

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

ROBERT C. WALKER, DAVID
RICHARDSON, WALLACE SHAW, J.
ANDY FULLER, and CLIFTON
DELOACH, in their official capacities as
members of the Long County Board of
Commissioners and individually as residents
and voters of Long County, Georgia, along
with DEMPSY GOLDEN, FLORENCE
BAGGS, BILLY HALL, LINDA
DELOACH, and EMMA STRICKLAND,
in their official capacities as members of the
Long County Board of Education and
individually as residents and voters in the
Long County School District,

Plaintiffs,

vs.

VANESSA L. CUNNINGHAM,
MILDRED S. HOPKINS, and PATRICIA
A. JOHNSON, in their official capacities as
members of the Board of Elections and
Registration of Long County, Georgia,

Defendants.

CV 212-152

ORDER

Presently before the Court is Plaintiffs' Motion for
Declaratory and Injunctive Relief. See Dkt. No. 1. Upon due
consideration, the Court presents the attached redistricting

plan ("Final Plan") and Orders its use in the May 7, 2013, Long County Board of Commission ("BOC") and Board of Education ("BOE") special election.

I. INTRODUCTION

In a Consent Order issued October 2, 2012, this Court enjoined further use of both the 1988 and 2012 Districts in the BOC and BOE election. Dkt. No. 34. Moreover, this Court enjoined further action with respect to the July 2012 BOC and BOE election, as that election utilized the 2012 Districts. Id. The Court also granted the parties' request that the Court create and adopt a remedial districting plan to facilitate a timely election for the BOC and BOE posts. Id.

In an Order issued October 30, 2012, this Court presented a new map with constitutionally apportioned districts for use in the May 2013 Long County BOC and BOE special election ("Preliminary Plan"). Dkt. No. 45. After a period of public comment, the Court adopts the attached redistricting plan for use in the May 2013 Long County BOC and BOE special election ("Final Plan").

The Court's October 30, 2012 Order provides a comprehensive factual and procedural background of this case. See Dkt. No. 45, at 2-6. That background is not repeated here.

III. FINAL PLAN

A. Public Comments

After presenting its Preliminary Plan, the Court allowed the public to comment on the plan. See Dkt. No. 34. The principal comments¹ received by the Court were (1) the Preliminary Plan moved the winner of the July 2012 BOE election for District 5 from District 5 to District 3,² (2) the BOE member from District 4 lost a significant number of her former constituents under the Preliminary Plan, (3) District 4 does not have a polling place within its borders under the Preliminary Plan, and (4) under the Preliminary Plan, the geographical expanse of District 5 is too great. See Dkt. No. 48.

¹ The Court also received comments suggesting that the Court consider neither the balancing of population among the five (5) districts nor the alleged retrogression in District 4. The Court's Final Plan does not accommodate these comments.

² This resulted from the Court's error in mapping the residence of the District 5 BOE candidate when preparing the Preliminary Plan. This unintentional error also placed the formerly unopposed BOE candidates from District 3 and District 5 in the same district. This would require those candidates to run against one another and would potentially leave District 5 without a BOE member.

B. Plan Revisions

After considering comments from Long County's citizens, the Court modified its Preliminary Plan slightly.³ Specifically, the Court expanded District 5 to the northwest to allow the District 5 BOE candidate to remain within her prior district. The Court also expanded District 4 slightly to the southeast to allow the District 4 BOE member to retain more of her former constituents. These changes necessitated a slight amount of rebalancing among the districts to ensure compliance with the one person, one vote principle.

Attached to this Order are multiple exhibits depicting the Final Plan.⁴ Exhibit 1 shows the district boundaries with details such as road names. Exhibit 2 contains the details from Exhibit 1 along with the boundaries of the 2012 Districts. Exhibit 3 contains a legal description of the Final Plan. Exhibit 4 contains statistical data for the Final Plan. Exhibit 5 contains the Core Constituencies Report.

³ The Court utilized the same technical assistance in creating the Final Plan as it used in creating the Preliminary Plan. See Dkt. No. 34, at 9. Specifically, the Court appointed the Legislative and Congressional Reapportionment Office of the General Assembly of the State of Georgia and its necessary staff, including Regina Harbin Wright, as its independent technical advisor in this matter.

