

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JANE KIDD, ANDREA SUAREZ, )  
DR. MURRAY BLUM, )  
and ANN BLUM, )

Plaintiffs, )

v. )

CATHY COX, in her official )  
capacities as Secretary of State of )  
Georgia and Chair of the State )  
Election Board )

Defendant )

Civil Action

No. 1:06-CV-0997

**DECLARATION OF REPRESENTATIVE**  
**JANE KIDD**

Pursuant to 28 U.S.C. § 1746, I, Jane Kidd, hereby declare as follows:

1.

My name is Jane Kidd. I am over 18 years of age and have personal knowledge of the facts stated below. I give this declaration in support of my motion for a preliminary injunction in the above-styled cases, and for any other reason authorized by law.

2.

I am a citizen of the United States and of Georgia, and I am a registered voter residing at 410 Hampton Court in Athens-Clarke County, Georgia. Under both the *Larios* Court's redistricting plan, and under SB 386, my residence is in Senate District 46. I meet all of the necessary qualifications to run for State Senator in District 46.

3.

I currently represent a portion of Athens-Clarke County in the Georgia General Assembly. I was elected in 2004 as a Democrat in House District 115.

4.

I intend to run for the Democratic Party nomination in District 46 if SB 386 is declared invalid. Based upon my long experience in Democratic politics in Athens-Clarke County and the rest of the region, I believe that if I seek the nomination I would have no opposition in the primary.

5.

The current incumbent in Senate District 46 is Republican Brian Kemp. In May of 2005, Senator Kemp announced that he would not seek reelection in District 46, but that he would instead seek the statewide office of Agriculture Commissioner.

6.

Approximately five days later, on May 20, 2005, I announced my candidacy for State Senate District 46.

7.

I had no announced opposition for several months, until October 3, 2005, when Republican Bill Cowsert announced that he would seek the Republican nomination in Senate District 46.

8.

Bill Cowsert is Senator Kemp's brother-in-law, and I previously defeated Mr. Cowsert in the 2004 election for House district 115.

9.

Because of the extreme time constraints involved in qualifying, I was compelled to qualify as a candidate for the State Senate in District 46 as it is constituted under SB 386. I believe this district to be unconstitutional and invalid, and if SB 386 is declared unconstitutional in this suit, I would seek office in District 46 as it existed under the Federal Court plan.

10.

Indeed, the district in which I am now qualified as a candidate is not the district I intended to campaign in when I announced my candidacy in May of 2005, almost one year ago. I, along with many voters, relied upon the stability of the districts for almost a year, as I campaigned and collected contributions based upon the Federal Court's senate district plan. Many people contributed both time and money to my campaign with the understanding that I would be representing them in the state senate if elected. Because of SB 386, which I believe to be unconstitutional, I can not represent many of those voters.

11.

I have many years of experience in the politics of Athens-Clarke County and the surrounding area. I served on the Lavonia city council for three terms and a total of six years. I have been a member of the Clarke County Democratic

Committee for sixteen years, beginning in 1990. I managed Don Johnson's successful campaign for the United States Congress during 1991 and 1992, in the Congressional district that included Athens and many of the surrounding counties. From 1993 until 1995 I served as Congressman Johnson's District Director for a 13-county area, which included Athens-Clarke, Oconee, Oglethorpe and Madison counties. In 2000, I served on Athens-Clarke County's SPLOST 2000 committee and managed the successful campaign to pass a referendum to create a Special Purpose Local Options Sales Tax (SPLOST) in the County. I remain on the advisory committee for SPLOST 2000. In 2004, I was elected to represent a portion of Athens-Clarke County in the Georgia House of Representatives from House District 115.

12.

Based upon my years of experience in politics, I believe that the best opponent a politician can have in any race is an opponent that he or she has already campaigned against and defeated.

13.

Prior to SB 386's introduction in the State Senate, no one contacted me to inform me of its contents, or the manner in which it would split Athens-Clarke County. To my knowledge, no Democrat in the House or Senate was informed of

the Bill's contents prior to its introduction in the Senate Reapportionment Committee.

14.

SB 386 was kept secret from the Athens community until the day it was introduced in the Senate Reapportionment Committee. Prior to the vote on SB 386 in the full Senate, there was not a single public meeting in any of the areas affected, nor did the sponsors of the bill notify the Mayor of Athens Clarke-County, the Athens-Clarke County Commission, or any other elected officials in Athens.

15.

On January 23, 2006, after the bill had passed the Senate, the Mayor of Athens-Clarke County, the county's elected Tax Commissioner, and a majority of the Athens-Clarke County Commission, wrote a joint letter to Governor Perdue registering their "strong opposition" to the bill and asking that the letter be considered "an official protest and condemnation of both the bill itself and the lack of openness and candor demonstrated by those involved" in its creation.

16.

On January 25, 2006 the Athens Clarke-County Commission adopted a Resolution condemning SB 386 and noting that “the citizens of Athens-Clarke County were not consulted, informed or notified” that any plan to redistrict was going to be considered, and that the bill was proposed “without the benefit of any local discussion, input or consideration.”

17.

I have analyzed the districts created by SB 386, and compared the SB 386 district map to other maps of Clarke County. The district line that cuts through the middle of Clarke County splits numerous communities of interest into two separate senate districts. Communities of interest divided by SB 386 include parts of the University of Georgia Campus, the two major high school attendance districts in Athens, several county commission districts and both of Clarke County’s Georgia House districts.

18.

