

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

KAREN FINN, DR. JILLIAN FORD,  
HYLAH DALY, JENNE DULCIO,  
GALEO LATINO COMMUNITY

## **INTRODUCTION**

1. In response to the rapid diversification of Cobb County and the growing political power of the County’s Black and Latinx<sup>1</sup> population, the Cobb County Board of Education (the “Board”) and state legislators improperly used race as a predominant factor in drawing the boundaries of districts 2, 3, and 6 (“District 2,” “District 3,” and “District 6,” respectively, and together the “Challenged Districts”) in the redistricting plan (the “Redistricting Plan” or the “Plan”) for Board elections, recently enacted pursuant to House Bill 1028 (“HB 1028”).

2. The Board’s four white members—Randy Scamihorn, David Chastain, David Banks, and Brad Wheeler—forged ahead with a secretive map-drawing process to maintain their tenuous majority over the Board’s three Black members—Dr. Jaha Howard, Leroy Tre’ Hutchins, and Charisse Davis. The white Board members’ actions regarding the Redistricting Plan fit within their pattern and practice of subjecting the Black Board members and their constituents of color to racially disparate



159 counties—for atypical treatment. Specifically, the General Assembly decided to refer the Plan to the House Governmental Affairs Committee. In contrast, the vast majority of county-level plans were referred to the House Intragovernmental Coordination Committee or the Senate State and Local Governmental Operations Committee. Ultimately, the General Assembly adopted the Plan over the objections of the majority of Cobb County’s state legislative delegation. Upon information and belief and as set forth further below, the manner in which the General Assembly debated and adopted the Redistricting Plan represented a massive departure from Georgia’s long-standing practice for adopting county-level school board redistricting plans.

6. White Board members and legislative sponsors of the Plan repeatedly claimed that they used race to comply with federal law.

7. Using race as a predominant factor in redistricting may be justified in certain circumstances, such as ensuring compliance with Section 2 of the Voting Rights Act of 1965 (“VRA”).

8. But, upon information and belief, neither the Board nor any of the state legislators conducted a functional analysis of each Challenged District to support the use of race for purposes of VRA compliance.



13.

19. Plaintiff Jenne Dulcio is a registered voter residing in District 3 as set forth in the Redistricting Plan. Ms. Dulcio identifies as a Black/Haitian American woman and is a recent graduate of Cobb County schools.

20. Plaintiff GALEO Latino Community Development Fund, Inc. (“GALEO”) is a non-



drives throughout each of Georgia's 159 counties. Additionally, NGPAF provides public education materials to voters on the redistricting process and advocates for fair and constitutional maps.

26. NGPAF has one office located in Atlanta, Georgia and operates in Cobb County, among other counties in Georgia.

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grassroots, nonpartisan, community-based organization existing under the laws of the State of Georgia.

31. LWVMC and LWVGA are part of the League of Women Voters of the United States (collectively, “the League”), which has state and local leagues in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and Hong Kong.

32. LWVMC encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. The League, including LWVMC, is dedicated to encouraging its members to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. The League impacts public policies, promotes citizen education, and makes democracy work by, among other things, working to remove unnecessary barriers to full participation in the electoral process through voter education and advocacy.

33. The League fights to protect the rights of all eligible voters and often focuses its work on underrepresented communities to expand access for Black and Latinx voters and other historically marginalized communities who have been left out of the democratic process. As part of its mission, the League assists voters in navigating the elections process, provides resources for voters to check their registration, determine their voting district and their polling locations, holds issue forums on important issues to the community, and mobilizes voters to engage in



to protecting voting rights through advocacy, legislation, communication, and outreach, including work to promote voter registration, voter education, get out the vote efforts, election protection, census participation, and litigation. GCPA also conducts voter registration drives, distributes civic education materials to voters and prospective voters, provides voter ID assistance, hosts events aimed at encouraging voter participation among Black and Brown voters and voters in historically underserved communities of color, arranges for rides to the polls for voters, and supports the nonpartisan Georgia Election Protection field program in order to assist voters on the ground near polling sites.

38. GCPA is headquartered in Atlanta, but it also has field offices in Athens, Albany, Augusta, Macon, Savannah, and LaGrange and it operates in Cobb County regularly.

