consent Motion)(Hendrix, Barclay) (Entered: 09/27/2017)
09/29/2017	<u>117</u>	ORDER granting <u>116</u> Motion for Extension of Time for Designation of Deposition Testimony. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 9/28/2017. (bcl) (Entered: 09/29/2017)
10/05/2017	<u>118</u>	NOTICE of Attorney Appearance by JOHN J PARK, JR on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney JOHN J PARK, JR added to party SUMTER COUNTY BOARD OF

		ELECTIONS AND REGISTRATION(pty:dft) (PARK, JOHN) (Entered: 10/05/2017)
10/05/2017	<u>119</u>	NOTICE of filing of deposition designations by MATHIS KEARSE WRIGHT, JR (SELLS, BRYAN) (Entered: 10/05/2017)
10/05/2017	<u>120</u>	NOTICE Filing Designation of Deposition Testimony by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Hendrix, Barclay) (Entered: 10/05/2017)
10/06/2017	<u>121</u>	NOTICE of Attorney Appearance by FRANK B STRICKLAND on behalf of SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION Attorney FRANK B STRICKLAND added to party SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(pty:dft) (STRICKLAND, FRANK) (Entered: 10/06/2017)
10/16/2017	<u>122</u>	CONSENT MOTION for Extension of Time to File RESPONSE as to <u>120</u> Notice (Other) by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Text of Proposed Order)(SELLS, BRYAN) (Entered: 10/16/2017)
10/16/2017	<u>123</u>	RESPONSE in Opposition re <u>120</u> Notice (Other) (SELLS, BRYAN) (Entered: 10/16/2017)
10/19/2017	<u>124</u>	ORDER granting <u>122</u> Motion for Extension of Time to for Responses to Deposition Designations. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 10/18/2017 (bcl) (Entered: 10/19/2017)
10/26/2017	<u>125</u>	ORDER denying <u>88</u> Motion in Limine; granting in part and denying in part <u>89</u> Motion for Summary Judgment; denying <u>106</u> Motion in Limine; granting <u>110</u> Motion for Judicial Notice of Census Data. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 10/26/2017. (bcl) (Entered: 10/26/2017)
11/07/2017	<u>126</u>	NOTICE of Attorney Appearance by AKLIMA KHONDOKER on behalf of All Plaintiffs Attorney AKLIMA KHONDOKER added to party MATHIS KEARSE WRIGHT, JR(pty:pla) (Attachments: # <u>1</u> Certificate of Service)(KHONDOKER, AKLIMA) (Entered: 11/07/2017)
11/07/2017	<u>127</u>	MOTION to Continue <i>Pretrial Conference and Trial</i> by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion)(Hendrix, Barclay) (Entered: 11/07/2017)
11/08/2017	<u>128</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>127</u> MOTION to Continue <i>Pretrial Conference and Trial</i> (SELLS, BRYAN) (Entered: 11/08/2017)
11/08/2017		Proposed Pretrial Order Received and forwarded to chambers (bcl) (Entered: 11/09/2017)
11/09/2017	<u>129</u>	ORDER granting in part and denying in part <u>127</u> Motion to Continue Pretrial Conference and Trial. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 11/9/2017. (bcl) (Entered: 11/09/2017)
11/13/2017		Proposed Pretrial Order Received and forwarded to chambers (bcl) (Entered: 11/13/2017)

		11/14/2017)
11/14/2017	<u>130</u>	MOTION to Withdraw as Attorney by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by Barclay S Hendrix. (Attachments: # <u>1</u> Proposed Order Granting Motion)(Hendrix, Barclay) (Entered: 11/14/2017)
11/15/2017	<u>131</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by E MARK BRADEN , KATHERINE L. MCKNIGHT (Attachments: # <u>1</u> Pro Hac Vice Admission) (nop) Modified on 11/16/2017 (bcl). (Entered: 11/15/2017)
11/15/2017	<u>132</u>	Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Pretrial Conference held on 11/15/2017. Court Reporter: Sally Gray. (jbk) (Entered: 11/15/2017)
11/16/2017	<u>133</u>	ORDER granting <u>130</u> Motion to Withdraw as Attorney. Attorney JOHN J PARK, JR; FRANK B STRICKLAND; Barclay S Hendrix and ANNE WARE LEWIS terminated. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 11/15/2017. (bcl) (Entered: 11/16/2017)
11/20/2017		Proposed Pretrial Order Received and forwarded to chambers (bcl) (Entered: 11/20/2017)
11/20/2017	<u>134</u>	ORDER re <u>132</u> Pretrial Conference. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 11/20/2017. (bcl) (Entered: 11/20/2017)
11/21/2017	<u>135</u>	TRANSCRIPT of Proceedings held on 11/15/2017, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (GRAY, SALLY) (Entered: 11/21/2017)
11/27/2017	<u>136</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by RICHARD B RAILE (nop) (Entered: 11/27/2017)
11/29/2017	<u>137</u>	NOTICE regarding Daubert briefing by MATHIS KEARSE WRIGHT, JR re <u>134</u> Order (SELLS, BRYAN) (Entered: 11/29/2017)
11/29/2017	<u>138</u>	NOTICE Regarding Daubert Briefing by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>134</u> Order (MCKNIGHT, KATHERINE) (Entered: 11/29/2017)
12/06/2017	<u>139</u>	NOTICE plaintiff's objections to defendant's exhibits by MATHIS KEARSE WRIGHT, JR re <u>134</u> Order (SELLS, BRYAN) (Entered: 12/06/2017)
12/06/2017	<u>140</u>	NOTICE regarding remedial procedure by MATHIS KEARSE WRIGHT, JR (SELLS, BRYAN) (Entered: 12/06/2017)
12/06/2017	<u>141</u>	NOTICE re Objections to Plaintiff's Proposed Exhibits and Procedure for Implementing any Remedy by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Attachments: # <u>1</u> Exhibit A – Defendant's Objections to Plaintiff's Proposed Exhibits)(MCKNIGHT, KATHERINE) (Entered: 12/06/2017)

12/07/2017			NOTICE OF PRETRIAL CONFERENCE: Pretrial Conference set for 12/8/2017 02:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. (jbk) (Entered: 12/07/2017)
12/07/2017	<u>142</u>		NOTICE re Amended Objections to Plaintiff's Proposed Exhibits and Procedure for Implementing any Remedy by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>141</u> Notice (Other), (Attachments: # <u>1</u> Exhibit A – Defendant's Objections)(MCKNIGHT, KATHERINE) (Entered: 12/07/2017)
12/07/2017			NOTICE TO COUNSEL: The Pretrial Conference scheduled for 12/8/2017 is <i>CANCELLED</i> . Counsel are instructed to be present on Monday, 12/11/2017 at 8:00 a.m. to confer with the Court prior to start of trial at 8:30 a.m. (jbk) (Entered: 12/07/2017)
12/08/2017	<u>143</u>		ORDER rescheduling the motions hearing for 12/11/2017 @ 8:00 am. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/08/2017. (bcl) (Entered: 12/08/2017)
12/11/2017	<u>144</u>		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Bench Trial Day 1 held on 12/11/2017. Court Reporter: Sally Gray.Time in Court: 7 hrs. 12 mins.. (bcl) (Entered: 12/12/2017)
12/12/2017	<u>145</u>		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Bench Trial Day 2 held on 12/12/2017. Court Reporter: Sally Gray.Time in Court: 6 hrs 43 mins. (bcl) (Entered: 12/13/2017)
12/13/2017	<u>146</u>		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Bench Trial Day 3 held on 12/13/2017. Court Reporter: Sally Gray.Time in Court: 6 hrs 43 mins. (bcl) (Entered: 12/14/2017)
12/13/2017	<u>155</u>		STIPULATION (marked as Joint Exhibit 1) by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, MATHIS KEARSE WRIGHT, JR. (bcl) Modified on 12/19/2017 (bcl). (Entered: 12/19/2017)
12/14/2017	<u>148</u>		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Bench Trial Day 4 held on 12/14/2017. Trial concluded. Court Reporter: Sally Gray.Time in Court: 5 hrs. (bcl) (Entered: 12/18/2017)
12/14/2017	149		ORAL MOTION to Exclude Dr. Owens' Opinions as not Identified in Report by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(bcl) (Entered: 12/18/2017)
12/14/2017	150		This is a text only entry; no document issued. ORDER denying 149 Motion. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/14/2017 (bcl) (Entered: 12/18/2017)
12/14/2017	<u>151</u>		Witness List by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, MATHIS KEARSE WRIGHT, JR. re Bench Trial.(bcl) (Entered: 12/18/2017)
12/14/2017	<u>153</u>		Exhibit List by MATHIS KEARSE WRIGHT, JR re Bench Trial. (Attachments: # <u>1</u> Exhibit 1 – McBride Cirriuculum Vitae, # <u>2</u> Exhibit 4 – Select Demographic Chart, # <u>3</u> Exhibit 10 – Table 4, # <u>4</u> Exhibit 11 – Table 5, # <u>5</u> Exhibit 12 – Table 6, # <u>6</u> Exhibit 13 – Table 7, # <u>7</u> Exhibit 14 – Table 8, #

		<p>8 Exhibit 15 – Rable 9, # 2 Exhibit 16 – Table10, # 10 Exhibit 17 – McBride Rebuttal Report, # 11 Exhibit 18 – Map of Sumter County Voting Precincts, # 12 Exhibit 19 – Map of Sumter County BOE Districts, # 13 Exhibit 20 – Map of Sumter County BOE Districts (Old), # 14 Exhibit 21 – Select Sumter County Election Returns, # 15 Exhibit 22a – 2010 Voter History File, # 16 Exhibit 22b – 2014-03-18 Voter History File, # 17 Exhibit 22c – 2014-05-20 Voter History File, # 18 Exhibit 22d – 2014-07-22 Voter History File, # 19 Exhibit 23 – 2001-11-04 Sumter County Turnout by Race, # 20 Exhibit 24 – 2006-05-24 Sumter County Turnout by Race, # 21 Exhibit 25 – WITHDRAWN, # 22 Exhibit 26 – House Bill 836, # 23 Exhibit 28 – Section 5 Submission File No. 2011-4261, # 24 Exhibit 29 – Section 5 Submission File No. 2011-3249, # 25 Exhibit 30 – Section 5 Submission File No. 2010-2954, # 26 Exhibit 31a – 2002-11-05 SOVC, # 27 Exhibit 31b – 2002-11-26 Certified Returns, # 28 Exhibit 31c – 2004-11-02 Certified Returns, # 29 Exhibit 31d – 2004-11-02 Precinct Returns, # 30 Exhibit 31e – 2004-11-02 SOVC, # 31 Exhibit 31f – 2006-11-07 SOVC, # 32 Exhibit 31g – 2008-11-05 SOVC, # 33 Exhibit 31h – 2010-11-02 SOVC, # 34 Exhibit 31i – 2014-03-18 SOVC, # 35 Exhibit 31j – 2014-05-20 Detail, # 36 Exhibit 31k – 2014-07-22 Detail, # 37 Exhibit 31l – 2016-05-24 Detail, # 38 Exhibit 32a – 1996-11-05 Turnout, # 39 Exhibit 32b – 1996-11-05 Turnout, # 40 Exhibit 32c – 1998-11-03 Turnout, # 41 Exhibit 32d – 2000-11-07 Turnout, # 42 Exhibit 32e – 2002-11-05 Turnout, # 43 Exhibit 32f – 2002-11-05 Turnout, # 44 Exhibit 32g – 2004-11-02 Turnout, # 45 Exhibit 32h – 2004-11-02 Turnout, # 46 Exhibit 32i – 2006-11-07 Turnout, # 47 Exhibit 32j – 2006-11-07 Turnout, # 48 Exhibit 32k – 2008-11-04 Turnout, # 49 Exhibit 32l – 2008-11-04 Turnout, # 50 Exhibit 32m – 2010-11-02 Turnout, # 51 Exhibit 32n – 2010-11-02 Turnout, # 52 Exhibit 32o – 2014-05-20 Turnout, # 53 Exhibit 32p – 2014-05-20 Turnout, # 54 Exhibit 32q – 2014-07-22 Turnout, # 55 Exhibit 32r – 2014-07-22 Turnout, # 56 Exhibit 32s – 2016-05-24 Turnout, # 57 Exhibit 32t – 2016-05-24 Turnout, # 58 Exhibit 32u – 2016-05-24 Turnout, # 59 Exhibit 32v – 2016-05-24 Turnout, # 60 Exhibit 33 – Summary of Turnout Data, # 61 Exhibit 34 – Summary of Election Data, # 62 Exhibit 243 – Letter, # 63 Exhibit 244 – Letter, # 64 Exhibit 245 – Letter, # 65 Exhibit 246 – Consent Order, # 66 Exhibit 247 – Supplemental Order, # 67 Exhibit 248 – Letter, # 68 Exhibit 249 – Amended Final Judgment, # 69 Exhibit 250 – Second Amended Judgment, # 70 Exhibit 251 – Newspaper Article, # 71 Exhibit 252 – Newspaper Article, # 72 Exhibit 254 – Minute Sheet, # 73 Exhibit 255 – Letter, # 74 Exhibit 256 – Letter, # 75 Exhibit 257 – Newspaper Article, # 76 Exhibit 258 – Newspaper Article, # 77 Exhibit 259 – Newspaper Article, # 78 Exhibit 260 – Report, # 79 Exhibit 265 – Voter File, # 80 Exhibit 266 – 1968 Georgia Laws p. 2056, # 81 Exhibit 267 – 1973 Georgia Laws p. 2127, # 82 Exhibit 268 – 1992 Georgia Laws p. 5171, # 83 Exhibit 269 – 1994 Georgia Laws p. 5108, # 84 Exhibit 270 – 2002 Georgia Laws p. 3977, # 85 Exhibit 271 – 2011 Georgia Laws p. 4020, # 86 Exhibit 272 – 2011 Georgia Laws Extraordinary Session p. 280(bcl) Modified on 12/19/2017 (bcl). (Additional attachment(s) added on 1/4/2018: # 87 Exhibit 6 – McBride Supplemental Report) (bcl). (Entered: 12/19/2017)</p>
12/14/2017	<u>154</u>	<p>Exhibit List by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re Bench Trial (Attachments: # 1 Exhibit 1 – Current and Past Election Results, # 2 Exhibit 2 – Active Voters, # 3 Exhibit 3 – Active</p>

		Voters, # <u>4</u> Exhibit 4 – Expert Report, # <u>5</u> Exhibit 5 – Supplemental Expert Report, # <u>6</u> Exhibit 6 – Expert Report, # <u>7</u> Exhibit 7 – Rebuttal Report, # <u>8</u> Exhibit 8 – Supplemental Report, # <u>9</u> Exhibit 9 – Rebuttal Report, # <u>10</u> Exhibit 10 – Summary Exhibit for Defendant Exhibit 1, # <u>11</u> Exhibit 11 – Meeting Minutes, # <u>12</u> Exhibit 12 – American Community Survey 12/7/2017)(bcl) (Entered: 12/19/2017)
12/18/2017	<u>147</u>	ORDER memorializing the post–trial briefing schedule. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/18/2017. (bcl) (Entered: 12/18/2017)
12/19/2017	<u>152</u>	ORDER directing the Clerk to prohibit a nonparty's remote electronic access to the Plaintiff's trial exhibit 265. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/18/2017. (bcl) (Entered: 12/19/2017)
12/21/2017	<u>156</u>	TRANSCRIPT of Proceedings held on 3/14/2014, before Judge W. LOUIS SANDS. Court Reporter/Transcriber SALLY GRAY. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (slg) (Entered: 12/21/2017)
12/21/2017	<u>157</u>	TRANSCRIPT of Proceedings held on 12/11/2017, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. Bench Trial Volume Number: 1 of 4. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (GRAY, SALLY) (Entered: 12/21/2017)
12/21/2017	<u>158</u>	TRANSCRIPT of Proceedings held on 12/12/2017, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. Bench Trial Volume Number: 2 of 4. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (GRAY, SALLY) Modified on 12/22/2017 (bcl). (Entered: 12/21/2017)
12/21/2017	<u>159</u>	TRANSCRIPT of Proceedings held on 12/13/2017, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. Bench Trial Volume Number: 3 of 4. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (GRAY, SALLY) (Entered: 12/21/2017)
12/21/2017	<u>160</u>	TRANSCRIPT of Proceedings held on 12/14/2017, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. Volume Number: 4 of 4. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (GRAY, SALLY) (Entered: 12/21/2017)
12/21/2017	<u>161</u>	NOTICE Plaintiff's Closing Argument by MATHIS KEARSE WRIGHT, JR (SELLS, BRYAN) (Entered: 12/21/2017)

12/28/2017	<u>162</u>		NOTICE Defendant's Closing Argument by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (MCKNIGHT, KATHERINE) (Entered: 12/28/2017)
01/04/2018	<u>163</u>		NOTICE Plaintiff's Rebuttal Argument by MATHIS KEARSE WRIGHT, JR (SELLS, BRYAN) (Entered: 01/04/2018)
01/10/2018	<u>164</u>		MOTION for judicial notice of census data by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by KATHERINE L MCKNIGHT. (Attachments: # <u>1</u> Exhibit 1 – Census Data, # <u>2</u> Proposed Order)(MCKNIGHT, KATHERINE) Modified on 1/11/2018 (bcl). (Entered: 01/10/2018)
01/11/2018			Notice of Deficiency (related document(s): <u>164</u> Motion for Miscellaneous Relief filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION); For future reference, document must include to include a description of exhibit(s). Do not refile.(bcl) (Entered: 01/11/2018)
01/11/2018	<u>165</u>		RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>164</u> MOTION for judicial notice of census data (Attachments: # <u>1</u> Exhibit 1 – defendant's supplemental disclosures)(SELLS, BRYAN) (Entered: 01/11/2018)
01/11/2018	<u>166</u>		MOTION for judicial notice of voter registration data by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Exhibit 1 – active voters by race and gender as of January 1, 2018, # <u>2</u> Proposed Order)(SELLS, BRYAN) (Entered: 01/11/2018)
01/11/2018	<u>167</u>		REPLY to Response filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>164</u> MOTION for judicial notice of census data (MCKNIGHT, KATHERINE) (Entered: 01/11/2018)
01/12/2018	<u>168</u>		NOTICE of plaintiff's supplemental objections to defendant's exhibit 10 by MATHIS KEARSE WRIGHT, JR re <u>154</u> Exhibit List,, (Attachments: # <u>1</u> Exhibit 1 – list of errors identified in DX 10)(SELLS, BRYAN) (Entered: 01/12/2018)
01/12/2018	<u>169</u>		Proposed Findings of Fact by MATHIS KEARSE WRIGHT, JR (Attachments: # <u>1</u> Appendix of tables)(SELLS, BRYAN) (Entered: 01/12/2018)
01/12/2018	<u>170</u>		TRIAL BRIEF by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(MCKNIGHT, KATHERINE) (Entered: 01/12/2018)
01/12/2018	<u>171</u>		TRIAL BRIEF by MATHIS KEARSE WRIGHT, JR(SELLS, BRYAN) (Entered: 01/12/2018)
01/12/2018	<u>172</u>		Proposed Findings of Fact by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION(MCKNIGHT, KATHERINE) (Entered: 01/12/2018)
01/22/2018	<u>173</u>		NOTICE Response by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>168</u> Notice (Other) (Attachments: # <u>1</u> Exhibit A – Objection Chart)(MCKNIGHT, KATHERINE) (Entered: 01/22/2018)
01/22/2018	<u>174</u>		NOTICE of Plaintiff's Remedial Proposals by MATHIS KEARSE WRIGHT, JR (Attachments: # <u>1</u> Exhibit 1 – Declaration of Frederick G. McBride, # <u>2</u> Proposed Order Implementing Plaintiff's Remedial Proposal 1, # <u>3</u> Proposed

		Order Implementing Plaintiff's Remedial Proposal 2)(SELLS, BRYAN) (Entered: 01/22/2018)
01/30/2018	<u>175</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by TREVOR M STANLEY (nop) (Entered: 01/30/2018)
02/05/2018	<u>176</u>	RESPONSE in Opposition re <u>174</u> Notice (Other), (Attachments: # <u>1</u> Declaration of Dr. Karen L. Owen)(MCKNIGHT, KATHERINE) (Entered: 02/05/2018)
02/08/2018	<u>177</u>	NOTICE Regarding Response to Plaintiff's Remedial Proposals by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>176</u> RESPONSE in Opposition – Unrelated to a Motion (Attachments: # <u>1</u> Exhibit A – Email chain)(MCKNIGHT, KATHERINE) (Entered: 02/08/2018)
02/09/2018	<u>178</u>	EMERGENCY MOTION to Strike <u>176</u> RESPONSE in Opposition – Unrelated to a Motion (,), MOTION for limited discovery by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 02/09/2018)
02/09/2018	<u>179</u>	ORDER Setting Hearing on Motion <u>178</u> MOTION to Strike <u>176</u> RESPONSE in Opposition – Unrelated to a MotionMOTION for limited discovery : Status Conference set for 2/28/2018 02:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 2/9/2018. (bcl) (Entered: 02/09/2018)
02/14/2018	<u>180</u>	REPLY in Opposition re <u>176</u> RESPONSE in Opposition – Unrelated to a Motion (Attachments: # <u>1</u> Declaration of Dr. Frederick G. McBride)(SELLS, BRYAN) Modified on 2/15/2018 (bcl). (Entered: 02/14/2018)
02/23/2018	<u>181</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>179</u> Order Setting Hearing on Motion, (SELLS, BRYAN) (Entered: 02/23/2018)
02/23/2018	<u>182</u>	RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>179</u> Order Setting Hearing on Motion, (MCKNIGHT, KATHERINE) (Entered: 02/23/2018)
02/24/2018	<u>183</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>178</u> MOTION to Strike <u>176</u> RESPONSE in Opposition – Unrelated to a MotionMOTION for limited discovery (Attachments: # <u>1</u> Affidavit of Dr. Karen L. Owen, # <u>2</u> Affidavit of Clark H. Bensen)(MCKNIGHT, KATHERINE) (Entered: 02/24/2018)
02/27/2018	<u>184</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>178</u> MOTION to Strike <u>176</u> RESPONSE in Opposition – Unrelated to a MotionMOTION for limited discovery (SELLS, BRYAN) (Entered: 02/27/2018)
02/27/2018	<u>185</u>	MOTION to Quash Subpoena by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION filed by KATHERINE L MCKNIGHT. (Attachments: # <u>1</u> Exhibit A – Subpoena, # <u>2</u> Exhibit B – Email, # <u>3</u> Proposed Order)(MCKNIGHT, KATHERINE) (Entered: 02/27/2018)
02/27/2018	<u>186</u>	RESPONSE filed by MATHIS KEARSE WRIGHT, JR re <u>185</u> MOTION to Quash Subpoena (SELLS, BRYAN) (Entered: 02/27/2018)

