

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

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MATHIS KEARSE WRIGHT, JR.,

Plaintiff,

vs.

SUMTER COUNTY BOARD OF  
ELECTIONS AND REGISTRATION,

Defendant.

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CIVIL ACTION

FILE NO. 1:14-CV-42  
(WLS)

DEPOSITION OF

KAREN OWEN

Thursday, November 20, 2014

10:00 a.m.

1170 Peachtree Street

Suite 2200

Atlanta, Georgia

Mona Landry, CCR-B-1514

APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

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On behalf of the Defendant:

Sumter County:

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Also Present:

Mathis Wright

- - -

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Plaintiff

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Exhibit 1	Karen L. Owen's Report	5
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(Original Exhibit 1 has been attached to the  
original transcript.)

1                   (Reporter disclosure made pursuant to  
2           Article 10.B of the Rules and Regulations of the  
3           Board of Court Reporting of the Judicial Council  
4           of Georgia.)

5                   MR. MCDONALD: I guess you reserve  
6           objections until the --

7                   MR. TYSON: Yes, we will.

8                   MR. MCDONALD: And do you want to read and  
9           sign your deposition?

10                  MS. OWEN: Yes.

11                  MR. MCDONALD: Will you administer the  
12           oath, please.

13                               KAREN OWEN,  
14   having been first duly sworn, was examined and  
15   testified as follows:

16                               CROSS-EXAMINATION

17   BY MR. MCDONALD:

18           Q.       Dr. Owen, my name is Laughlin McDonald and  
19   I'm one of the lawyers representing the plaintiff.  
20   And I want to ask you some questions and if I'm not  
21   clear in asking the questions or if you don't  
22   understand them, just say so and I'll try to do a  
23   better job. And please respond verbally to all the  
24   questions rather than just shaking your head. And if  
25   you need to take a break at any time, just let me know

1 and we will, certainly, do that.

2 A. Yes.

3 Q. Let me hand you your expert report. Can  
4 you identify that for me?

5 A. Yes. This is the expert report that I  
6 wrote.

7 MR. MCDONALD: I'd like to attach that to  
8 the deposition as Exhibit No. 1.

9 (Plaintiff's Exhibit 1 was marked.)

10 Q. (By Mr. McDonald) According to your expert  
11 report, on page 1, the main emphasis of your academic  
12 work has been on women in electoral and legislative  
13 politics; is that correct?

14 A. Yes.

15 Q. And the main focus of your writing and  
16 publications has been on women in politics and the  
17 judiciary; is that correct?

18 A. Yes.

19 Q. And the main focus of your current  
20 research and working papers is on women in politics;  
21 is that correct?

22 A. Yes.

23 Q. And your conference participation, that  
24 is, participation in conferences, has been focussed on  
25 women in politics and the judiciary; is that also

1 correct?

2 A. Yes, and in southern politics.

3 Q. Southern politics?

4 A. Yes, sir.

5 Q. Explain what you mean by that?

6 A. So I have attended some conferences that  
7 are particularly related just to southern politics and  
8 the study of the region. So elections in southern  
9 politics and the Old Confederate South is kind of the  
10 focus of that study.

11 Q. So the historical approach to southern  
12 politics?

13 A. Historical and current politics.

14 Q. Have you ever been hired as an expert or  
15 an expert witness in a vote dilution case under  
16 Section 2?

17 A. No. I have not.

18 Q. So this will be your first one?

19 A. Yes.

20 Q. And I take it, then, you've never been  
21 deposed or testified as an expert witness in a vote  
22 dilution case under Section 2 of the Voting Rights  
23 Act?

24 A. No, I have not.

25 Q. Have you ever written any papers on vote

1     **dilution under Section 2 of the Voting Rights Act?**

2           A.       No, I have not.

3           **Q.       Have you ever written any papers on the**  
4     **three factors identified as probative of minority vote**  
5     **dilution in Thornburg versus Gingles, that is to say,**  
6     **minority geographic compactness, minority political**  
7     **cohesion and bloc voting by whites?**

8           A.       No, I have not written anything.

9           **Q.       So your report in this case would be your**  
10    **first effort at discussing the Gingles' factors?**

11          A.       Yes.

12          **Q.       And I take it you've never given a**  
13    **conference presentation on the three Gingles factors?**

14          A.       No, I have not.

15          **Q.       Have you ever taught the three Gingles**  
16    **factors in any of your courses?**

17          A.       Yes, I have.

18          **Q.       Explain what you did.**

19          A.       So I teach a course in southern politics  
20    at the undergraduate level and within that course, I  
21    teach a whole entire unit on the Voting Rights Act.  
22    Within the Voting Rights Act, we talk about different  
23    case law pertaining to the Act. We also discuss  
24    sections of the Voting Rights Act, so Section 2,  
25    Section 5, Section 4. And I teach the case of

1 Thornburg V Gingles and the conditions. And I also  
2 have taught sections in my southern politics class on  
3 redistricting, so we talk a lot about free clearance  
4 in Section 5.