39. GCPA has members in at least one or more of the Challenged Districts who identify as Black or Latinx/Hispanic. If the Challenged Districts are not enjoined, these members will be harmed by living and voting in unconstitutionally racially gerrymandered districts.

40. GCPA brings this action on its own behalf and on behalf of its members who are registered voters residing in Cobb County and who each have a right to

representation on the Cobb County Board of Education that complies with the U.S. Constitution.

41. Unfair and discriminatory redistricting directly frustrates and impedes

45. Since the white-member majority on the Board shrunk from 6-1 to 4-3 following the 2018 election cycle, the Board has targeted Black and Latinx students and parents as well as the Black members of the Board for disparate treatment. The white majority's discriminatory actions are in furtherance of their efforts to create a firewall against the rising Black and Latinx political power in the county.

46.

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.”) (quotation marks omitted), aff’d in part, vacated in part, rev’d in part and remanded, 775 F.3d 1336 (11th Cir. 2015).

48. In fact, Georgia’s history of disenfranchising voters of color through racially discriminatory voting laws has been so widespread that district courts have taken judicial notice of such practices. See, e.g. *Johnson v. Miller*, 864 F. Supp. 1354, 1379–80 (S.D. Ga. 1994) (“[W]e have given formal judicial notice of the State’s past discrimination in voting, and have acknowledged it in the recent cases.”), aff’d and remanded, 515 U.S. 900 (1995) *Brooks*, 848 F. Supp. at 1560 (same).

49. Given this history of discrimination, Georgia was one of the nine states in 1965 required to get clearance from the Department of Justice before changing election rules under the VRA. While Georgia was subject to federal preclearance, the Department of Justice repeatedly objected to many of Georgia’s proposed redistricting maps. See, e.g. Letter from David L. Norman, Assistant Attorney General, U.S. Department of Justice, Civil Rights Division, to the Hon. Arthur K. Bolton, Attorney General, State of Georgia (Feb. 11, 1972),

[https://www.justice.gov/crt/records/vot/obj\\_letters/letters/GA/GA-1140.pdf](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-1140.pdf)

(objecting to Georgia's first redistricting map following the passage of the VRA);

Letter from William Bradford Reynolds, Assistant Attorney General, U.S.

Department of Justice, Civil Rights Division, to the Hon. Michael Bowers, Attorney

General, State of Georgia (Feb. 11, 1982), [https://www.justice.gov/crt/](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-1870.pdf)

[records/vot/obj\\_letters/letters/GA/GA-1870.pdf](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-1870.pdf) (objecting to Georgia's 1981

congressional redistricting map); Letter from John R. Dunne, Assistant Attorney

General, U.S. Department of Justice, Civil Rights Division, to Mark H. Cohen,

Senior Assistant Attorney General, State of Georgia (Jan. 21, 1992),

[https://www.justice.gov/crt/records/vot/obj\\_letters/letters/GA/GA-2330.pdf](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-2330.pdf)

(objecting to Georgia's 1992 congressional redistricting map); Letter from John R.

Dunne, Assistant Attorney General, U.S. Department of Justice, Civil Rights

Division, to Mark H. Cohen, Senior Assistant Attorney General, State of Georgia

(Mar. 20, 1992), [https://www.justice.gov/crt/records/vot/obj\\_letters/letters/](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-2360.pdf)

[GA/GA-2360.pdf](https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-2360.pdf) (objecting to Georgia's second submission of its 1992

congressional redistricting map).

50. In 2013, however, the Supreme Court in *Shelby County v. Holder*,<sup>570</sup> U.S. 529 (2013), invalidated the coverage provision that identified jurisdictions



of the County; it now makes up 26.6% of the County.<sup>3</sup> Cobb County's Latinx population made up 12.3% of the County in 2010; it now makes up 14.5% of the County. And these trends are likely to continue in the coming years, since Cobb County's youth population skews heavily Black and Latinx. Between 2010 and 2020, the white children (under 18 years of age) of Cobb County decreased by 7.57 percentage points, from 45.36% of the youth population to 37.80%. Meanwhile, the Black and Latinx youth population saw an increase of 2.32 percentage points, from 45.83% in 2010 to 48.16% in 2020.