⁴ The Final Plan is entitled FedCt-LongCCSB-2012.

C. Analysis of the Final Plan

The Court's October 30, 2012 Order provides significant analysis of the Court's Preliminary Plan and describes how the Court attempted to harmonize the one person, one vote principle, traditional districting principles, and the requirements of the Voting Rights Act. See Dkt. No. 45. That analysis applies to the Court's Final Plan and is not repeated here. For clarity, Exhibit 6 provides a statistical comparison between the Final Plan and the Benchmark Plan.

The Court chose not to create a new polling place for District 4. Although the old polling place is only slightly outside the borders of District 4, it is familiar to District 4 voters and the Long County Board of Elections. Therefore, the Court retains this location to minimize voter confusion and facilitate an orderly election.

The Court notes that District 5 is physically larger than it was under either the 1998 or 2012 Districts. However, the Court accepts this result, as it is the result of an effort to balance many interests—including the one person, one vote principle and the requirements of the Voting Rights Act. The Court notes that, though physically larger than the other districts, District 5 is only thirty (30) miles across at its

widest point and is entirely connected by Highway 57. Moreover, Part V of this Order instructs the Long County Board of Elections to establish two (2) additional polling places in District 5. Though equal territory among the five (5) districts may be preferable, the Court finds the territorial deviation in the Final Plan tolerable. Moreover, the Court finds that its Final Plan acceptably balances the one person, one vote principle, traditional districting principles, and the requirements of the Voting Rights Act.

IV. FINAL PLAN'S FUTURE USE

The Court's Final Plan is intended for use in the May 2013 special election and any necessary runoff elections. The Court emphasizes that Long County's Board of Elections, BOC, and county delegation need not use the Court's Final Plan in future elections.

The Court offers this caution for several reasons. First, this Plan was drafted, necessarily, under time constraints. Moreover, the Court was not privy to all of the kinds of political and community concerns that are pertinent to a legislative body when it redistricts. Nor can this Court assure maintenance of existing constituent-representative relations.

Such matters are legitimate legislative concerns, to be addressed by the General Assembly.

In sum, the Court's Final Plan can be reviewed and changed following the May 2013 special election if the legislature decides to do so.

V. CONCLUSION

Plaintiffs' Motion for Declaratory and Injunctive Relief (Dkt. No. 1) is **GRANTED**. This Court **ENJOINS** Defendants, sets the following deadlines, and **ORDERS** the following actions:

- (1) The Court's Final Plan is hereby **ADOPTED** as the lawful plan for the Long County BOC and BOE election for use in the May 2013 BOE and BOE special election and until such time as the State of Georgia implements a new plan.
- (2) Defendants are hereby **DIRECTED** to implement the Final Plan promptly and consistently with the Constitution and laws of the United States and the Constitution and laws of the State of Georgia.
- (3) The BOC and BOE precinct boundaries shall be identical to the BOC and BOE district boundaries.

(4) Defendants are hereby **DIRECTED** to establish the following polling places for use in the May 2013 special election:

District 1: Beards Creek Voting Precinct; 3218 Marcus Nobles Road, N.E.; Glennville, Georgia 30427.

District 2: Rye Patch/Oakdale Voting Precinct; 2252 Darwel Long Road, N.E.; Ludowici, Georgia 31316.

District 3: South Ludowici Voting Precinct; 198 Main Street Extension, S.W.; Ludowici, Georgia 31316.

District 4: North Ludowici Voting Precinct; 469 North Main Street; Ludowici, Georgia 31316.

District 5: (1) Tibet Voting Precinct; 1431 Tibet Highway, S.E.; Ludowici, Georgia 31316.
(2) Fire station located at 840 Alma Flournoy Road, Ludowici, Georgia 31316.
(3) Annex at Faith Baptist Church located at 12 South McDonald Street, Ludowici, Georgia 31316.

