

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)	Civil Action
)	
versus)	No. 1:06-CV-0997
)	
CATHY COX, in her official)	
capacities as Secretary of State of)	
Georgia and Chair of the State)	
Election Board)	
)	
Defendant)	

JOINT PRE-TRIAL STATEMENT

Pursuant to the Court’s order of April 28, the plaintiffs and defendant jointly submit the following pretrial statement:

1) Joint Stipulation of Fact

Attached hereto as Exhibit A

2) Statement of Issues of Fact that remain to be litigated:

By the Plaintiffs:

A) Whether the population deviations among Senate Districts 46, 47, and 49 caused by SB 386 were required in order to accommodate a legitimate state interest, and were the result of consistent application

of neutral principles of reapportionment free from any taint of arbitrariness or discrimination.

- B) Whether the purpose and effect of the redistricting of Senate Districts 46, 47, and 49 by SB 386 is to discriminate against voters residing in predominantly Democratic precincts in Athens-Clarke County, based on their political beliefs and past voting history, and to dilute the political influence and the effectiveness of voters by dividing them among two newly created Senate districts with large Republican majorities, and where this was the result of the viewpoint held by a majority of the citizens of Athens-Clarke County.
- C) Whether SB 386 is supported by a state interest that is both legitimate and compelling, that overrides and outweighs the rights of plaintiffs, as citizens, to be treated fairly and neutrally by the State in the apportionment of legislative districts, free of discrimination based on their political beliefs, voting histories, or political affiliations, and is one that cannot be accomplished in any other way that does not burden or dilute the effectiveness of their First Amendment rights.
- D) Whether the adoption of SB 386 was “necessary” within the meaning of Art. 3, § 2, ¶ 2 of the Georgia Constitution, which provides:

The General Assembly shall apportion the Senate and House districts. Such districts shall be composed of contiguous territory. The apportionment of the Senate and House of representatives shall be changed by the General Assembly as necessary after each United States decennial census.

By the Defendant:

3) List of All Affidavits and Exhibits the parties plan to offer at trial.

Joint Exhibit List

See Exhibit B

By the Plaintiffs:

See Exhibit C

By the Defendant:

See Exhibit D

4) List of Witnesses who may be called at trial and the approximate length of direct and cross examination.

By the Plaintiffs:

Representative Jane Kidd by Declaration
Dr. Murray Blum by Declaration
Ann Blum by Declaration
Andrea Suarez by Declaration
Representative Barbara Reece by Declaration
Senator Robert Brown by Declaration
Representative Keith Heard by Declaration

Ron Hockensmith by Declaration

By the Defendant:

Senator Ralph Hudgens
Senator Eric Johnson
Senator Brian P. Kemp
Thomas Blake Ussery
Senator Casey Cagle
Senator Chip Rogers

Jointly submitted this 1st day of May, 2006.

FOR THE PLAINTIFFS:

/s/ Emmet J. Bondurant

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FOR THE DEFENDANT:

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