54. These changing demographics have corresponded with increases in the political strength of Cobb County's communities of color, as the results in the last three national elections demonstrate. In 2012, President Barack Obama—the preferred candidate of Cobb County's Black and Latinx communities—lost Cobb County by 12 percentage points. Since then, Cobb County's shifting demographics have impacted Georgia's election results. In 2016, Hillary Clinton—the Black-

candidate in 2020—won Cobb County by 14 percentage points.

55. The political strength of Cobb County’s Black and Latinx population has not been limited to presidential elections. Cobb County’s communities of color have boosted their preferred candidates up and down the ballot in recent elections. Stacey Abrams, a Black woman, who narrowly lost Georgia’s 2018 gubernatorial election and was the Black- and Latinx-preferred candidate, won Cobb County by 9 percentage points. Two years later, they also elected the County’s first Black County Commissioner, Lisa Cupid, who was the Black and Latinx-preferred candidate. In that same 2020 election, Cobb County also elected its first Black District Attorney and first Black Sheriff. And in 2021, majorities in Cobb County helped lift both

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members. These three Black Board members represent the majority of Cobb County's Black and Latinx population. The white members' 4-3 majority became even more precarious in 2020, when the preferred candidate of voters of color in District 7—Lindsay Terrebonne—came within approximately 3 points of defeating the preferred candidate of white voters—incumbent Brad Wheeler.

57. The Board's white members were keenly aware of these demographic changes—and the political impact such changes would have—when they began the 2020 redistricting process.

**III. The Board's White Majority Reacts to Cobb County's Changing Demographics by Silencing Black Board Members and Their Black and Latinx Constituents**

58. Soon after the white Board members' firm 6-1 majority over non-white Board members diminished following the 2018 election to the slim 4-3 majority in place today, the white members began enacting arbitrary policies based on race that grant white Board members the ability to address key concerns with respect to the

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62. In November 2020, the four white Board members voted to increase the number of votes to place an item on a meeting agenda to four. Prior to Board members Howard and Davis being elected, the Board required three votes to add an item to the agenda. The white Board members changed that number from three to four votes, permitting the four white Board-member majority to effectively block any agenda item raised by any of the three Black Board members. What is more, upon information and belief, the white members deprived Black members of prior notice of the proposed rule change or the rationale behind the proposed change. The measure was approved along racial lines at the same meeting the new rule was introduced.

63. When asked for his rationale for making this change, current-Board Chairman Chastain responded that his intent was to avoid discussions of “subjects not pertinent to our children,” despite the “subjects” previously raised by Black Board members being clearly “pertinent” to Black and Latinx children and parents.

64. In addition to requiring 4 members to approve agenda items, the new policy also granted the Board Chairman greater authority in determining which items could be discussed and voted on by the Board.



68. Despite Cognia's directives to the Board to endeavor to cooperate, the white Board members have continued to silence and ignore the Black members, including in connection with their

71. In response, in August 2020 the Board initially voted to form a committee to consider a potential name change to Wheeler High School. However, after the election in November 2020 and before the committee began meeting, white Board members used its newly enacted speaking restrictions and agenda-setting limitations to vote along racial lines to disband the committee.

72. Since disbanding the committee, the Board has refused to change the name of the school.



77. This resolution, as well as the white Board members' decision to ignore the objections by the Black Board members, is particularly concerning against the backdrop of Cobb County's checkered racial past. As Board member Davis explained during the meeting where the proposal was considered, Cobb County parents and students of color have long been singled out for "threats . . . , racist assignments, and bigoted comments by students and staff." Board member Davis then contrasted the swift action by the Board on CRT and the 1619 Project to the muted response the Board gave to parents and staff of color that "[came] to board meetings and contact[ed] us via email to share their stories" of racism.

78. Plaintiff Dr. Jillian Ford778 0 Td3 ]1

“dismantl[ing] any effort causing white people discomfort” over ameliorating “the district’s longstanding mistreatment of Black families.” Susko also recounted in her letter how white Board members Banks and Scamihorn ignored Black parents and students as they

2021, directly coinciding with the first month of the school year.