(5) Defendants are hereby **DIRECTED** to comply with the following election schedule:


- a. Voter notices shall be mailed no later than Monday, January 28, 2013.
- b. Qualifying for the BOC and BOE election shall take place from Monday, February 11, 2013 through Wednesday, February 13, 2013.
- c. The BOC and BOE primary election shall take place on Tuesday, March 12, 2013. Any necessary runoff elections related to these primaries shall take place on Tuesday, April 9, 2013.
- d. The BOC and BOE general election shall take place on Tuesday, May 7, 2013.

(6) All other matters of scheduling, balloting, and voting (including early and absentee voting and any necessary runoff elections) shall be conducted in accordance with any applicable federal, state, and local laws except that any state or local laws in direct conflict with this Order are hereby **SUSPENDED** only for the purposes of the May 2013 special election and related primary and runoff elections.

SO ORDERED, this 14th day of December, 2012.

s/ Beverly B. Martin

BEVERLY B. MARTIN, CIRCUIT JUDGE
ELEVENTH CIRCUIT COURT OF APPEALS



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

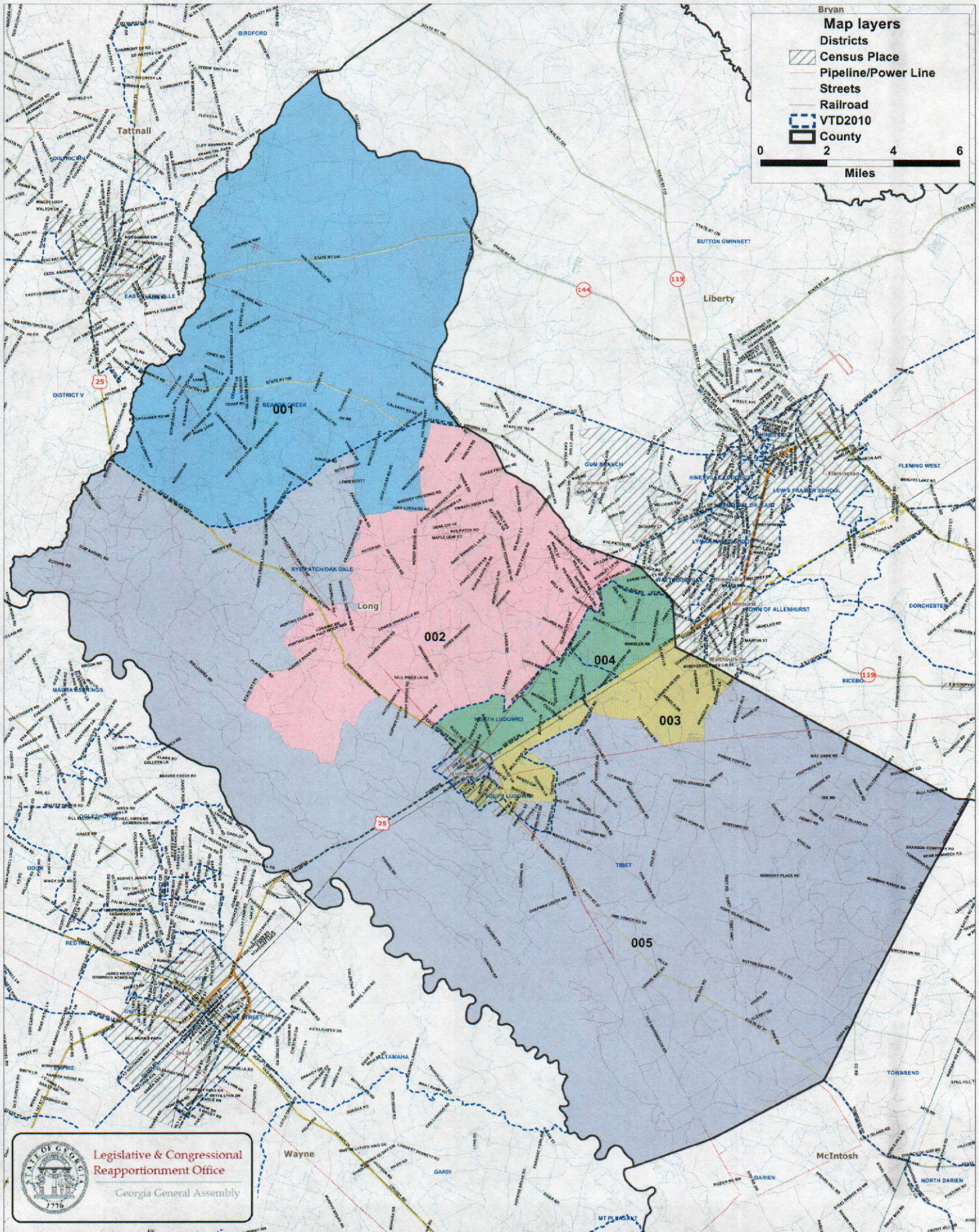
s/ J. Randal Hall

J. RANDAL HALL, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

EXHIBIT 1

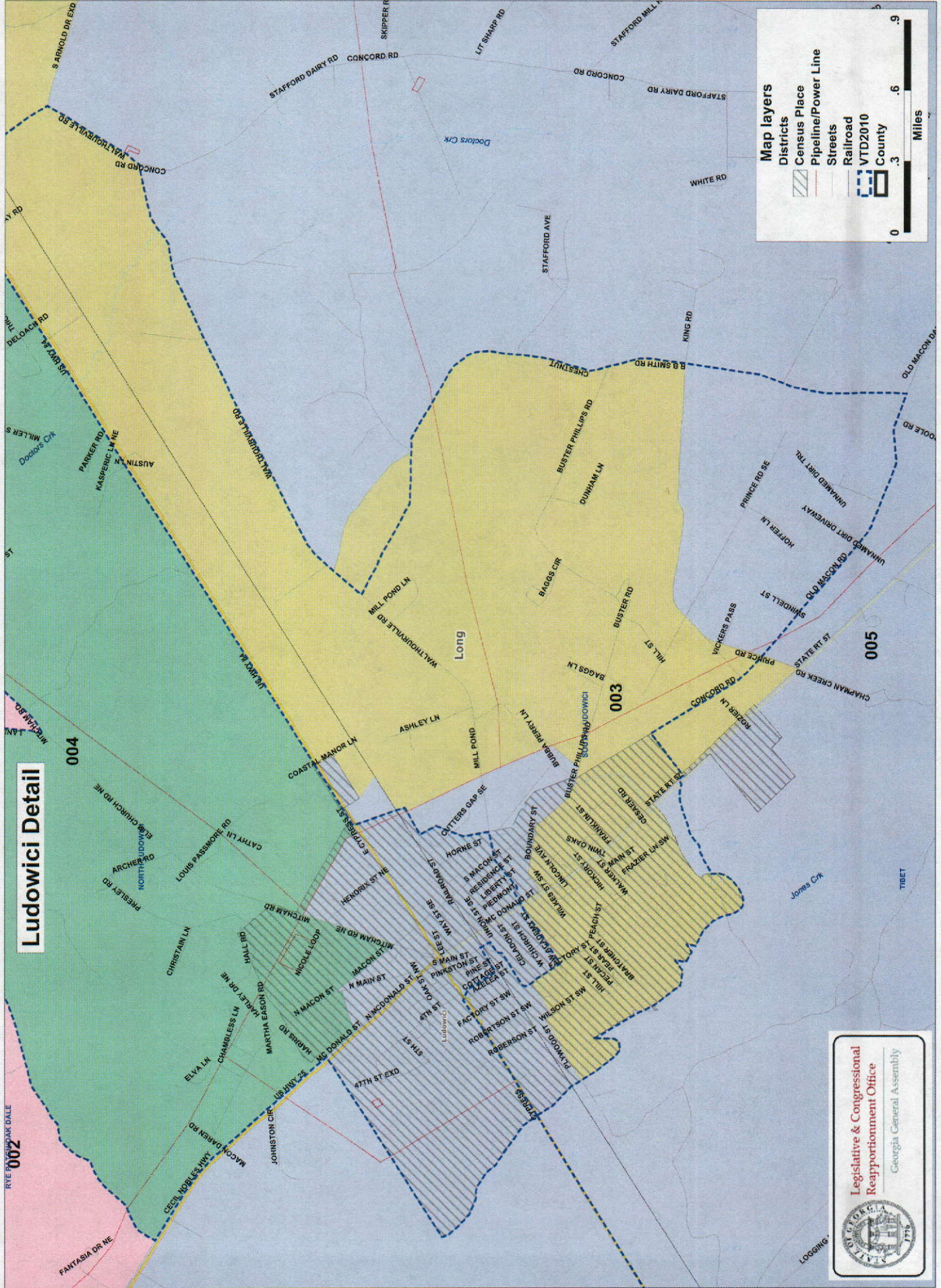
Long County Commission and School Board Districts- as drawn by Federal Court