02/27/2018	<u>187</u>		ORDER granting <u>185</u> Motion to Quash. The Court would welcome Brady's expertise at the hearing should he voluntarily choose to attend, but the Court will not order that he interrupt any already scheduled appointments or plans with so little notice. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 2/27/18 (jbk) (Entered: 02/27/2018)
02/28/2018	<u>188</u>		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Status Conference held on 2/28/2018. Court Reporter: Sally Gray. (jbk) (Entered: 02/28/2018)
03/01/2018	<u>189</u>		ORDER granting <u>164</u> Motion ; granting <u>166</u> Motion ; granting in part and denying in part <u>178</u> Motion to Strike ; granting in part and denying in part <u>178</u> Motion for Leave to Conduct Limited Discovery. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 3/1/2018. (bcl) (Entered: 03/01/2018)
03/07/2018	<u>190</u>		MOTION for Preliminary Injunction by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 03/07/2018)
03/07/2018	<u>191</u>		EMERGENCY MOTION to Expedite re <u>190</u> MOTION for Preliminary Injunction by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 03/07/2018)
03/08/2018			NOTICE OF SETTING Telephone Conference set for 3/9/2018 10:00 AM in Albany before US DISTRICT JUDGE W LOUIS SANDS. <i>NOTE: Attorney Sells will be responsible for contacting the participants and setting up the conference. When everyone is connected, please telephone Chambers at 229.430.8553 and we will proceed with the conference.</i> (jbk) (Entered: 03/08/2018)
03/09/2018			TEXT ONLY Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Telephone Conference held on 3/9/2018. Written Order to be entered memorializing discussions and the Court's instructions. Court Reporter: Sally Gray. (jbk) (Entered: 03/09/2018)
03/09/2018	<u>192</u>		RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>191</u> MOTION to Expedite re <u>190</u> MOTION for Preliminary Injunction (MCKNIGHT, KATHERINE) (Entered: 03/09/2018)
03/09/2018	<u>193</u>		ORDER : Sumter County is ORDERED to produce a copy of each recompiled election analysis performed by Benson since January 1, 2014, as soon as it is able, and not later than Tuesday, March 13, 2018, at 5:00 P.M. The Parties are ORDERED to not reproduce the analyses or distribute them to parties outside of this case. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 03/09/2018. (cma) (Entered: 03/09/2018)
03/13/2018	<u>194</u>		REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>191</u> MOTION to Expedite re <u>190</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Exhibit 1 – qualifying candidate information)(SELLS, BRYAN) (Entered: 03/13/2018)
03/14/2018			TEXT ONLY Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Telephone Conference held on 3/14/2018. Written Order to be entered memorializing discussions and the Court's instructions Court Reporter: Sally Gray. (jbk) (Entered: 03/14/2018)

03/15/2018	<u>195</u>		ORDER memorializing the telephone discovery conference in this matter on March 14, 2018. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 3/15/2018. (bcl) (Entered: 03/15/2018)
03/15/2018	<u>196</u>		NOTICE Joint Notice Setting Deadline for Supplemental Briefs by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (MCKNIGHT, KATHERINE) (Entered: 03/15/2018)
03/16/2018	<u>197</u>		ORDER directing Defendants to file a Response to Motion re: <u>190</u> MOTION for Preliminary Injunction filed by MATHIS KEARSE WRIGHT, JR no later than 3/23/2018. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 3/16/2018. (bcl) (Entered: 03/16/2018)
03/17/2018	<u>198</u>		ORDER denying without prejudice <u>190</u> Motion for Preliminary Injunction. The Sumter County Board of Elections and Registration is ORDERED to confer with Sumter Countys legislative delegation and inform that Court no later than Monday, March 26, 2018 whether the General Assembly is inclined to enact a remedial plan before adjourning <i>sine die</i> or, if not, a timeline for when it believes a remedial plan could be adopted. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 3/17/18 (jbk) (Entered: 03/17/2018)
03/26/2018	<u>199</u>		NOTICE of Plaintiff's Supplemental Brief in Support of Remedial Proposals by MATHIS KEARSE WRIGHT, JR re <u>189</u> Order on Motion for Miscellaneous Relief,,, Order on Motion to Strike,,, <u>180</u> RESPONSE in Opposition – Unrelated to a Motion, <u>174</u> Notice (Other), <u>176</u> RESPONSE in Opposition – Unrelated to a Motion (Attachments: # <u>1</u> Exhibit 1 – Owen deposition excerpt, # <u>2</u> Exhibit 2 – Bensen deposition excerpt)(SELLS, BRYAN) (Entered: 03/26/2018)
03/26/2018	<u>200</u>		NOTICE Defendant's Supplemental Brief Regarding Remedial Proposals by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>184</u> Reply to Response to Motion, <u>196</u> Notice (Other), <u>198</u> Order on Motion for Preliminary Injunction,, <u>195</u> Order, <u>189</u> Order on Motion for Miscellaneous Relief,,, Order on Motion to Strike,,, <u>183</u> Response to Motion, <u>180</u> RESPONSE in Opposition – Unrelated to a Motion, <u>174</u> Notice (Other), <u>179</u> Order Setting Hearing on Motion, <u>177</u> Notice (Other), <u>176</u> RESPONSE in Opposition – Unrelated to a Motion (Attachments: # <u>1</u> Exhibit A – Deposition Transcript – McBride, # <u>2</u> Exhibit B – Deposition Transcript – Owen, # <u>3</u> Exhibit C – Deposition Transcript – Bensen, # <u>4</u> Exhibit D – Rec Center Precinct Map)(MCKNIGHT, KATHERINE) (Entered: 03/26/2018)
03/26/2018	<u>201</u>		NOTICE Defendant's Status Report by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>198</u> Order on Motion for Preliminary Injunction,, (MCKNIGHT, KATHERINE) (Entered: 03/26/2018)
03/30/2018	<u>202</u>		EMERGENCY MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Exhibit 1 – McKnight email)(SELLS, BRYAN) (Entered: 03/30/2018)
03/30/2018	<u>203</u>		NOTICE Regarding Briefing by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>202</u> MOTION for Temporary Restraining OrderMOTION for Preliminary Injunction (MCKNIGHT, KATHERINE) (Entered: 03/30/2018)

03/30/2018	<u>204</u>		ORDER granting <u>202</u> Motion for permanent injunction. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 03/30/2018. (mdm) (Entered: 03/30/2018)
04/06/2018	<u>205</u>		NOTICE of Objections to Court's Order by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>204</u> Order on Motion for TRO, Order on Motion for Preliminary Injunction (Attachments: # <u>1</u> Exhibit A – Declaration of Robert Brady)(MCKNIGHT, KATHERINE) (Entered: 04/06/2018)
04/11/2018	<u>206</u>		ORDER overruling <u>205</u> Notice (Other), filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. The injunction outlined in docket entry <u>204</u> remains in effect. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 4/11/2018. (bcl) (Entered: 04/11/2018)
04/11/2018	<u>207</u>		NOTICE OF APPEAL as to <u>204</u> Order on Motion for TRO, Order on Motion for Preliminary Injunction, <u>198</u> Order on Motion for Preliminary Injunction,, by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Filing fee \$ 505, Receipt No.: 113G-2851455. (MCKNIGHT, KATHERINE) (Entered: 04/11/2018)
04/12/2018	<u>208</u>		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: <u>207</u> Notice of Appeal, <u>204</u> Order on Motion for TRO, Order on Motion for Preliminary Injunction, <u>198</u> Order on Motion for Preliminary Injunction,, Judge Appealed: W. Louis Sands. Court Reporter: Sally Gray. Fee Paid: Paid. (bcl) (Entered: 04/12/2018)
04/12/2018			Appeal Instructions re <u>207</u> Notice of Appeal,. The Transcript Information Form and instructions are available on the District Court website under Forms & Guides. **PLEASE NOTE** Separate forms must be filed for each court reporter. Transcript Order Form due by 4/30/2018 (bcl) (Entered: 04/12/2018)
04/12/2018	<u>209</u>		USCA Case Number 18-11510-H re <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (bcl) (Entered: 04/12/2018)
04/16/2018	<u>210</u>		TRANSCRIPT of Proceedings held on 2/28/2018, Status Conference before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After 90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (slg) (Entered: 04/16/2018)
04/20/2018	<u>211</u>		TRANSCRIPT INFORMATION FORM by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. re <u>207</u> Notice of Appeal, NO TRANSCRIPTS ORDERED (MCKNIGHT, KATHERINE) (Entered: 04/20/2018)
05/04/2018	<u>212</u>		USCA Order/Opinion as to <u>207</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (mdm) (Entered: 05/04/2018)
05/09/2018	<u>213</u>		USCA Order/Opinion as to <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (bcl) (Entered: 05/09/2018)

05/24/2018			Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>207</u> Notice of Appeal,. The entire record on appeal is available electronically (bcl) (Entered: 05/24/2018)
06/21/2018	<u>214</u>		ORDER modifying <u>204</u> Order on Motion for TRO, Order on Motion for Preliminary Injunction to remove is self-imposed July 23, 2018 deadline for considering interim boundaries. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 6/21/2018. (bcl) (Entered: 06/21/2018)
06/27/2018	<u>215</u>		MOTION for Reconsideration re <u>214</u> Order, by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 06/27/2018)
07/11/2018	<u>216</u>		RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>215</u> MOTION for Reconsideration re <u>214</u> Order, (MCKNIGHT, KATHERINE) (Entered: 07/11/2018)
07/23/2018	<u>217</u>		ORDER denying in part and denying in part without prejudice <u>215</u> Motion for Reconsideration. The Court will consider the request for a further stay of elections at a later date. The remainder of the motion is denied. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 07/23/2018. (mdm) (Entered: 07/23/2018)
07/31/2018	<u>218</u>		EMERGENCY MOTION for an Injunction Pending Appeal by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 07/31/2018)
07/31/2018	<u>219</u>		MOTION to expedite re <u>218</u> MOTION for an Injunction Pending Appeal by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 07/31/2018)
08/02/2018	<u>220</u>		ORDER granting <u>219</u> Motion to Expedite. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/2/2018. (bcl) (Entered: 08/02/2018)
08/03/2018	<u>221</u>		RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>220</u> Order on Motion for Miscellaneous Relief (SELLS, BRYAN) (Entered: 08/03/2018)
08/03/2018	<u>222</u>		NOTICE DEFENDANTS RESPONSE TO ORDER by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>220</u> Order on Motion for Miscellaneous Relief (MCKNIGHT, KATHERINE) (Entered: 08/03/2018)
08/07/2018	<u>223</u>		RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>218</u> MOTION for an Injunction Pending Appeal (Attachments: # <u>1</u> Exhibit A – Declaration of Robert Brady)(MCKNIGHT, KATHERINE) (Entered: 08/07/2018)
08/08/2018	<u>224</u>		ORDER finding that a hearing would be unnecessary in view of the available record and prior orders of the Court. The Parties shall comply with the expedited briefing schedule re <u>220</u> Order on Motion for Miscellaneous Relief. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/8/2018. (bcl) (Entered: 08/08/2018)
08/09/2018	<u>225</u>		

		USCA Order of Remand as to <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (bcl) (Entered: 08/09/2018)
08/09/2018	<u>226</u>	MOTION for Hearing re <u>225</u> USCA Order by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 08/09/2018)
08/10/2018	<u>227</u>	This is a text only entry; no document issued. ORDER granting <u>226</u> Motion for Hearing: Telephone Conference set for 8/15/2018 @ 03:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/10/18. [NOTE: Atty Sells will be responsible for contacting the participants and setting up the conference. When everyone is connected, please telephone Chambers @ 229.430.8553 and we will proceed with the conference.] (jbk) (Entered: 08/10/2018)
08/10/2018	<u>228</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>218</u> MOTION for an Injunction Pending Appeal (Attachments: # <u>1</u> Exhibit A – declaration of Mathis Kearse Wright, Jr., # <u>2</u> Exhibit B – declaration of Michael Barnes)(SELLS, BRYAN) (Entered: 08/10/2018)
08/13/2018		Notice of Deficiency (related document(s): <u>228</u> Reply to Response to Motion filed by MATHIS KEARSE WRIGHT, JR); Document exceeds page limit. Leave of court required before filing. (bcl) (Entered: 08/13/2018)
08/13/2018	<u>229</u>	MOTION for Leave to File Excess Pages for reply in support of emergency motion for a stay pending appeal by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 08/13/2018)
08/13/2018	<u>230</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>227</u> Order on Motion for Hearing,, (SELLS, BRYAN) (Entered: 08/13/2018)
08/13/2018	<u>231</u>	RESPONSE to Court Order re <u>227</u> Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (MCKNIGHT, KATHERINE) Modified on 8/14/2018 to add text (bcl). (Entered: 08/13/2018)
08/14/2018	<u>232</u>	ORDER granting <u>229</u> Motion for Leave to File Excess Pages. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/13/2018. (bcl) (Entered: 08/14/2018)
08/14/2018	<u>233</u>	NOTICE Regarding November Election by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (Attachments: # <u>1</u> Exhibit Declaration of Robert Brady)(MCKNIGHT, KATHERINE) (Entered: 08/14/2018)
08/15/2018		TEXT ONLY Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Telephone Conference held on 8/15/2018. Written Order to be entered setting out discussions and directions by the Court. Court Reporter: Sally Gray. (jbk) (Entered: 08/16/2018)
08/16/2018	<u>234</u>	ORDER memorializing the Telephone Conference held on 8/15/2018. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/16/2018. (bcl) (Entered: 08/16/2018)
08/16/2018	<u>235</u>	TRANSCRIPT of Proceedings held on 8/15/2018, before Judge W. LOUIS SANDS. Court Reporter SALLY GRAY. The transcript may be inspected at the court or purchased through the court reporter for a period of 90 days. After

		90 days, the transcript may be obtained via PACER. REDACTION OF TRANSCRIPTS: Complete redaction policy available on the courts website. (slg) (Entered: 08/16/2018)
08/16/2018	<u>236</u>	Supplemental RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>218</u> MOTION for an Injunction Pending Appeal (Attachments: # <u>1</u> Exhibit A – Map)(MCKNIGHT, KATHERINE) Modified on 8/17/2018 to add text (bcl). (Entered: 08/16/2018)
08/17/2018		Notice of Deficiency (related document(s): <u>236</u> Response to Motion filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION); For future reference, all document include a description of exhibit(s). Do not refile. (bcl) (Entered: 08/17/2018)
08/17/2018	<u>237</u>	ORDER re <u>218</u> MOTION for an Injunction Pending Appeal filed by MATHIS KEARSE WRIGHT, JR. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 08/17/2018. (mdm) (Entered: 08/17/2018)
08/20/2018	<u>238</u>	ORDER granting <u>218</u> Motion for an Injunction Pending Appeal. The Sumter County Board of Education election scheduled for November 6, 2018 is ENJOINED and will be reset at a later date. Defendant Sumter County Board of Elections and Registration is hereby ORDERED to promptly inform voters and all other necessary parties that the November 6, 2018 election for the Sumter County Board of Education has been cancelled and will be rescheduled. Defendant Sumter County Board of Elections and Registration is ENJOINED from tabulating any votes cast in the November 6, 2018 election for any position on the Sumter County Board of Education. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/20/2018 (bcl) (Entered: 08/20/2018)
08/20/2018	<u>239</u>	ORDER directing the Clerk to return the complete record of this case, including matters filed and entered after remand, to the Circuit. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/20/2018. Order emailed to USCA.(bcl) (Entered: 08/20/2018)
08/20/2018		Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>207</u> Notice of Appeal,. The entire record on appeal is available electronically (bcl) (Entered: 08/20/2018)
08/21/2018	<u>240</u>	NOTICE OF APPEAL as to <u>238</u> Order on Motion for Miscellaneous Relief,, <u>237</u> Order by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Filing fee \$ 505, Receipt No.: 113G-2952922. (MCKNIGHT, KATHERINE) (Entered: 08/21/2018)
08/22/2018	<u>241</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: <u>218</u> MOTION for an Injunction Pending Appeal, <u>238</u> Order on Motion for Miscellaneous Relief,, <u>240</u> Notice of Appeal, <u>237</u> Order Judge Appealed: W. Louis Sands. Court Reporter: Sally Gray. Fee Paid: Paid. (bcl) (Entered: 08/22/2018)
08/22/2018		Appeal Instructions re <u>240</u> Notice of Appeal. The Transcript Information Form and instructions are available on the District Court website under Forms & Guides. **PLEASE NOTE** Separate forms must be filed for each court

		reporter. Transcript Order Form due by 9/10/2018 (bcl) (Entered: 08/22/2018)
08/23/2018	<u>242</u>	USCA Case Number 18-13510-H re <u>240</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. (bcl) (Entered: 08/23/2018)
08/24/2018	<u>243</u>	USCA Order as to <u>240</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. To the extent Appellant seeks a stay or vacatur of the district courts injunction, the motion is DENIED. To the extent Appellant seeks consolidation of case nos. 18-11510 and 18-13510, the motion is GRANTED. (mdm) (Entered: 08/24/2018)
10/11/2018	<u>244</u>	USCA LETTER re <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>240</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (bcl) (Entered: 10/16/2018)
10/11/2018	<u>245</u>	USCA LETTER regarding Notice of Court Action re <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>240</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (bcl) (Entered: 10/17/2018)
10/23/2018		Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>240</u> Notice of Appeal. The entire record on appeal is available electronically. (bcl) (Entered: 10/23/2018)
11/27/2018	<u>246</u>	MOTION to Reopen Case by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS. (Attachments: # <u>1</u> Exhibit – Appellant's Brief)(SELLS, BRYAN) (Entered: 11/27/2018)
12/18/2018	<u>247</u>	RESPONSE filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>246</u> MOTION to Reopen Case (MCKNIGHT, KATHERINE) (Entered: 12/18/2018)
01/02/2019	<u>248</u>	REPLY to Response filed by MATHIS KEARSE WRIGHT, JR re <u>246</u> MOTION to Reopen Case (Attachments: # <u>1</u> Exhibit 1 – appellant's brief in opposition to motion for a limited remand)(SELLS, BRYAN) (Entered: 01/02/2019)
03/28/2019	<u>249</u>	ORDER denying without prejudice <u>246</u> Motion to Reopen Case. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 3/28/2019 (bcl) (Entered: 03/28/2019)
05/16/2019	<u>250</u>	USCA Order/Opinion as to <u>207</u> Notice of Appeal, filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION, <u>240</u> Notice of Appeal filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (bcl) (Entered: 05/16/2019)
05/21/2019	<u>251</u>	MOTION for a status conference by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 05/21/2019)
06/04/2019		NOTICE OF SETTING HEARING re <u>251</u> MOTION for a status conference : <i>TELEPHONIC</i> STATUS CONFERENCE set for 6/12/2019 03:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. [NOTE: Atty Sells

		will be responsible for contacting the participants and setting up the conference. When everyone is connected, please telephone Chambers @ 229.431.2505 to proceed with the conference. (jbk) (Entered: 06/04/2019)
06/12/2019		TEXT ONLY Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: Status Conference held on 6/12/2019. The Court heard from counsel as to outstanding issues and gave direction as to how the case would proceed. Court Reporter: Sally Gray. (jbk) (Entered: 06/12/2019)
06/12/2019	<u>253</u>	This is a text only entry; no document issued. ORDER granting <u>251</u> Motion for Status Conference. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 6/12/19 (jbk) (Entered: 06/25/2019)
06/20/2019	<u>252</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re Status Conference, (SELLS, BRYAN) (Entered: 06/20/2019)
06/27/2019	<u>254</u>	ORDER directing the Plaintiff to file a supplemental brief no later than 7/17/2019. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 6/27/2019. (bcl) (Entered: 06/27/2019)
07/16/2019	<u>255</u>	JOINT MOTION for Extension of Time to File the names of special-master candidates. by MATHIS KEARSE WRIGHT, JR filed by BRYAN L SELLS.(SELLS, BRYAN) (Entered: 07/16/2019)
07/17/2019	<u>256</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>254</u> Order (Attachments: # <u>1</u> Affidavit declaration of Frederick G. McBride, Ph.D.)(SELLS, BRYAN) (Entered: 07/17/2019)
07/17/2019	<u>257</u>	ORDER granting <u>255</u> Motion for Extension of Time. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 7/17/2019. (bcl) (Entered: 07/17/2019)
07/19/2019	<u>258</u>	ORDER directing Sumter County to file a reply brief to <u>256</u> RESPONSE to Court Order no later than 8/1/2019. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 7/19/2019. (bcl) (Entered: 07/19/2019)
07/24/2019	<u>259</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>254</u> Order (Attachments: # <u>1</u> Exhibit Grofman short CV)(SELLS, BRYAN) (Entered: 07/24/2019)
08/01/2019	<u>260</u>	RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>258</u> Order (MCKNIGHT, KATHERINE) (Entered: 08/01/2019)
08/14/2019	<u>261</u>	ORDER identifying special master. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 8/14/2019. (bcl) (Entered: 08/14/2019)
08/26/2019	<u>262</u>	Declaration of Bernard Grofman, Ph.D. by BERNARD GROFMAN re <u>261</u> Order. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(bcl) (Entered: 08/26/2019)
09/09/2019	<u>263</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>261</u> Order (SELLS, BRYAN) (Entered: 09/09/2019)
09/10/2019	<u>264</u>	

		RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>261</u> Order (MCKNIGHT, KATHERINE) (Entered: 09/10/2019)
09/12/2019	<u>265</u>	ORDER advising the Parties that they may file a proposed modified scheduling order for the remedial phase of this case no later than September 18, 2019. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 9/12/2019. (bcl) (Entered: 09/12/2019)
09/18/2019	<u>266</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>261</u> Order (Attachments: # <u>1</u> Proposed Order)(SELLS, BRYAN) (Entered: 09/18/2019)
09/23/2019	<u>267</u>	ORDER appointing special master Bernard Grofman. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 9/20/2019. (bcl) (Entered: 09/23/2019)
11/22/2019	<u>272</u>	Report of the Special Master (Attachments: # <u>1</u> Report Part 2, # <u>2</u> Report Part 3, # <u>3</u> Report Part 4, # <u>4</u> Report Part 5, # <u>5</u> Report Part 6, # <u>6</u> Exhibit Colored Maps Part 1, # <u>7</u> Exhibit Colored Maps Part 2, # <u>8</u> Exhibit Colored Maps Part 3, # <u>9</u> Exhibit Colored Maps Part 4, # <u>10</u> Exhibit Colored Maps Part 5, # <u>11</u> Exhibit Colored Maps Part 6, # <u>12</u> Exhibit Colored Maps Part 7, # <u>13</u> Exhibit Colored Maps Part 8, # <u>14</u> Exhibit Colored Maps Part 9, # <u>15</u> Exhibit Colored Maps Part 10, # <u>16</u> Exhibit Correction to Map)(bcl) (Entered: 12/12/2019)
11/29/2019	<u>268</u>	RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>267</u> Order (MCKNIGHT, KATHERINE) (Entered: 11/29/2019)
11/29/2019	<u>269</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>267</u> Order (SELLS, BRYAN) (Entered: 11/29/2019)
12/06/2019	<u>270</u>	RESPONSE to Court Order filed by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION re <u>267</u> Order (MCKNIGHT, KATHERINE) (Entered: 12/06/2019)
12/06/2019	<u>271</u>	RESPONSE to Court Order filed by MATHIS KEARSE WRIGHT, JR re <u>267</u> Order (SELLS, BRYAN) (Entered: 12/06/2019)
12/19/2019	<u>273</u>	ORDER SETTING HEARING: Evidentiary Hearing set for 1/13/2020 at 3:00 PM in Albany before US DISTRICT JUDGE W LOUIS SANDS. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 12/19/2019. (mdm) (Entered: 12/19/2019)
12/20/2019	<u>274</u>	PETITION TO THE CLERK FOR ADMISSION TO PLEAD AND PRACTICE PRO HAC VICE by MATHIS KEARSE WRIGHT, JR Attorney Admission Fee (Pro Hac Vice) paid by Receipt # AGAMDC-3346115, \$100. LOCAL COUNSEL Name and Georgia Bar #: Aklima Khondoker, Georgia Bar No.: 410345. (Attachments: # <u>1</u> Certificate of Good Standing for Dale Ho from SDNY)(HO, DALE) (Entered: 12/20/2019)
01/02/2020	<u>275</u>	Order granting Petition for Admission Pro Hac Vice (Petition Attached); Attorney Admission Fee Met by DALE HO (nop) (Entered: 01/02/2020)
01/13/2020	<u>276</u>	