In addition, having worked with the University of Georgia in the area of community outreach and relations for more than 12 years, and having been a University employee for eight of those years, I am very familiar with the scope of the University community, where many of the professors, students and employees reside, and the University’s relationship with the surrounding area. The districts

created by SB 386 divide substantial and important portions of the University community, including professors, students and employees, into two districts. Under the plan used in 2004, the University community is much more cohesive, and is essentially encompassed within District 46.

19.

With regard to SB 386, I have personally examined the political performance data issued by the Office of Legislative Reapportionment, which is the non-partisan Official State of Georgia agency contracted through the University of Georgia that creates and analyzes reapportionment plans based on population and demographics for the benefit of legislators and other creators of reapportionment plans. Based upon that information and my own long experience in the politics of Clarke County and the surrounding areas, prior to the adoption of SB 386 Senate District 46 was far more competitive between Democrats and Republicans than neighboring Districts 47 and 49, which vote Republican consistently and overwhelmingly.

20.

In the 2004 election, Brian Kemp, the Republican incumbent in District 46 received 51.6% of the vote while the Republican incumbents in the neighboring districts received much larger majorities.

21.

Under the Federal Court's plan, District 46 is competitive because it includes all of Athens-Clarke County. Voters living in Athens Clarke-County tend to vote for Democratic candidates more than voters in the surrounding areas.

22.

In passing SB 386, the Republican majority split Clarke County and distributed the County's traditionally Democratic-leaning voters among the predominantly Republican Senate Districts surrounding Clarke County. In addition, SB 386 specifically divided my House District, District 115, removing three and a half heavily democratic precincts from the 46<sup>th</sup> and placing them in the 47<sup>th</sup> Senate District. All told, SB 386 removes from the 46<sup>th</sup> District six and one half of Clarke County's 24 precincts. All of the precincts transferred from District 46 to District 47 have voted heavily for Democrats in the past.

23.

The Legislative Reapportionment Office prepared a report summarizing the Republican Performance data for the three senate districts created by SB 386. A true and correct copy of that report is attached hereto as Exhibit 1. According to

the Office of Legislative Reapportionment's political performance data, SB 386 creates districts that, in 2004, voted for Republican candidates as follows: (the percentage reflects the percentage of Republican votes out of the total votes cast)

District 46 -- 57.49% Republican votes

District 47 – 65.83%

District 49 – 68.16%

24.

During deliberations, and before voting on the Bill, I was provided with the precise population deviations and other data along with copies of the bill. This information was produced by the Legislative Reapportionment Office and was provided to all Legislators. A true and correct copy of the population and demographic reports comparing SB 386 to the existing Federal Court plan is attached hereto as Exhibit 2.

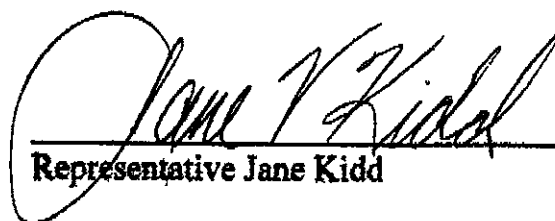
25.

Georgia is scheduled to conduct a primary election on July 18, 2006, a general election in November 7, 2006, and candidates seeking to run for the General assembly must qualify between 9:00 a.m. on April 24 and 12:00 noon on April 28, 2006.

26.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26<sup>th</sup> day of April, 2006.

  
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Representative Jane Kidd

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*Current 46*

Plan Name: SD46-47-49(fe) Plan Type: Senate User: Blake Administrator: FEDCOURT

DISTRICT	POPULATION	DEVIATION	% DEVIATION	% BLACK	% BLACK	BLACK COMBO	TOTAL BLACK	%TOTAL BLACK	HISP. OR LATINO	%HISP.
046	145,476	-711	-0.49%	32,546	22.37%	618	33,164	22.80%	7,633	5.25%
VAP	114,793			22,576	19.67%	296	22,872	19.92%	5,292	4.61%
047	147,129	942	0.64%	17,400	11.83%	447	17,847	12.13%	3,562	2.42%
VAP	106,680			11,914	11.17%	120	12,034	11.26%	2,281	2.14%
049	146,916	729	0.50%	10,230	6.96%	375	10,605	7.22%	27,633	18.81%
VAP	107,210			7,037	6.56%	152	7,169	6.69%	17,687	16.50%

Total Population: 439,521

Ideal Value: 146,187

Summary Statistics

Population Range: 145,476 to 147,129

Absolute Range: -711 to 942

Absolute Overall Range: 1,653

Relative Range: -0.49% to 0.64%

Relative Overall Range: 1.13%

*New - 46*

Plan Name: SFCarod47p2 Plan Type: Senate User: Blake Administrator: S047

DISTRICT	POPULATION	DEVIATION	% DEVIATION	% BLACK	% BLACK	BLACK COMBO	TOTAL BLACK	%TOTAL BLACK	HISP. OR LATINO	%HISP.
046	145,103	-1,084	-0.74%	32,230	22.21%	565	32,795	22.60%	7,182	4.95%
VAP	111,788			22,095	19.77%	278	22,373	20.01%	4,924	4.40%
047	146,934	747	0.51%	17,704	12.05%	500	18,204	12.39%	3,965	2.70%
VAP	109,316			12,388	11.33%	138	12,526	11.46%	2,621	2.40%
049	147,484	1,297	0.89%	10,242	6.94%	375	10,617	7.20%	27,681	18.77%
VAP	107,579			7,044	6.55%	132	7,176	6.67%	17,715	16.47%

Total Population: 439,521

Ideal Value: 146,187

Summary Statistics

Population Range: 145,103 to 147,484

Absolute Range: -1,084 to 1,297

Absolute Overall Range: 2,381

Relative Range: -0.74% to 0.89%

Relative Overall Range: 1.63%