Client: FedCt
Plan: FedCt-LongCCSB-2012
Type: Local



Long County Commission and School Board Districts- as drawn by Federal Court

Client: FedCT
Plan: FedCT/LongCCSB-2012
Type: Local



Ludowici Detail

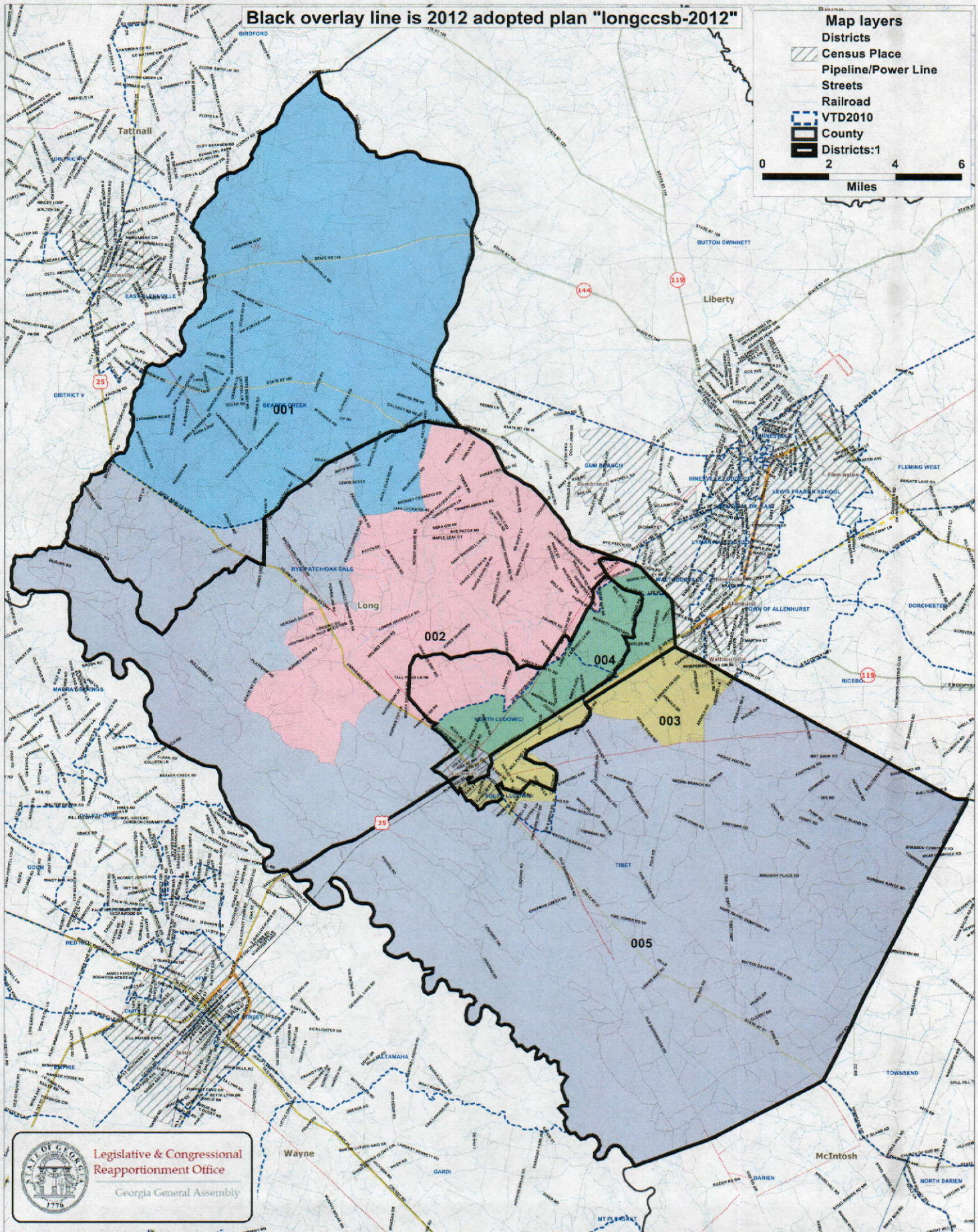
Legislative & Congressional
Reapportionment Office
Georgia General Assembly



EXHIBIT 2

Long County Commission and School Board Districts- as drawn by Federal Court

Client: Fed Ct
Plan: Fed Ct-LongCCSB-2012
Type: Local



Client: FedCt
Plan: FedCt-LongCCSB-2012
Type: Local

Black overlay line is 2012 adopted plan "longcssb-2012"



EXHIBIT 3

FedCt-LongCCSB-2012-(legal).txt

Plan: FedCt-LongCCSB-2012
Plan Type: Local
Administrator: FedCt
User: Gina

District 001

Long County

VTD: 1831 - BEARDS CREEK

VTD: 1832 - RYE PATCH/OAK

970100:

2102 2103 2104 2105 2106 2107 2108 2279 2280 2291 2292

District 002

Long County

VTD: 1832 - RYE PATCH/OAK

970100:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052
1053	1057	1058	1060	1065	1067	1068	1069	1070	1071	1072	1073
1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085
1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097
1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109
1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121
1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133
1134	1135	1136	1137	1138	1139	1140	1141	1142	1144	1147	1161
1162	1163	1164	1165	1166	1167	1168	1169	1174	1175	1176	2274
2275	2276	2277	2278	2281	2282	2284	2285	2286	2287	2288	2289
2290	2293	2294	2336	3002	3003	3004	3005	3006	3007	3016	3039
3040	3042	3043	3044	3045	3051	3052	3054	3060	3061		

970200:

1000 1001

District 003

Long County

VTD: 1833 - SOUTH LUDOWICI

970200:

2018	2020	2025	2026	2027	2028	2029	2031	2032	2033	2035	2037
2039	2041	2042	2054	2087	3065	3066	3067	3068	3069	3070	3143
3144	3145	3146	3147	3148	3149	3150	3156	3157	3158	3159	3164
3165	3166										

VTD: 1835 - TIBET

970200:

2043	2044	2045	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
3021	3023	3025	3027	3030	3031	3032	3033	3034	3035	3036	3044
3045	3046	3047	3048	3049	3058	3059	3060	3064	3071	3275	3277
3278	3279	3281	3282	3283	3284	3285					

District 004

Long County

VTD: 1832 - RYE PATCH/OAK

970100:

3000 3001 3008 3009 3010 3011 3012 3013

VTD: 1834 - NORTH LUDOWICI

970100:

1170 1171 1172 1173 3034 3035 3036 3037 3048 3049 3050 3053

FedCt-LongCCSB-2012-(legal).txt

3055	3056	3057	3058	3059	3062	3063	3064	3066				
970200:												
1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	
1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1023	
VTD: 1835 - TIBET												
970100:												
3014	3015	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	
3027	3028	3029	3030	3031	3032	3033	3038	3041	3046	3047	3065	
3067	3068											

District 005

Long County

VTD: 1832 - RYE PATCH/OAK

1035	1036	1037	1038	1039	1054	1055	1056	1059	1061	1062	1063	
1064	1066	1143	1145	1146	1148	1149	1150	1151	1152	1153	1154	
1155	1156	1157	1159	1160	2099	2100	2101	2113	2114	2115	2116	
2117	2118	2119	2120	2142	2152	2170	2171	2172	2182	2183	2184	
2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	
2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	
2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	
2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	
2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	
2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	
2257	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	
2270	2271	2272	2273	2295	2296	2297	2298	2299	2300	2301	2302	
2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	
2315	2316	2317	2334	2335								

970200:

1027

VTD: 1833 - SOUTH LUDOWICI

970200:

1032	1047	1048	1052	2002	2003	2008	2011	2012	2013	2034	2050
3151	3152	3153	3155	3160	3161	3162	3163				

VTD: 1834 - NORTH LUDOWICI

970100:

1158

970200:

1025	1026	1028	1029	1030	1031	1034	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1046	1049	1050	1051	1053	1054
2000	2001	2004	2005	2006	2007	2009	2010	2014	2015	2016	2017
2019	2021	2022	2023	2024	2030	2036	2040	3154			

VTD: 1835 - TIBET

970200:

1055	2038	2046	2047	2048	2049	2051	2052	2053	2055	2056	2057
2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069
2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081
2082	2083	2084	2085	2086	2088	2089	3022	3024	3026	3028	3029
3037	3038	3039	3040	3041	3042	3043	3050	3051	3052	3053	3054
3055	3056	3057	3061	3062	3063	3072	3073	3074	3075	3076	3077
3078	3079	3080	3081	3082	3083	3084	3085	3086	3087	3088	3089
3090	3091	3092	3093	3094	3095	3096	3097	3098	3099	3100	3101
3102	3103	3104	3105	3106	3107	3108	3109	3110	3111	3112	3113
3114	3115	3116	3117	3118	3119	3120	3121	3122	3123	3124	3125
3126	3127	3128	3129	3130	3131	3132	3133	3134	3135	3136	3137
3138	3139	3140	3141	3142	3167	3168	3169	3170	3171	3172	3173
3174	3175	3176	3177	3178	3179	3180	3181	3182	3183	3184	3185
3186	3187	3188	3189	3190	3191	3192	3193	3194	3195	3196	3197
3198	3199	3200	3201	3202	3203	3204	3205	3206	3207	3208	3209
3210	3211	3212	3213	3214	3215	3216	3217	3218	3219	3220	3221
3222	3223	3224	3225	3226	3227	3228	3229	3230	3231	3232	3233
3234	3235	3236	3237	3238	3239	3240	3241	3242	3243	3244	3245

FedCt-LongCCSB-2012-(legal).txt
3246 3247 3248 3249 3250 3251 3252 3253 3254 3255 3256 3257
3258 3259 3260 3261 3262 3263 3264 3265 3266 3267 3268 3269
3270 3271 3272 3273 3274 3276 3280

EXHIBIT 4

Plan Name: **FedCt-LongCCSB-2012**Plan Type : **Local**User: **Gina**Administrator: **FedCt**

DISTRICT	POPULATION	DEVIATION	% DEVIATION	BLACK	% BLACK	BLACK COMBO	TOTAL BLACK	%TOTAL BLACK	HISP. OR LATINO	%HISP
001	2,944	51	1.76%	593	20.14%	16	609	20.69%	1,096	37.23%
VAP	2,002			406	20.28%	5	411	20.53%	644	32.17%
002	2,896	3	0.10%	567	19.58%	57	624	21.55%	198	6.84%
VAP	1,983			360	18.15%	21	381	19.21%	113	5.70%
003	2,835	-58	-2.00%	1,239	43.70%	69	1,308	46.14%	130	4.59%
VAP	2,012			921	45.78%	12	933	46.37%	72	3.58%
004	2,959	66	2.28%	766	25.89%	84	850	28.73%	276	9.33%
VAP	2,001			493	24.64%	23	516	25.79%	162	8.10%
005	2,830	-63	-2.18%	482	17.03%	34	516	18.23%	78	2.76%
VAP	2,047			322	15.73%	14	336	16.41%	40	1.95%

Total Population: 14,464

Ideal Value: 2,893

Summary Statistics

Population Range: 2,830 to 2,959

Absolute Overall Range: 129

Relative Range: -2.18% to 2.28%

Relative Overall Range: 4.46%

EXHIBIT 5

Core Constituencies Report

Tuesday, November 27, 2012

Printed for Gina

3:35PM

Population	[TOTAL BLACK]	[TOTAL BLACK VAP]
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Plan: FedCt-LongCCSB-2012, District 001 -- 2,944 Total Population

From Plan: longccsb-2012

Dist. 001	2,738 (93.00%)	540 (88.67%)	368 (89.54%)
Dist. 002	206 (07.00%)	69 (11.33%)	43 (10.46%)
Total, and % Population		609 (20.69%)	411 (13.96%)

Plan: FedCt-LongCCSB-2012, District 002 -- 2,896 Total Population

From Plan: longccsb-2012

Dist. 002	2,397 (82.77%)	454 (72.76%)	290 (76.12%)
Dist. 003	203 (07.01%)	97 (15.54%)	47 (12.34%)
Dist. 004	296 (10.22%)	73 (11.70%)	44 (11.55%)
Total, and % Population		624 (21.55%)	381 (13.16%)

Plan: FedCt-LongCCSB-2012, District 003 -- 2,835 Total Population

From Plan: longccsb-2012

Dist. 003	1,131 (39.89%)	593 (45.34%)	435 (46.62%)
Dist. 005	1,704 (60.11%)	715 (54.66%)	498 (53.38%)
Total, and % Population		1,308 (46.14%)	933 (32.91%)

Plan: FedCt-LongCCSB-2012, District 004 -- 2,959 Total Population

From Plan: longccsb-2012

Dist. 003	1,148 (38.80%)	442 (52.00%)	262 (50.78%)
Dist. 004	1,811 (61.20%)	408 (48.00%)	254 (49.22%)
Total, and % Population		850 (28.73%)	516 (17.44%)

Plan: FedCt-LongCCSB-2012, District 005 -- 2,830 Total Population

From Plan: longccsb-2012

Dist. 001	184 (06.50%)	7 (01.36%)	6 (01.79%)
Dist. 002	353 (12.47%)	68 (13.18%)	44 (13.10%)
Dist. 003	397 (14.03%)	130 (25.19%)	78 (23.21%)
Dist. 004	794 (28.06%)	152 (29.46%)	98 (29.17%)
Dist. 005	1,102 (38.94%)	159 (30.81%)	110 (32.74%)

Population	[TOTAL BLACK]	[TOTAL BLACK VAP]
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Total, and % Population	516 (18.23%)	336 (11.87%)
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Plan: FedCt-LongCCSB-2012, District Unassigned -- 9,673,189 Total Population

From Plan: longccsb-2012

Dist. Unassigned	9,673,189 (100.00%)	3,050,191 (100.00%)	2,138,212 (100.00%)
Total, and % Population		3,050,191 (31.53%)	2,138,212 (22.10%)

EXHIBIT 6

The Court's Final Plan results in the following population and deviation statistics:

District	Population	Deviation (actual)	Deviation (%)
1	2,944	51	1.76
2	2,896	3	0.10
3	2,835	-58	-2.00
4	2,959	66	2.28
5	2,830	-63	-2.18

The Final Plan has a total population deviation of 4.46%.

The Final Plan compares to the "benchmark" plan as follows:⁴

	District				
	1	2	3	4	5
Benchmark Plan					
Population	2,738	3,639	1,512	2,030	4,545
Total Black (%)	19.72%	21.10%	47.95%	21.67%	31.55%
Black VAP ⁵ (%)	19.75%	18.93%	47.57%	19.41%	29.79%
Court's Final Plan					
Population	2,944	2,896	2,835	2,959	2,830
Total Black (%)	20.69%	21.55%	46.14%	28.73%	18.23%
Black VAP (%)	20.53%	19.21%	46.37%	25.79%	16.41%
Change					
Total Black (%)	0.97%	0.45%	-1.81%	7.06%	-13.32%
Black VAP (%)	0.78%	0.28%	-1.20%	6.38%	-13.38%

⁴ During the Court's efforts to create an interim map, the Court's technical assistant discovered a slight discrepancy in the boundary between Districts 2 and 5. Specifically, a typographical error occurred when the district boundaries were imported from the official, paper copy into the districting software. This error was corrected prior to calculating the values for the "Benchmark Plan" in the table below.

This Court followed DOJ guidance in calculating values for the "Benchmark Plan" in the table below. See 66 Fed. Reg. 5412-13 (Jan. 18, 2001).

⁵ "Black VAP" is a representation of the black voting age population, expressed as a percentage of the total voting age population.