81. Even with this alarming rise in cases and testimonials from Cobb parents, particularly parents of color, the Board's all-

protocols, white Board members have responded with racially offensive statements. Board member Banks, who is white, has called COVID-19 “the China virus,” while Chairman Scamihorn has blamed “illegal immigrants” for the County’s high COVID positivity rate in justifying ignoring the concerns of Cobb’s Black and Latinx parents over the County’s lax response to COVID-19.

iv. The White Board Members Have Ignored the

teacher drew attention to these letters and laughed to the class about them.

57% of such referrals despite Black students making up 31% of Cobb County's school population.

90. Despite the well-publicized unequal application of school discipline and law enforcement referrals, and the persistent concerns of students and parents of color of racist incidents in Cobb County schools, the Board has not affirmatively responded or acted to change its policies and practices.

91. Indeed, the Board's lack of response to unrelenting racially discriminatory acts and statements pushed Cobb County parents and students to take matters into their own hands. For instance, a coalition of students, mostly from Campbell High School, silently protested during the Board's March 2022 meeting. This student coalition urged the Board to



working with a firm with whom they already had a pre-existing relationship. The



Rather than address these concerns, Chairman Scamihorn scolded his fellow Board member for highlighting the conflict—telling Dr. Howard, while raising his voice, to “be careful.”

101. Despite this potential conflict of interest, the white Board members hired Taylor English without seeking bids from other companies, in a departure from its normal practices.

102. Upon information and belief, over the course of the next several months, the Black Board members were given less access to Taylor English’s map-

member Howard in his December 2021 Facebook video post, did not engage the Black Board members or the Cobb community at all during the process of drawing the new map.

104. Despite giving the Black Board members and members of the community less than a day to review the new districts, the Board approved the Taylor English map at the December 9, 2021 Board Work Session, with the vote splitting along racial lines.

105. Following the December 9, 2021 Work Session, the Board-approved map was submitted to the General Assembly for final approval without, upon information and belief, any involvement or public comment from any constituents, including Black and Latinx communities in the County.

### **B. The General Assembly's Redistricting Process**

106. In Georgia

left to the representatives most familiar with the affected communities.

107. Since the 2018 elections, the majority of Cobb County's local delegation consists of Black and Latinx-preferred legislators, with state-Representative David Wilkerson, who is Black, serving as chair to the Cobb County legislative delegation.

Committee held on February 9, 2022. At that meeting, Rep. Wilkerson voiced

decision to bring the new map as a general bill “deviated” from the last redistricting

methodology

115. Upon information and belief, neither the Board nor any of the state legislators conducted a functional analysis of each Challenged District to support the use of race for purposes of VRA compliance.

116. Accordingly, the Challenged Districts reflect the packing of Black and Latinx voters in a manner not justified by the VRA.

**A. Taylor English Attorney Admits That Race Was Key Consideration in Drawing the Maps**

117. Chairman Scamihorn had identified compliance with the VRA, and the necessary consideration of race for compliance, as a top factor for the “redistricting process” during the July 15, 2021, Board meeting.

118. At the December 9, 2021 Board meeting, Board members questioned Taylor English attorney Bryan Tyson, the lead map drawer, about the proposed new districts. Mr. Tyson’s comments on legal compliance mirrored Chairman Scamihorn’s statements earlier in the meeting that one of his primary goals for the new map was compliance with the VRA, which includes the consideration of race. See Cobb County, Board Of Education Work Session (Dec. 9, 2021), at 2:43:40–2:44:10.

119. According to Mr. Tyson, his “first” and “most important” goal when drawing the map was legal compliance, including with the VRA. See *id.*, at 2:59:14–3:00:00. Mr. Tyson then explained to the Board that the VRA required him to draw

“majority-minority districts.” *Id.* at 2:59:55–3:00:00. He expanded on this requirement by explaining that, to comply with the VRA, he had to “create districts that are at least 50% of a single race.” *Id.* at 3:18:50–3:19:10.

120. Mr. Tyson ined

123. After Mr. Tyson explained the steps he took to comply with the VRA, he described the secondary interests he considered when drawing the BOE map, such as keeping “communi

Committee two days later, before the Georgia House floor on February 14, 2022, and to the Senate Committee on State and Local Government Operations on February 16, 2022. See Georgia House, House Committee on Governmental Affairs (Feb. 9, 2022), at 0:43:37:08–0:44:07:00; Georgia House, House Chamber Day 16 (Feb. 14, 2022), at 2:53:20–2:54:10, <https://vimeo.com/showcase/8988696?video=676365445>; Georgia Senate, Senate Committee on State and Local Government Operations (Feb. 16, 2022), at 0:03:03:01–0:03:20:00, <https://vimeo.com/showcase/9078396?video=676365445>.