		Minute Entry for proceedings held before US DISTRICT JUDGE W LOUIS SANDS: FinalPublic Hearing held on 1/13/2020 Court Reporter: Sally Gray. (gda) (Entered: 01/13/2020)
01/29/2020	<u>277</u>	ORDER regarding the Court's remedial proceedings. Ordered by US DISTRICT JUDGE W LOUIS SANDS on 1/29/2020. (bcl) (Additional attachment(s) added on 1/30/2020: # <u>1</u> Map 3) (bcl). (Entered: 01/29/2020)
01/29/2020	<u>278</u>	JUDGMENT of dismissal. (bcl) (Entered: 01/29/2020)
01/29/2020		Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>240</u> Notice of Appeal, <u>207</u> Notice of Appeal,. The entire record on appeal is available electronically. (bcl) (Entered: 01/29/2020)
01/30/2020	<u>279</u>	NOTICE OF APPEAL as to <u>277</u> Order, <u>278</u> Judgment, <u>198</u> Order on Motion for Preliminary Injunction,, by SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION. Filing fee \$ 505, Receipt No.: AGAMDC-3376659. (MCKNIGHT, KATHERINE) (Entered: 01/30/2020)
01/31/2020	<u>280</u>	AMENDED JUDGMENT in favor of MATHIS KEARSE WRIGHT, JR against SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION (bcl) (Entered: 01/31/2020)
01/31/2020		Pursuant to F.R.A.P 11(c) the Clerk of the District Court for the Middle District of Georgia certifies that the record is complete for purposes of this appeal re: <u>240</u> Notice of Appeal, <u>207</u> Notice of Appeal. The entire record on appeal is available electronically. (bcl) (Entered: 01/31/2020)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MATHIS KEARSE WRIGHT, JR.,	:	
	:	
Plaintiff,	:	
	:	CASE NO.: 1:14-CV-42 (WLS)
v.	:	
	:	
SUMTER COUNTY BOARD OF	:	
ELECTIONS AND	:	
REGISTRATION,	:	
	:	
Defendant.	:	
_____	:	

ORDER

This case is a challenge to the method of electing members of the Board of Education in Sumter County, Georgia. (Doc. 1.). The plaintiff, Mathis Kearse Wright, Jr., contends that the current election plan's two at-large seats and high concentration of African-American voters in Districts 1 and 5 dilute African-American voting strength in violation of Section 2 of the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10301. (*Id.*)

The Court held a four-day bench trial on December 11–14, 2017. (Docs. 144; 145; 146; 148.) In issuing these findings of fact and conclusions of law, the Court has considered the evidence presented at trial, the Parties' written closing arguments (Docs. 161; 162; 163), their proposed findings of fact (Docs. 169; 172), and their trial briefs. (Doc. 170; 171.)

FINDINGS OF FACT

Plaintiff Mathis Kearse Wright, Jr. is an African-American resident and registered voter in Sumter County.¹ (MUF at ¶ 1.) Defendant Sumter County Board of Elections and Registration was established by state law in 2001 and is responsible for conducting elections for members of the Sumter County Board of Education. 2001 Ga. Laws 3865.

¹ The Parties submitted a set of material undisputed facts as Exhibit A to their proposed pretrial order. The Court has adopted the proposed pretrial order. (Doc. 134.) All references to Exhibit A will be to "MUF."

I. County Demographics

Sumter County has a total population of 31,070 people.² Of those, 12,399 (39.9%) are non-Hispanic white and 16,122 (51.9%) are non-Hispanic black; 13,095 (42.1%) are white and 16,159 (52.0%) are black. (Doc. 164-1 at 1, 3). Most—23,541—of those people are voting-age. (Doc. 164-1 at 5–10.) Their demographics are similar to the general population: 10,991 (46.7%) are white and 11,652 (49.5%) are black. *Id.* Sumter County has 15,683 total active registered voters, 7,327 (46.7%) are white and 7,604 (48.5%) are black. (Doc. 166 at 2.)

The socioeconomic disparities between black and white residents of Sumter County are striking. Only 13.6% of white residents lack a high school diploma. The rate is over double—29.9%—for African Americans. (Doc. 164 at 4.) White residents are over three times more likely to have a bachelor's degree or higher—30.9% versus 8.8% of African Americans. (*Id.*) The educational differences are reflected in employment numbers as well. Among those in the workforce aged sixteen years or over, the unemployment rate is 7.1% for white residents and 18.2% for African Americans. (*Id.*) Only 15.3% of white residents live in poverty compared to an astonishing 46.2% of African Americans. (*Id.* at 5.) Three in four African American households receive Supplemental Nutrition Assistance Program benefits. (*Id.*) The number is reversed for white residents: only one in five households receive the same benefits. (*Id.*) The median African American household earns \$22,736, less than half of the median \$48,672 for white households. (*Id.*)

These disparities result in decreased political participation. (*See* Doc. 157 at 110:18–111:25.) Despite African Americans outnumbering white residents in population, voting-age population, and registered voters, white voters have outnumbered black voters in school-general elections by an almost two-to-one margin since 1996. (Docs. 153-38–153-60.)

II. School Board

A. Historical Composition

Before passage of the Voting Rights Act, members of the Sumter County Board of Education were appointed by the Sumter County grand jury. *See Edge v. Sumter Cty. Sch.*

² All demographic data is the most up-to-date available to the Court.

Dist., 775 F.2d 1509, 1510 (11th Cir. 1985). In 1964, the General Assembly reorganized the Board to consist of seven members elected from four single-member districts, one two-member district, and one member elected at-large. *See Edge v. Sumter Cty. Sch. Dist.*, 541 F. Supp. 55, 56 (M.D. Ga. 1981). The composition has changed some times since. In 1973, it moved to at-large elections for the entire Board after a federal judge concluded the prior districts were unconstitutionally apportioned. 1992 Ga. Laws 5171; *see Edge*, 541 F. Supp. at 56. The United States Attorney General found the at-large system would “have a racially discriminatory effect,” but it continued nonetheless until 1981. (Doc. 153-62); *see Edge*, 541 F. Supp. at 56. That year, a three-judge panel found the system violated the Voting Rights Act and enjoined its further use. *Edge*, 541 F. Supp. at 56.

The Board struggled to make a permissible change. It first proposed six single-member districts and one at-large seat, but the Attorney General found that the evidence “suggests that the submitted plan was designed with the purpose of minimizing minority voting strength in the school district.” (Doc. 153-63 at 2.) The Board proposed another “six-one” plan, but again the Attorney General objected. (Doc. 153-64.) The district court eventually proposed its plan for all single-member districts, but the United States Court of Appeals for the Eleventh Circuit vacated because the district court had failed to consider whether it violated Section 2 of the Voting Rights Act. *Edge*, 775 F.2d at 1510. Eventually, in 1986, all parties involved settled on a six-one plan with three majority-black districts. (Doc. 153-65.)

The composition was short-lived: following the 1990 census, the Georgia General Assembly adopted a new election plan consisting of seven single-member districts. (Doc. 153-81.) Four years later, the Assembly upped the count to nine single-member districts. (Doc. 153-83.) The Board stuck with nine single-member districts after the 2000 census, though the district borders changed. (Doc. 153-84.) Under the updated plan, four districts were majority African American in voting-age population. (Doc. 153-23 at 13.)

B. Recent Changes to the Board

The Board had five white members and four black members in 2010. (Doc. 153-61.) That year, it began discussing redistricting and downsizing. In June, it approved a plan—with

a 5-3 vote along racial lines—to reduce the size of the Board to five or seven members with details to be worked out later. (Docs. 153-67 at 3; 159 at 39:10–18.) The nine-member School Board at the time was the largest in the state, despite Sumter County’s relatively small population. (Doc. 159 at 14:3–18.) The Southern Association of Colleges and Schools (SACS), the organization which accredits Sumter County’s schools, said on several occasions that the School Board was large. (*Id.* at 15:1–16.) Defendants assert that the Board’s size put Sumter County’s accreditation at risk. (*See* Doc. 172 at ¶ 45.) This assertion is not credible. Michael Busman, the School Board’s chairman and whose testimony Sumter County relies on, testified that SACS accredits the schools and that a loss of accreditation would be detrimental to the students. (Doc. 159 at 15:1–11.) He did not testify that SACS’s observation regarding the Board’s size would have any impact on the accreditation process.

It is somewhat unclear the justification for landing on the number seven, however. The five single-member districts mirror the five single-member Board of Commissioners districts—a reason cited by the School Board when it submitted the new plan for preclearance. (Doc. 153-23 at 2.) But the Board of Commissioners doesn’t have any at-large districts. (Doc. 159 at 16:8–15.) Busman testified only that it was “easier” to go from nine to seven members rather than down to five. (*Id.* at 16:10–15.) The Court infers, based on the testimony, that the smaller shift was “easier” because fewer incumbent seats were put at risk.

On November 2, 2010, an African-American candidate, Kelvin Pless, defeated a white incumbent, Donna Minich, in District 3. (Doc. 153-61 at 3.) For the first time, the Board had an African American majority.

On December 9, 2010, before Pless was installed, the Board unanimously approved a resolution calling for the legislature to move it to a five-two plan—five district seats and two at-large seats. (Docs. 153-67 at 3; 154-11; 159 at 17:14–16.) African American board members testified that they did not knowingly vote to support the addition of two at-large seats. (Doc. 158 at 154:5–10, 174:2–10.) The Court does not find them credible on this point. The resolution was covered extensively in both newspapers and on the radio. (Doc. 159 at 40:6–10.) Moreover, the resolution was reviewed by the members before the vote. (*Id.* at 17:3–13.) The Court does not believe that responsible Board members would vote in

support of a resolution to change the Board composition with no knowledge of what the change entailed.

The General Assembly adopted the change, and the Governor subsequently signed it into law. 2001 Ga. Laws 4020.

On July 31, 2011, the incumbent in District 7, who was not African American, resigned his seat. (Doc. 153-24 at 44.) Michael Lewis, an African-American, was appointed to fill the seat, bringing the racial makeup of the Board to six African American members and three white members. (Doc. 158 at 143:21–144:8.)

Shortly after that, the General Assembly redrew the new district boundaries based on the 2010 census. 2011 Ga Laws. 280. The changes were submitted to the Department of Justice for preclearance under Section 5 of the Voting Rights Act. (Docs. 153-23; 153-24.) The Department found the information submitted insufficient for its analysis and requested additional information from the Board. (Doc. 153-23.) The Board refused. On January 12, 2012, the Board voted to move from the five-two plan to seven single-member districts, and on January 18, 2012, it voted to withdraw its request for preclearance. (Docs. 153-23 at 43; 159 at 22:20–23:7.)

The decision to withdraw the request for preclearance left the nine single-member districts configuration in place, but following the 2010 census, they were malapportioned. In June 2012, this Court granted the plaintiff's motion for a preliminary injunction and thereby canceled the 2012 elections for members of the Board of Education. *See Order, Bird v. Sumter County Board of Education*, 1:12-cv-76-WLS (M.D. Ga. June 21, 2012). Board members whose terms were set to expire after the 2012 elections were held over—maintaining the six-three black majority.

On June 25, 2013, the majority's strategy backfired. The Supreme Court struck down Section 4 of the Voting Rights Act in *Shelby County v. Holder*, 570 U.S. 2 (2013). Preclearance was no longer required, and the General Assembly's post-census plan went into immediate effect. *See Order, Bird v. Sumter County Board of Education*, 1:12-cv-76-WLS (M.D. Ga. Oct. 28, 2013). The General Assembly—perhaps out of an abundance of caution—then readopted the same five-two plan through House Bill 836 on February 17, 2014. The bill also moved

school board elections from the November general election to the nonpartisan general election held in May. It also adopted a transition procedure: a special election would be held for Districts 1, 2, 4 and 6 as those districts existed under the nine-member plan. Members elected at that special election were to serve only until December 31, 2014, when the new plan would be put in place. (Doc. 153-22); 2014 Ga. Laws 3503.

That brings us to today. The Board still has its five-two composition. Elections take place in May of even-numbered years, with candidates running on a staggered four-three basis. One at-large seat is filled each election, and a majority vote is required for all Board members. African Americans constitute a majority of the voting-age population in two of the five existing school-board districts. (MUF ¶ 8.) They represent 62.7% of the voting-age population in District 1 and 70.6% of the voting-age population in District 5. (Doc. 153-87 at 4.)

C. Elections Under the Current Plan

Wright relies on a racial bloc voting analysis of Sumter County elections performed by his expert, Dr. Frederick G. McBride, and contained in McBride's supplemental report. (Doc. 153-87.) Dr. McBride has a doctorate in Political Science from Clark Atlanta University. His work has focused on quantitative and qualitative research in redistricting and voting rights. He has drawn and evaluated redistricting plans, performed racially polarized voting studies, performed demographic analysis, and presented at redistricting hearings for over 100 jurisdictions in twenty-two states, and the District of Columbia. (Docs. 153-1; 153-87 at 2; 157 at 23:6–28:10.)

McBride's analysis in this case used three statistical methods to estimate the voting patterns of black and white voters in Sumter County: (1) homogeneous precinct analysis; (2) bivariate ecological regression analysis; and (3) Ecological Inference (EI). (Doc. 153-87 at 8–9.) All three methods have been accepted by the courts as reliable for use in voting cases, and their reliability is not at issue here. *See, e.g., Thornburg v. Gingles*, 478 U.S. 30, 53 n.20 (1986) (discussing ecological regression and homogeneous precinct analysis). There is also no dispute that the EI method is currently the “gold standard” for use in racial bloc

voting analyses, so the Court will include only the results of Dr. McBride's EI analyses unless otherwise noted. (Docs. 157 at 40:3–10; 159 at 207:24–208:3.)

The data for Dr. McBride's analysis consisted of precinct election returns and racial turnout data from the Georgia Secretary of State. (Doc. 153-87 at 10.) There is no dispute as to the data used in Dr. McBride's analysis. (Doc. 159 at 209:2–210:4.) Dr. McBride analyzed a total of twelve Sumter County elections in his supplemental report. These included all three general elections and one runoff election held under House Bill 836 for the at-large seats on the Board of Education, plus a variety of other local elections. (Doc. 153-87 at 11.)

Dr. McBride's analysis shows that African-American voters have been highly cohesive in ten of the twelve elections analyzed by Dr. McBride. The two exceptions are first, the District 4 race on May 20, 2014, when 53.9% of black voters supported Rick Barnes and 46.6% of black voters supported Gary Houston. Both Barnes and Houston are white. The second race was the March 18, 2014, District 6 election. There, 68.8% of black voters supported Sarah Pride while 52.1% of black voters supported Michael Mock. Pride is an African American; Mock is white. Of the remaining races, the lowest level of support for the black-preferred candidate among black voters was an astonishingly high 85.3%.

Of particular note is the November 2, 2004 race for Sheriff. There, Nelson Brown—the only African American candidate in the race and the black-preferred candidate—won the support of 96.5% of black voter despite being a write-in candidate.

The results of McBride's analysis are shown below. First, the Court shows the general demographic and turnout data provided by McBride:

Table 1. Demographics of the Sumter County School Board's Districts.

Seat	Population	% White	% Black	% 18+ White	% 18+ Black
1	6,432	31.1%	65.9%	34.4%	62.7%
2	6,654	56.4%	34.6%	62.2%	30.3%
3	6,546	54.1%	38.8%	57.8%	36.2%
4	6,679	44.8%	47.7%	49.1%	43.9%
5	6,508	24.1%	72.8%	27.0%	70.6%
At-Large ³	31,070	41.2%	51.0%	46.7%	49.5%

Table 2. Voter Turnout Data for the Elections Analyzed.

Election Date	Seat	White Turnout	Black Turnout
May 20, 2014	1	9.4%	8.6%
May 20, 2014	2	20.7%	4.4%
May 20, 2014	3	12.9%	5.4%
May 20, 2014	4	6.9%	4.1%
May 20, 2014	5	6.7%	9.3%
May 20, 2014	At-Large #1	11.1%	6.7%
May 20, 2014	At-Large #2	11.2%	6.7%
July 22, 2014	At-Large #1	8.2%	4.7%
May 24, 2016	At-Large #2	14.3%	8.4%
November 2, 2004	Sheriff	29.1%	18.4%
November 2, 2010	3	12.9%	10.8%

Next, the Court lists the elections analyzed by McBride, categorized by election date. African American candidates are denoted with an asterisk.

³ For the at-large seats, the Court accepts the updated 2012–2016 American Community Survey date rather than that in McBride's report.

1. *May 20, 2014 Elections***Table 3. District 1 Results.**

Candidate	Overall Support	White Support	Black Support
Alice Green*	52.8%	15.0%	94.2%
E. Lockhart	11.6%	21.2%	1.2%
Allen Smith	35.4%	66.8%	1.1%

Table 4. District 2 Results.

Candidate	Overall Support	White Support	Black Support
Everette Byrd	28.9%	30.1%	23.3%
Meda Krenson	48.7%	59.0%	0.0%
Sarah Pride*	22.2%	5.8%	99.3%

Table 5. District 3 Results.

Candidate	Overall Support	White Support	Black Support
W. Fitzpatrick*	30.5%	4.6%	92.3%
J.C. Reid	69.4%	95.0%	8.5%

Table 6. District 4 Results.

Candidate	Overall Support	White Support	Black Support
Rick Barnes	54.4%	54.7%	53.9%
Gary Houston	45.5%	44.9%	46.6%

Table 7. District 5 Results.

Candidate	Overall Support	White Support	Black Support
Edith Green*	55.4%	13.9%	85.3%
Mark Griggs	44.5%	86.4%	14.3%

Table 8. At-Large Seat #1 Results.

Candidate	Overall Support	White Support	Black Support
Michael Coley*	36.7%	4.1%	89.1%
David Kitchens	20.4%	32.7%	0.0%
Sylvia Roland	36.4%	53.0%	9.7%
Patricia Taft*	6.3%	6.5%	6.2%

Roland is a career public school educator having served as an English teacher in middle and high school in Arkansas for twelve years and a literacy coach in middle school in Florida for six years. (Doc. 159 at 43:15–22.) She moved to Sumter County in 2012 and became a school improvement specialist in Americus High School in Sumter County. (*Id.*) Roland never had a child in Sumter County schools and had never voted in a city election. (Doc. 159 at 54:10–17.)

Coley has lived in Sumter County for almost his entire life. (Doc. 158 at 33:23–37:11.) He served on the Sumter County Board of Education from 1996 until 2005, but never worked in Sumter County schools. (*Id.* at 42:1–8.) Coley’s three children all graduated from Americus High School. (*Id.* at 38:3–10.)

Table 9. At-Large Seat #2 Results.

Candidate	Overall Support	White Support	Black Support
Michael Busman	59.8%	94.4%	3.0%
Kelvin Pless*	40.1%	5.8%	96.7%

Busman has lived in Americus, Georgia for over 19 years and is a family medicine and sports medicine physician. (Doc. 159 at 8:19–20, 9:2–4.) He is the volunteer team physician for the high school, and he performs free physicals for the school athletes and Special Olympics athletes. (*Id.* at 9:15–22.) Busman has four children—one graduated from Americus Sumter High School, and the other three are now homeschooled. (Doc. 159 at 28:11–20.)

Pless has lived in Americus, Georgia his whole life. (Doc. 158 at 60:23–24.) He was elected to the School Board as the representative for District 3 in 2010. (*Id.* at 65:25–66:4.) Pless has a degree in education, though he has never worked for the Sumter County schools. (*Id.* at 66:22–23.)

2. July 22, 2014 Elections

Table 10. At-Large Seat #1 Runoff Results.

Candidate	Overall Support	White Support	Black Support
Michael Coley*	41.0%	7.5%	99.5%
Sylvia Roland	58.9%	92.4%	0.0%

3. May 24, 2016 Elections

Table 11. At-Large Seat #1 Results.

Candidate	Overall Support	White Support	Black Support
Michael Coley	44.5%	15.3%	93.6%
Sylvia Roland	55.4%	84.7%	6.2%

4. Other Elections

Table 12. November 2, 2004 Sheriff Election Results.

Candidate	Overall Support	White Support	Black Support
Pete Smith	40.3%	54.6%	0.0%
James Driver	32.3%	39.9%	6.3%
Nelson Brown* (Write In)	27.3%	4.4%	96.5%

Table 13. November 2, 2010 School Board District 3 Results

Candidate	Overall Support	White Support	Black Support
Donna Minich	44.4%	76.7%	6.3%
Kelvin Pless*	55.3%	22.9%	94.0%

Table 14. March 18, 2014: School Board District 6 Results

Candidate	Overall Support	White Support	Black Support
Michael Mock	71.0%	85.1%	52.1%
Sarah Pride*	28.9%	28.8%	68.0%

In addition, there were other races presented during the trial that were not analyzed by Dr. McBride. The Court notes the races in which there was a contested choice between an African American and a white candidate.⁴

In the 2012 general election, Barack Obama (African American) defeated Gary Johnson (white) and Mitt Romney (white) in Sumter County for President. (Doc. 154-10 at 21; Doc. 159 at 103.) Sanford Bishop (African American) defeated John House (white) in Sumter County for a United States House of Representatives seat. (Doc. 154-10 at 21; Doc. 159 at 102–03.) Kevin T. Brown (African American) defeated Michael Arthur Cheokas (white) for a State House of Representatives seat. (Doc. 154-10 at 21; Doc. 159 at 104.) George R. Torbert (white) defeated Tangalia Robinson (African American) in Sumter County for a County Commission seat, but Andrea F. Brookes (African American) defeated Carey Harbuck for a second seat. (Doc. 154-10 at 22; Doc. 159 at 105.)

In the 2014 general election, Sanford Bishop (African American) defeated Greg Duke (white) in Sumter County for a United States House of Representatives seat. (Doc. 154-10 at 25; Doc. 159 at 102.) Kevin T. Brown (African American) again defeated Michael Arthur Cheokas (white) for a State House of Representatives seat. (Doc. 154-10 at 25; Doc. 159 at 104.)