5 Q. What is the status of Section 5 now that  
6 you have knowledge of?

7 A. I have knowledge that last year 2013, with  
8 the Shelby County case that the Supreme Court found  
9 Section 4 unconstitutional and so that has an affect  
10 on the states that were triggered to be -- to then go  
11 to Section 5 and be pre-cleared.

12 Q. So Section 4 is the coverage formula; is  
13 that correct?

14 A. Yes.

15 Q. And do you know whether or not Congress is  
16 considering responding to the Shelby County case by  
17 adopting a coverage formula or making other amendments  
18 to the Voting Rights Act?

19 A. I am not knowledgeable of that.

20 Q. In your report on page 3, you say that you  
21 have knowledge and experience in using homogeneous  
22 precinct analysis, and Bivariate Regression analysis  
23 and Ecological Inference known as the EI or the King  
24 method; is that correct?

25 A. Yes.



1           **Q.       And tell me when did you acquire knowledge**  
2       **of these three methods.**

3           A.       I have used these methods when I was  
4       working on my Ph.D. at the University of Georgia. So  
5       I studied methodology as my minor field and so we  
6       covered these courses within that requirements for  
7       that field of study. We did maximum likelihood --  
8       maximum likelihood estimation and we also had a course  
9       on regression analysis.

10          **Q.       What was your dissertation on?**

11          A.       My dissertation looked at what influences  
12       a woman to run for higher political office and do  
13       female role models influence their decision to leave  
14       the State legislature and run to Congress.

15          **Q.       So how did these analyses affect or were**  
16       **useful in your analysis in this dissertation?**

17          A.       I used regression analysis in my  
18       dissertation, uh-huh.

19          **Q.       In your report page 4, you define the word**  
20       **quote, usually, end quote as used in the third Gingles**  
21       **factor to mean a condition that occurs more often than**  
22       **not; is that correct?**

23          A.       Yes.

24          **Q.       Is there any further explanation you'd**  
25       **want to make of that definition?**

1           A.       No. I'm comfortable with that definition.

2           Q.       And in your report, page 5, you say that  
3   you assumed that McBride's data and estimations are  
4   reliable and valid; is that correct?

5           A.       I did write, yes, that -- I did write, but  
6   yes, I assumed that they were reliable and valid.

7           Q.       And you still assume they are?

8           A.       Yes, I do assume.

9           Q.       In your report, page 5, you acknowledge  
10   that voting in Sumter County in some contest is  
11   racially polarized; is that correct?

12          A.       Yes, I state that.

13          Q.       And in reaching that opinion, did you base  
14   it on Dr. McBride's report?

15          A.       Yes.

16          Q.       I want to ask you some questions about the  
17   Gingles factor No. 2. In your report, you say that  
18   there are inconclusive results from the plaintiff's  
19   report for support of the Gingles prong 2 and 4 of the  
20   12 elections, that is, 33 percent of the elections; is  
21   that correct?

22          A.       Yes.

23          Q.       And I take it you do not dispute that  
24   blacks were politically cohesive in 8 of the 12  
25   elections; is that correct?

1           A.       Could you restate that, please.

2           Q.       I take it you do not dispute that blacks  
3       were politically cohesive in 8 of the 12 elections?

4           A.       Yes, that's correct.

5           Q.       That would be 66.6 percent, thus, in a  
6       majority of the elections, a significant number of  
7       minority group members usually, that is, more often  
8       than not, voted for the same candidates, correct?

9           A.       Yes.

10          Q.       And I want to ask you now some questions  
11       about some of the specific elections you looked at,  
12       the four specific elections you looked at. And one of  
13       the four elections you identified, that is, Board of  
14       Education District No. 3 contest in 2014. According  
15       to the King analysis, the majority of blacks voted for  
16       Willa Fitzpatrick, the black candidate, correct?

17          A.       I do not have the exact graft or chart  
18       from Dr. McBride's report.

19          Q.       Well, let me --

20          A.       But --

21          Q.       Well, you do discuss the election in some  
22       detail in your own report, do you not?

23          A.       Yes, on page 6.

24          Q.       Yeah.

25          A.       Are you talking about Board of Education

1 District No. 3?

2 Q. Yeah.

3 A. Yes.

4 Q. In 2014. You do acknowledge, do you not,  
5 that the majority of blacks voted for Willa  
6 Fitzpatrick, the black candidate, correct?

7 A. I acknowledge that the McBride report does  
8 show that 56.3 percent for the black vote did go for  
9 Ms. Fitzpatrick.

10 Q. And whites voted as a bloc using both Bara  
11 and the King analysis for the white candidate J.C.  
12 Reid; is that correct?

13 A. Yes, according to McBride's estimates.

14 Q. And re-defeated Fitzpatrick, correct?

15 A. Yes.

16 Q. And you don't dispute that, do you?

17 A. I do not dispute that Reid won.

18 Q. In the second election you identify, that  
19 is, Board of Education District No. 2 election in  
20 2014, using the King methods, the majority of blacks  
21 voted for Sarah Pride, the black candidate, correct?