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130. In addition to touting the map drawer's efforts to comply with the VRA, Rep. Ehrhart documented for the subcommittee how the new BOE map

Ehrhart to comply with the VRA stand in contrast to Mr. Tyson’s explanation that there need be only one single-race majority-minority district to comply with the VRA.

134. According to Rep. Ehrhart’s February 7, 2022 testimony, this “first and foremost” concern for legal compliance, including the consideration of race as it pertains to the VRA, took precedence over other redistricting principles, such as

### **C. Black Representatives and Board Members Raise Concerns Over “Packing”**

136. Despite Rep. Ehrhart’s and Mr. Tyson’s insistence that the new map complied with all legal requirements, Black Representatives and Board members expressed concern throughout the map-drawing process that people of color were being “packed” into Districts 2, 3, and 6.

137. State-Representative Renitta Shannon, a Black woman, raised such a concern during the February 9, 2022, Georgia House Governmental Affairs Committee hearing. In questioning Rep. Ehrhart, she expressed alarm that the new map “put more minority voters than whaehry

Affairs Redistricting and Elections Subcommittee hearing on February 7, 2022, he expressed the view that “Black districts [are] being compacted” in the new map. Georgia House, House Committee on

- b. Legal compliance, including with the Federal and Georgia constitutions as well as the Voting Rights Act;
- c. Equal representation;
- d. The stability of the seven school posts and the school districts;
- e. Ensuring that each school district has at least two high schools;
- f. Maintaining communities of interest;
- g. Keeping high school attendance zones intact;
- h. School feeder patterns; and
- i. Keeping “eligible” Board members up “for re-election in their same post.”

142. These factors, however, differed slightly from the criteria that Mr. Tyson claimed that the Board’s Chairman conveyed to him:

- a. Legal compliance, including with the Federal and Georgia constitutions as well as the Voting Rights Act;
- b. Equalizing population;
- c. Having two school districts in each district;
- d. Avoiding the unnecessary pairing of incumbents running for re-election; and

- e. Keeping communities of interests together and making districts as compact as possible.

143. The General Assembly's Legislative and Congressional Reapportionment Office ("LCRO") also conducts a "technical review" of any redistricting plan submitted to it by a "local governmental entity" for the following:

- a. Compliance with federal and state constitutional requirements for such plans and the federal Voting Rights Act of 1965;
- b. Division of current voting precincts in a manner that could compromise voter anonymity;
- c. Any geographic unassigned areas;
- d. Maintenance of continuous geographic features; and
- e. Any other concerns that the LCRO may deem legally significant.

144. According to the LCRO, other traditional criteria include:

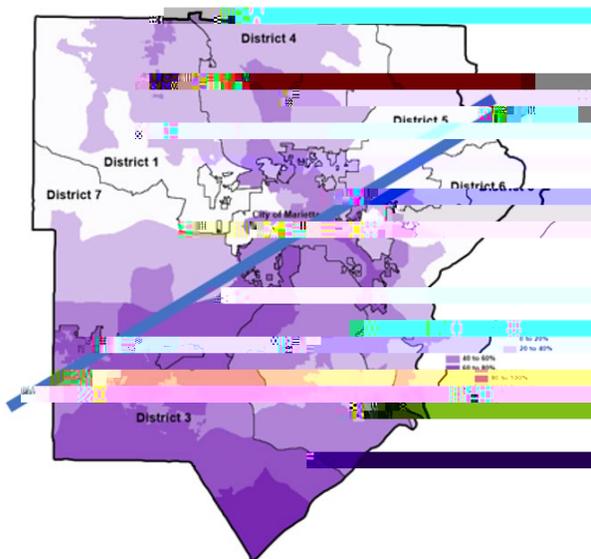
- f. Compactness;
- g. Contiguity;
- h. Respecting political boundaries;
- i. Communities of interest;
- j. Preserving the cores of prior districts; and
- k. Incumbent protection.