That makes six wins for African American candidates over white candidates, and one win for a white candidate over an African American candidate in the 2012 and 2014 general

⁴ Defendants list in their Proposed Findings of Fact and Conclusions of Law what they allege to be the race of each candidate in the 2012, 2014, and 2016 elections. (Doc. 172 at ¶¶ 19–42.) However, their citations to the record do not identify the race of any candidate. As far as the Court is aware, the only testimony adduced at trial as to the race of any candidate other than those for school board was that of Robert Edward Brady. The Court relies solely on his testimony in identifying the races of the candidates in these elections.

elections. Of the races where the entire county voted in a single race, African American candidates were five for five in defeating white candidates.

In the 2016 primary election, Cortisa Barthell (African American) defeated C. Cromer (white) and M. Harry (white) in Sumter County to be the Democratic nominee for the Clerk of Superior Clerk. (Docs. 154-10 at 27; 159 at 89.) In that election, African Americans made up 81.9% of the electorate. (Doc. 157 at 218:12–14.) Barthell did not face an opponent in the general election. There were no examples of races in the 2016 general election, based on the evidence presented, where the Court can find an African American candidate went against a white candidate. (Doc. 159 at 91–97.)

III. Discrimination in Sumter County

Georgia’s history of discrimination “has been rehashed so many times that the Court can all but take judicial notice thereof. Generally, Georgia has a history chocked full of racial discrimination at all levels. This discrimination was ratified into state constitutions, enacted into state statutes, and promulgated in state policy. Racism and race discrimination were apparent and conspicuous realities, the norm rather than the exception.” *Brooks v. State Bd. of Elections*, 848 F. Supp. 1548, 1560 (S.D. Ga. 1994), *appeal dismissed and remanded sub nom. Brooks v. Georgia State Bd. of Elections*, 59 F.3d 1114 (11th Cir. 1995). The Parties’ have stipulated to this sordid history in both Georgia generally and Sumter County more specifically. (*See* Doc. 155 (“Georgia and Sumter County have a long and extensive history of voting discrimination against African Americans.”)) Given the stipulation, the Court declines to make the litany of factual findings about Georgia requested by Wright. (*See* Doc. 169 at ¶¶ 174–383.) However, the Court does make the following findings specific to Sumter County to provide better context for this challenge.

In 1967 in *Bell v. Southwell*, the court set aside an election in Sumter County because of “gross, unsophisticated, significant, and obvious racial discrimination,” including segregated voting lists and polling booths, intimidation of black voters by whites, and the arrest of black voters attempting to vote in white polling booths. 376 F.2d 659, 660–61, 664 (5th Cir. 1967).

In 1981 in *Edge v. Sumter County School District*, this court noted that “[o]n July

13, 1973 the Attorney General interposed an objection to the change [to at-large elections for the board of education]. In spite of this objection the at-large system has been utilized for Board elections up to the present time.” 541 F. Supp. 55, 56 (M.D. Ga. 1981), *aff’d*, *Sumter County School District v. Edge*, 456 U.S. 1002 (1982). In a later ruling, the Eleventh Circuit Court of Appeals noted that “[n]o black person has ever served on the county school board” and that “[i]n 1964, prior to the Voting Rights Act, Georgia law provided that the Sumter County grand jury appoint school board members.” 775 F.2d 1509 (11th Cir. 1985).

While its worst days may be behind it, Sumter County remains a largely segregated community, with separate neighborhoods, civic organizations, and churches. (Docs. 158 at 39:7–41:6, 64:1–65:20, 107:4–108:15, 116:3–13, 125:15–133:22, 167:21–168:7, 211:5–212:4; 159 at 54:24–55:22.) Explicitly racist incidents are still not unheard of. Wright ran for a seat on the county commission in 2006 and described several such incidents from his campaign: “on this one occasion this -- this white family sicced their German shepherd on the -- on one of my daughters during one of the times. And then there were other times when, you know, they just basically said, you know, sorry, but, you know, we don’t vote for -- and they said the N word. And then there was a couple of incidents where they said don’t come on my property.” (Doc. 158 at 215:19–216:1.)

IV. Illustrative Remedial Plan

Wright has proposed an illustrative remedial plan which he asserts would remedy the alleged Section 2 violation. It is as follows:

Table 15. Plaintiff's Illustrative Remedial Proposal.

Dist.	Total Pop.	Voting Age Pop. (VAP)	White VAP	% White VAP	Black VAP	% Black VAP
1	4,663	3,290	1,083	32.92	2,120	64.44
2	4,686	3,636	2,446	67.27	957	26.32
3	4,772	3,605	1,975	54.79	1,490	41.33
4	4,675	3,575	1,924	53.82	1,476	41.29
5	4,703	3,279	717	21.87	2,472	75.39
6	4,677	3,797	1,999	52.65	1,457	38.37
7	4,693	3,336	1,293	38.76	1,818	54.50

(Doc. 153-87 at 6.) Sumter County challenges the districts for reasons related to Section 2, but does not allege that the proposals are unfaithful “to Georgia's traditional redistricting principles of compactness, contiguity, minimizing the splits of counties, municipalities, and precincts, recognizing communities of interest, and avoiding multi-member districts.” *Larios v. Cox*, 314 F. Supp. 2d 1357, 1369 (N.D. Ga. 2004) (footnote omitted); (*see generally* Doc. 176).

To estimate how the proposed districts would vote, McBride applied the conceptual framework set forth by Bernard Grofman, Lisa Handley, and David Lublin in *Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence*, 79 N.C. L. Rev. 1383 (2001). (Doc. 153-87 at 22.) The framework uses cohesion, crossover voting, and turnout to determine how a proposed district would vote. (Doc. 157 at 136:12–18.) The authors are well respected in the field of political science, (*Id.* at 137:3–6; Doc. 159 at 222:7–20), and their methods have been cited in *Georgia v. Ashcroft*, 539 U.S. 461, 483 (2003) and *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 488 (2006) (Souter, J., concurring in part and dissenting in part).

McBride's analysis shows that the proposed District 1 and District 5 would allow African American voters to elect their preferred candidate. (Doc. 153-87 at 23.) Proposed District 7, however, is a close call. The percentage of the voting-age population needed for a minority-preferred candidate to be elected in Sumter County has ranged from 44.1% to

77.8% in the current districts. (*Id.*) At 54.5%, proposed District 7 would be sufficient in some cases but not others. Determining whether African American voters in the proposed district could elect the candidate of their choice is “guesswork,” but McBride testified that based on the Grofman framework, he believed it was sufficient. (Doc. 157 at 198:8–199:8.)

The County’s expert, Dr. Karen Owen, did not express any opinions on McBride’s illustrative districts or his analysis of the viability of the districts. (Doc. 159 at 221:16–222:6.)

DISCUSSION

I. *Gingles* and Senate Factors

In this case, Wright claims that the Sumter County Board of Education’s composition, five members from single-member districts and two at-large members, violates Section 2 of the Voting Rights Act of 1965. Section 2 prohibits an election plan that

[d]ivid[es] the minority group among various districts so that it is a majority in none may prevent the group from electing its candidate of choice: If the majority in each district votes as a bloc against the minority candidate, the fragmented minority group will be unable to muster sufficient votes in any district to carry its candidate to victory.

Colleton Cnty. Council v. McConnell, 201 F. Supp. 2d 618, 633 (D. S.C. 2002). Section 2 also prohibits “packing” where minority voters are all placed in one single member district.⁵ *Id.* “[T]he critical question in a § 2 claim is whether the use of a contested electoral practice or structure results in members of a protected group having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Thornburg v. Gingles*, 478 U.S. 30, 63 (1986) (citations omitted).

In *Thornburg v. Gingles*, the United States Supreme Court set forth three preconditions that a plaintiff must prove for a Section 2 claim to go forward. *Gingles*, 478 U.S. at 50–51; *see also Nipper v. Smith*, 39 F.3d 1494, 1524 (11th Cir. 1994) (holding that a “plaintiff cannot obtain relief unless he or she can establish” each of the three *Gingles* preconditions). The three *Gingles* preconditions are: (1) the minority group “is sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) the minority

⁵ Wright pleaded a packing claim in his pro se complaint. (Doc. 1 at 7.) However, he has since abandoned the claim and offered no support for it at trial. The Court finds no evidence in support of it.

group “is politically cohesive”; and (3) “the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority[-]preferred candidate.” *Id.* (citations omitted).

Each of the three *Gingles* preconditions must be established before a reviewing court can proceed to consider the “Senate Factors,” a non-exhaustive and non-exclusive list of factors set forth in a Senate Judiciary Committee Majority Report that accompanied an amendment to Section 2, which aid courts in assessing the totality of the circumstances surrounding challenged voting schemes. *Id.* at 37–38 (citing S. Rep. No. 97-417 (1982)). Some of the Senate Factors may have a direct bearing on the three *Gingles* preconditions, but none of the Senate Factors *must* be present in order to satisfy the *Gingles* threshold. However, “they must be examined when determining whether, considering all of the circumstances in the case, the plaintiffs are entitled to section 2 relief.” *Nipper*, 39 F.3d at 1526–27. The Senate Factors include:

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

Gingles, 478 U.S. at 44–45 (citing S. Rep. No. 97-417 at 28–29) (formatting altered).

A. The First *Gingles* Factor: Numerosity and Compactness

As to factor one, Wright must show that the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district. “[T]he first *Gingles* condition requires the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice.” *Johnson v. De Grandy*, 512 U.S. 997, 1008 (1994). The Court already granted summary judgment as to this factor; there is no need to revisit it now. (Doc. 125 at 16.) African Americans currently hold two of the seven School Board seats. McBride has demonstrated a plan which would permit African Americans to elect three members of their choice.

B. The Second *Gingles* Factor: Minority Political Cohesiveness

As to the second factor, Wright must show the minority group is politically cohesive. “A showing that a significant number of minority group members usually vote for the same candidates is one way of proving the political cohesiveness necessary to a vote dilution claim . . . and consequently establishes minority bloc voting within the context of § 2.” *Gingles*, 478 U.S. at 56 (citations omitted). *Gingles* does not require that the minority group *always* vote for the same candidate but does require that the minority group *usually* or *consistently* vote for the same candidate, a standard which this Court finds demands more frequency than a *more often than not* standard but less frequency than an *always* standard. *Id.* at 48, 56.

The Court finds that the second *Gingles* factor is also satisfied. Of the twelve elections with reliable data before the Court, in ten of them the overwhelming majority of African Americans voted for the same candidate. In one of the two where they did not, the District 4 race on May 20, 2014, both candidates were white. While still relevant, elections without a black candidate are less probative in evaluating the *Gingles* factors. *Davis v. Chiles*, 139 F.3d 1414, 1418 n.5 (11th Cir. 1998). The Court is particularly struck by the November 2, 2004, race for Sheriff. In that race, African American candidate Nelson Brown received nearly every single black vote (96.5%) despite being a write-in candidate when running against two white candidates. Write-in candidates face obvious structural barriers that make their election in the American political system rare. To see African American voters demonstrate that level

of cohesion for a write-in campaign is extraordinary. When buttressed by the other nine cohesive elections, it is clear factor two is also satisfied.

Sumter County makes a few arguments in opposition. First, it points to McBride's original report which showed a lower level of cohesion in the same elections than does his supplemental report. For those elections analyzed in both McBride's original report and his supplemental report, the only analytical change was to use actual black and white turnout data rather than the estimated turnout data McBride had to rely on originally. Sumter County argues that "[t]here is virtually no correlation between Dr. McBride's [turnout] estimates and the actual numbers." (Doc. 170 at 15.) True enough. The estimates do vary wildly from the actual turnout data. (*See id.* at 15–16 (Defendant's comparison chart).) But even Defendant's expert testified that were she reanalyzing an election where she had originally used voting age population data for turnout, she would use actual turnout data as it became available. (Doc. 159 at 209–210.) The shift, then, only reflects poorly on McBride's original turnout estimates and not his final analysis.

Second—and a slight variation on the first argument—Sumter County argues McBride's original analysis demonstrates a low level of cohesion amongst black voters. (Doc. 170 at 12.) The County's arguments cut against themselves. The Court agrees that McBride's original turnout estimates were unreliable and vary wildly from the actual turnout numbers. The Court does not find those results credible and therefore does not consider any of the original results—good or bad—in evaluating factor two.

Third, the County argues McBride's analysis is unreliable because he eliminated three elections from his original analysis when producing his supplemental report. (*Id.* at 11–12.) McBride explained that he did not reanalyze those three elections, the 2002 Board of Education District 3, the 2006 Board of Education District 3, and the 2008 Board of Education District 1 races, because he did not have voter turnout data in those elections available to him, and therefore he had "nothing new" to report from his original report. (Doc. 157 at 60:25–61:9.) McBride testified that he stood by the results of his original analysis. (*Id.* at 61:10–12.) The Court, however, does not find any of the original analysis credible after seeing how drastically different the voter turnout numbers were from

McBride's original predictions. But even if it did, and even assuming those three elections show a lack of cohesion, they would only bring the total to ten cohesive elections and five non-cohesive elections. The Court finds those results would still satisfy factor two.

The Court also does not accept that McBride's selection criteria introduced bias into his results. His selection criteria—recent elections for which he had reliable turnout data—is entirely reasonable. Sumter County was free to run its own analysis on additional elections to show how McBride's results were unreliable. It chose not to do so.

Fourth, the County argues McBride's analysis is not credible because in some cases his estimates of voter preferences total over 100%, a logical impossibility. (Doc. 170 at 14.) Dr. McBride explained that ecological inference establishes bounds between zero and 100 for the estimates of black or white support for an individual candidate, but it does not constrain the sum of those estimates to 100%. (Doc. 157 at 94:9-95:20, 162:13-164:12.) Gary King, the creator of ecological inference, identified this problem and proposed that researchers could either use an algebraic expression to bring the estimates within a 100% bound or leave them as is. (Doc. 160 at 128:12–129:23.) McBride chose to leave them as-is to avoid altering the results. (*Id.* at 130:13–19.)

The County's expert, Dr. Karen Owen, testified in her deposition that the EzI program—written by Gary King and used by McBride to conduct his EI analysis—could give a sum of over 100% for the estimates of white voter support or black voter support. (*Id.* at 57:6–10.) At trial, Owen testified that a sum of over 100% would call into question the data inputted because “Gary King wanted to ensure we were getting estimates between a bound of zero and 100 percent.” (Doc. 160 at 55:14–20.) Owen has never used EzI (*id.* at 53:14–17), did not independently analyze the elections in Sumter County (*see generally* Doc. 154-9), did not use EI in her dissertation or research (Doc. 160 at 59:8–16), did not publish any results using EI until 2015 (*id.* at 59:17–24), and could not identify a source for her claim that a sum over 100% calls into question the accuracy of the estimates. (*id.* at 58:20–59:7.) The Court does not find her criticism credible. Rather, it accepts McBride's testimony that

EI can give sums exceeding 100% and that such a result does not call into the question the reliability of McBride's analysis.⁶

C. The Third *Gingles* Factor: Majority Bloc Voting

Finally, “the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority's preferred candidate.” *Gingles*, 478 U.S. at 51 (citation omitted). “[T]he degree of racial bloc voting that is cognizable as an element of a § 2 vote dilution claim will vary according to a variety of factual circumstances. Consequently, there is no simple doctrinal test for the existence of legally significant racial bloc voting.” *Id.* at 57–58.

“[P]laintiffs seeking to establish the third *Gingles* factor ‘must show not only that whites vote as a bloc, but also that white bloc voting *regularly causes* the candidate preferred by black voters to lose; in addition, plaintiffs must show not only that blacks and whites sometimes prefer different candidates, but that blacks and whites *consistently* prefer different candidates.’” *Johnson v. Hamrick*, 296 F.3d 1065, 1074 (11th Cir. 2002) (quoting *Johnson v. Hamrick*, 196 F.3d 1216, 1221 (11th Cir. 1999)).

The elections analyzed in this case fall into three general categories. First are those seven races where a white candidate faced an African American candidate. In six of those seven races, as detailed in factor two, there was a clear candidate preferred by African Americans. An average of 88.3% of white votes cast in those races went to the white candidate. African American candidates only won two of those races: the 2014 District 5 race and the 2010 District 3 race. In District 5, over 70% of the voting-age population is black. In the previous District 3, the population was approximately half white and half black.

⁶ The Court cannot refrain from commenting on one other argument advanced by the County. McBride testified that EzI runs on 32-bit operating systems and cannot be run on newer 64-bit systems. (Doc. 160 at 128:1–8.) Sumter County contorts this fact in an attempt to discredit McBride: “Dr. McBride admitted that the program he used is so outdated that he had to adjust his computer settings to run it.” (Doc. 170 at 15.) EzI is merely a program which allows a researcher to perform a mathematical analysis. The program's age may cause computer compatibility issues and slow load times, but the math underlying it never changes. The results of Adrien-Marie Legendre's regression models in 1805 would be no different if run again today. Any attempts to impugn the credibility of McBride's analysis based on the age of the program he used to run it is illogical, not credible, and completely irrelevant to the matter at hand.

African Americans constituted 48.4% of the voting-age population. (Doc. 154-6.) In sum, in six of the seven races, African Americans and whites preferred different candidates. The Court excludes the seventh race—the March 2014 District 6 election—because, without a black-preferred candidate, it cannot meaningfully consider whether white voters are usually able “to defeat the minority's preferred candidate.” *Gingles*, 478 U.S. at 51. In four of the six races in this category, the black-preferred candidate lost. African Americans had only one true success: the District 3 race. The District 5 win was in a predominantly African American district. *See Old Pers. v. Cooney*, 230 F.3d 1113, 1122 (9th Cir. 2000) (considering minority group success in minority-majority districts under the totality of the circumstances, but not under *Gingles* factor three because “[t]o do otherwise would permit white bloc voting in a majority-white district to be washed clean by electoral success in neighboring majority-[minority] districts”).

The second type of race is where there are multiple candidates facing a black-preferred candidate. The Court counts four such races: the 2014 elections in District 1, District 2, and At-Large Seat #1, and the 2004 sheriff race. The Court discounts the race for sheriff. There, 96.5% of African Americans wrote in Nelson Brown, demonstrating an incredible level of political cohesion. While only 4.4% of whites voted for Brown, a write-in candidacy is a special circumstance which does not shed light on whether there is “racial bias in the voting community.” *Nipper v. Smith*, 39 F.3d 1494, 1524 (11th Cir. 1994). The Court can only speculate as to whether white voters were aware that Brown was running as a write-in candidate and, if they did, whether they would have voted for him. In the District 1 case, between 85% and 88% of white residents voted against the black-preferred candidate. The African American candidate was still able to win the race, however, as 62.7% of the voting-age population in that district is black. In the District 2 race, between 89.1% and 94.2% of white residents voted against the black-preferred candidate. The African American candidate was defeated and the two white candidates advanced to a run-off election. In the At-Large Seat #1 race, between 92.2% and 95.9% of white residents voted against the black-preferred candidate. Although the black-preferred candidate won the plurality and was able to advance to a run-off, white voters then coalesced around a single candidate and defeated him.

Discounting the majority-black district, African Americans had no real successes in these types of elections.

Finally is the one election where two white candidates faced each other—the 2014 District 4 election. The race had no clear black-preferred candidate, nor a clear white-preferred candidate. The Court discounts that race because of the lack of a clear preference and the lack of an African American running. *See Johnson*, 196 F.3d at 1221.

Sumter County argues the results from the at-large elections should be discounted because Busman and Roland had worked in the Sumter County schools, but Coley and Pless had not. (Doc. 170 at 20.) The election of the white candidates, it implies, is thus a preference for better-qualified candidates and does not reflect “entrenched voting patterns.” (*Id.* at 21.) The Court disagrees. The Ninth Circuit has rejected any attempt “to scrutinize the qualifications of minority candidates who run for public office in jurisdictions with historically white-only officeholders.” *Ruiz v. City of Santa Maria*, 160 F.3d 543, 558 (9th Cir. 1998). There does not appear to be any binding Eleventh Circuit law holding the same. However, the Court finds that even if it can examine candidate quality, doing so would not discount the importance of the at-large elections. While Coley had never worked in the school district, he had been a school board member for almost a decade. Conversely, his opponent Roland had impeccable education credentials but knew very little about the community and had never had a student in the public school system. Voters could easily decide either was more qualified. Likewise, Busman volunteered as a team physician and is an upstanding member of the community, but homeschooled three of his children rather than send them to the school district he oversees. His opponent, Pless, had experience on the School Board and a background in education. Voters could reasonably select either.

Sumter County points out that African Americans have had success in November general elections. (Doc. 170 at 18.)⁷ Neither side has presented a statistical analysis of these

⁷ Sumter County also wants to attribute any success by Democrats in these elections to African Americans. (*See* Doc. 172 at ¶ 7.) The Court declines to do so. First, in many races, the Democrat and Republican are both likely to be white. (*See generally* Doc. 154-10.) The Court has already explained it would be discounting such races. *See Johnson*, 196 F.3d at 1221. Second, there is no statistical evidence before the Court of how likely African Americans in Sumter County are to support Democrats. Sumter County relies solely on McBride’s testimony that (1) “the candidate of choice in the black community would be the Democrat”—but

racess. There is thus no evidence of whether there was a black-preferred candidate in those races. Sumter County flipantly asserts Wright “cannot seriously contend that Barack Obama and Sanford Bishop are *not* the preferred candidates of the Sumter County black community” (Doc. 170 at 18 (emphasis in original).) Yet in the March 2014 District 6 election, an African American faced a white candidate and there was no black-preferred candidate. The Court will not merely assume black voters in Sumter County support every black candidate. Moreover, these elections took place at a different time of year than the current school board elections, included voters from outside of Sumter County, and were for positions other than school board. Accordingly, they are of diminished relevance here because they do they not allow the Court to make inferences about voter patterns in the challenged districts. *See Cofield v. City of LaGrange, Ga.*, 969 F. Supp. 749, 760 (N.D. Ga. 1997).

Reviewing the elections analyzed by McBride, there can be no doubt black and white voters consistently prefer different candidates. Moreover, white voters are usually able to the defeat the candidate preferred by African Americans. There was only one true “success” in the elections analyzed where an African American candidate preferred by African Americans was able to defeat a white-preferred candidate when the electorate was not predominantly black. The third *Gingles* factor is satisfied.

Sumter County argues Wright cannot satisfy factor three because African Americans in Sumter County are not a “minority,” but rather a majority of the population and a plurality of the voting-age population. (Doc. 170 at 5.) Other courts have found that although a majority group claiming a need for protection under Section 2 “faces an obvious, difficult burden in proving that their inability to elect results from white bloc voting, they are not precluded, as a matter of law, from seeking to prove such a claim.” *Salas v. Sm. Texas Jr. Coll. Dist.*, 964 F.2d 1542, 1555 (5th Cir. 1992). Like any other group, they must show “less

providing no basis or statistics in support of that position, and (2) “more than possibly 92 percent of African Americans support the Democrat Party” nationally—but providing no evidence of the percentages in Sumter County. (Doc. 157 at 180:25–181:4, 185:3–8.) Third, the Court is unable to determine if there was any minority cohesion or white bloc voting in these races because no EI analysis has been run on them. Any finding by the Court that wins by Democrats are wins by the black-preferred candidate over the white-preferred candidate would be pure speculation.

opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Gingles*, 478 U.S. at 63 (citation omitted).

The County hypothesizes ways in which it believes Wright could theoretically satisfy that burden—past discrimination could result in lower voter registration rates, felon disenfranchisement could disproportionately impact African Americans, the voting rolls might be inaccurate, other minority groups may band together with whites, there may be racially gerrymandered districts, or other practical impediments to African Americans voting may exist. (Doc. 170 at 3–7.) But, the County concludes, Wright has made no such showing. (*Id.*)

While African Americans do outnumber whites on the voter rolls, the voting booth is another story. In the school board elections since the new plan was implemented, white voters have outnumbered black voters in seven of nine races. *See* Tables 1; 2.⁸ The only exceptions are the elections in District 1 and District 5 where African Americans make up over 60% of the voting-age population. Sumter County cites *Missouri State Conference of the Nat'l Ass'n for the Advancement of Colored People v. Ferguson-Florissant Sch. Dist.*, 201 F. Supp. 3d 1006, 1071 (E.D. Mo. 2016), for the proposition that low voter registration rates can form the basis for a Section 2 claim by a group that is a near-majority in population or voting-age population. (Doc. 170 at 6.) The Court finds no meaningful difference between a failure to register to vote and a failure to cast a vote. It is, of course, true that were more African Americans to register (as in *Missouri State*) or turn out to vote (as here), they would likely be able to elect their preferred candidate. But our circuit has roundly rejected any effort to blame African Americans' lack of electoral success on “a failure of blacks to turn out their votes.” *United States v. Marengo Cty. Comm'n*, 731 F.2d 1546, 1568 (11th Cir. 1984) (quoting district court decision) (punctuation corrected). As outlined in the factual findings, Sumter County and the State of Georgia have a long history of discrimination. The effects of that discrimination still linger today in the form of disproportionate educational achievement,

⁸ The Court finds these numbers by multiplying the percentage of the white and black voting-age population data contained in Table 1 by the respective white and black turnout data in Table 2. While the numbers will be slightly off because the demographic data has changed since the 2014 elections took place, any error is too small to impact the Court's conclusions. McBride provided black voting-age populations for each election at the time of that election (or near to), but it does not include corresponding white voting-age population numbers. (Doc. 153-87 at 11.)

employment, income levels and living conditions. Sumter County cites an out-of-circuit case requiring evidence linking past discrimination to low turnout today. (Doc. 170 at 8 (citing *Salas v. Sw. Texas Jr. Coll. Dist.*, 964 F.2d 1542, 1556 (5th Cir. 1992)).) Our circuit has no such stringent requirement. “[W]hen there is clear evidence of present socioeconomic or political disadvantage resulting from past discrimination, as there [is] in this case, the burden is not on the plaintiffs to prove that this disadvantage is causing reduced political participation, but rather is on those who deny the causal nexus to show that the cause is something else.” *Marengo*, 731 F.2d at 1569. Sumter County has produced no evidence or argument showing what the low African American voting rate is attributable to. (*See generally* Doc. 170.) The Court, therefore, must assume a causal connection to the past discrimination.

Having found that all three *Gingles* factors are satisfied, the Court moves on to the Senate factors.

D. Senate Factor One

The first Senate factor is the history of voting-related discrimination in the State or political subdivision. “[P]ast discrimination can severely impair the present-day ability of minorities to participate on an equal footing in the political process. Past discrimination may cause blacks to register or vote in lower numbers than whites. Past discrimination may also lead to present socioeconomic disadvantages, which in turn can reduce participation and influence in political affairs.” *United States v. Marengo Cty. Comm’n*, 731 F.2d 1546, 1567 (11th Cir. 1984).

The Parties have stipulated that “Georgia and Sumter County have a long and extensive history of voting discrimination against African Americans.” This factor weighs heavily in Wright’s favor.

E. Senate Factor Two

The second factor is the extent to which voting in the elections of the State or political subdivision is racially polarized. “[T]his factor will ordinarily be the keystone of a dilution case.” *United States v. Marengo Cty. Comm’n*, 731 F.2d 1546, 1566 (11th Cir. 1984). The Court finds the Sumter County’s voters to be highly polarized. In ten of the twelve elections analyzed, over 85% of African American voters voted for the same candidate. Less than a

quarter of white voters supported the black-preferred candidate in any of those races. The average level of white support in those races was under 10%. In one of the two races which were not polarized, there was no African American candidate. The election results, therefore, would surely “have been different depending upon whether it had been held among only the white voters or only the black voters.” *Thornburg v. Gingles*, 478 U.S. 30, 54 (1986) (citation omitted). This factor also weighs heavily in Wright’s favor.

F. Senate Factor Three

Factor three is the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting. The current plan employs three parts relevant to this Senate factor.

First, Sumter County uses staggered terms for the at-large seats, with one at-large seat filled at each regular election. (MUF ¶ 6; PX 26 (House Bill 836).) Were the County to instead seat the top two vote-getters for at-large seats every four years, African Americans would have an enhanced opportunity for election in those seats. An illustrative example is the May 20, 2014, election for at-large seat number 1. There, an African American candidate received 36.7% of the vote and a white candidate received 36.4% of the vote. The white candidate won the subsequent run-off. Had the two candidates receiving the most votes instead been elected, the African American candidate—Michael Coley—would be a school board member.

Second, Sumter County uses a majority-vote requirement in elections for the at-large seats. (MUF ¶ 3.) The impact on African American candidates is apparent in the same race. Had Sumter County employed a plurality-win system, Michael Coley would have won the May 20, 2014, election. Because of the majority-win system, he was defeated. Majority-vote requirements have long been recognized as enhancing an opportunity for discrimination. *See League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 986 F.2d 728, 749 (5th Cir.), *on reh'g*, 999 F.2d 831 (5th Cir. 1993); *City of Rome v. United States*, 446 U.S. 156, 183 (1980), *abrogated on other grounds by Shelby Cty., Ala. v. Holder*, 570 U.S. 529 (2013).

Third, the addition of at-large districts enhanced the opportunity for discrimination. Several witnesses with experience in local politics testified that running at large in Sumter County is more expensive than running in a district and therefore presents a particular barrier for African-American candidates. (Doc. 158 at 52:24–54:23, 77:20–78:4, 135:23–138:2.) Although Sumter County itself is not unusually large, the larger area nonetheless requires greater costs. One white candidate, Sylvia Roland, received unsolicited money to assist with those added costs. (Doc. 159 at 54:21–23.) There is no testimony of any African American candidate receiving a similarly unsolicited donation.

The third factor weighs in Wright's favor.

G. Senate Factor Four

The fourth factor is the exclusion of members of the minority group from candidate slating processes. "The term 'slating' is generally used to refer to a process in which some influential non-governmental organization selects and endorses a group or 'slate' of candidates, rendering the election little more than a stamp of approval for the candidates selected." *Westwego Citizens for Better Gov't v. City of Westwego*, 946 F.2d 1109, 1116 n.5 (5th Cir. 1991). There is no evidence in the record of any slating process in Sumter County. Accordingly, the Court cannot find whether a slating process would or would not exclude African Americans. This factor carries no weight.

H. Senate Factor Five

The fifth factor is the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process. As recognized in the original Senate Report, "disproportionate educational, employment, income level and living conditions arising from past discrimination tend to depress minority political participation. Where these conditions are shown and where the level of black participation in politics is depressed, plaintiffs need not prove any further causal nexus between their disparate socio-economic status and the depressed level of political participation." *Johnson v. Mortham*, 926 F. Supp. 1460, 1519 (N.D. Fla. 1996) (quoting S. Rep. No. 97-417 at 29 n.114 (1982)).

As detailed in the factual findings, only 13.6% of white residents lack a high school diploma. The rate is over double—29.9%—for African Americans. (Doc. 164 at 4.) White residents are over three times more likely to have a bachelor’s degree or higher—30.9% versus 8.8% of African Americans. (*Id.*) The educational differences are reflected in employment numbers as well. Among those in the workforce aged sixteen years or over, the unemployment rate is 7.1% for white residents and 18.2% for African Americans. (*Id.*) Only 15.3% of white residents live in poverty compared to an astonishing 46.2% of African Americans. (*Id.* at 5.) Three in four African American households receive Supplemental Nutrition Assistance Program benefits. (*Id.*) The number is reversed for white residents: only one in five households receive the same benefits. (*Id.*) The median African American household earns \$22,736, less than half of the median \$48,672 for white households. (*Id.*) There can be no doubt that African Americans in Sumter County face “disproportionate educational, employment, income level and living conditions arising from past discrimination”

There can also be no doubt that the level of black participation in Sumter County politics is depressed. In the elections analyzed in the case, African Americans were on average over 60% less likely than their white counterparts to cast a vote. *See* Table 2.

Having shown a disparate socio-economic status between white and black residents of Sumter County and a depressed level of political participation by African Americans, this factor weighs heavily in Wright’s favor. *See* S. Rep. No. 97-417 at 29 n.114 (1982).

I. Senate Factor Six

The sixth factor is the use of overt or subtle racial appeals in political campaigns. Wright points to alleged incidents of African American candidates facing hostile and racist constituents while on the campaign trail. (Doc. 171 at 45.) The sixth factor, however, concerns racist messages being communicated to constituents, not constituents communicating racist messages to the candidates. *See, e.g., Meek v. Metro. Dade Cty., Fla.*, 805 F. Supp. 967, 982 (S.D. Fla. 1992), *aff’d in part, rev’d in part*, 985 F.2d 1471 (11th Cir. 1993) (voters were told that “Black candidates share common goals with Jesse Jackson or Nelson Mandela”). There is no evidence, and Wright does not allege, that any political campaign

employed overt or subtle racist appeals. Accordingly, this factor weighs in favor of Sumter County. However, the Court recognizes that “overtly bigoted behavior has become more unfashionable.” *Marengo*, 731 F.2d at 1571 (quoting *Metro. Hous. Dev. Corp. v. Vill. of Arlington Heights*, 558 F.2d 1283, 1290 (7th Cir. 1977)). While this factor can weigh heavily in favor of a plaintiff when present, “its absence should not weigh heavily against a plaintiff proceeding under the results test of section 2.” *Id.*

J. Senate Factor Seven

The seventh factor is the extent to which members of the minority group have been elected to public office in the jurisdiction. Here, it is undisputed that no African American has ever been elected to an at-large seat on the School Board under the challenged plan. (Doc. 125 at 20.) No African American has been elected in a School Board district except in districts where African Americans make up a majority of the voting-age population. (*Id.*) The only evidence of an African American being elected to county-wide office was in 2016 when Cortisa Barthell became Clerk of Superior Court. Barthell won the Democratic nomination where African Americans made up 81.9% of the electorate and did not face a general election opponent. There is no evidence in the record of an African American in Sumter County winning a contested race for county-wide office.

In sum, African Americans have lacked success in Sumter County elections. This factor weighs heavily in Wright’s favor.

K. Additional Senate Factors and Considerations

The Senate Report and courts applying Section 2 have recognized several other factors that may be relevant in determining the totality of the circumstances. The Court reviews those relevant to this case.

First is whether the policy underlying the state or political subdivision’s use of such voting qualification, prerequisite to voting, or standard, practice, or procedure is tenuous. S. Rep. No. 97-417 at 29. Wright asserts the School Board’s policy assertion for adding at-large districts was tenuous. (Doc. 171 at 48–51.) The Court disagrees. At nine members, the Sumter County School Board was one of the largest in the state. At the recommendation of its accreditation agency, the School Board reduced the number of members and realigned

the districts to mirror those of the County Board of Commissioners. Those decisions were entirely reasonable. But the Board of Commissioners only has five members. Wright asserts there was no reason to move to a seven-member Board with two at-large seats rather than a five-member Board with no at-large seats. The only testimony on this issue was Busman's testimony that it was "easier" to go from nine to seven members rather than down to five. (Doc. 159 at 16:10–15.) As noted in the factual findings, the Court infers that the smaller shift was "easier" because fewer incumbent seats were put at risk. There is nothing tenuous about minimizing changes to make the districts more politically palatable.

Another reasonable interpretation is that nine was the status quo, and the further one strays from the status quo, the more difficult the transition can be. Again, this justification would not be tenuous. It can be challenging to predict the problems which will arise when shifting to a new district alignment. The more the new system resembles the old, the more familiar it will be to election officials, candidates, and voters.

Wright argues the asserted rationale is belied by the timing of the changes. While it is true that the final Board vote approving the plan did not occur until a lame-duck session immediately before the newly-elected black board member would give African Americans a majority on the Board, the bill was introduced before that election, and the final resolution passed without any opposition. The timing does not undermine the asserted purpose.

Further, the General Assembly's re-enactment of a plan not precleared by the Department of Justice following the *Shelby County* decision is not evidence of an improper motive. (See Doc. 171 at 51.) When the Department requested additional information to decide if the plan should be given preclearance, it was the African American majority on the Board which refused to provide that information. The plan's lack of preclearance, therefore, is not evidence of discrimination toward African Americans.

The lack of a tenuous policy justification thus weighs toward Sumter County. However, a showing that the policy justification is race-neutral does not negate "a plaintiff's showing through other factors that the challenged practice denies minorities fair access to the process." S. Rep. No. 97-417 at 29 n.117.

Second is the proportionality inquiry. “‘Proportionality’ as the term is used here links the number of majority-minority voting districts to minority members’ share of the relevant population.” *Johnson v. De Grandy*, 512 U.S. 997, 1014 n.11 (1994). Proportional districts help to assure that “minority voters have an equal opportunity, in spite of racial polarization, ‘to participate in the political process and to elect representatives of their choice.’” *Id.* at 1020 (quoting 42 U.S.C. § 1973(b) (1994)). Wright argues that “African Americans constitute [49.5%] of Sumter’s County’s voting-age population, but they constitute a majority of the voting-age population in only two (28.6%) of the board’s seven seats.”⁹ (Doc. 171 at 52 (citations omitted).) The Court agrees that the districts are not proportional. While African Americans hold a majority *or plurality* in four of the seven districts, it is abundantly clear plurality districts do not provide an equal opportunity for African Americans to elect representatives of their choice given the history of discrimination in the county. Accordingly, because African Americans hold a majority in only two districts, this factor weighs toward Wright.

Wright asserts a third relevant factor: racial separation. (Doc. 171 at 52.) The Court finds no support for racial separation being a consideration in a Senate Factors analysis. Wright cites three cases arguing otherwise. Two, *United States v. City of Euclid*, 580 F. Supp. 2d 584, 592–93 (N.D. Ohio 2008) and *United States v. Charleston Cty.*, 316 F. Supp. 2d 268, 291 (D.S.C. 2003), *aff’d sub nom.*, 365 F.3d 341 (4th Cir. 2004), are out-of-circuit district court cases with no precedential value in this Court. The third, *McMillan v. Escambia Cty., Fla.*, 688 F.2d 960, 967–68 (5th Cir. 1982), *vacated*, 466 U.S. 48 (1984), only noted the district court’s observation of racial separation in its Fourteenth Amendment—not Voting Rights Act—analysis, and in any event the judgment was vacated on appeal and never reinstated. *See Tallahassee Branch of NAACP v. Leon Cty., Fla.*, 827 F.2d 1436, 1440 (11th Cir. 1987) (“*McMillan* has no binding precedential effect.”). In the absence of any authority recognizing this factor, the Court declines to consider it.

⁹ Wright actually claims African Americans constitute 48.1% of the voting-age population. The Court refers only the most recent demographic data before it, which puts that number at a slightly higher 49.5%.

II. Totality of the Circumstances

The Court must “consider the ‘totality of circumstances’ to determine whether members of a racial group have less opportunity than do other members of the electorate.” *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 425–26 (2006). “[I]t will be only the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* factors but still have failed to establish a violation of § 2 under the totality of circumstances.” *N.A.A.C.P., Inc. v. City of Niagara Falls, N.Y.*, 65 F.3d 1002, 1019 n.21 (2d Cir. 1995) (citation omitted); see *Thompson v. Glades Cty. Bd. of Cty. Comm'rs*, 493 F.3d 1253, 1261 (11th Cir.), *reh'g en banc granted, opinion vacated*, 508 F.3d 975 (11th Cir. 2007), and *on reh'g en banc*, 532 F.3d 1179 (11th Cir. 2008) (noting the *Niagara Falls* standard, though the opinion was later vacated and the district court affirmed by an evenly divided en banc panel). “In such cases, the district court must explain with particularity why it has concluded, under the particular facts of that case, that an electoral system that routinely results in white voters voting as a bloc to defeat the candidate of choice of a politically cohesive minority group is not violative of § 2 of the Voting Rights Act.” *Niagara Falls*, 65 F.3d at 1019 n.21 (citation omitted).

The Court finds, based on the totality of the circumstance, that African Americans in Sumter County have less opportunity to elect candidates of their choice than do white citizens. Under the totality standard, the Court finds the following facts particularly compelling: (1) the incredibly high rates of polarized voting in races that pit an African American candidate against a white candidate; (2) the glaring lack of success for African American candidates running for county-wide office, both historically and recently, despite their plurality in voting-age population; (3) the undisputed history of discrimination in Sumter County and throughout Georgia; (4) the lingering effects of that discrimination today, including the comparatively low income and education levels and high rates of poverty for African Americans in Sumter County; and (5) the low rate of African American turnout in these elections which—in the absence of evidence to the contrary—the Court attributes to the history of discrimination and the socioeconomic disparities. Because of these factors, the elections for at-large seats do not give African Americans in Sumter County a meaningful opportunity to elect the candidates of their choice.

III. Illustrative Plan

“In a § 2 vote dilution suit, along with determining whether the *Gingles* preconditions are met and whether the totality of the circumstances supports a finding of liability, a court must find a reasonable alternative practice as a benchmark against which to measure the existing voting practice.” *Holder v. Hall*, 512 U.S. 874, 880, 114 S. Ct. 2581, 2585, 129 L. Ed. 2d 687 (1994) (footnote omitted).

The Court finds that, by the bare minimum, Wright has shown his illustrative plan “achieve[s] a more proportional representation of minorities than did the previous multi-member system.” *Meek v. Metro. Dade Cty.*, 908 F.2d 1540, 1548 (11th Cir. 1990) (quoting *Solomon v. Liberty County*, 865 F.2d 1566, 1572 n.5 (11th Cir. 1988)). African Americans in Sumter County are currently able to elect two of seven candidates of their choice. The Court accepts, based on the evidence presented, that they are unable to elect the candidates of their choice in the at-large districts where they account for 49.5% of the voting-age population. In the illustrative plan, neither party contests that African Americans would be able to elect the candidates of their choice in District 1 and District 5. The question for the Court, then, is whether they would have an opportunity to elect the candidate of their choice in illustrative District 6, a single-member district where they represent 54.5% of the voting-age population. As McBride readily concedes, the answer is “guesswork.” Based on the cohesion and crossover voting patterns, that percentage would be sufficient in some of the current single-member districts, but not others. McBride asserts that a 49.5% district is not a black-majority district, so it would behave like districts with far less black voters. Meanwhile, a 54.5% district is a black-majority district, so it would behave differently from the at-large districts. (Doc. 158 at 13:10–20:3.) The Court finds no support for the idea that a five percentage point shift would have such a drastic impact on voting behaviors.

That said, the testimony before the Court is that illustrative District 6 has a greater percentage of African American voters than has been needed in other districts to elect the candidate of their choice. (Doc. 153-87 at 24.) The five percentage point increase in African American voters over the current at-large district, combined with the corresponding eight percentage point drop in white voters from the at-large district to the illustrative District 6

could create a potentially sizable shift in the election results. The only *testimony* before the Court is that “black voters would have a meaningful opportunity to elect candidates . . . of their choice in [illustrative District 6].” (*Id.*) Sumter County makes the *argument* that this is not the case, (Doc. 170 at 24–29), but it did not ask its expert to conduct any analysis of Wright’s illustrative plan in this stage of the case. (Doc. 159 at 221:16–21.)

Sumter County suggests that a minimum of 60% of the voting-age population is needed to give African Americans an opportunity to elect candidates of their choice, citing cases in which have adopted a similar number. (Doc. 170 at 25); *Ketchum v. Byrne*, 740 F.2d 1398, 1415 (7th Cir. 1984). But in those cases, the courts recognized a higher number was necessary *based on the evidence in the case*. See, e.g., *Ketchum*, 740 F.2d at 1415 (“During the trial, witnesses for both sides testified that 65% of total population is a widely recognized and accepted criterion in redistricting formulations.”) This case has no such evidence. Again, the only testimony is that 54.5% would likely be sufficient.

Sumter County next argues that the illustrative plan would be a step backward because it trades two 49% African American districts for a 54% district and a 41% district. The Court has already found that African Americans do not have a meaningful opportunity to elect candidates of their choice in the at-large districts. They are stuck at two representatives of seven. In the illustrative plan, they would at least have an opportunity to win a third seat.

This is not to say the Court believes Wright’s illustrative plan is the one which should ultimately be put into place. Africans Americans currently constitute a majority of the population in Sumter County. Their numbers, by percentage of the population, continue to grow each year. If these trends continue, African Americans will soon make up a majority of the voting age population in Sumter County, as well. At some point under the current plan—if the trends continue—one would expect black-preferred candidates to win at-large seats and constitute a majority of the School Board. Under the illustrative plan, African Americans would need to win a district where they represent roughly forty percent of the voting-age population to pick up a fourth seat. Even with a growing share of the population, the Court finds it unlikely they will be able to do so in the foreseeable future so long as

voting in the country remains racially polarized. The Parties agree that Sumter County and Georgia's elected officials must be given the first opportunity to craft a remedial plan. (Doc. 140 at 3; 141 at 3.) The Court encourages the Parties and elected officials to be creative in exploring possible remedies. Redrawn district lines are but one tool available for remedying a Section 2 violation. For example, a discriminatory anti-single-shot voting rule can be fixed by removing the rule. *See Holder v. Hall*, 512 U.S. 874, 880 (1994). The problem for African Americans in Sumter County is not the number of voters, but how often they turn out to cast votes. The Parties and the General Assembly may consider whether any tools at their disposal could meaningfully improve turnout such that African Americans have an equal opportunity to elect candidates of their choice.

Finally, Sumter County argues that the illustrative plan “inflicts a constitutional injury.” (Doc. 170 at 29 (capitalization altered).) The Equal Protection Clause of the Fourteenth Amendment “prevents a State, in the absence of ‘sufficient justification,’ from ‘separating its citizens into different voting districts on the basis of race.’” *Cooper v. Harris*, 137 S. Ct. 1455, 1463 (2017) (quoting *Bethune–Hill v. Virginia State Bd. of Elections*, 137 S. Ct. 788, 797 (2017)). To prove a violation, a plaintiff must show that “race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district.” *Miller v. Johnson*, 515 U.S. 900, 916 (1995). “That entails demonstrating that the legislature subordinated other factors—compactness, respect for political subdivisions, partisan advantage, what have you—to racial considerations.” *Cooper*, 137 S. Ct. at 1463–64 (quotations and citations omitted). Here, there is no evidence that the illustrative plan subordinated any factors for race considerations. McBride testified, and Sumter County does not contest, that the illustrative plan “comple[s] with the one-person, one-vote principle, the Voting Rights Act, and traditional redistricting criteria including compactness, contiguity, respect for communities of interest, [and] respect for political boundaries.” (Doc. 153-87 at 5.) The plan does not raise any constitutional concerns.

Accordingly, the Court concludes that the illustrative plan—while far from perfect—is likely to give African Americans a more proportional representation on the Board of Education than does the current plan. The Parties should not take this as an indication of

how the Court will view the proposed remedial plans in the next step of this case. The Parties have already begun a much more robust discussion of remedial plans in post-trial briefing. (*See* Docs. 174; 176; 180.) While that evidence is not before the Court at the liability stage, (*see* Doc. 189), the Court expects a much more expansive body of evidence to determine the effectiveness of proposed remedial plans following post-trial discovery.

CONCLUSION

The Court finds that Plaintiff Mathis Kears Wright, Jr. has established all three *Gingles* factors, that the majority of the Senate Factors weigh toward him, and that he has shown an illustrative plan which is likely to give African Americans a more proportional representation on the Board of Education than does the current plan. Accordingly, the Court finds, based on the totality of the circumstances, that the at-large districts of the Sumter County Board of Education dilute African-American voting strength in violation of Section 2 of the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10301.

The case now moves to a remedial stage. The Court agrees with the Parties that elected officials should have the first opportunity to remedy the unlawful election plan. *See Wise v. Lipscomb*, 437 U.S. 535, 540 (1978); (Docs. 140; 141). The Court notes that the General Assembly will be in session through at least Thursday, March 29, 2018. S.R. 631, 154th Gen. Assemb., Reg. Sess. (Ga. 2018). The Sumter County Board of Elections and Registration is **ORDERED** to confer with Sumter County's legislative delegation and inform that Court **no later than Monday, March 26, 2018** whether the General Assembly is inclined to enact a remedial plan before adjourning *sine die* or, if not, a timeline for when it believes a remedial plan could be adopted. While the time period is short, the Parties have already put considerable effort into their proposed remedial plans, which will greatly assist the General Assembly in its efforts.

Given the Court's holding, Wright's Motion for Preliminary Injunction (Doc. 190) is

DENIED WITHOUT PREJUDICE. Following the status report from the General Assembly, the Court will consider whether the May elections must be enjoined.

SO ORDERED, this 17th day of March 2018.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MATHIS KEARSE WRIGHT, JR.,	:	
	:	
Plaintiff,	:	
	:	CASE NO.: 1:14-CV-42 (WLS)
v.	:	
	:	
SUMTER COUNTY BOARD OF	:	
ELECTIONS AND REGISTRATION,	:	
	:	
Defendant.	:	
_____	:	

ORDER

On May 16, 2019, the Eleventh Circuit Court of Appeals granted Plaintiff’s motion for a limited remand authorizing this Court to conduct remedial proceedings and devise a remedy in time for the regularly-scheduled school-board election in May 2020. (Doc. 250.) The Court issues such a remedy herein.

BACKGROUND

Plaintiff Mathis Kears Wright, Jr. brought this action to challenge the method of electing members of the Board of Education in Sumter County, Georgia. (Doc. 1.) Plaintiff contends that the current election plan’s two at-large seats and high concentration of African-American voters in Districts 1 and 5 dilute African-American voting strength in violation of Section 2 of the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10301. (*Id.*) In 2015, the Court granted summary judgment to the Sumter County Board of Elections, and Plaintiff appealed. (Docs. 63 & 64.) Finding that the Court made impermissible credibility determinations, the Eleventh Circuit reversed and remanded. (Doc. 71.)

Thereafter, the Court entered a supplemental discovery order and held a bench trial. (*See* Docs. 78 & 144.) Following the trial, the Court issued an order not only recounting the history of racial discrimination and segregation in Sumter County, but specifically finding that the current voting map for Sumter County Board of Education (the “School Board”) gives African-American citizens “less opportunity to elect candidates of their choice than” White

citizens. (Doc. 198 at 33.) After analyzing the relevant factors, and based on the totality of the circumstances, the Court found that “the at-large districts of the Sumter County Board of Education dilute African-American voting strength in violation of Section 2 of the Voting Rights Act of 1965, as amended, 52 U.S.C. § 10301.” (*Id.* at 37.) The Court determined that an alternative election plan would need to be enacted but, given that the General Assembly was still in session, ordered the Parties to first confer with Sumter County’s legislative delegation regarding its inclination to enact a remedial plan before adjourning. (*Id.*)

After Defendant notified the Court that the Georgia General Assembly would be unable to pass legislation on Sumter County’s redistricting during its 2018 session (Doc. 201), Plaintiff moved for an injunction of the May 2018 election. The Court determined that all three requirements for a permanent injunction had been met: Wright had prevailed on his claim, there was no adequate remedy at law for a violation of Section 2 of the Voting Rights Act, and the loss of a meaningful right to vote created an irreparable harm. (Doc. 204 at 5.) The Court then enjoined the School Board’s election scheduled for May 22, 2018 and reset it to November 6, 2018, ordering that voters be informed that races for the Sumter County Board of Education had been enjoined. (*Id.* at 7.) The Court stated that it would enter an order setting interim boundaries for the new districts by July 23, 2018. *Id.* Defendant appealed that order and the Court’s order as to liability. (*See* Docs. 207 & 209.) The Court found that the notice of appeal conferred jurisdiction on the Eleventh Circuit and divested it of jurisdiction to set interim boundaries, a subject involved in the appeal, and therefore removed its self-imposed deadline to set interim boundaries. (Doc. 214 at 3).

On July 31, 2018, Plaintiff filed an Emergency Motion for an Injunction Pending Appeal (Doc. 218), and Defendant argued that the Court lacked jurisdiction to enjoin the election (an issue involved in the appeal) and that equities favored denying Plaintiff’s motion. (Doc. 223.) The Eleventh Circuit subsequently remanded the case to this Court to issue a new map setting interim boundaries if feasible. (Doc. 225.) After hearing from the Parties, the Court “decline[d] to adopt one of the remedial plans proposed by Plaintiff¹, especially given

¹ Although the Court found that Plaintiff’s proposed plans provide helpful information for developing a remedial plan, the Court never determined that one of Plaintiff’s proposed plans should be implemented. (*See* Doc. 206 at 6.)

the strong objections to the plans announced by Defendant and the obligation of the Court to ensure that a remedial plan is constitutional.” (Doc. 238 at 5.) The Court determined that a new interim map must be drawn and that there was insufficient time to do so before the next scheduled election in November given Defendant’s assertion that the deadline to change ballots was August 17, 2018. *Id.* at 5-6. Instead, the Court enjoined that election. *Id.* at 11.

This case is now again before this Court on a limited remand authorizing this Court to devise a remedy in time for the regularly-scheduled school-board election in May 2020. (Doc. 250.) On June 12, 2019, the Court held a telephonic conference during which both Parties stated that deferral to the legislature was unwarranted and that a remedy should expeditiously be put in place. (*See* Doc. 254.) The Court directed the Parties to propose procedures the Court should use if it draws its own remedial map. *Id.* Consistent with the Parties’ joint proposal (Doc. 252), the Court ordered the Parties to submit the names of persons that the Parties agreed were qualified to serve as a special master to assist the Court in drawing remedial districts. (Doc. 254.) The Court also asked Plaintiff to respond to two arguments that Defendant made regarding Plaintiff’s proposed remedies: “(1) that in a district with a black voting-age population of less than 69%, black voters may not have an equal opportunity to elect their preferred candidate given low black voter turnout, and (2) that both proposals limit black voters in Sumter County to only three out of seven seats on the school board, even though the county is majority black.” *Id.* at 2. After considering the Parties’ supplemental arguments, the Court determined that “the best option for ensuring that an effective remedial plan is in place before the May 2020 elections is to choose the [Parties’] agreed-upon special-master candidate, Professor Bernard Groffman [sic].” (Doc. 261 at 1.) The Court determined that doing so “will prevent unnecessary delay that may result from referring this case to the Georgia legislature and will allow the Court to determine whether it is possible to craft remedial districts that would more effectively address the voting rights violations than those proposed by Plaintiff.” *Id.* at 1-2.

On September 23, 2019, the Court entered the Parties’ proposed order appointing Professor Grofman as special master, outlining his responsibilities, and requiring that he report at least one recommended remedial plan containing a color map, demographic data, and a

narrative analysis by November 25, 2019. (Doc. 267.) On November 22, 2019, Professor Grofman provided the Court his report identifying five remedial plans, each with a colored map. (Doc. 272.) The Parties provided response and reply briefs to the same. (Docs. 268, 269, 270, 271.) Further, the Court held a public hearing to hear from the Parties, Professor Grofman, and any other interested persons on January 13, 2020. (*See* Docs. 273 & 276.)

DISCUSSION

Section 2 of the Voting Rights Act provides:

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color

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

42 U.S.C.A. § 1973 (West Supp. 1988). “Section 2 was enacted to enforce the Fifteenth Amendment’s prohibition against denying a citizen the right to vote ‘on account of race.’” *White v. Alabama*, 74 F.3d 1058, 1069 (11th Cir. 1996) (citation omitted). “A judicial remedy fashioned under section 2 must therefore enhance the ability of [] plaintiffs to *elect* their candidates of choice.” *Id.* However, “equal access to the political process . . . is not to be confused with equal participation: ‘Nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.’” *Dillard v. Crenshaw Cty.*, 831 F.2d 246, 250 (11th Cir. 1987) (citations omitted).

Generally, “redistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt.” *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978). “[B]ut when those with legislative responsibilities do not respond, or the imminence of a state election makes it impractical for them to do so, it becomes the ‘unwelcome obligation’ of the federal court to devise and impose a reapportionment plan

pending later legislative action.” *Id.* at 540. Both Parties have stated that this Court should not defer to the legislature. (*See* Doc. 254.) The Court agrees. Given that the Court has twice sought the legislatures’ involvement since 2018 and given the nature of the Circuit Court’s limited remand to allow this Court time to fashion its own remedy (Doc. 250), this Court now finds it necessary to devise an appropriate remedy.²

“[W]hen devising election plans to remedy section 2 violations, federal courts ‘should exercise traditional equitable powers to fashion the relief so that it completely remedies the prior dilution of minority voting strength and fully provides equal opportunity for minority citizens to participate and to elect candidates of their choice.’” *United States v. Dall. Cty. Com.*, 850 F.2d 1433, 1437-38 (11th Cir. 1988) (citation omitted). “[T]here is very little specific guidance in the legislative history as to the proper evaluation of remedial schemes for violations under amended Section 2.” *Dillard*, 831 F.2d at 250. But the Eleventh Circuit has determined that remedial plans must be evaluated “in part measured by the historical record, in part measured by difference from the old system, and in part measured by prediction.” *Id.* Thus, this Court must thoroughly assess the differences between the existing plan and the remedial plan and not implement a map where “[e]nough of the [old] elements remain” that the section 2 violation has not been effectively cured. *See id.* at 252. In other words, “any proposal to remedy a Section 2 violation must itself conform with Section 2.” *Id.* at 249. Further, the district court must “fashion a narrowly and well tailored remedy.” *Id.* at 253.

A. Professor Grofman’s Proposals

In appointing Professor Grofman as the special master, the Court ordered that he “devise a new election plan or plans for the seven-member Sumter County Board of Education that completely remedies the Section 2 violation identified in this Court’s orders.” (Doc. 267 at 2.) In submitting his subsequent report and plans, Professor Grofman never indicated that he was unable to comply with this primary instruction, but rather, he submitted five plans which he apparently believed would remedy the violation. The Court also ordered that he achieve “population equality with little more than *de minimis* variation,” in conformance with

² The Court again reiterates that given Defendant’s strong arguments against implementing one of Plaintiff’s proposals, and now that the Court has the benefit of Professor Grofman’s proposals, the Court does not find it appropriate to adopt Plaintiff’s proposals.

the one-person, one-vote principal. *Id.* The Court ordered that single-member districts be used unless a different result was justified and that the Board have seven members with four-year terms. *Id.* at 3. The Court also ordered that any plans submitted “avoid pairing any incumbents who have not publicly announced an intention not to run for re-election, but only to the extent doing so does not interfere with remedying the Section 2 violation or otherwise complying with state and federal law.” *Id.* at 3.³

Professor Grofman reports that he viewed his “central tasks as special master as preparing illustrative remedial maps for the Court to consider as alternatives[] and informing the Court as to the realistic opportunities for the minority community to participate in the electoral process and to elect candidates of choice in the various districts in these maps.” (Doc. 272 at 4.) He pulled data entirely from the Court record and “information that is publicly available from two reliable sources: the U.S. Census Bureau and the office of the Georgia Secretary of State, with the exception of data on the home addresses of the incumbents.” *Id.* at 5. In drawing the maps, his top three priorities were population equality across districts (no more than a plus or minus five percentage point deviation), district contiguity, and the preservation of existing political subunit boundaries to the greatest extent feasible. Doc. 272-4 at 1.

Professor Grofman proposes five maps⁴ with seven single-member districts, which were each drawn using traditional and neutral districting criteria such as maintenance of city borders⁵ and compactness (a measure of a district’s border or area irregularity). (Doc. 272 at 6-7.) Other factors, such as race and incumbent location, were taken into account only in the final stage of the map-drawing process, at which point the maps were adjusted slightly to avoid inadvertently pairing incumbents and “to better satisfy equal protection concerns.” *Id.*; Doc.

³ “While protection of incumbents is perhaps not as high a priority as some other considerations in districting, it is still a part of the State of Georgia’s traditional districting principles, which principles this Court is expected to defer to in drafting its remedial plan.” *Smith v. Cobb Cty. Bd. of Elections & Registrations*, 314 F. Supp. 2d 1274, 1307 (N.D. Ga. 2002) (citing *Karcher v. Daggett*, 462 U.S. 725, 740 (1983)).

⁴ He also created a five-member plan, but the Court will not examine that plan as “the district court’s modifications of a state plan are limited to those necessary to cure any constitutional or statutory defect.” *Upham v. Seamon*, 456 U.S. 37, 43 (1982). Reducing the Board to five members is not necessary to cure the violation; thus, the Court will not examine Map 5.

⁵ Professor Grofman notes that it is nearly impossible to draw plans using the city borders of Americus, Sumter County’s largest city, because of the extreme irregularity of the city’s borders. *Id.* at 6 n.16.

272-4 at 1.⁶ Professor Grofman found that because the majority of Sumter County residents live in Americus and the majority of Americus is Black,⁷ he was easily able to generate three districts in or near Americus with a Black voting-age majority. *Id.* at 7-8. All small cities and places were kept whole. Doc. 272-4 at 1. As the Court has previously found, Sumter County is approximately 51% Black and 41% White, with Blacks constituting slightly more of the voting-age population than Whites, 49.5% and 46.7%, respectively. (Doc. 198 at 8.)⁸ Moreover, “[a]mong students in the schools that fall under the jurisdiction of the County School Board, 71.5% (=3,143/4,396) are non-Hispanic Black, 13.8% (=608/4,396) are non-Hispanic White, and 11.9% are Hispanic (=525/4,396). Thus, the non-White population of the schools is 86.2%.” (Doc. 272-1 at 7.)

In four of the proposed maps (Maps 1a, 1b, 1c, and 3), at least three districts are “Minority Opportunity Districts,” meaning a district in which African Americans in Sumter County have a realistic opportunity to elect a candidate of choice. Doc. 272 at 5 n.13; *id.* at 9. Professor Grofman concludes that where Black voters constitute 60.2% of a district, they have a realistic opportunity of electing their candidate of choice; thus, these are minority opportunity districts. (Doc. 272-2 at 6-7.) The following chart highlights the percentage of the Black Voting-Age Population (“BVAP”) in each district in the currently enacted map, one of Plaintiff’s proposed maps, and Professor Grofman’s five proposed maps:

<u>Enacted</u>	<u>Plaintiff</u>	<u>Map 1a</u>	<u>Map 1b</u>	<u>Map 1c</u>	<u>Map 2</u>	<u>Map 3</u>
70.58%	75.39%	69.11%	70.85%	69.5%	62.71%	62.42%
62.76%	64.44%	65.73%	64.78%	68.4%	56.32%	61.49%
43.92%	54.5%	62.12%	64.09%	61.06%	55.11%	60.53%
36.17%	41.33%	43.66%	40.12%	41.91%	55.06%	60.13%
30.28%	41.29%	37.66%	37.68%	37.74%	40.03%	34.57%
(at-large)	38.37%	34.51%	36.19%	37.08%	36.58%	33%
(at-large)	26.32%	30.36%	31.62%	29.12%	33.73%	30.33%

⁶ Professor Grofman stated that “given home locations, some pairing of incumbents involving the incumbents now elected at-large is essentially unavoidable without compromising constitutional and legal priorities.” (Doc. 272-1 at 1.)

⁷ “Black” and “African-American” are used interchangeably in this Order.

⁸ The Court used data from 2012-2016. *Id.* Professor Grofman’s review of the 2010 U.S. Census Data was similar: “among those in the County who identify as either Black or White, the Black proportion is 55.1%.” (Doc. 272-1 at 8.)

Rule 53 requires that courts decide *de novo* all objections to the special master's factual findings or legal conclusions. Fed.R.Civ.P. 53(f). Plaintiff objects to proposed Map 2⁹ but argues that either Maps 1a, 1b, 1c, or 3 would be an appropriate Section 2 remedy. (Docs. 269 & 271.) Plaintiff posits that Map 3 should be chosen only if the elections are moved to November, presumably because the BVAPs are smaller in Map 3's majority black districts than in the other maps'. (Doc. 269.) Defendant makes no specific objections to these maps but instead argues that the proposals highlight what Defendant contends is the Court's error in its liability ruling because none of the maps "affords the black community an equal opportunity (as defined in the liability opinion) to win a majority." (Doc. 272 at 2.) Defendant asks the Court to select one of Professor Grofman's remedial maps so that it can proceed with prosecuting its appeal. (Doc. 270.) For the reasons that follow, the Court finds that Map 3 is the most appropriate map to adopt and that the school board's elections should be moved to November.¹⁰

B. The Best Remedial Plan

As an initial matter, the Court favors single-member districts for the school board's elections over at-large districts. The Court has specifically found that based on numerous factors,¹¹ "the elections for at-large seats do not give African Americans in Sumter County a meaningful opportunity to elect the candidates of their choice." (Doc. 198 at 33.) Indeed, "it is undisputed that no African American has ever been elected to an at-large seat on the School

⁹ Plaintiff withdrew an objection to Map 1a after Professor Grofman submitted a corrected Map 1a showing that its third majority BVAP district would not have a white incumbent. (Doc. 271 at 1.)

¹⁰ For clarity, it does not appear that any objections were made to Professor Grofman's findings or conclusions. Nonetheless, the Court addresses each objection herein.

¹¹ *E.g.*, "(1) the incredibly high rates of polarized voting in races that pit an African American candidate against a white candidate; (2) the glaring lack of success for African American candidates running for county-wide office, both historically and recently, despite their plurality in voting-age population; (3) the undisputed history of discrimination in Sumter County and throughout Georgia; (4) the lingering effects of that discrimination today, including the comparatively low income and education levels and high rates of poverty for African Americans in Sumter County; and (5) the low rate of African American turnout in these elections which—in the absence of evidence to the contrary—the Court attributes to the history of discrimination and the socioeconomic disparities." (Doc. 198 at 33.)

Board under the challenged plan.” (Doc. 198 at 30.)¹² While at-large districts are not *per se* unconstitutional, given the history of the School Board’s elections here, there is a strong likelihood that keeping at-large districts for the School Board’s elections would “perpetuate[] rather than ameliorate[] the inequities which have resulted in an abridgement of [Sumter] County’s black citizens’ access to the political process.” *Dall. Cty. Com.*, 850 F.2d at 1440 (holding that a court’s remedial plan which contained an at-large district for school board elections did not comply with Section 2). Thus, without any evidence to support a different result, only single-member districts will be used here. While all of Professor Grofman’s maps contain only single-member districts, Map 3 is superior to all other maps proposed to-date.

Map 3 is the only of Professor Grofman’s maps that gives African Americans in Sumter County a realistic opportunity to elect board members to four out of seven seats. Although Map 2 has four majority BVAP districts, the Court agrees with Professor Grofman that only two of those districts are minority opportunity districts given the relatively low BVAP of 55% to 56% in three districts and the presence of a White incumbent in one district. (*See* Doc. 272-5 at 2.) In Map 3, however, the BVAP in the four majority BVAP districts is 60.13%, 60.53%, 61.49, and 62.42%. These percentages are significant. Professor Grofman found – and no party has objected – that a BVAP of 60.2% is generally sufficient to give Black voters a realistic opportunity to elect their candidate of choice.¹³ (Doc. 272-2 at 6-7.) The district in Map 3 with 60.13% BVAP is only slightly below this threshold; more problematic for Black voters, is that it has a White incumbent. But Professor Grofman states that he would consider this district a minority opportunity district if the election were moved to November and no White incumbent was running for re-election in this district, thus giving Map 3 four minority

¹² Although it was stated at the remedial hearing that a recent Black clerk of court was elected in an at-large election, that is not compelling. The Court was provided no specific facts about the circumstances in that election, but has already noted that an African American was elected Clerk of Superior Court in 2016 where African Americans made up 81.9% of the electorate and the candidate did not face a general election opponent. (Doc. 198 at 30.) Then, as now, “[t]here is no evidence in the record of an African American in Sumter County winning a contested race for county-wide office.” *Id.*

¹³ Previously, the only testimony Plaintiff provided was that 54.5% would likely be sufficient. (Doc. 198 at 35.) Defendant then argued, presumably based on one district’s election data, that 69% was necessary. (Doc. 200 at 20-21.) But Professor Grofman has clarified that a BVAP of 69% is not necessary for Black voters here to have a meaningful opportunity to elect their candidates of choice. (Doc. 272-5 at 1.)

opportunity districts. (Doc. 272-1 at 3) (“I would certainly label this district as a *minority opportunity to elect* district, since it contains a majority Black electorate in the 2014, 2016, and 2018 November elections.”)

Previously, Defendant argued that Plaintiff’s proposed maps were inadequate because they would lock the Black majority of Sumter County into a permanent minority (three out of seven seats) on the School Board. The Court has never found that Black voters must have a majority in four districts for Section 2 to be satisfied. *Dillard*, 831 F.2d at 250 (“Nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.”) (citations omitted). Nonetheless, it certainly seems incongruous that in a county which is majority Black (and for schools which are overwhelmingly Black), the Court would enter a remedy to a violation of Section 2 of the Voting Rights Act by limiting Blacks in Sumter County to only three out of seven seats on the School Board. The goal, after all, is to give minority voters an equal opportunity to elect the candidates of their choice. Map 3 achieves this goal, especially when the elections are moved to November.¹⁴

As the Court previously found, “[r]edrawn district lines are but one tool available for remedying a Section 2 violation.” (Doc. 198 at 36) (citing *Holder v. Hall*, 512 U.S. 874, 880 (1994)). “The problem for African Americans in Sumter County is not the number of voters, but how often they turn out to cast votes;” thus, in considering a remedy, the Court stated it was important to determine whether there were any tools that “could meaningfully improve turnout such that African Americans have an equal opportunity to elect candidates of their choice.” *Id.* Professor Grofman highlighted in his report the importance of moving the elections to November. He explains, “*Ceteris paribus*, the absence of a major top of the ticket election on the ballot, or some other election which would provide a strong incentive to vote, acts to depress turnout, and this is especially true for minority voters.” (Doc. 272-3 at 3.) He states that the concept is “widely confirmed,” and that as a result, minority turnout is expected to be lower in primary elections in May than in general elections in November. *Id.* Here, there

¹⁴ Furthermore, Professor Grofman states that Map 3 is the most “compact,” meaning that its districts are the least irregular. (Doc. 272-3 at 8-9, 272-4 at 2-3.) Map 3 is also the only map where four districts have a Sumter County school, compared to three or less in the other maps. (Doc. 272-3 at 10; 272-4 at 1.)

were “consistent turnout disparities between elections held in May and elections held in November in the Black share of the actual electorate,” thus resulting in a “potential reduction in the number of districts that would be majority Black in turnout in May as compared to November.” (Doc. 272-3 at 6.)

The Court is further persuaded to change the election date because the same bill that enacted the current and unlawful five-two plan also moved the Board’s elections from November to May. (Doc. 198 at 5-6.) In fact, the first time the Board obtained a black majority was in the November 2010 elections. *Id.* at 4. As such, November elections for the School Board would actually be more consistent with historical practice. Finally, the Court is especially persuaded based on Professor Grofman’s analysis that if the elections were moved to November, “[t]here would have been four Black majority turnout districts in Illustrative Map 3 in each recent November election (2014, 2016, and 2018).” (Doc. 272-5 at 2.) If the elections remain in May, however, only 2 or 3 of the districts would have a Black majority turnout:

Table 9 -- Majority-Minority Voting Turnout Districts by Election Timing						
	2014		2016		2018	
	May	Nov	May	Nov	May	Nov
<i>Enacted</i>	2	2	2	2	2	2
<i>Plaintiffs</i>	2	2	2	3	2	2
<i>Map1a</i>	3	3	2	3	3	3
<i>Map1b</i>	3	3	3	3	3	3
<i>Map1c</i>	3	3	3	3	3	3
<i>Map2</i>	1	3	1	3	2	2
<i>Map3</i>	3	4	2	4	3	4
<i>Map5</i>	2	3	1	3	3	3

Note: Number of districts calculated from GA voter history files. For a district to count as a majority-turnout district, it must have at least 50% of the voters be African-American.

(Doc. 272-3 at 6.)

Thus, to increase the efficacy of adopting Map 3, the Court also finds it necessary to move the School Board elections to occur regularly in November. Such a change is justified and appropriate to increase the turnout of African-American voters in Sumter County and give them a meaningful opportunity to elect their candidates of choice.

Defendant objects that none of the proposed maps, including Map 3, “affords the black community an equal opportunity (as defined in the liability opinion) to win a majority.” (Doc.

272 at 2.)¹⁵ Defendant apparently believes that “equal opportunity” means “equal opportunity to win a majority.” To be clear, neither this Court nor Section 2 require that Black voters have an equal opportunity to win a majority. Rather, Section 2 provides that minorities have an equal opportunity as “other members of the electorate to participate in the political process and to elect representatives of their choice.” 42 U.S.C.A. § 1973(b) (1994). That is all the Court’s liability order required. (Doc. 198.) Further, the Court did not define “equal opportunity” or specify what BVAP (or any other metric) was necessary to give Black voters an equal opportunity; but in fact, entered the liability order even though Plaintiff had only presented a plan where Black voters could elect representatives to three seats on the Board. (*See id.*) “[W]hile proportionality . . . is obviously an indication that minority voters have an equal opportunity, . . . the degree of probative value assigned to proportionality may vary with other facts. No single statistic provides courts with a shortcut to determine whether a set of single-member districts unlawfully dilutes minority voting strength.” *Johnson v. De Grandy*, 512 U.S. 997, 1020-21 (1994). Where, as here, the minority population constitutes only a slight majority of the total population and only a plurality of the electorate, the Court is satisfied that a remedy that gives such voters a strong chance at three seats and a fair chance at a fourth is sufficient.¹⁶

As in all voting rights cases, there are multiple factors that can affect a minority population’s ability to elect candidates (*see* Doc. 272-1), but the Court finds that adopting Map 3 and moving the School Board’s elections to November completely remedies the Section 2 violation in existence and provides African American voters in Sumter County an equal opportunity to elect their candidates of choice. Furthermore, the Court finds that this plan fully complies with constitutional and statutory mandates. This plan does not “lead to a retrogression in the position of racial minorities with respect to their effective exercise of the

¹⁵As explained above, the Court disagrees with Defendant’s assertion that Professor Grofman “admits that a plan affording the black community an equal opportunity to win a majority of the school-board seats is not possible through a seven single-member district regime in Sumter County.” (Doc. 268 at 1.) By moving the elections to November, based on Professor Grofman’s research and suggestion, it appears that Black voters in Sumter County would indeed have an equal opportunity to win a majority; in any event, that is not the legal standard to which the Court must adhere.

¹⁶ While proportionality is not the goal, in any event, it is impossible to achieve exact proportionality of Black and White Board members here because the School Board consists of seven seats.

electoral franchise.” *Beer v. United States*, 425 U.S. 130, 141 (1976). It adheres to the democratic governance principal of constitutionally drawing majority-minority districts where possible. *Bartlett v. Strickland*, 556 U.S. 19, 24 (2009) (plurality opinion). It is narrowly tailored to avoid running afoul of the constitutional right of one person, one vote guaranteed by the Equal Protection Clause of the Fourteenth Amendment. *See DeJulio v. Georgia*, 290 F.3d 1291, 1295 (11th Cir. 2002). And it avoids “intrud[ing] on state policy any more than is necessary” to uphold the requirements of the U.S. Constitution. *Upham*, 456 U.S. at 41-42 (citation omitted).

C. The Court’s Remedy

Considering the Court’s findings herein and in its prior orders, the Court hereby issues the following remedy to the Section 2 violation:

- 1) The Court hereby **ADOPTS** Professor Grofman’s proposed Map 3, attached hereto, as the interim remedial plan for all future Sumter County School Board elections;
- 2) The elections for the School Board shall be conducted in November of even-numbered years along with the scheduled November general and special elections;
- 3) The School Board members shall serve staggered four-year terms; and
- 4) For the benefit of any newly elected School Board members, the only School Board seats that shall be on the November 2020 ballot shall be those for Districts 1, 3, 5, and 7, as those representatives are currently serving holdover terms. The remaining Board members for District seats 2, 4, and (formerly at-large) 6, shall remain on the Board until after members are elected to these seats in 2022 and take office effective January 2023.¹⁷

¹⁷ Current School Board members stated at the remedial hearing that maintaining staggered terms is preferred to replacing the entire School Board at once. The Court agrees. The Court is aware that H.B. 836 Section 5 prohibits representatives from remaining on the School Board if they no longer reside in their district. Notwithstanding this rule, the Court finds it necessary to require these Board members to continue representing Districts 2, 4, and 6, although they may not reside in their newly-drawn districts, in order to continue with the County’s historic practice of staggered terms which enables experienced Board members to assist incoming Board members. Indeed, the Court’s equity powers are broad, and the Court has required this change only insofar as is necessary to implement a complete remedy. *United States v. Paradise*, 480 U.S. 149, 183-84 (1987) (“Once a right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.”).

IT IS HEREBY ORDERED that the Sumter County Board of Elections and Registration shall promptly implement the Court's redistricting plan for the November 2020 election for the Sumter County Board of Education and for all subsequent School Board elections until the Georgia General Assembly enacts applicable legislation for the School Board's elections. Defendant shall ensure that the qualifying fee and remedial map are adequately published to the residents of Sumter County sufficiently in advance of the qualifying period for the November 2020 election.¹⁸ Except as modified by the remedial plan or this Order, all applicable federal, state, and local election-related laws remain in effect.

Having determined that all claims in this matter have been adjudicated, the Clerk of Court is **DIRECTED** to enter judgment accordingly, with costs cast upon Defendant. Plaintiff may submit a Bill of Costs in accordance with M.D.Ga. L.R. 54.2.¹⁹ Defendant shall also pay the reasonable costs and expenses incurred by Professor Grofman in this matter, including his compensation at a rate of \$400 per hour, as previously ordered by the Court. (Doc. 267 at 6.) Professor Grofman shall submit a Bill of Costs to the Court no later than Friday, February 14, 2020. Defendant may respond thereto no later than Friday, March 6, 2020. Thirty days after the Court's order approving the costs to be paid to Professor Grofman, Defendant shall remit full payment to Professor Grofman.²⁰

¹⁸ The Court is aware that the districts for School Board elections will no longer match the other voting districts, but that is unavoidable in order to give Black voters in Sumter County equal opportunity to elect school board representatives of their choice. The Court is hopeful, however, that voter confusion is minimized by the similarity of the areas encompassed in the former and new Districts 1 through 5 and the significant amount of time that remains for voters to become familiarized with their new districts before the November 2020 election.

¹⁹ Plaintiff's counsel indicated at the final remedial hearing that they had sustained a hardship having not been paid attorney's fees during the pendency of this case.

²⁰ Professor Grofman stated that he would not bill for his or his research assistant's time on Map 5 if the Court did not examine it. (Doc. 272-5 at 3 n. 85.) As the Court has not examined it, time spent creating this plan should be removed.

The Court will retain jurisdiction to ensure that the remedial plan is properly implemented and that costs are paid.²¹

The Clerk of Court is **DIRECTED** to return the complete record of this case, including matters filed and entered after remand, to the United States Court of Appeals for the Eleventh Circuit.

SO ORDERED, this 29th day of January 2020.

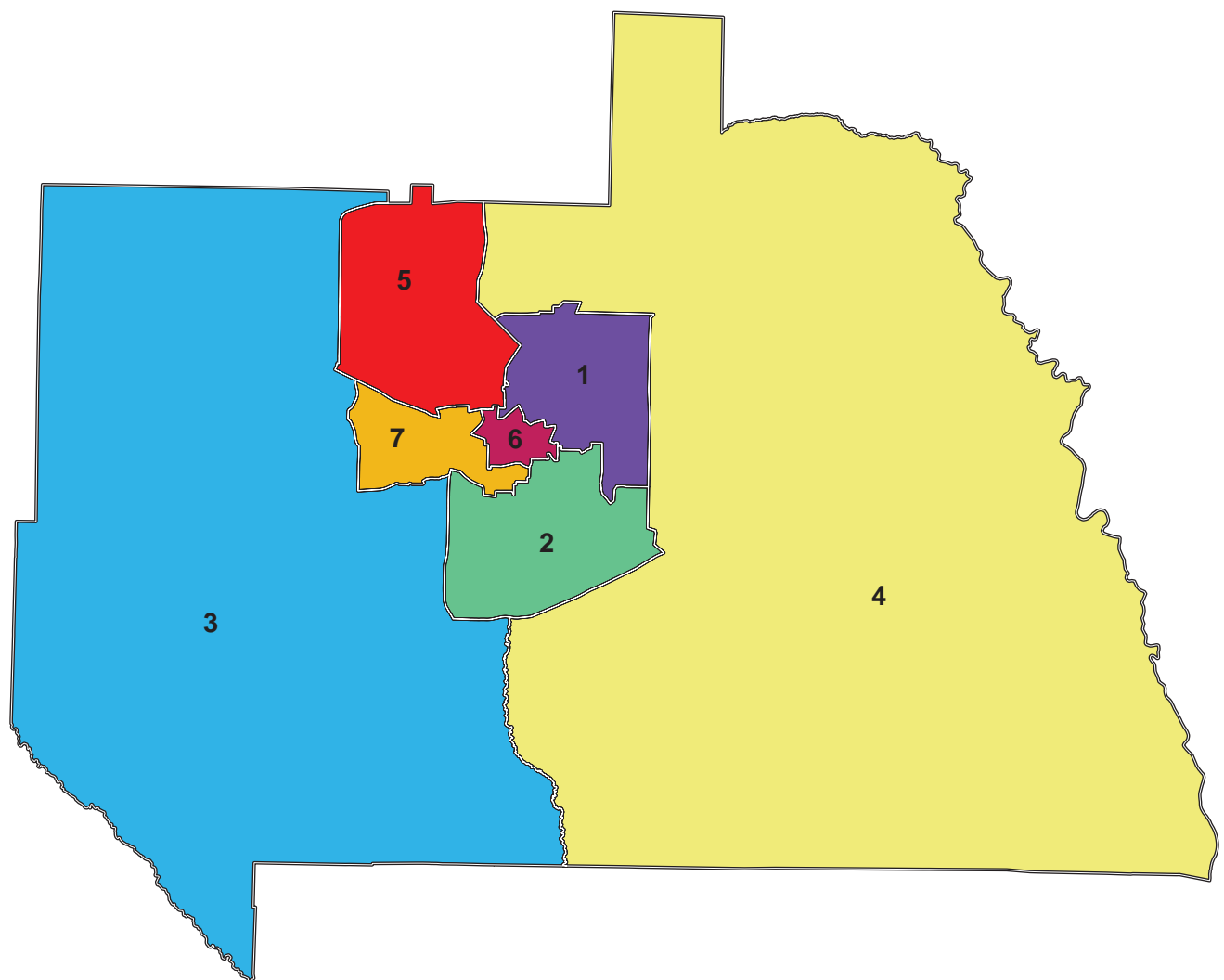
/s/ W. Louis Sands

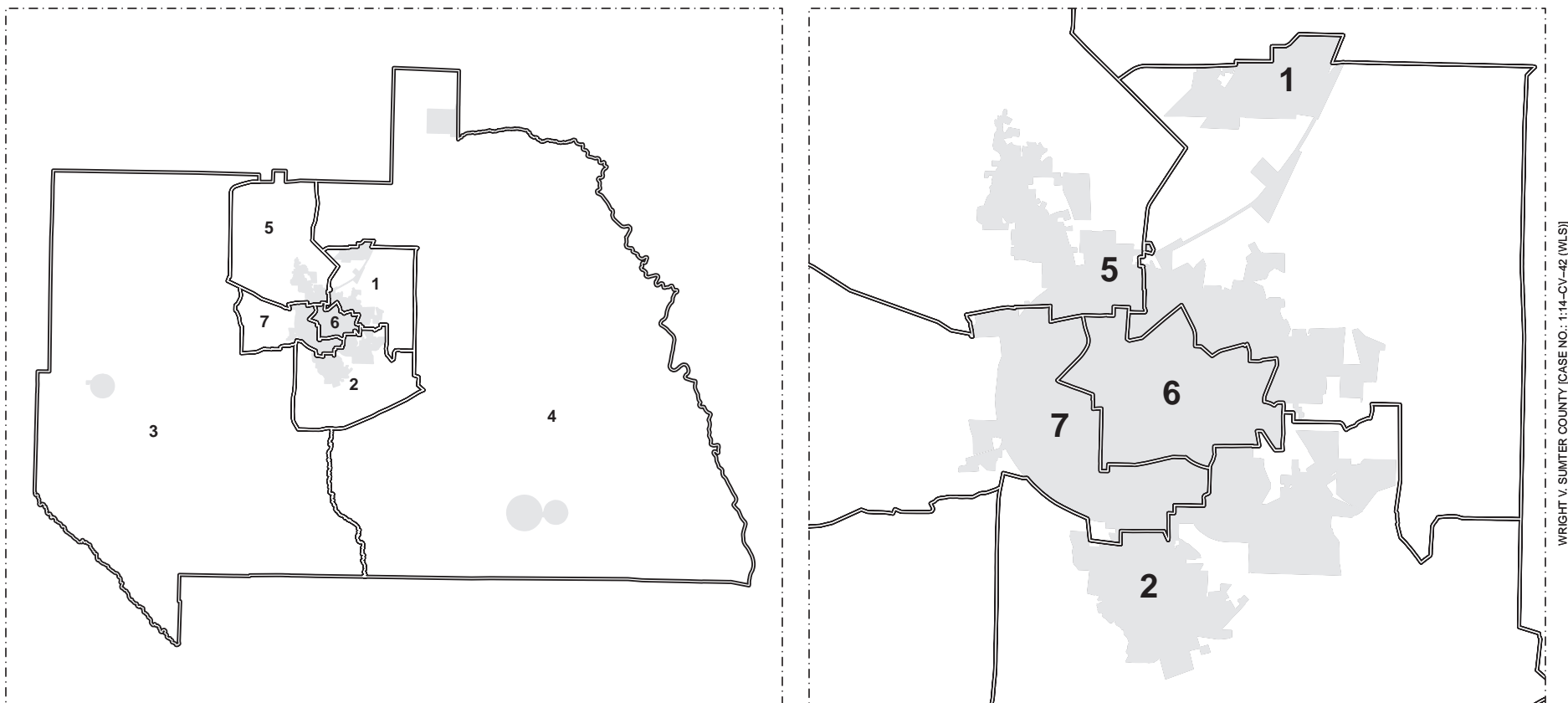
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT

²¹ “Absent entry of a stay, a district court retains jurisdiction to enforce its judgment—via contempt or other means—during the pendency of an appeal.” *United States CFTC v. Escobio*, No. 19-11027, 2020 U.S. App. LEXIS 185, at *16 (11th Cir. Jan. 6, 2020).

Map 3







Map 3

Summary Statistics

Map 3	Population	Deviation	White	Black	VAP	White VAP	Black VAP	WVAP%	BVAP%
Total	32,819		13,852	17,001	24,518	11,437	11,790	47%	48.1%
District 1	4,838	150	1,513	3,110	3,434	1,226	2,065	36%	60.1%
District 2	4,782	94	1,512	3,105	3,532	1,260	2,172	36%	61.5%
District 3	4,502	(186)	2,539	1,659	3,405	2,042	1,177	60%	34.6%
District 4	4,906	218	2,980	1,692	3,846	2,421	1,269	63%	33.0%
District 5	4,536	(152)	1,479	2,889	3,195	1,161	1,934	36%	60.5%
District 6	4,492	(196)	1,143	3,006	3,172	968	1,980	31%	62.4%
District 7	4,763	75	2,686	1,540	3,934	2,359	1,193	60%	30.3%

Map3	Americus	Other	Americus %
Total	17,041	15,778	52%
District 1	3,414	1,424	71%
District 2	3,103	1,679	65%
District 3	-	4,502	0%
District 4	-	4,906	0%
District 5	2,873	1,663	63%
District 6	4,492	-	100%
District 7	3,159	1,604	66%

Reock	Polsby-Popper
0.5	0.44
0.5	0.42
0.36	0.37
0.47	0.42
0.45	0.37
0.62	0.62
0.51	0.39
0.58	0.5

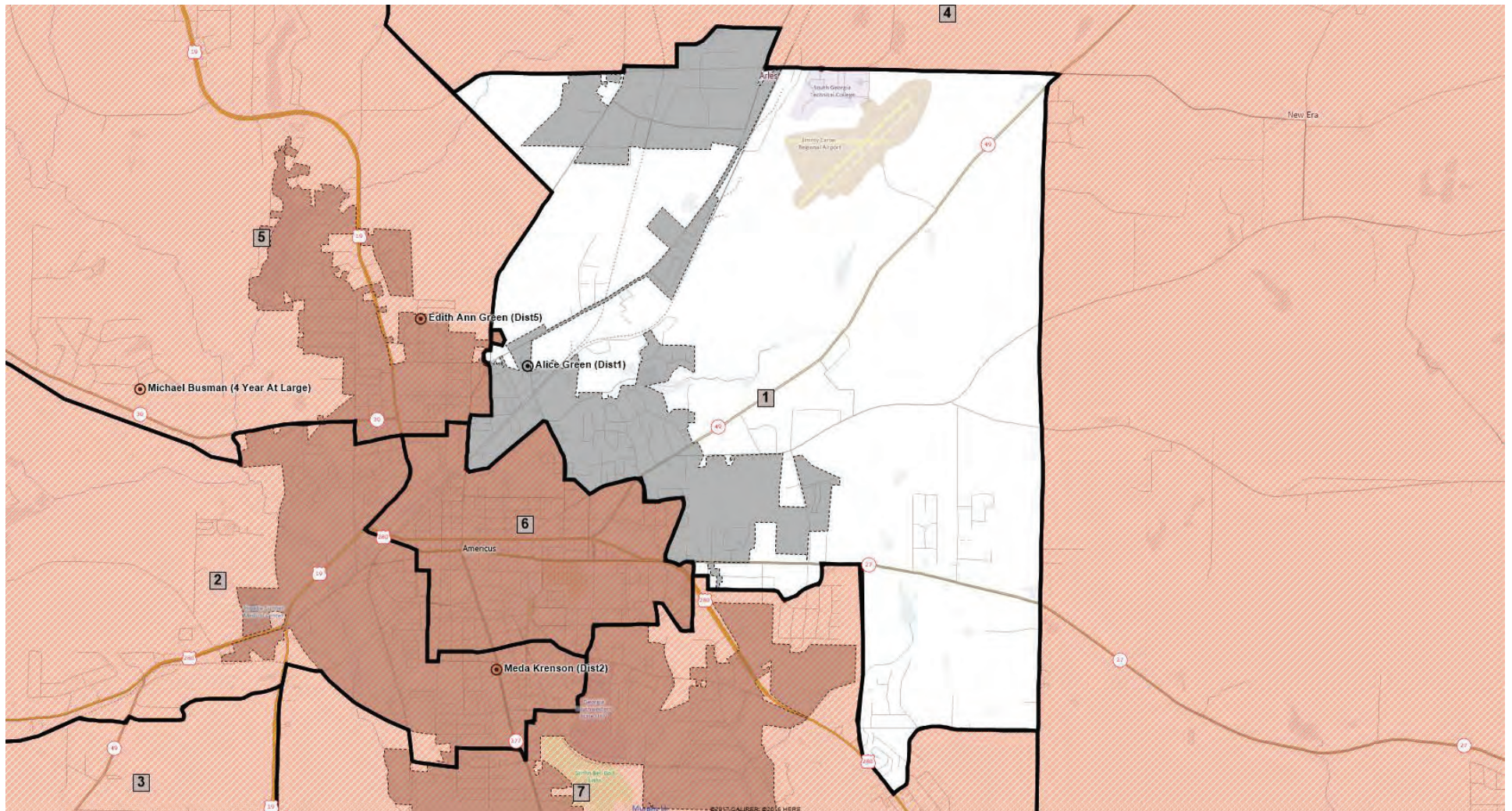
Registration & Turnout

Map3	Total Registered	White	Black	White Reg%	Black Reg%
Total	16,789	7,647	8,115	46%	48%
District 1	2,579	824	1611	32%	62%
District 2	2,193	798	1269	36%	58%
District 3	2,444	1380	906	56%	37%
District 4	2,939	1853	922	63%	31%
District 5	2,488	871	1486	35%	60%
District 6	2,021	553	1317	27%	65%
District 7	2,125	1368	604	64%	28%

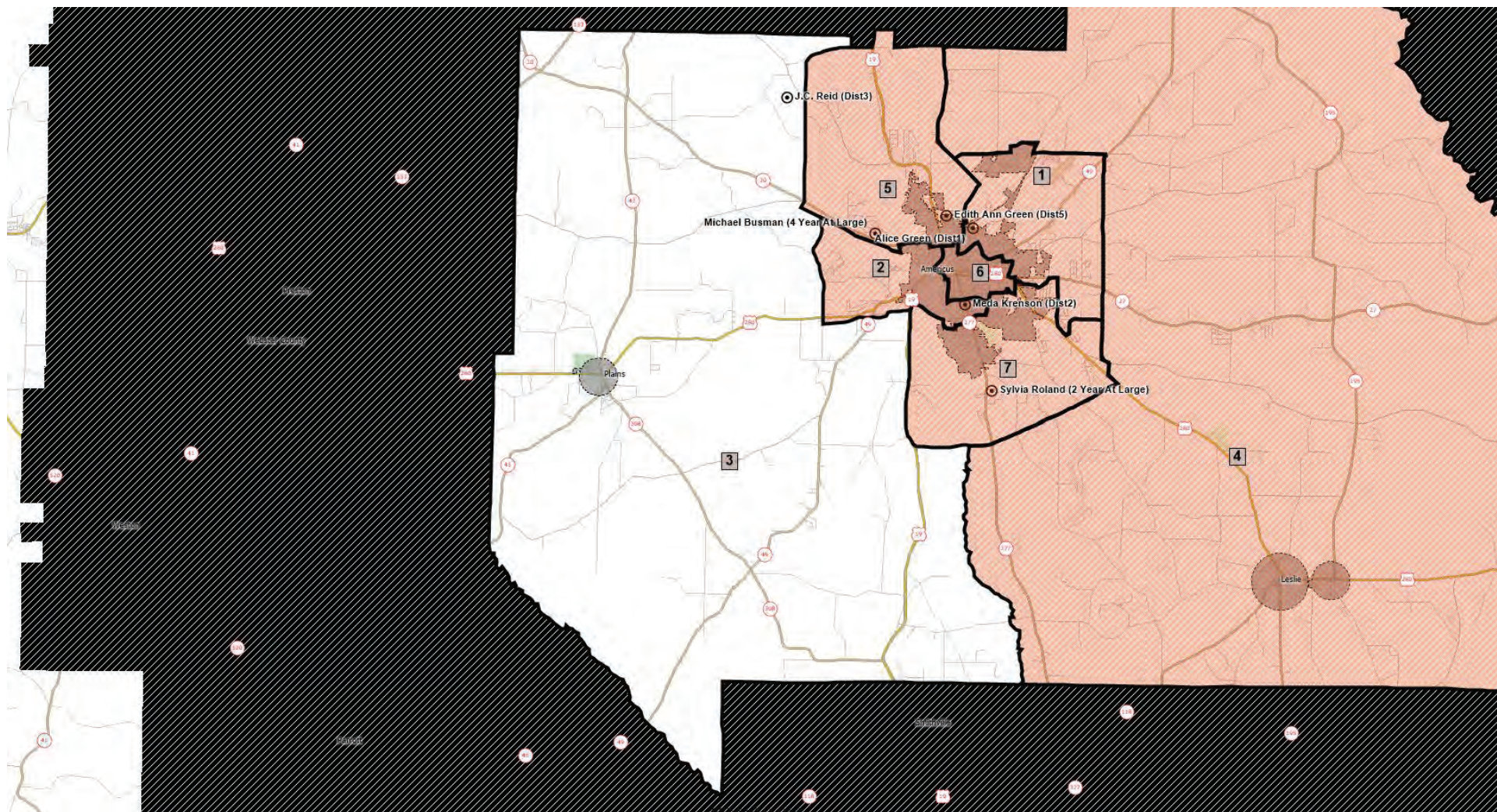
	Map3		Total	White	Black	White %	Black %		Total	White	Black	White %	Black %
2014	Total		3,851	2,289	1,508	59.4%	39.2%		6,861	3,636	3,103	53.0%	45.2%
	District 1	May-14	621	292	322	47.0%	51.9%	Nov-14	1,082	426	642	39.4%	59.3%
	District 2		449	248	198	55.2%	44.1%		829	366	450	44.1%	54.3%
	District 3		554	343	206	61.9%	37.2%		1,027	635	373	61.8%	36.3%
	District 4		742	517	216	69.7%	29.1%		1,332	878	437	65.9%	32.8%
	District 5		550	254	288	46.2%	52.4%		1,027	425	586	41.4%	57.1%
	District 6		345	148	185	42.9%	53.6%		611	187	403	30.6%	66.0%
	District 7		590	487	93	82.5%	15.8%		953	719	212	75.4%	22.2%

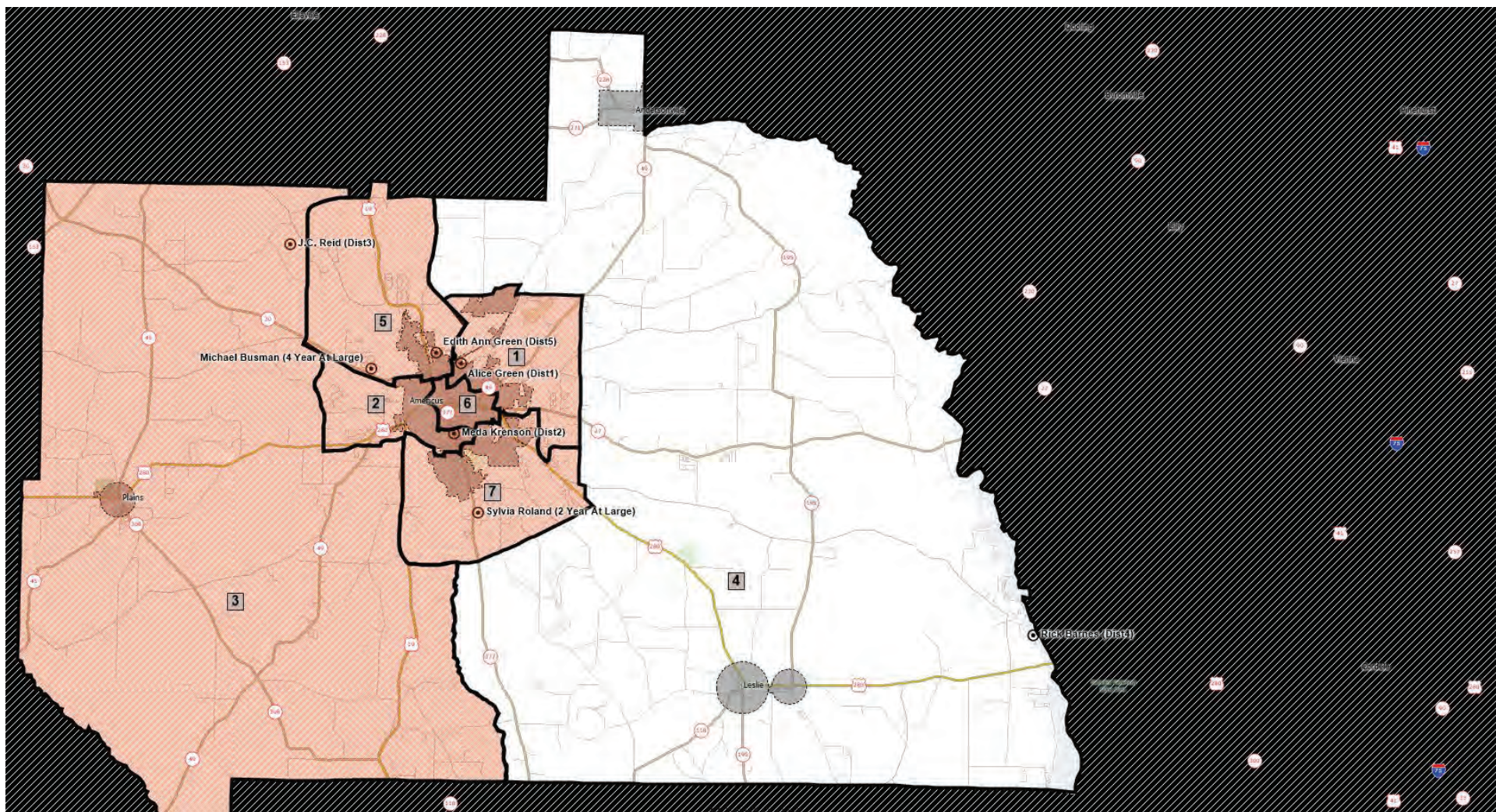
2016	Total		5,279	3,229	1,956	61.2%	37.1%		9,843	5,244	4,298	53.3%	43.7%
	District 1	May-16	815	380	429	46.6%	52.6%	Nov-16	1,480	565	875	38.2%	59.1%
	District 2		605	329	270	54.4%	44.6%		1,213	551	625	45.4%	51.5%
	District 3		776	548	217	70.6%	28.0%		1,496	949	505	63.4%	33.8%
	District 4		1,078	766	292	71.1%	27.1%		1,895	1,279	562	67.5%	29.7%
	District 5		758	382	363	50.4%	47.9%		1,422	596	796	41.9%	56.0%
	District 6		431	170	241	39.4%	55.9%		995	335	610	33.7%	61.3%
	District 7		816	654	144	80.1%	17.6%		1,342	969	325	72.2%	24.2%

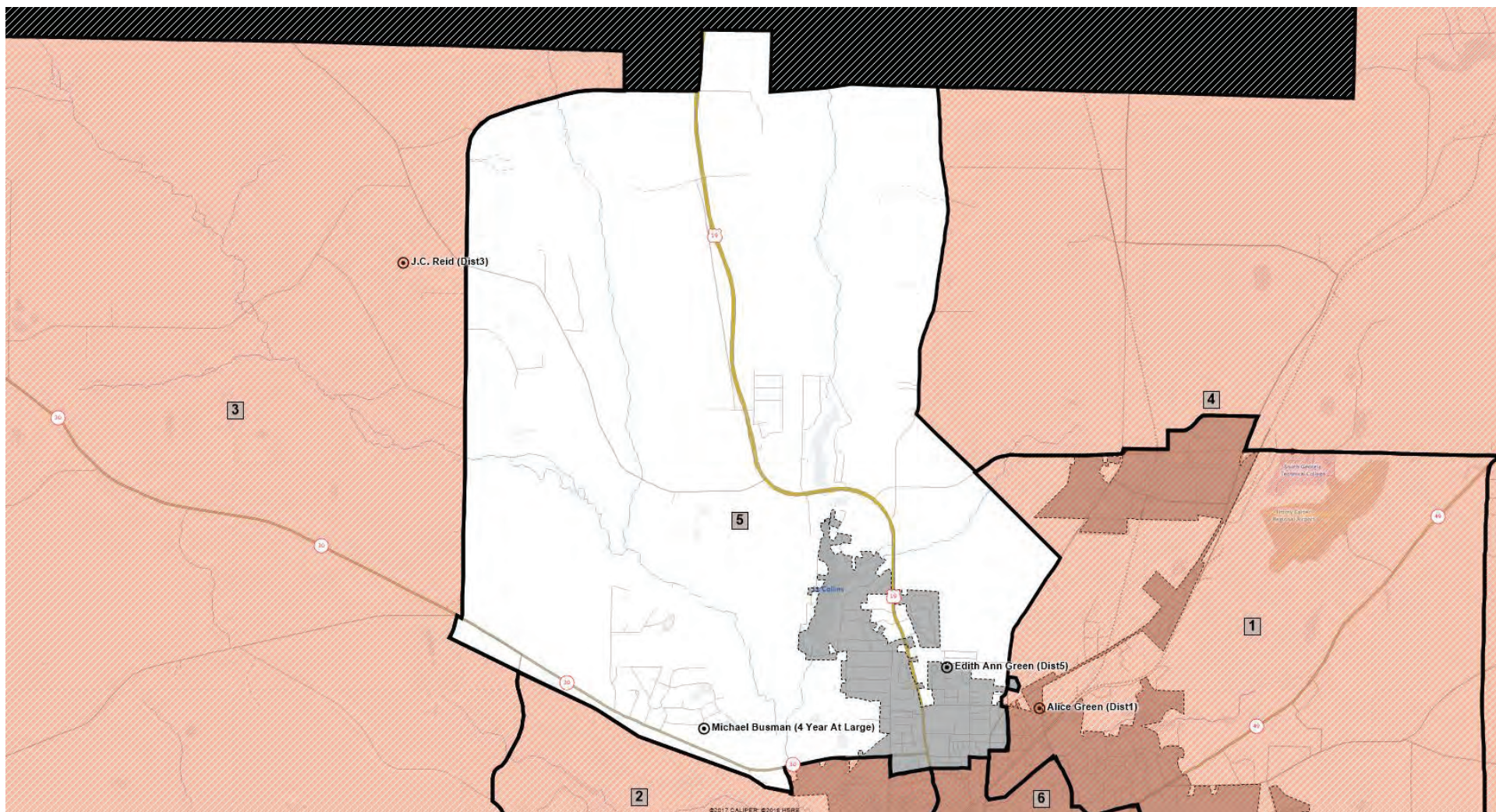
2018	Total		3,620	1,993	1,544	55.1%	42.7%		10,186	5,438	4,394	53.4%	43.1%
	District 1	May-18	541	214	319	39.6%	59.0%	Nov-18	1,535	579	907	37.7%	59.1%
	District 2		434	214	213	49.3%	49.1%		1,242	541	655	43.6%	52.7%
	District 3		483	306	164	63.4%	34.0%		1,551	986	510	63.6%	32.9%
	District 4		760	494	253	65.0%	33.3%		1,989	1,353	577	68.0%	29.0%
	District 5		530	223	294	42.1%	55.5%		1,444	609	800	42.2%	55.4%
	District 6		340	132	190	38.8%	55.9%		981	355	577	36.2%	58.8%
	District 7		532	410	111	77.1%	20.9%		1,444	1,015	368	70.3%	25.5%

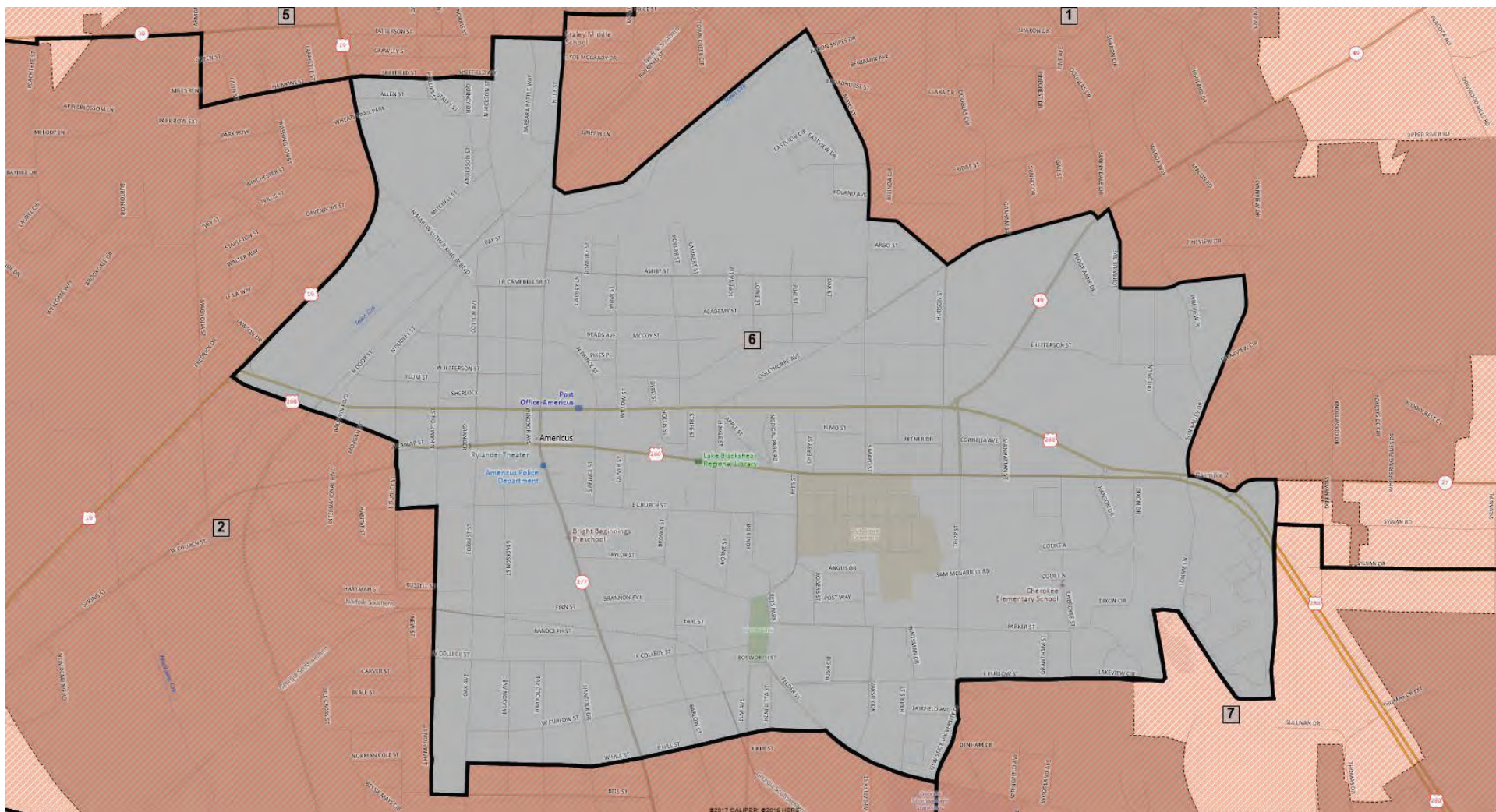


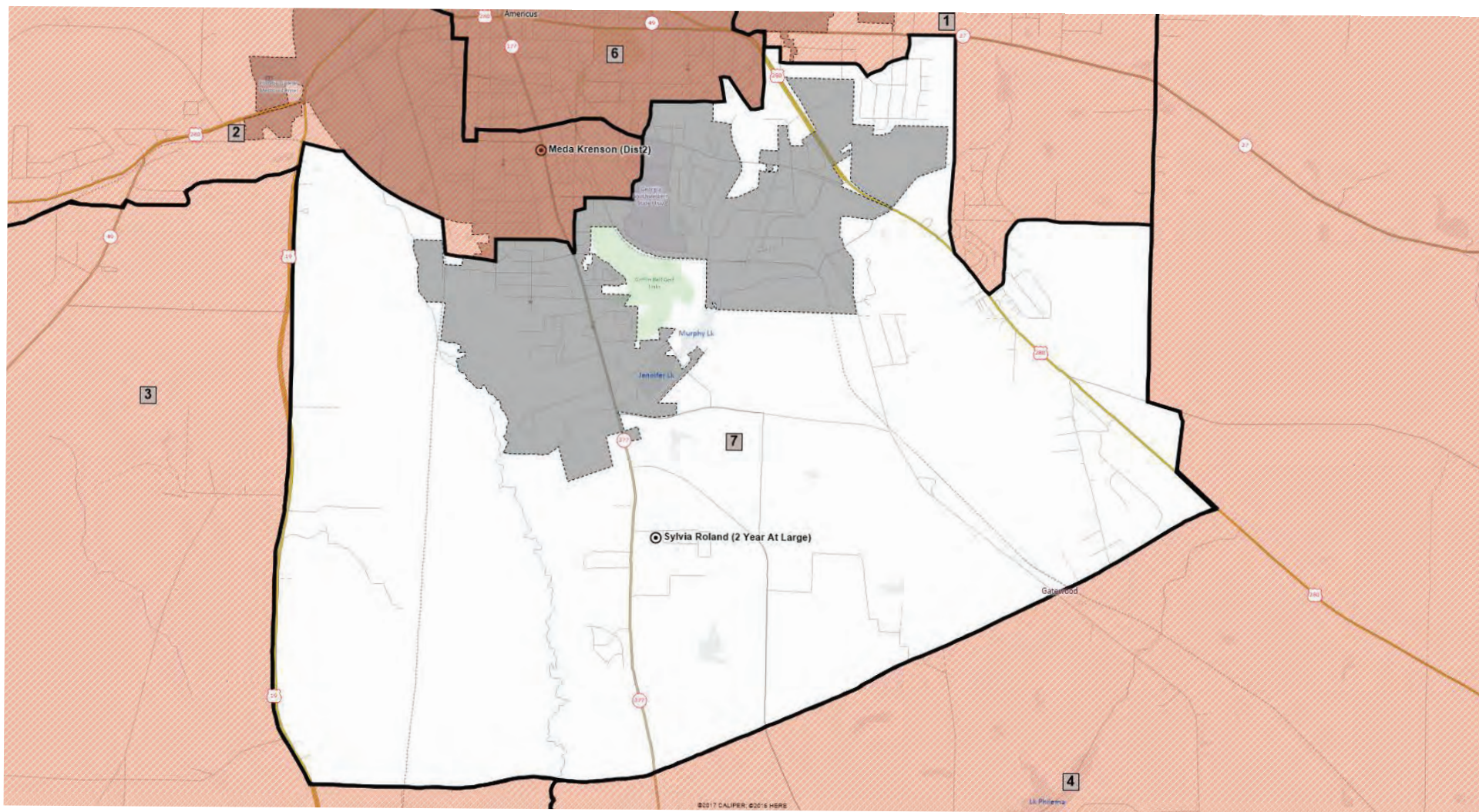












IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MATHIS KEARSE WRIGHT, JR.,	*
Plaintiff,	*
v.	Case No.1:14-CV-42(WLS)
	*
SUMTER COUNTY BOARD OF ELECTIONS AND REGISTRATION,	*
Defendant.	*

J U D G M E N T

Pursuant to this Court's order dated January 29, 2020, and for the reasons stated therein, JUDGMENT is hereby entered dismissing this case. Plaintiff and the Special Master shall recover the costs of this action.

This 29th day of January, 2020.

David W. Bunt, Clerk

s/ William C. Lawrence, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

MATHIS KEARSE WRIGHT, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:14-cv-42 (WLS)
)	
SUMTER COUNTY BOARD OF)	
ELECTIONS AND REGISTRATION,)	
)	
Defendant.)	
_____)	

NOTICE OF APPEAL

Notice is given that the Sumter County Board of Elections and Registration, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the Court's judgment of dismissal, *see* ECF No. 278, and all orders merged with that judgment, including without limitation the Court's order regarding liability, *see* ECF No. 198, and the order requiring the County to implement a new redistricting plan, *see* ECF No. 277.

Date: January 30, 2020

Respectfully submitted by:

s/ Katherine L. McKnight
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Katherine L. McKnight (pro hac vice)
Richard B. Raile (pro hac vice)
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s/ Kimberly A. Reid
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ATTORNEYS FOR DEFENDANT SUMTER
COUNTY BOARD OF ELECTIONS AND
REGISTRATION

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record in this case.

Dated this 30th day of January 2020.

/s/ Katherine L. McKnight
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