22 A. I'm sorry. Could you ask the question  
23 again.

24 Q. Yeah. In the second election you  
25 identify, that is, the Board of Education District No.

1     **2 election in 2014, according to the King analysis,**  
2     **the majority of blacks voted for Sarah Pride, the**  
3     **black candidate, correct?**

4           A.       I would not -- no, I would not say that is  
5     the majority of the blacks.

6           **Q.       50.5 percentage; isn't that correct?**

7           A.       That is what is reported by Dr. McBride as  
8     the King estimate, 50.5 percent, but I would argue in  
9     my expert opinion that is an estimate. So with a  
10    standard error and a confidence interval, it could be  
11    lower or it could be higher. And if it's lower than  
12    the 50.5 percent, I would not feel comfortable saying  
13    that the majority of the vote went to Ms. Pride.

14          **Q.       But the King analysis indicates that they**  
15    **did; isn't that correct?**

16          A.       It demonstrates right here as an estimate  
17    that it's 50.5 percent. That is an estimate.

18          **Q.       And also Meda Krenson using both Bara and**  
19    **King got, what, 73.3 percent or 60.2 percent of the**  
20    **white vote, correct?**

21          A.       Yes, that's what's reported.

22          **Q.       And Krenson defeated Pride; isn't that**  
23    **correct?**

24          A.       Yes.

25          **Q.       And Krenson using the King estimates got a**

1 very small percent of the black vote; isn't that  
2 correct, 8 percent?

3 A. I'm sorry. Could you ask that again.

4 Q. Krenson got only 8 percent of the black  
5 vote using the King analysis; is that correct?

6 A. Yes, that's the estimate that's reported.

7 Q. In the third election you identify, that  
8 is, the Board of Education District No. 3 election in  
9 2006. According to the King estimate and the Bara  
10 Ecological Regression estimates, the overwhelming  
11 majority of blacks voted for the black candidate,  
12 Darius Harris; is that correct?

13 A. I'm sorry. Could you say the --

14 Q. In that election, the Board of Education  
15 District No. 3 election in 2006 --

16 A. Uh-huh.

17 Q. -- according to the King estimate, 93.4 of  
18 blacks voted for the black candidate, Darius Harris;  
19 correct?

20 A. Yes, that is what's reported.

21 Q. Also using Bara analysis, 86 percent of  
22 blacks voted for the black candidate?

23 A. Yes, that's what reported. And also,  
24 what's reported is that Seay, the candidate Seay,  
25 received 43.6 percent from the King estimate. When

1 added to the 93.4 percent, that's over a hundred  
2 percent which is unreliable.

3 Q. And she got 18 percentage using the Bara  
4 analysis of the black vote?

5 A. Yes, that's what is reported.

6 Q. And the white candidate, Donna Minich, got  
7 very strong white support under both the Bara and the  
8 King analysis, correct?

9 A. I would say what's reported at 80 percent  
10 estimate on the Bara report is significant. The 57.7  
11 percent under King, again, that's an estimate with a  
12 standard error. We would need to see the standard  
13 error to justify that that is a majority of the  
14 non-black voters supporting Minich.

15 Q. And Minich won, correct?

16 A. Yes.

17 Q. Now, let's look at Gingles factor No. 3.  
18 In your report on page 7, you say there are seven  
19 elections which show the black-preferred candidates  
20 succeeding and thus no support for Gingles prong 3; is  
21 that correct?

22 A. Yes.

23 Q. Now, the third Gingles factor provides  
24 that the minority must be able to demonstrate that the  
25 white majority vote sufficiently as a bloc to enable

1     it in the absence of special circumstances such as a  
2     minority candidate running unopposed usually to defeat  
3     the minority's preferred candidates; is that correct?

4           A.       Yes.

5           Q.       In the first election you identified in  
6     your discussion of Gingles factor No. 3, that is,  
7     Board of Education District No. 3 general election in  
8     2002. The winning candidate, Donna Minich, did not  
9     receive a majority of the black vote; isn't that  
10    correct?

11          A.       I'm sorry. Could you say the election  
12    again.

13          Q.       Board of Education District No. 3 general  
14    election in 2002.

15          A.       And then could you ask the --

16          Q.       And Donna Minich did not receive a  
17    majority of the black vote, correct?

18          A.       Minich did not receive over 50 percent.

19          Q.       According to Bara, she got 30.8 percent;  
20    is that correct?

21          A.       Yes, that's what's reported by  
22    Dr. McBride.

23          Q.       And according to the King analysis, she  
24    got 41 percent; is that correct?

25          A.       Yes, which is the largest number reported



1 of those candidates on the King estimate.

2 Q. But it still is not a majority as  
3 reported?

4 A. It's not over 50 percent, yeah.

5 Q. In the third election you identify, that  
6 is, Board of Education District No. 1 election in May  
7 2014, blacks were 62.7 percent of the voting-age  
8 population of the district; is that correct?

9 A. Which -- I'm sorry?

10 Q. That's Board of Education District No. 1  
11 election in May 2014.

12 A. Yes, that's reported that the black  
13 voting-age population is 62.7 percent.

14 Q. 62.7 percent?

15 A. Yes.

16 Q. And there was no white majority by  
17 definition, correct?

18 A. No.

19 Q. In the fourth election you identified, the  
20 Board of Education District No. 5 election in May  
21 2014, blacks were 70.6 percent of the voting-age  
22 population in the district; is that correct?

23 A. Yes, that's what is reported.

24 Q. And there was no white majority by  
25 definition, correct?

1 A. No.

2 Q. The white candidate in that election, Mark  
3 Griggs, got only 21.9 percent of the black vote using  
4 the Bara analysis, correct?

5 A. Yes.

6 Q. And 33.2 percent of the black vote using  
7 the King analysis; is that correct?

8 A. Yes.

9 Q. In the fifth election you identified, that  
10 is, the Board of Education At-Large election in 2014,  
11 there was no winner because the top two candidates,  
12 Michael Coley who was black and Sylvia Roland who was  
13 white, were forced into a runoff, correct?

14 A. I'm sorry. Could you ask that question  
15 again.

16 Q. In the fifth election you identified, that  
17 is, the Board of Education At-Large election in 2014,  
18 there was no winner in that contest because the top  
19 two candidates, Michael Coley who was black and Sylvia  
20 Roland who was white, were forced into a runoff,  
21 correct?

22 A. No. I would not say that there wasn't a  
23 winner.

24 Q. Well, they won the primary, but they  
25 didn't win the ultimate election?

1           A.       But both wanted to walk away with a  
2       success in that election and then they had to go and  
3       compete in the runoff and then you would have a winner  
4       or loser from the runoff.

5           Q.       Do you know who actually won the election  
6       in the runoff?

7           A.       I believe Dr. McBride reports that Roland  
8       won the election and that's what was reported.

9           Q.       And Roland was white?

10          A.       I don't know that.

11          Q.       Well, do you deny that Roland was white?

12          A.       I don't know. I don't know the race of  
13       the candidates.

14          Q.       Well, Coley, according to Bara, got 86  
15       percent of the vote in the primary; is that correct?

16          A.       Yeah, that's what's reported.

17          Q.       And 68.2 percent based on the King  
18       analysis, correct?

19          A.       Yes, that's what's reported.

20          Q.       And Roland got the largest number of white  
21       votes; isn't that correct?

22          A.       Roland received, yes, the largest  
23       percentage.

24          Q.       54.9 percent using the Bara analysis,  
25       correct?

1 A. Yeah, that's the estimate.

2 Q. And 40.5 using the King analysis?

3 A. Yes, that's what the estimate is.

4 Q. And how many candidates were there in that  
5 primary election?

6 A. There were four.

7 Q. It's not actually a primary because you're  
8 not running in a political party's race, so I'm using  
9 that phrase with some distinction.

10 In the July 22, 2014 runoff, Coley was  
11 defeated by Roland; isn't that correct?

12 A. Yes.

13 Q. And Coley got the majority of the black  
14 vote; isn't that correct?

15 A. Yes. He received an estimate that's  
16 reported of 65.6 percent with the King.

17 Q. And 95.3 percent using the Bara analysis?

18 A. Yes.

19 Q. And Roland got the majority of the white  
20 vote; isn't that correct?

21 A. Yes.

22 Q. 93.4 percent using Bara, correct?

23 A. Yes.

24 Q. And 76.2 percent using King, correct?

25 A. Yes.

1           Q.       And in the sixth election you identify,  
2       that is, the Board of Education District No. 3  
3       election in 2010, blacks were a majority of the total  
4       population in District No. 3 at that time; isn't that  
5       correct?

6           A.       I do not know. I do not know their  
7       percent and the total makeup of the district.

8           Q.       Well, do you know whether or not there was  
9       a white majority in that district?

10          A.       I do not know.

11          Q.       And do you know whether or not Kevin  
12       Pless, the black candidate, got 99.5 percent of the  
13       black vote using the King analysis?

14          A.       It is reported, yes, by Dr. McBride.

15          Q.       And Donna Minich got 73.6 percent using  
16       the Bara analysis, correct?

17          A.       Well, considering that we just used King  
18       to look at Pless, I would look at King to look at  
19       Minich and she received 60.8 percent of the non-black  
20       in her estimate.

21          Q.       So she got 60.8 percent of the white vote  
22       using the King analysis; is that correct?

23          A.       Yes.

24          Q.       In the seventh election you identified,  
25       that is, the Board of Education District No. 1

1 election in 2008, blacks were a majority of the total  
2 population; isn't that correct?

3 A. I do not know in the total population.

4 Q. Do you dispute the fact that they were?

5 A. I can't say. I have not seen. I do not  
6 know.

7 Q. Just have no opinion?

8 A. No opinion.

9 Q. But the fact is Carolyn Whitehead, who is  
10 black, got 93.3 percent of the black vote using the  
11 Bara analysis, correct?

12 A. Yes, that's what the estimate is.

13 Q. And she got 96.9 percent of the black vote  
14 using the King analysis; is that correct?

15 A. Yes.

16 Q. And Stephanie McCook, the white candidate,  
17 got a majority of the white votes; isn't that correct?

18 A. She received 54 percent of -- from -- the  
19 estimate is 54.0 percent from the Bara estimates and  
20 50.7 percent on the King. With a 50.7, arguably, you  
21 could say that's majority. Arguably, if you put  
22 standards errors with a confidence interval, it could  
23 be less than the majority.

24 Q. It could be less or it could be more?

25 A. It could be.

1           Q.       Yeah. I take it given your study in state  
2 history, you are aware that Georgia has a significant  
3 history of racial discrimination in voting; isn't that  
4 correct?

5           A.       Yes, I'm aware.

6           Q.       And it has a history of racial  
7 discrimination in virtually all areas of life; isn't  
8 that correct?

9           A.       Yes. I mean, from my historical classes  
10 I've heard, yes, uh-huh.

11          Q.       That would include, what, education,  
12 public accommodations, what else?

13          A.       Yes.

14          Q.       And do you think that that history of  
15 racial discrimination has any continuing affects  
16 today?

17          A.       I'm not an expert to say that. I assume,  
18 yes, it still has an affect.

19          Q.       Have you ever looked at modern census data  
20 which compares the status of blacks in a number of  
21 areas to whites such as socioeconomic conditions,  
22 income, housing, education?

23          A.       No, I have not.

24          Q.       You have not?

25          A.       No, I have not.

1           Q.       So that's covered in Dr. McBride's report,  
2       but you didn't really examine that in any way?

3           A.       No. I was not asked to.

4           Q.       You are aware, I'm sure, that Georgia has  
5       a history of racial discrimination in voting?

6           A.       Yes, I'm aware.

7           Q.       Are you familiar with what the  
8       reconstruction response was after passage of the 14th  
9       and 15th Amendments?

10          A.       No, I'm not aware specifically of that.

11          Q.       Are you aware of the fact that Georgia  
12       adopted things like literacy tests for voting after  
13       the passage of the 14th and 15th Amendment?

14          A.       Yes.

15          Q.       Good character and understanding tests?

16          A.       Yes.

17          Q.       All white primaries?

18          A.       Yes, I'm familiar with that.

19          Q.       And excluding blacks from registering and  
20       voting?

21          A.       Yes.

22          Q.       Aside from those legal measures, there  
23       were, you know, efforts by the Ku Klux Klan and local  
24       militia to prevent blacks from registering and voting?

25          A.       I've heard of things, but I don't know



1 specific information about that.

2 Q. And are you aware that Sumter County has a  
3 similar history of racial discrimination including in  
4 voting?

5 A. I don't have specific knowledge on Sumter  
6 County. I assume if it's like most other areas of the  
7 south, it's had a history of discrimination.

8 Q. Have you ever visited Sumter County?

9 A. No, I have not.

10 Q. Never been there?

11 A. No, I have not.

12 Q. So it necessarily follows that you haven't  
13 discussed racially polarized voting with any residents  
14 of Sumter County?

15 A. No, I have not.

16 Q. In preparing your report, what did you do  
17 other than examine the data that Dr. McBride provided  
18 in his report?

19 A. I examined his data. And then I actually  
20 went and started to collect and see what data would  
21 have been available he could have used. So I went and  
22 asked if the county had voter registration data for  
23 the 2014 election so that you could determine turnout.  
24 So I looked up that data to just ask voter  
25 registration and if you could see who was registered

1 to vote in a certain precinct. I also examined the  
2 Secretary of State's website to determine the winners  
3 in the elections that he had chosen just to look at  
4 the vote totals again.

5 **Q. Did you find that his vote totals and his**  
6 **identification of the winners of the elections was**  
7 **correct?**

8 A. Yes. I did question one election and I'm  
9 not sure the year exactly, but I could not find that  
10 data on the Secretary of State's website. And I  
11 wasn't sure if he had collected it from the county.

12 **Q. So did you look at any other voter**  
13 **registration data other than that for the 2014**  
14 **election?**

15 A. No, I did not.

16 **Q. And why not?**

17 A. I wasn't asked to really look at that. I  
18 was just looking to see if the data was available.

19 **Q. So what did you do with the voter**  
20 **registration data from the 2014 election?**

21 A. I examined it to see if you could look at  
22 and find out which registered voter was in a precinct  
23 to then determine if there was the ability to create  
24 the turnout by race.

25 **Q. Were you able to do that?**

1           A.       I did not go further in. I just collected  
2     the data to see if it was available, but I did not  
3     code it or match it, parcel it out.

4           **Q.       You did no analysis of it?**

5           A.       I did no analysis of it.

6           **Q.       And I take it that your testimony in this**  
7     **case will be limited to what you say in your report?**

8           A.       Yes.

9                   MR. MCDONALD: Can you excuse us for a  
10     minute, I'm going to talk to Reverend Wright.

11                   (Recess from 10:27 a.m. to 10:28 a.m.)

12                   MR. MCDONALD: Thank you, very much.

13                   MR. TYSON: Could I ask one question,  
14     Laughlin?

15                   MR. MCDONALD: Sure.

16                   DIRECT EXAMINATION

17     BY MR. TYSON:

18           **Q.       Dr. Owen, Mr. McDonald asked you about the**  
19     **2014 Board of Education At Large two-year seat where**  
20     **there was no winner, do you recall those questions?**

21           A.       Yes.

22           **Q.       And you said there was some -- one and two**  
23     **walked away with a success, but then you distinguished**  
24     **between that and winning. Can you elaborate on that**  
25     **for us?**

1           A.       So in political science literature, we  
2   talk about elections being somewhat in two stages. So  
3   if we are in a state like Georgia where you have a  
4   system where it requires the majority vote to succeed  
5   to win that election and candidates going into that  
6   election would know that they have to get 50 percent  
7   plus one to win. If not, they are jockeying for the  
8   first seat or the second seat so that they can get  
9   into the runoff. So if we think about the current  
10   gubernatorial election, there were a lot of  
11   discussions here in Georgia about both candidates not  
12   sure they could get over 50 percent, so they were  
13   planning ahead for a runoff. Arguably, this contest  
14   at-large, those two candidates who came out ahead  
15   could be classified as an electoral success for them  
16   because they have then the opportunity to go to the  
17   second stage of the election which is the runoff. And  
18   they can in that time period between the first  
19   election and the second election, raise more money.  
20   They can collect a bigger donor base. They can go to  
21   the voters who supported the other candidates and try  
22   to rally their support. And in doing that, they can  
23   claim in their campaign that they had the most vote  
24   totals coming out of the first stage or if you want to  
25   say like the primary how it is. So one of the

1 candidates could say yes, this was an electoral  
2 success and then go onto the next stage.

3 **Q. Is there any social science literature on**  
4 **how you treat this type of scenario when someone is in**  
5 **an initial election and then a runoff?**

6 A. There is substantial articles and books  
7 written on runoffs. And to have a runoff, you have to  
8 have an initial win-loss at the first stage which  
9 would be primaries. Bullock and Johnson have written  
10 a book on runoffs and there's a whole discussion about  
11 when you get to the runoff, which candidate can win.  
12 If you polled -- in the first stage, if you were first  
13 or second place, then who is most likely to win in the  
14 second stage of the runoff.

15 MR. TYSON: All right.

16 MR. MCDONALD: Thank you.

17 (Deposition concluded at 10:31 a.m.)

18 (Pursuant to Rule 30(e) of the Federal  
19 Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e),  
20 signature of the witness has been reserved.)

21

22

23

24

25

## 1 CERTIFICATE OF COURT REPORTER

2

3 STATE OF GEORGIA:

4 COUNTY OF FULTON:

5

6 I hereby certify that the foregoing  
7 transcript was reported as stated in the caption and  
8 the questions and answers thereto were reduced to  
9 writing by me; that the foregoing 29 pages represent a  
true, correct, and complete transcript of the evidence  
given on Thursday, November 20, 2014, by the witness,  
Karen Owen, who was first duly sworn by me.

10 I certify that I am not disqualified  
11 for a relationship of interest under  
O.C.G.A. 9-11-28(c); I am a Georgia Certified Court  
Reporter here as an independent contractor of  
JPA Reporting, LLC who was contacted by  
12 Laughlin McDonald to provide court reporting services  
for the proceedings; I will not be taking these  
13 proceedings under any contract that is prohibited by  
O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the  
14 Rules and Regulations of the Board; and by the  
attached disclosure form I confirm that neither I nor  
15 JPA Reporting, LLC are a party to a contract  
prohibited by O.C.G.A. 15-14-37(a) and (b) or  
16 Article 7.C. of the Rules and Regulations of the  
Board.

17

18 This 10th day of December, 2014.

19

20

21

22

23

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25

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MONA LANDRY  
CERTIFIED COURT REPORTER  
GEORGIA CERTIFICATE NO. CCR-B-1514

## 1 DISCLOSURE OF NO CONTRACT

2

3 I, Lynn Pyles, do hereby disclose pursuant  
4 to Article 10.B of the Rules and Regulations of the  
5 Board of Court Reporting of the Judicial Council of  
6 Georgia that JPA Reporting, LLC was contacted by the  
7 party taking the proceedings to provide court  
8 reporting services for these proceedings and there is  
9 no contract that is prohibited by O.C.G.A. 15-14-37(a)  
10 and (b) or Article 7.C. of the Rules and Regulations  
11 of the Board for the taking of these proceedings.

12 There is no contract to provide reporting  
13 services between JPA Reporting, LLC or any person with  
14 whom JPA Reporting, LLC has a principal and agency  
15 relationship nor any attorney at law in this action,  
16 party to this action, party having a financial interest  
17 in this action, or agent for an attorney at law in  
18 this action, party to this action, or party having a  
19 financial interest in this action. Any and all  
20 financial arrangements beyond our usual and customary  
21 rates have been disclosed and offered to all parties.

22 This 10th day of December, 2014.

23

24

25

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LYNN PYLES, FIRM REPRESENTATIVE  
JPA REPORTING, LLC

1 DEPOSITION OF: KAREN OWEN /MRL

2 I do hereby certify that I have read all  
3 questions propounded to me and all answers given by me  
4 on November 20, 2014, taken before Mona Landry, and  
5 that:

- 6 1) There are no changes noted.  
7 2) The following changes are noted:

8 Pursuant to Rule 30(e) of the Federal Rules of  
9 Civil Procedure and/or the Official Code of Georgia  
10 Annotated 9-11-30(e), both of which read in part: Any  
11 changes in form or substance which you desire to make  
12 shall be entered upon the deposition...with a  
13 statement of the reasons given...for making them.  
14 Accordingly, to assist you in effecting corrections,  
15 please use the form below:

16 Page No. Line No. should read:

17 Page No. Line No. should read:

18 Page No. Line No. should read:

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23 Page No. Line No. should read:

24 Page No. Line No. should read:

25 Page No. Line No. should read:



1 DEPOSITION OF: KAREN OWEN /MRL

2 Page No. Line No. should read:

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8 Page No. Line No. should read:

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10 Page No. Line No. should read:

11 Page No. Line No. should read:

12  
13 Page No. Line No. should read:

14  
15 If supplemental or additional pages are necessary,  
16 please furnish same in typewriting annexed to this  
17 deposition.

18 KAREN OWEN

19 Sworn to and subscribed before me,  
20 This the day of , 20 .

21 Notary Public  
22 My commission expires:

23 Please forward corrections to:

24 JPA Reporting, LLC  
25 1776 Peachtree Street, N.W., Suite 230-S  
Atlanta, Georgia 30309  
404-853-1811

<p><b>A</b></p> <p><b>ability</b> 26:23</p> <p><b>able</b> 15:24 26:25</p> <p><b>absence</b> 16:1</p> <p><b>academic</b> 5:11</p> <p><b>accommodations</b> 23:12</p> <p><b>acknowledge</b> 10:9 12:4,7</p> <p><b>aclu</b> 2:4</p> <p><b>acquire</b> 9:1</p> <p><b>act</b> 6:23 7:1,21,22,23 7:24 8:18</p> <p><b>action</b> 1:5 31:15,16 31:17,18,18,19</p> <p><b>added</b> 15:1</p> <p><b>additional</b> 33:14</p> <p><b>administer</b> 4:11</p> <p><b>adopted</b> 24:12</p> <p><b>adopting</b> 8:17</p> <p><b>affect</b> 8:9 9:15 23:18</p> <p><b>agency</b> 31:14</p> <p><b>agent</b> 31:17</p> <p><b>ahead</b> 28:13,14</p> <p><b>amendment</b> 24:13</p> <p><b>amendments</b> 8:17 24:9</p> <p><b>analyses</b> 9:15</p> <p><b>analysis</b> 8:22,22 9:9 9:16,17 11:15 12:11 13:1,14 14:5,21 15:4,8 16:23 18:4,7 19:18,24 20:2,17 21:13,16,22 22:11 22:14 27:4,5</p> <p><b>annexed</b> 33:15</p> <p><b>annotated</b> 32:7</p> <p><b>answers</b> 30:6 32:2</p> <p><b>appearances</b> 2:1</p> <p><b>approach</b> 6:11</p> <p><b>areas</b> 23:7,21 25:6</p> <p><b>arguably</b> 22:20,21 28:13</p> <p><b>argue</b> 13:8</p> <p><b>arrangements</b> 31:20</p> <p><b>article</b> 4:2 30:13,16 31:4,10</p> <p><b>articles</b> 29:6</p>	<p><b>aside</b> 24:22</p> <p><b>asked</b> 24:3 25:22 26:17 27:18</p> <p><b>asking</b> 4:21</p> <p><b>assist</b> 32:9</p> <p><b>assume</b> 10:7,8 23:17 25:6</p> <p><b>assumed</b> 10:3,6</p> <p><b>atlanta</b> 1:20 2:6,17 33:24</p> <p><b>atlarge</b> 18:10,17 28:14</p> <p><b>attach</b> 5:7</p> <p><b>attached</b> 3:24 30:14</p> <p><b>attended</b> 6:6</p> <p><b>attorney</b> 31:15,17</p> <p><b>available</b> 25:21 26:18 27:2</p> <p><b>aware</b> 23:2,5 24:4,6 24:10,11 25:2</p> <p><b>B</b></p> <p><b>b</b> 4:2 30:13,15 31:4 31:10</p> <p><b>bara</b> 12:10 13:18 14:9,21 15:3,7,10 16:19 18:4 19:14,24 20:17,22 21:16 22:11,19</p> <p><b>base</b> 10:13 28:20</p> <p><b>based</b> 19:17</p> <p><b>behalf</b> 2:3,10</p> <p><b>believe</b> 19:7</p> <p><b>better</b> 4:23</p> <p><b>beyond</b> 31:20</p> <p><b>bigger</b> 28:20</p> <p><b>bivariate</b> 8:22</p> <p><b>black</b> 11:16 12:6,8,21 13:3 14:1,4,11,18 14:22 15:4 16:9,17 17:12 18:3,6,12,19 20:13 21:12,13 22:10,10,13</p> <p><b>blackpreferred</b> 15:19</p> <p><b>blacks</b> 10:24 11:2,15 12:5,20 13:2,5 14:11,18,22 17:7,21</p>	<p>21:3 22:1 23:20 24:19,24</p> <p><b>bloc</b> 7:7 12:10 15:25</p> <p><b>board</b> 1:6 4:3 11:13 11:25 12:19,25 14:8 14:14 16:7,13 17:6 17:10,20 18:10,17 21:2,25 27:19 30:14 30:16 31:5,11</p> <p><b>book</b> 29:10</p> <p><b>books</b> 29:6</p> <p><b>break</b> 4:25</p> <p><b>brockington</b> 2:14</p> <p><b>bryan</b> 2:13</p> <p><b>bullock</b> 29:9</p> <p><b>C</b></p> <p><b>c</b> 12:11 29:19 30:10 30:10,13,13,15,16 31:9,10</p> <p><b>campaign</b> 28:23</p> <p><b>candidate</b> 11:16 12:6 12:11,21 13:3 14:11 14:18,22,24 15:6 16:2,8 18:2 21:12 22:16 29:11</p> <p><b>candidates</b> 11:8 15:19 16:3 17:1 18:11,19 19:13 20:4 28:5,11,14,21 29:1</p> <p><b>cant</b> 22:5</p> <p><b>caption</b> 30:6</p> <p><b>carolyn</b> 22:9</p> <p><b>case</b> 6:15,22 7:9,23 7:25 8:8,16 27:7</p> <p><b>ccrb1514</b> 1:25 30:22</p> <p><b>census</b> 23:19</p> <p><b>certain</b> 26:1</p> <p><b>certainly</b> 5:1</p> <p><b>certificate</b> 30:1,22</p> <p><b>certified</b> 30:10,22</p> <p><b>certify</b> 30:5,9 32:2</p> <p><b>changes</b> 32:4,5,7</p> <p><b>character</b> 24:15</p> <p><b>chart</b> 11:17</p> <p><b>chosen</b> 26:3</p> <p><b>circumstances</b> 16:1</p> <p><b>civil</b> 1:5 29:19 32:6</p>	<p><b>claim</b> 28:23</p> <p><b>class</b> 8:2</p> <p><b>classes</b> 23:9</p> <p><b>classified</b> 28:15</p> <p><b>clear</b> 4:21</p> <p><b>clearance</b> 8:3</p> <p><b>code</b> 27:3 32:6</p> <p><b>cohesion</b> 7:7</p> <p><b>cohesive</b> 10:24 11:3</p> <p><b>coley</b> 18:12,19 19:14 20:10,13</p> <p><b>collect</b> 25:20 28:20</p> <p><b>collected</b> 26:11 27:1</p> <p><b>comfortable</b> 10:1 13:12</p> <p><b>coming</b> 28:24</p> <p><b>commission</b> 33:21</p> <p><b>compactness</b> 7:6</p> <p><b>compares</b> 23:20</p> <p><b>compete</b> 19:3</p> <p><b>complete</b> 30:7</p> <p><b>concluded</b> 29:17</p> <p><b>condition</b> 9:21</p> <p><b>conditions</b> 8:1 23:21</p> <p><b>confederate</b> 6:9</p> <p><b>conference</b> 5:23 7:13</p> <p><b>conferences</b> 5:24 6:6</p> <p><b>confidence</b> 13:10 22:22</p> <p><b>confirm</b> 30:14</p> <p><b>congress</b> 8:15 9:14</p> <p><b>considering</b> 8:16 21:17</p> <p><b>contacted</b> 30:11 31:6</p> <p><b>contents</b> 3:2</p> <p><b>contest</b> 10:10 11:14 18:18 28:13</p> <p><b>continuing</b> 23:15</p> <p><b>contract</b> 30:13,15 31:1,9,12</p> <p><b>contractor</b> 30:11</p> <p><b>correct</b> 5:13,17,21 6:1 8:13,24 9:22 10:4,11,21,25 11:4 11:8,16 12:6,12,14 12:21 13:3,6,15,20 13:23 14:2,5,12,19 15:8,15,21 16:3,10</p>
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