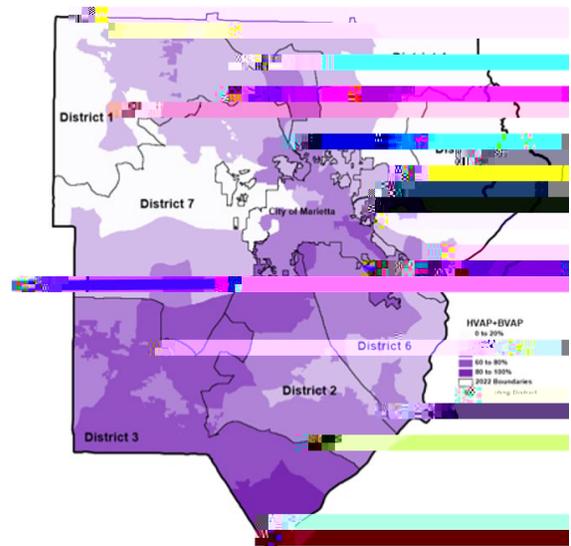


border lines superimposed in blue demonstrate how the Challenged Districts were rotated clockwise so Black and Latinx residents could be packed entirely into south Cobb. As a result, District 7—where voters of color were on the cusp of electing a candidate of choice in the 2020 election—was moved significantly further north.

**2012 Map**



**2022 Map**



a. District 2

150. Race was the predominant factor in drawing Challenged District 2. In addition to subordinating other redistricting criteria, race was not employed in a narrowly tailored manner to advance compliance with Section 2 of the VRA or any other compelling governmental interest.

151. Challenged District 2 has a Black voting age population (“BVAP”) <sup>7</sup> of 35% and a Latinx VAP (“LVAP”) of 21%. The non-white VAP in District 2 is 65%.<sup>8</sup>

152. An RPV analysis—an examination that identifies wheth (t i)a2.5 (o)8.3d(if)12.hM

b. District 3

154. Race was the predominant factor in drawing Challenged District 3, and it was not employed in a narrowly tailored manner to advance compliance with Section 2 of the VRA or any other compelling governmental interest.

155. Challenged District 3 has a BVAP of 53% and LVAP of 17%. The non-white VAP in District 3 is 76%.

156. An RPV analysis based on racially polarized voting and turnout statistics in the area show that voting District 3 is drawn with a BVAP and LVAP that are substantially higher than necessary for Black and Latinx voters to elect their candidates of choice.

157. Upon information and belief, such an analysis was not completed for Challenged District 3 before adopting the district as presented in the Redistricting Plan.

c. District 6

158. Race was the predominant factor in drawing Challenged District 6, and it was not employed in a narrowly tailored manner to advance compliance with Section 2 of the VRA or any other compelling governmental interest.

159. Challenged District 6 has a BVAP of 31% and LVAP of 13%. The non-white VAP in District 6 is 57%.

160. An RPV analysis shows that Challenged District 6 is drawn with a BVAP and LVAP that are substantially higher than necessary for Black and Latinx voters to elect their candidates of choice.

161. Upon information and belief, such an analysis was not completed for Challenged District 6 before adopting the district as presented in the Redistricting Plan.

## **VII. The Redistricting Plan Disparately Impacts Black and Latinx Voters**

162. Despite population trends that suggest a growing Black and Latinx population in Cobb, the Board and state legislature's packing of Black and Latinx voters into Challenged Districts 2, 3, and 6 entrenches the majority power of white voters.

163. Mr. Tyson admitted during a Board Work Session, that the population distribution did not significantly change district-by-district between the 2010 Census and the 2020 Census. See Cobb County, Board Of Education Work Session (Dec. 9, 2021), at 2:52:50–2:53:00. Under the current demographics of Cobb County, had District 7 remained as it had been drawn previously in the western/southwestern part of the County, based on an effectiveness analysis and upon information and belief, District 7's white Board member would have been vulnerable to a Black and Latinx-

preferred challenger. This would have endangered the white majority's 4-3 hold over the Board.

164. To avoid this possibility, the white majority's Redistricting Plan did away with District 6's eastward skew and District 7's western and southwestern areas, replacing them with districts that much more closely track the north/south divide of Cobb County's white and Black/Latinx populations. This was accomplished by rotating each of the Districts clockwise around the hub of Marietta to concentrate the Challenged Districts in the South, without any northward expansions along the spokes of the wheel to the East or West.

165. This strategy ofl wo t spho.5 (so)8.2 (u)1 (gy)663Bd2.52D(3)85(1)240(6)isn)8

Kennesaw and simultaneously maintained white control of District 7.

167. Together, these strategies (i) pack Black and Latinx voters into the 3 southern districts, and (ii) crack Black and Latinx voters between the 4 northern districts, decreasing their concentrations and effectively diluting the voting power of Black and Latinx communities.

168. By d(L)8.2 (a)3.5 2i7 crk a[(d(L)ion)g12.1 (ti7 c) (rTw 0.508ie)3.6L4cn504iecrT

race as the predominant factor in determining their boundaries as detailed above.

172. The use of race in the Challenged Districts was not narrowly tailored to advance compliance with Section 2 of the Voting Rights Act or any other compelling government interest, because Black voters and Latinx voters were packed into districts in numbers substantially higher than necessary to elect candidates of choice and without regard for whether racially polarized voting was legally significant in the Challenged Districts.

173. Because these districts separate individuals on the basis of race in a manner not narrowly tailored to advance a compelling governmental interest, they harm Individual Plaintiffs and Organizational Plaintiffs' members who live in the Challenged Districts and violate the rights guaranteed to them by the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

### **PRAYER FOR RELIEF**

174. WHEREFORE, Plaintiffs respectfully request that the Court:
- a. Declare that Cobb County Board of Education Districts 2, 3, and 6 in violation of the Fourteenth Amendment to the United States Constitution as racial gerrymanders;

- b. Permanently enjoin the Defendants and their agents from holding elections in Districts 2, 3, and 6 as enacted in HB 1028 and any adjoining districts necessary to remedy the constitutional violations;
- c. Set a reasonable deadline for State authorities to adopt and enact a new constitutionally compliant redistricting plan for the Cobb County Board of Education that remedies the unconstitutional racial gerrymanders in Districts 2, 3, and 6 while still complying with Section 2 of the VRA;
- d.

Dated this 9th day of  
June 2022.

Respectfully submitted,

/s/ PichayaPoy Winichakul

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/s/ Caren E. Short

Caren E. Short\* (Ga Bar No. 990443)  
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\* Admission to Northern  
District of Georgia pending

Counsel for Plaintiff League of Women Voters  
Marietta-Cobb

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

I. (a) PLAINTIFF(S)

KAREN FINN;
DR. JILLIAN FORD;
HYLAH DALY;
JENNE DULCIO;
GALEO LATINO COMMUNITY DEVELOPMENT FUND, INC.;
NEW GEORGIA PROJECT ACTION FUND;
LEAGUE OF WOMEN VOTERS OF MARIETTA-COBB; and
GEORGIA COALITION FOR THE PEOPLES AGENDA, INC.

DEFENDANT(S)

COBB COUNTY BOARD OF ELECTIONS AND
REGISTRATION and
JANINE EVELER, in her official capacity as Director of the
Cobb County Board of Elections and Registration.

(b) COUNTY OF RESIDENCE OF FIRST LISTED
PLAINTIFF COBB
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED
DEFENDANT COBB
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

Pichaya Poy Winichakul
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Decatur, Georgia 30030
(404) 521-6700 - poy.winichakul@splcenter.org

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
2 U.S. GOVERNMENT DEFENDANT
3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(FOR DIVERSITY CASES ONLY)

- PLF DEF PLF DEF
1 1 CITIZEN OF THIS STATE 4 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
2 2 CITIZEN OF AN OTHER STATE 5 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
3 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY 6 6 FOREIGN NATION

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY )

- 1 ORIGINAL PROCEEDING
2 REMOVED FROM STATE COURT
3 REMANDED FROM APPELLATE COURT
4 REINSTATED OR REOPENED
5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
6 MULTIDISTRICT LITIGATION - TRANSFER
7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
8 MULTIDISTRICT LITIGATION - DIRECT FILE

V. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY )

(IF COMPLEX, CHECK REASON BELOW)

- 1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex.
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence.
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States borders.
10. Existence of highly technical issues a

JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_ (Referral) NATURE OF SUIT \_\_\_\_\_ MAG. JUDGE (IFP) \_\_\_\_\_ CAUSE OF ACTION \_\_\_\_\_

## VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

### CONTRACT - "0" MONTHS DISCOVERY TRACK

150 RECOVERY OF OVERPAYMENT &  
ENFORCEMENT OF JUDGMENT  
152 RECOVERY OF DEFAULTED STUDENT  
LOANS (Excl. Veterans)  
153 RECOVERY OF OVERPAYMENT OF  
VETERAN'S BENEFITS

### CONTRACT - "4" MONTHS DISCOVERY TRACK

110 INSURANCE  
120 MARINE  
130 MILLER ACT  
140 NEGOTIABLE INSTRUMENT  
151 MEDICARE ACT  
160 STOCKHOLDERS' SUITS  
190 OTHER CONTRACT  
195 CONTRACT PRODUCT LIABILITY  
196 FRANCHISE

### REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

210 LAND CONDEMNATION  
220 FORECLOSURE  
230 RENT LEASE & EJECTMENT  
240 TORTS TO LAND  
245 TORT PRODUCT LIABILITY  
290 ALL OTHER REAL PROPERTY

### TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

310 AIRPLANE  
315 AIRPLANE PRODUCT LIABILITY  
320 ASSAULT, LIBEL & SLANDER  
330 FEDERAL EMPLOYERS' LIABILITY  
340 MARINE  
345 MARINE PRODUCT LIABILITY  
350 MOTOR VEHICLE  
355 MOTOR VEHICLE PRODUCT LIABILITY  
360 OTHER PERSONAL INJURY  
362 PERSONAL INJURY - MEDICAL  
MALPRACTICE  
365 PERSONAL INJURY - PRODUCT LIABILITY  
367 PERSONAL INJURY - HEALTH CARE/  
PHARMACEUTICAL PRODUCT LIABILITY  
368 ASBESTOS PERSONAL INJURY PRODUCT  
LIABILITY

### TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

370 OTHER FRAUD  
371 TRUTH IN LENDING  
380 OTHER PERSONAL PROPERTY DAMAGE  
385 PROPERTY DAMAGE PRODUCT LIABILITY

### BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

422 APPEAL 28 USC 158  
423 WITHDRAWAL 28 USC 157

### CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

440 OTHER CIVILRIGHTS  
441 VOTING  
442 EMPLOYMENT  
443 HOUSING/ ACCOMMODATIONS  
445 AMERICANS with DISABILITIES - Employment  
446 AMERICANS with DISABILITIES - Other  
448 EDUCATION

### IMMIGRATION - "0" MONTHS DISCOVERY TRACK

462 NATURALIZATION APPLICATION  
465 OTHER IMMIGRATION ACTIONS

### PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

463 HABEAS CORPUS- Alien Detainee  
510 MOTIONS TO VACATE SENTENCE  
530 HABEAS CORPUS  
535 HABEAS CORPUS DEATH PENALTY  
540 MANDAMUS & OTHER  
550 CIVIL RIGHTS - Filed Pro se  
555 PRISON CONDITION(S) - Filed Pro se  
560 CIVIL DETAINEE: CONDITIONS OF  
CONFINEMENT

### PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

550 CIVIL RIGHTS - Filed by Counsel  
555 PRISON CONDITION(S) - Filed by Counsel

### FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

625 DRUG RELATED SEIZURE OF PROPERTY  
21 USC 881  
690 OTHER

### LABOR - "4" MONTHS DISCOVERY TRACK

710 FAIR LABOR STANDARDS ACT  
720 LABOR/MGMT. RELATIONS  
740 RAILWAY LABOR ACT  
751 FAMILY and MEDICAL LEAVE ACT  
790 OTHER LABOR LITIGATION  
791 EMPL. RET. INC. SECURITY ACT

### PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

820 COPYRIGHTS  
840 TRADEMARK

### PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

### SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

861 HIA (1395ff)  
862 BLACK LUNG (923)  
863 DIWC (405(g))  
863 DIWW (405(g))  
864 SSID TITLE XVI  
865 RSI (405(g))

### FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK