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N.D. OF ALABAMA

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EX. 1

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

EVAN MILLIGAN, et al.,

Plaintiffs,

v.

JOHN H. MERRILL, et al.,

Defendants.

Civil Case No. 2:21-CV-01530-AMM

**PLAINTIFFS' AMENDED NOTICE OF
DEPOSITION FOR RANDY HINAMAN**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Plaintiffs Evan Milligan, Khadidah Stone, Adia Winfrey, Letetia Jackson, Shalela Dowdy, Greater Birmingham Ministries, and the Alabama State Conference of the NAACP, (collectively, "Plaintiffs") will take the deposition of Mr. Randy Hinaman. The deposition will commence on December 9, 2021, at 9:00 am CDT, at 105 Tallapoosa Street, Suite 200, Montgomery, AL 36104 (or at such other time and place as the parties may mutually agree upon). The deposition will be recorded stenographically by a certified court reporter, and may be recorded by video and audio by a certified videographer. The deposition will take place in-person and/or by videoconference and will continue from day to day, or according to a schedule mutually agreed upon by the parties, until completed.



david.dunn@hoganlovells.com

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609 Main St., Suite 4200
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blayne.thompson@hoganlovells.com

*Motion for admission *pro hac vice* to be filed

**Admitted *pro hac vice*

^Request for admission to the Northern District of Alabama

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***Attorneys for Plaintiff Alabama
State Conference of the NAACP***

EX. 2

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama



EVAN MILLIGAN, et al.,

Plaintiff

v.

JOHN H. MERRILL, et al.

Defendant

Civil Action No. 2:21-cv-01530-AMM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Randy Hinaman

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: 105 Tallapoosa Street, Suite 200
Montgomery, AL 36104

Date and Time:
12/09/2021 9:00 am

The deposition will be recorded by this method: court reporter/videographer

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 12/03/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs
Evan Milligan, et al., , who issues or requests this subpoena, are:

Sidney Jackson, Esq.; 301 19th St. N., Birmingham, AL 35203; sjackson@wigginschilids.com; 205-314-0500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

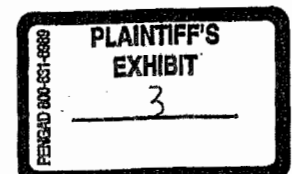
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EX. 3

HINAMAN INC

Randy Hinaman
Hinaman and Company, Inc.
703 Day Lane, Alexandria, VA 22314
703.549.6760 sharhl@comcast.net

1989 – Present	Owner and principal -- Hinaman & Company, Inc. A general political consulting firm specializing in developing a winning strategy and assembling a campaign team for a select number of political clients. The firm's present and former clients include (partial list): Congressman Jo Bonner (R-AL-01) Congressman Bob Goodlatte (R-VA-06) Senator John Warner (R-VA) Senator Jeff Sessions (R-AL) Congressman Sonny Callahan (R-AL-01) Congressman Herb Bateman (R-VA-01) Congressman Tom Lewis (R-FL-12) Lieutenant Governor John Hager (R-VA) National Republican Congressional Committee All 7 Alabama Congressmen for redistricting 2011 Citizens for Fair Representation (AL) All 8 Republican Congressmen in VA for redistricting 2012 American Dental Association
1985 – 1988	Chief of Staff, Congressman Sonny Callahan (R-AL-01)
1984	Campaign Manager, Sonny Callahan for Congress
1984	Campaign Manager, Congressman Tom Lewis (R-FL-12)
1983	State Director – Roanoke Office, U. S. Senator Paul Trible (R-VA)
1982	Campaign Manager, Herb Bateman for Congress (R-VA-1)
1981	Campaign Manager, Herb Bateman for Lt. Governor
1980	Campaign Manager, Stan Parris for Congress (R-VA-08)
1979 – 1980	National Field Director – Youth Campaign, Reagan for President
1979	National Fieldman, Young Republican National Federation



EX. 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

ALABAMA LEGISLATIVE
BLACK CAUCUS, et al.,

Plaintiffs,

THE STATE OF ALABAMA, et al.,

Defendants.

DEMETRIUS NEWTON, et al.,

Plaintiffs,

v.

THE STATE OF ALABAMA, et al.,

Defendants.

Case No. 2:12-cv-691
WKW-MHT-WHP

Case No. 2:12-cv-1081
WKW-MHT-WHP

DECLARATION OF RANDY HINAMAN

1. My name is Randy Hinaman. I am over the age of 21 years, have personal knowledge of the facts set forth, and am competent to testify regarding them.

2. I have substantial experience in drafting redistricting plans in Alabama, including drawing the congressional plan adopted by the three-



4. In drawing the lines for all the new districts, I used information conveyed to me by Senator Dial, Representative McClendon, and individual legislators to try to make sure we accommodated the legislators' wishes to the extent possible. I did make recommendations, including the recommendations to move HD 53 from Birmingham to Huntsville and to make HD 85 a majority-black district thereby increasing the total number of black-majority districts under the House plan to 28, but the decision to follow those recommendations was made by Representative McClendon, not by me.

5. Senator Dial gave me a map of the Birmingham-area black-majority Senate districts (SDs 18, 19, and 20) that I understood came from Senator Rodger Smitherman. That map did not include any demographic information with it, but when I looked at the neighborhoods included in the new district boundaries, I saw that the black population in the proposed new districts was about the same percentage as in the old districts. That map also split a number of precincts, which I input into the draft Senate plan as they came to me. I estimate that I used 90-95% of that map in drawing the lines for the Senate plan, with the changes coming around the edges of the districts. The decision to follow these recommendations was made by Senator Dial.

Even so, I estimate that I used a great deal of the map that I received from Representative McClendon. HD 73 was moved to Shelby County, the fastest growing county in Alabama and one whose existing House districts were all over-populated. Again the decision to follow these recommendations, including the recommendation to move HD 73 to Shelby County, was made by Representative McClendon, not by me.

8. I recommended that HD 53 be moved from Birmingham to Huntsville because all of the black-majority districts in Jefferson County were significantly under-populated, while there was a compact, contiguous group of black voters in the Huntsville area that was large enough to be a majority in a Shaw-compliant House district. While the black-majority districts in Jefferson County needed to gain population, adding white voters from the rest of Jefferson County posed a serious problem with retrogression. Something had to be done, and the solution was to move the population from one of the black-majority districts into the adjoining districts and ripple it through to the other black-majority districts. I was told that Representative Demetrius Newton was retiring, so I suggested rolling up HD 53, which he represented. Again, the decision to move HD 53 to Madison County, where it became a new black-majority House district with

majority districts, and the best place to get the additional population was by pushing south into SD 22 and east into SD 30. That would cause less disruption to other districts than pushing north and east toward Tuscaloosa. This also kept the African-American percentages nearly identical to what they had been. Pushing south had the additional benefit of putting the extra 19,000 people in SD 32 in Baldwin County into a district that met the allowable population deviation. As a result, the changes I proposed included pushing SD 22 further into Baldwin County. Senator Dial made the decision on how to fit these districts into the Senate plan, not me.

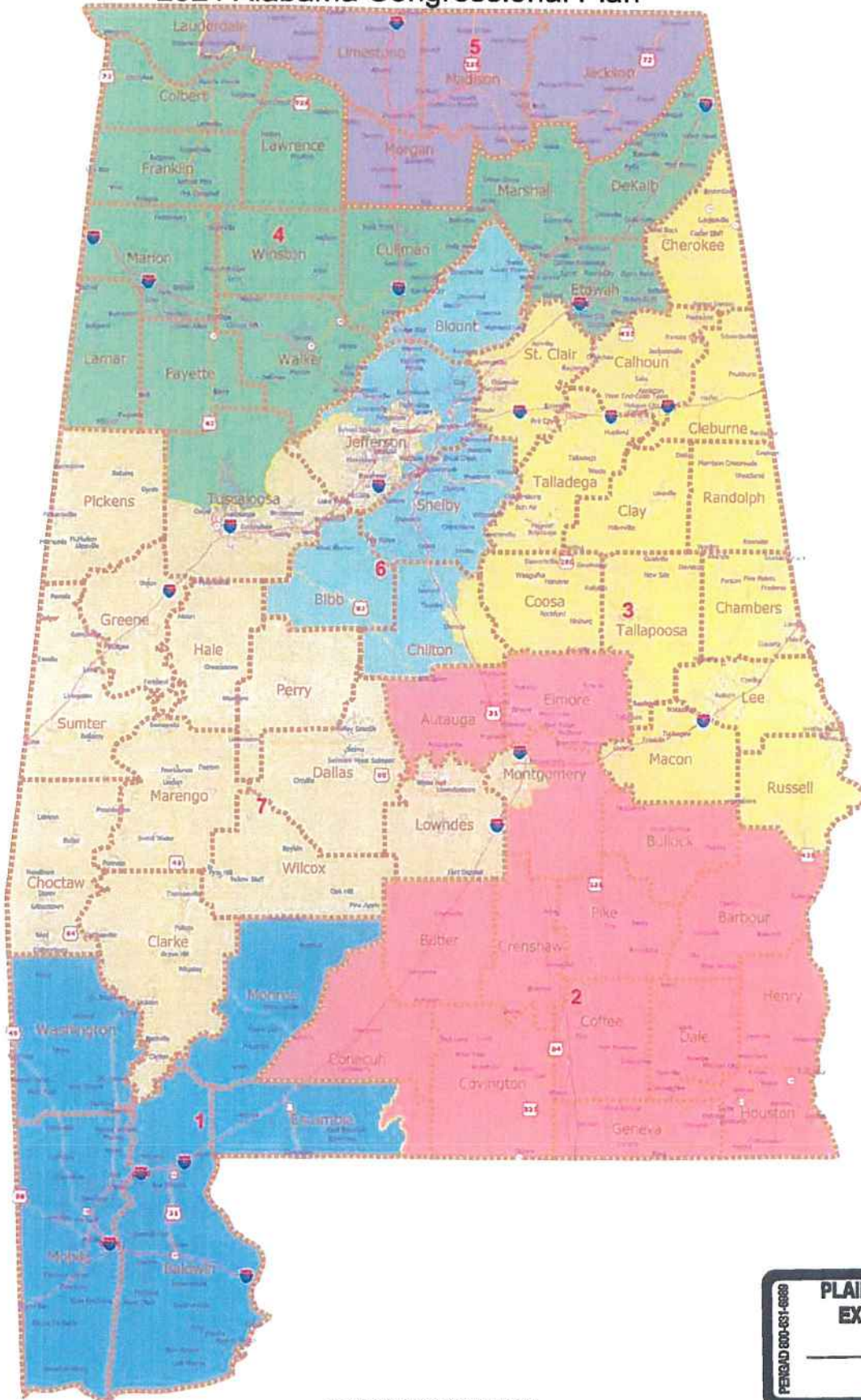
Pursuant to 18 U.S.C. § 1746, I affirm that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read "Randy Hinaman", written over a horizontal line.

Randy Hinaman

EX. 5

2021 Alabama Congressional Plan



©2021 CALIPER. ©2020 HERE

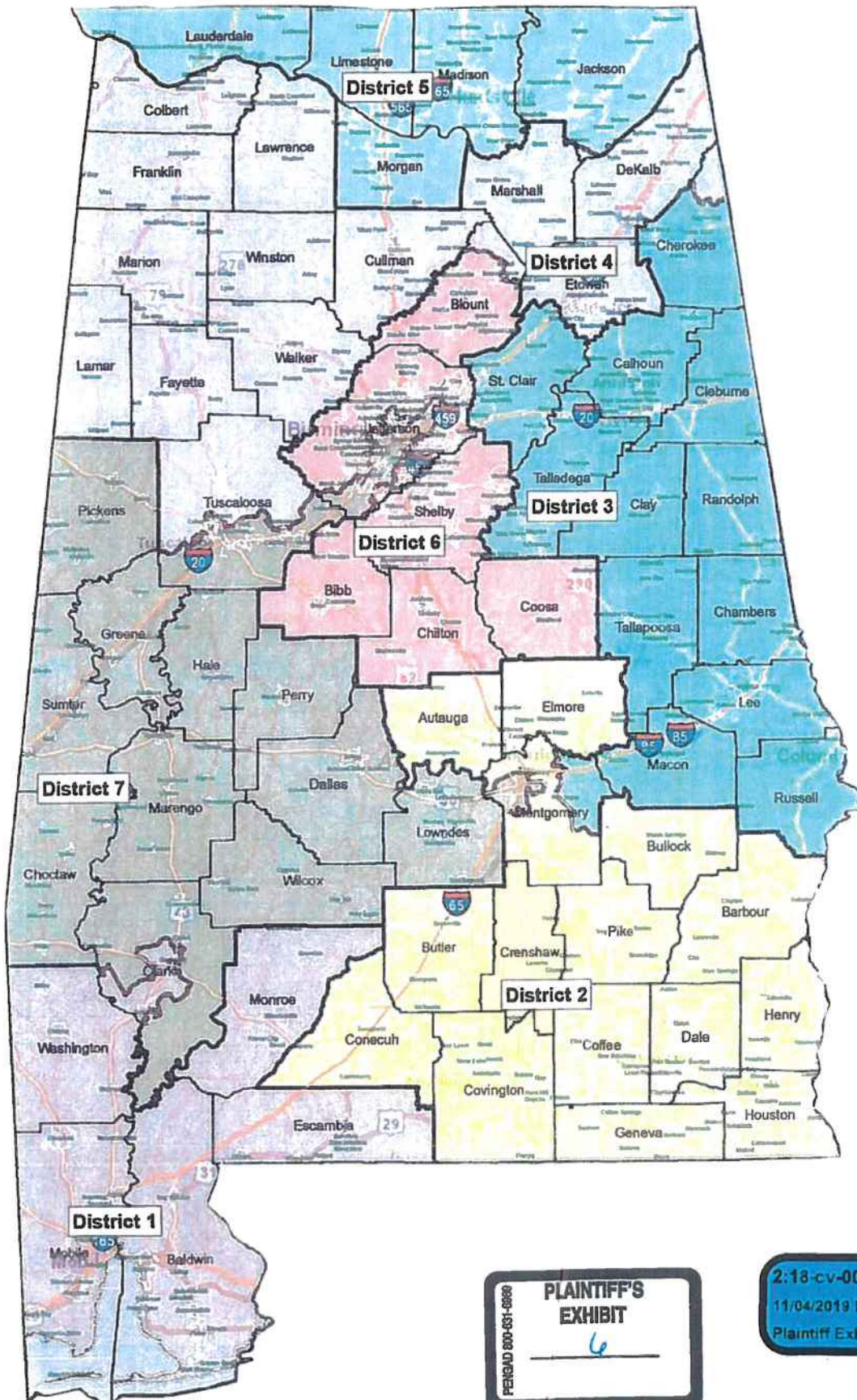
RC 000553

EX. 6

2011 Congressional Districts

FILED

2019 Dec-04 PM 12:37
U.S. DISTRICT COURT
N.D. OF ALABAMA



PLAINTIFF'S
EXHIBIT
6

2:18-cv-00907-KOB
11/04/2019 Bench Trial
Plaintiff Exhibit No. 20

EX. 7

REAPPORTIONMENT COMMITTEE REDISTRICTING GUIDELINES

May 5, 2021

I. POPULATION

The total Alabama state population, and the population of defined subunits thereof, as reported by the 2020 Census, shall be the permissible data base used for the development, evaluation, and analysis of proposed redistricting plans. It is the intention of this provision to exclude from use any census data, for the purpose of determining compliance with the one person, one vote requirement, other than that provided by the United States Census Bureau.

II. CRITERIA FOR REDISTRICTING

a. Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

b. Congressional districts shall have minimal population deviation.

c. Legislative and state board of education districts shall be drawn to achieve substantial equality of population among the districts and shall not exceed an overall population deviation range of $\pm 5\%$.

d. A redistricting plan considered by the Reapportionment Committee shall comply with the one person, one vote principle of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

e. The Reapportionment Committee shall not approve a redistricting plan that does not comply with these population requirements.

f. Districts shall be drawn in compliance with the Voting Rights Act of 1965, as amended. A redistricting plan shall have neither the purpose nor the effect of diluting minority voting strength, and shall comply with Section 2 of the Voting Rights Act and the United States Constitution.

g. No district will be drawn in a manner that subordinates race-neutral districting criteria to considerations of race, color, or membership in a language-minority group, except that race, color, or membership in a language-minority group may predominate over race-neutral districting criteria to comply with Section 2 of the Voting Rights Act, provided there is a strong basis in evidence in support of such a race-based choice. A strong basis in evidence exists when there is good reason to believe that race must be used in order to satisfy the Voting Rights Act.



precincts, municipalities, tribal lands and reservations, or school districts. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people.

(iv) The Legislature shall try to minimize the number of counties in each district.

(v) The Legislature shall try to preserve the cores of existing districts.

(vi) In establishing legislative districts, the Reapportionment Committee shall give due consideration to all the criteria herein. However, priority is to be given to the compelling State interests requiring equality of population among districts and compliance with the Voting Rights Act of 1965, as amended, should the requirements of those criteria conflict with any other criteria.

g. The criteria identified in paragraphs j(i)-(vi) are not listed in order of precedence, and in each instance where they conflict, the Legislature shall at its discretion determine which takes priority.

III. PLANS PRODUCED BY LEGISLATORS

1. The confidentiality of any Legislator developing plans or portions thereof will be respected. The Reapportionment Office staff will not release any information on any Legislator's work without written permission of the Legislator developing the plan, subject to paragraph two below.

2. A proposed redistricting plan will become public information upon its introduction as a bill in the legislative process, or upon presentation for consideration by the Reapportionment Committee.

3. Access to the Legislative Reapportionment Office Computer System, census population data, and redistricting work maps will be available to all members of the Legislature upon request. Reapportionment Office staff will provide technical assistance to all Legislators who wish to develop proposals.

4. In accordance with Rule 23 of the Joint Rules of the Alabama Legislature "[a]ll amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office." Amendments or revisions must be part of a whole plan. Partial plans are not allowed.

5. In accordance with Rule 24 of the Joint Rules of the Alabama Legislature, "[d]rafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, shall be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data System at least ten (10) days prior to introduction."

1 3. Any proposed redistricting plan drafted into legislation must be offered by a
2 member of the Legislature for introduction into the legislative process.

3 4. A redistricting plan developed outside the Legislature or a redistricting plan
4 developed without Reapportionment Office assistance which is to be presented for
5 consideration by the Reapportionment Committee must:

6 a. Be clearly depicted on maps which follow 2020 Census geographic
7 boundaries;

8 b. Be accompanied by a statistical sheet listing total population for each district
9 and listing the census geography making up each proposed district;

10 c. Stand as a complete statewide plan for redistricting.

11 d. Comply with the guidelines adopted by the Reapportionment Committee.

12 5. Electronic Submissions

13 a. Electronic submissions of redistricting plans will be accepted by the
14 Reapportionment Committee.

15 b. Plans submitted electronically must also be accompanied by the paper
16 materials referenced in this section.

17 c. See the Appendix for the technical documentation for the electronic
18 submission of redistricting plans.

19 6. Census Data and Redistricting Materials

20 a. Census population data and census maps will be made available through the
21 Reapportionment Office at a cost determined by the Permanent Legislative
22 Committee on Reapportionment.

23 b. Summary population data at the precinct level and a statewide work maps
24 will be made available to the public through the Reapportionment Office at a cost
25 determined by the Permanent Legislative Committee on Reapportionment.

26 c. All such fees shall be deposited in the state treasury to the credit of the
27 general fund and shall be used to cover the expenses of the Legislature.

28 **Appendix.**

29 **ELECTRONIC SUBMISSION OF REDISTRICTING PLANS**

30 **REAPPORTIONMENT COMMITTEE - STATE OF ALABAMA**

1 For questions relating to reapportionment and redistricting, please contact:

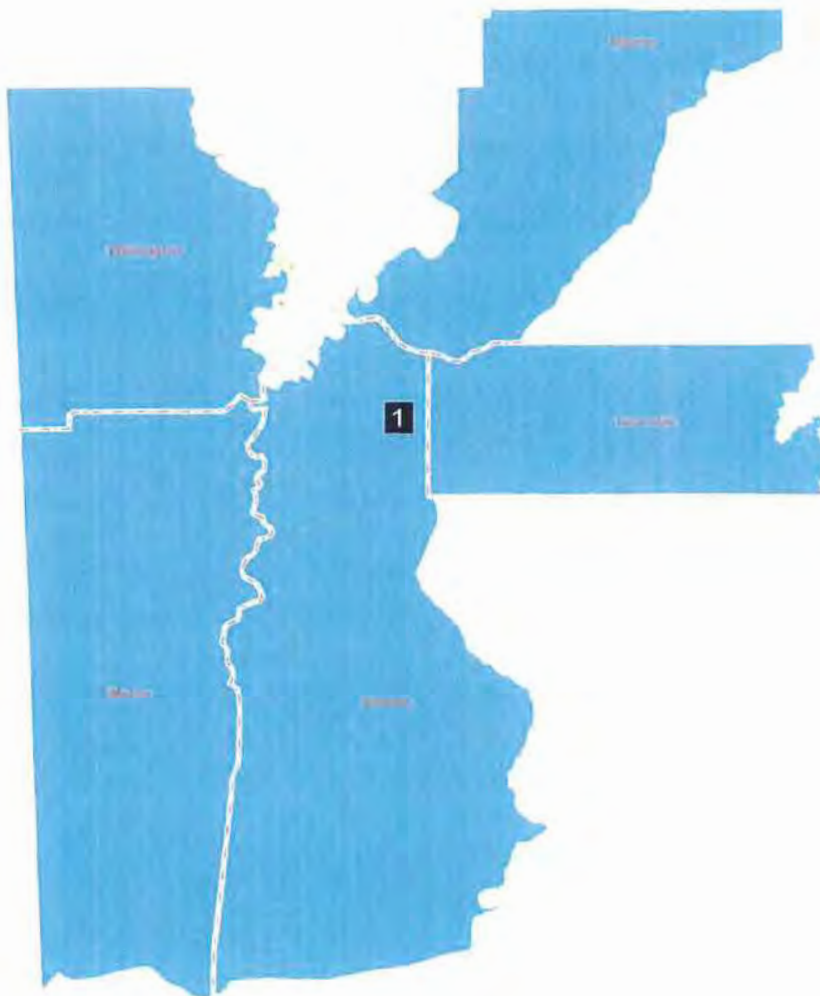
2 Donna Overton Loftin, Supervisor

3 Legislative Reapportionment Office

4 donna.overton@alsenate.gov

5 Please Note: The above e-mail address is to be used only for the purposes of
6 obtaining information regarding redistricting. Political messages, including those
7 relative to specific legislation or other political matters, cannot be answered or
8 disseminated via this email to members of the Legislature. Members of the
9 Permanent Legislative Committee on Reapportionment may be contacted through
10 information contained on their Member pages of the Official Website of the
11 Alabama Legislature, legislature.state.al.us/aliswww/default.aspx.

EX. 8

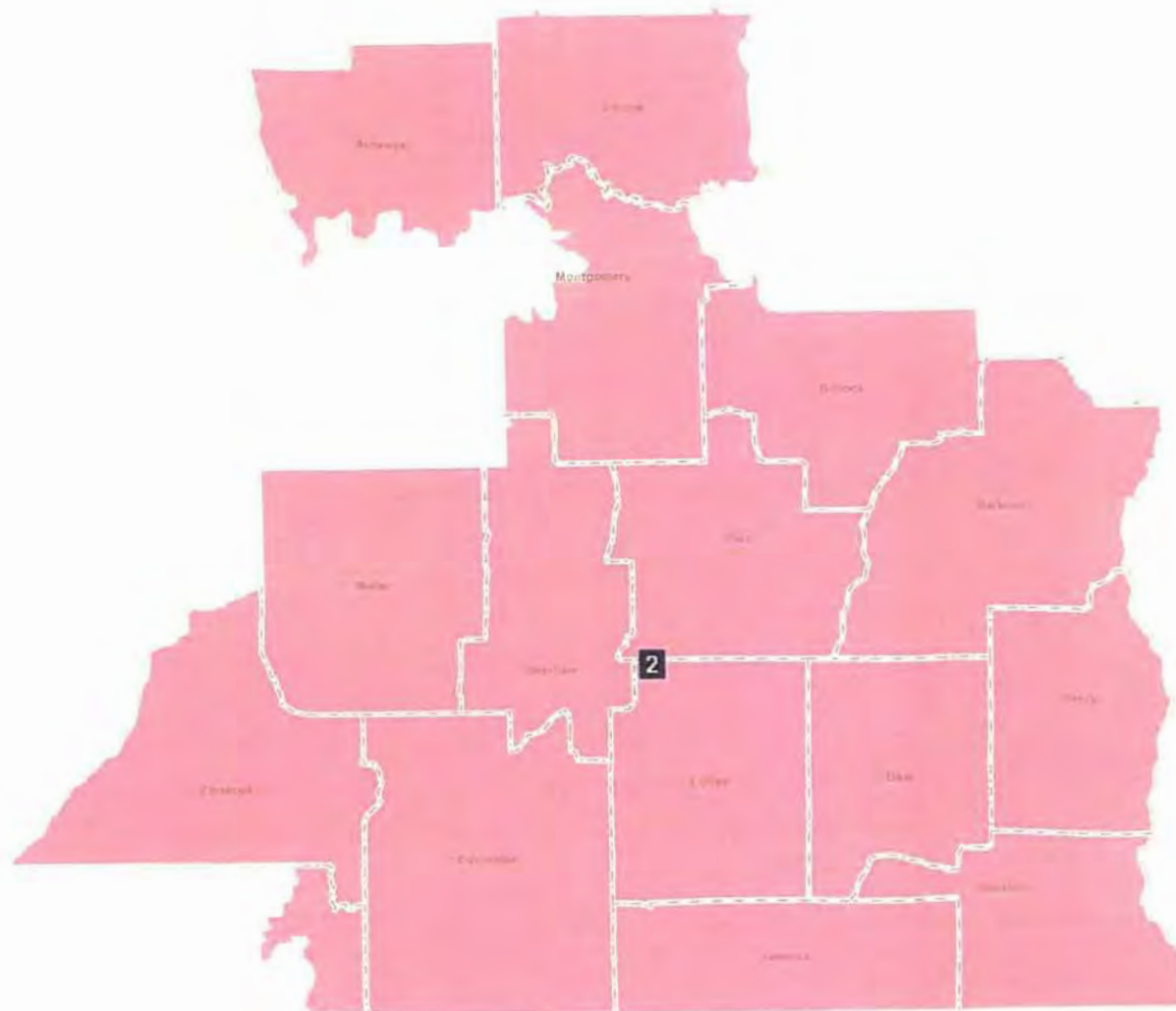
District: 1

Field	Value
District	1
Population	717754
Deviation	0
% Deviation	0%
White	461324
% White	64.27%
Black	186921
% Black	26.04%
18+_Pop	557535
% 18+_Pop	77.68%
18+_Wht	371902
% 18+_Wht	66.7%
18+_Blk	138128
% 18+_Blk	24.77%
18+_Ind	6381
% 18+_Ind	1.14%
18+_Asn	8395
% 18+_Asn	1.51%
18+_Hwn	290
% 18+_Hwn	0.05%
18+_Oth	7947
% 18+_Oth	1.43%
AP_Wht	496638
% AP_Wht	69.19%
AP_Bl	196827
% AP_Bl	27.42%
18+_AP_Wht	394684
% 18+_AP_Wht	70.79%
18+_AP_Bl	142777
% 18+_AP_Bl	25.61%

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RC 000556

District: 2

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Field	Value
District	2
Population	717755
Deviation	1
% Deviation	0%
White	433244
% White	60.36%
Black	217392
% Black	30.29%
18+_Pop	557677
% 18+_Pop	77.7%
18+_Wht	350279
% 18+_Wht	62.81%
18+_Blk	162714
% 18+_Blk	29.18%
18+_Ind	2628
% 18+_Ind	0.47%
18+_Asn	10399
% 18+_Asn	1.86%
18+_Hwn	307
% 18+_Hwn	0.06%
18+_Oth	9802
% 18+_Oth	1.76%
AP_Wht	464682
% AP_Wht	64.74%
AP_Bl	228648
% AP_Bl	31.86%
18+_AP_Wht	369833
% 18+_AP_Wht	66.32%
18+_AP_Bl	167971
% 18+_AP_Bl	30.12%

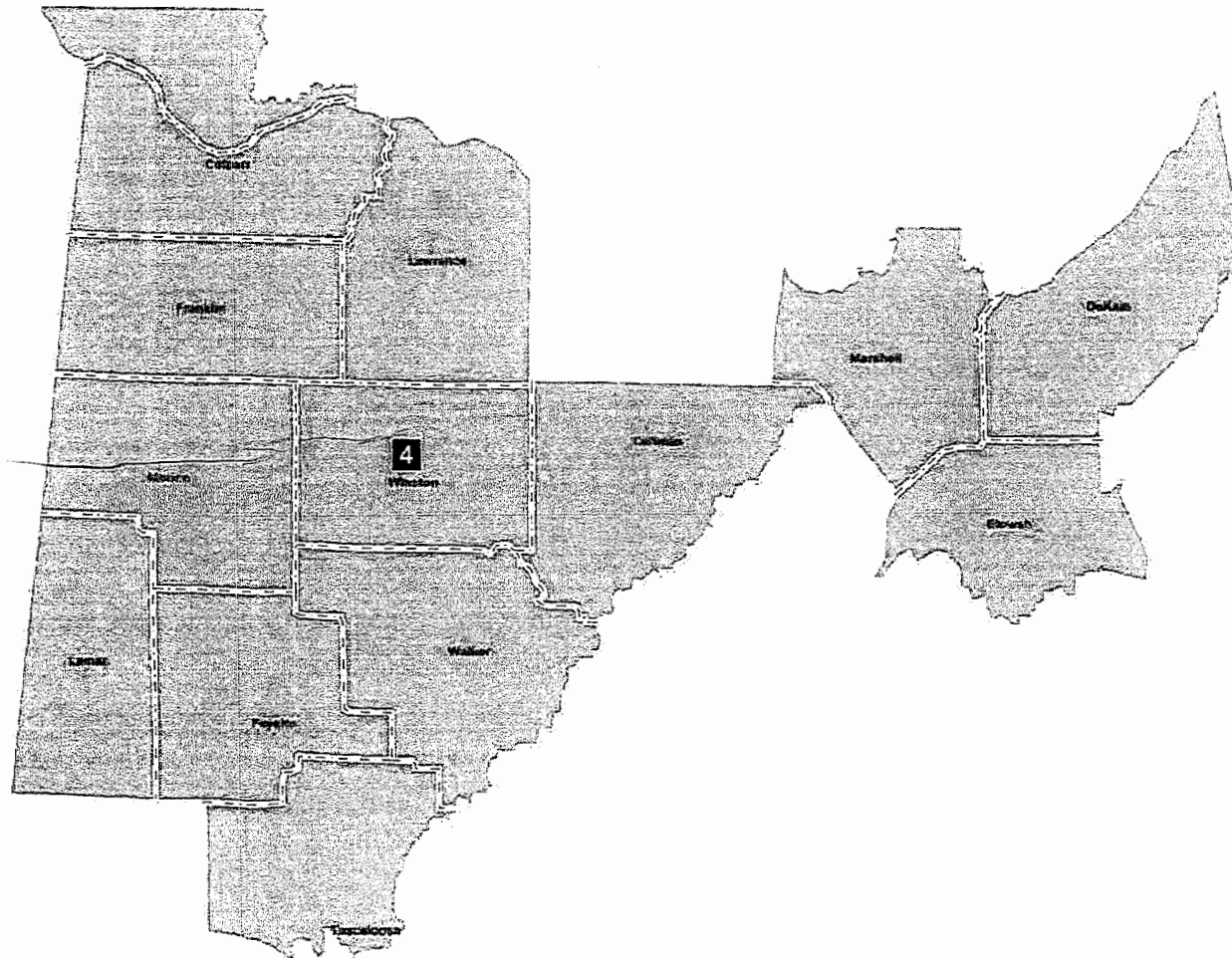
RC 000557

District: 3

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Field	Value
District	3
Population	717754
Deviation	0
% Deviation	0%
White	479432
% White	66.8%
Black	176953
% Black	24.65%
18+_Pop	564281
% 18+_Pop	78.62%
18+_Wht	386048
% 18+_Wht	68.41%
18+_Blk	136382
% 18+_Blk	24.17%
18+_Ind	2048
% 18+_Ind	0.36%
18+_Asn	9869
% 18+_Asn	1.75%
18+_Hwn	340
% 18+_Hwn	0.06%
18+_Oth	8505
% 18+_Oth	1.51%
AP_Wht	509986
% AP_Wht	71.05%
AP_Bl	187284
% AP_Bl	26.09%
18+_AP_Wht	405482
% 18+_AP_Wht	71.86%
18+_AP_Bl	141011
% 18+_AP_Bl	24.99%

RC 000558

District: 4**2021 Alabama Congressional Plan**

Field	Value
District	4
Population	717754
Deviation	0
% Deviation	0%
White	582698
% White	81.18%
Black	51929
% Black	7.23%
18+_Pop	556133
% 18+_Pop	77.48%
18+_Wht	463433
% 18+_Wht	83.33%
18+_Blk	39834
% 18+_Blk	7.16%
18+_Ind	5475
% 18+_Ind	0.98%
18+_Asn	3427
% 18+_Asn	0.62%
18+_Hwn	245
% 18+_Hwn	0.04%
18+_Oth	18651
% 18+_Oth	3.35%
AP_Wht	619856
% AP_Wht	86.36%
AP_Bl	59655
% AP_Bl	8.31%
18+_AP_Wht	487498
% 18+_AP_Wht	87.66%
18+_AP_Bl	42819
% 18+_AP_Bl	7.7%

District: 5**2021 Alabama Congressional Plan**

Field	Value
District	5
Population	717754
Deviation	0
% Deviation	0%
White	499707
% White	69.62%
Black	124642
% Black	17.37%
18+_Pop	561187
% 18+_Pop	78.19%
18+_Wht	403155
% 18+_Wht	71.84%
18+_Blk	95757
% 18+_Blk	17.06%
18+_Ind	4130
% 18+_Ind	0.74%
18+_Asn	10814
% 18+_Asn	1.93%
18+_Hwn	447
% 18+_Hwn	0.08%
18+_Oth	15080
% 18+_Oth	2.69%
AP_Wht	546329
% AP_Wht	76.12%
AP_Bl	136782
% AP_Bl	19.06%
18+_AP_Wht	432690
% 18+_AP_Wht	77.1%
18+_AP_Bl	101339
% 18+_AP_Bl	18.06%

District: 6

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Field	Value
District	6
Population	717754
Deviation	0
% Deviation	0%
White	498843
% White	69.5%
Black	138019
% Black	19.23%
18+_Pop	552286
% 18+_Pop	76.95%
18+_Wht	397498
% 18+_Wht	71.97%
18+_Blk	100878
% 18+_Blk	18.27%
18+_Ind	2183
% 18+_Ind	0.4%
18+_Asn	10568
% 18+_Asn	1.91%
18+_Hwn	254
% 18+_Hwn	0.05%
18+_Oth	16611
% 18+_Oth	3.01%
AP_Wht	534271
% AP_Wht	74.44%
AP_Bl	145897
% AP_Bl	20.33%
18+_AP_Wht	420311
% 18+_AP_Wht	76.1%
18+_AP_Bl	104551
% 18+_AP_Bl	18.93%

RC 000561

District: 7

Field	Value
District	7
Population	717754
Deviation	0
% Deviation	0%
White	265204
% White	36.95%
Black	400306
% Black	55.77%
18+_Pop	568067
% 18+_Pop	79.15%
18+_Wht	222731
% 18+_Wht	39.21%
18+_Blk	308030
% 18+_Blk	54.22%
18+_Ind	1707
% 18+_Ind	0.3%
18+_Asn	7036
% 18+_Asn	1.24%
18+_Hwn	232
% 18+_Hwn	0.04%
18+_Oth	10629
% 18+_Oth	1.87%
AP_Wht	287088
% AP_Wht	40%
AP_Bl	409643
% AP_Bl	57.07%
18+_AP_Wht	238100
% 18+_AP_Wht	41.91%
18+_AP_Bl	313904
% 18+_AP_Bl	55.26%

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RC 000562

EX. 9

NAME OF PLAN	SPONSOR	BILL NUMBER	SUBSTITUTE	ALIS NUMBER	NOTES
PRINGLE CONGRESSIONAL PLAN 1	REP PRINGLE	HB1		215467-2	**PASSED THE LEGISLATURE AND RENAMED THE 2021 ALABAMA CONGRESSIONAL PLAN
COLEMAN CONGRESSIONAL PLAN 1	SEN COLEMAN		FLOOR	215457-1	**OFFERED TWICE **JOE REED PLAN
HOLMES CONGRESSIONAL PLAN 1	REP HOLMES		FLOOR	215458-2	**MOORE CONGRESSIONAL PLAN AND SAME AS BARFOOT CONGR PLAN 1
FAULKNER CONGRESSIONAL PLAN 2	REP FAULKNER		FLOOR	215500-1	
SINGLETON CONGRESSIONAL PLAN 1	SEN SMITHERMAN	SB10	FLOOR	215593-1	**LEAGUE OF WOMEN VOTER PLAN
SINGLETON CONGRESSIONAL PLAN 2	SEN SINGLETON		FLOOR	215488-1	**NARROW DEVIATION PLAN
SINGLETON CONGRESSIONAL PLAN 3	SEN SINGLETON		FLOOR	215489-1	**ZERO DEVIATION PLAN
HATCHER CONGRESSIONAL PLAN 1	SEN HATCHER		FLOOR	215601-1	
WAGGONER CONGRESSIONAL PLAN 3	SEN WAGGONER		FLOOR	215614-1	
BARFOOT CONGRESSIONAL PLAN 1	SEN BARFOOT		FLOOR	215598-1	**SAME AS MOORE AND HOLMES PLANS
WAGGONER CONGRESSIONAL PLAN 1	SEN WAGGONER		COMMITTEE	215560-1	**OFFERED IN F&T COMMITTEE NOV 2 same as Faulkner Plan



RC 000007

EX. 10



**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2021 MAR 10 P 12:38
THE STATE OF ALABAMA; ROBERT
ADERHOLT, Representative for Alabama's
4th Congressional District, in his official and
individual capacities; WILLIAM GREEN;
and CAMARAN WILLIAMS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE; GINA RAIMONDO, in her
official capacity as Secretary of Commerce;
UNITED STATES BUREAU OF THE
CENSUS, an agency within the United States
Department of Commerce; and RON
JARMIN, in his official capacity as Acting
Director of the U.S. Census Bureau,

Defendants.

CIVIL ACTION NO. 3:21-cv-211-RAH

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

**THREE-JUDGE COURT REQUESTED
PURSUANT TO 28 U.S.C. § 2284**

INTRODUCTION

1. This suit challenges two unlawful actions by the U.S. Commerce Department and Census Bureau in relation to the 2020 decennial census—(1) Defendants' decision to produce manipulated redistricting data to the States, and (2) Defendants' refusal to produce redistricting data on time.

2. First, the skewed numbers. Congress has ordered the Secretary of Commerce to work with the States to learn what they need for redistricting and then report to each State accurate "[t]abulations of population" for subparts of each State for purposes of "legislative apportionment or districting of such State." 13 U.S.C. § 141(c). But the Secretary, through the Census Bureau, has announced that she will instead provide the States purposefully flawed population tabulations.

116. Even at the higher census geography of Alabama's Congressional districts, the November 2020 demonstration data indicated that the differential privacy algorithm skewed the data enough to create population deviation on a level that courts have found, in other contexts, to violate the Supreme Court's equal population jurisprudence.²⁷

Congressional District	2010 Actual Population	2010 Actual Population Deviation	Differential Privacy Population (Demonstration Data)	Differential Privacy Deviation (Demonstration Data)
1	682820	+1	682747	-73
2	682820	+1	682791	-29
3	682819	-1	682844	+25
4	682819	-1	682820	+1
5	682819	-1	682820	+1
6	682819	-1	682688	-131
7	682820	+1	683026	+206

117. Notably, the only reason that these errors are knowable is because the Census Bureau provided both the differential privacy data and the actual Census data.

118. Because the Bureau will *not* provide the actual data for the 2020 census, if the application of differential privacy to the 2020 census data is not stopped, these differences from reality will never be discernable from the official federal government data.

119. Nor will the Bureau simply be able to provide the true numbers (with the 2010 disclosure avoidance methods in place) at a later time if turns out that the differential privacy numbers cannot be used. Doing so would throw a wrench in the redistricting process, forcing States

²⁷ See, e.g., *Vieth v. Pennsylvania*, 195 F. Supp. 2d 672 (M.D. Pa. 2002) (three-judge court).

EX. 11

Page 1



PERMANENT LEGISLATIVE COMMITTEE ON

REAPPORTIONMENT PUBLIC HEARINGS

NORTHEAST ALABAMA COMMUNITY COLLEGE

REDISTRICTING PUBLIC HEARING

September 1, 2021

REPORTED BY:

Jan A. Mann, CSR

Veritext Legal Solutions

260 North Joachim Street

Mobile, Alabama 36603

Veritext Legal Solutions

877-373-3660

800.808.4958

1 MR. MCGRIFF: Hi. Good afternoon. My
2 name is Toni McGriff and I live in Dutton which is
3 Senate District 8 and House District 23 but my question
4 is about the congressional District Number 4.

5 Most of Jackson County, practically all
6 of Jackson County is in congressional District 5 but
7 there is a tiny little sliver of southern Jackson County
8 that's in 4. And I understand about trying to get
9 everything equalized in terms of population but the very
10 few people who live there very frequently think they're
11 in District 5 and do not know who to vote for.

12 And I would ask that you consider that
13 when you are redistricting so that you don't have that
14 tiny little sliver out of the county. It's in a section
15 called Macedonia. Senator Livingston would know where
16 I'm talking about I'm sure.

17 HEARING OFFICER: Thank you. Thank you.
18 That's very helpful. Anything else?

19 MS. MCGRIFF: I don't think so. Not at
20 this time.

21 HEARING OFFICER: Thank you very much.
22 Very helpful.

23 MS. MCGRIFF: Thank you.

24 HEARING OFFICER: Is there anyone else
25 that would like to speak? Okay. Senator Livingston has

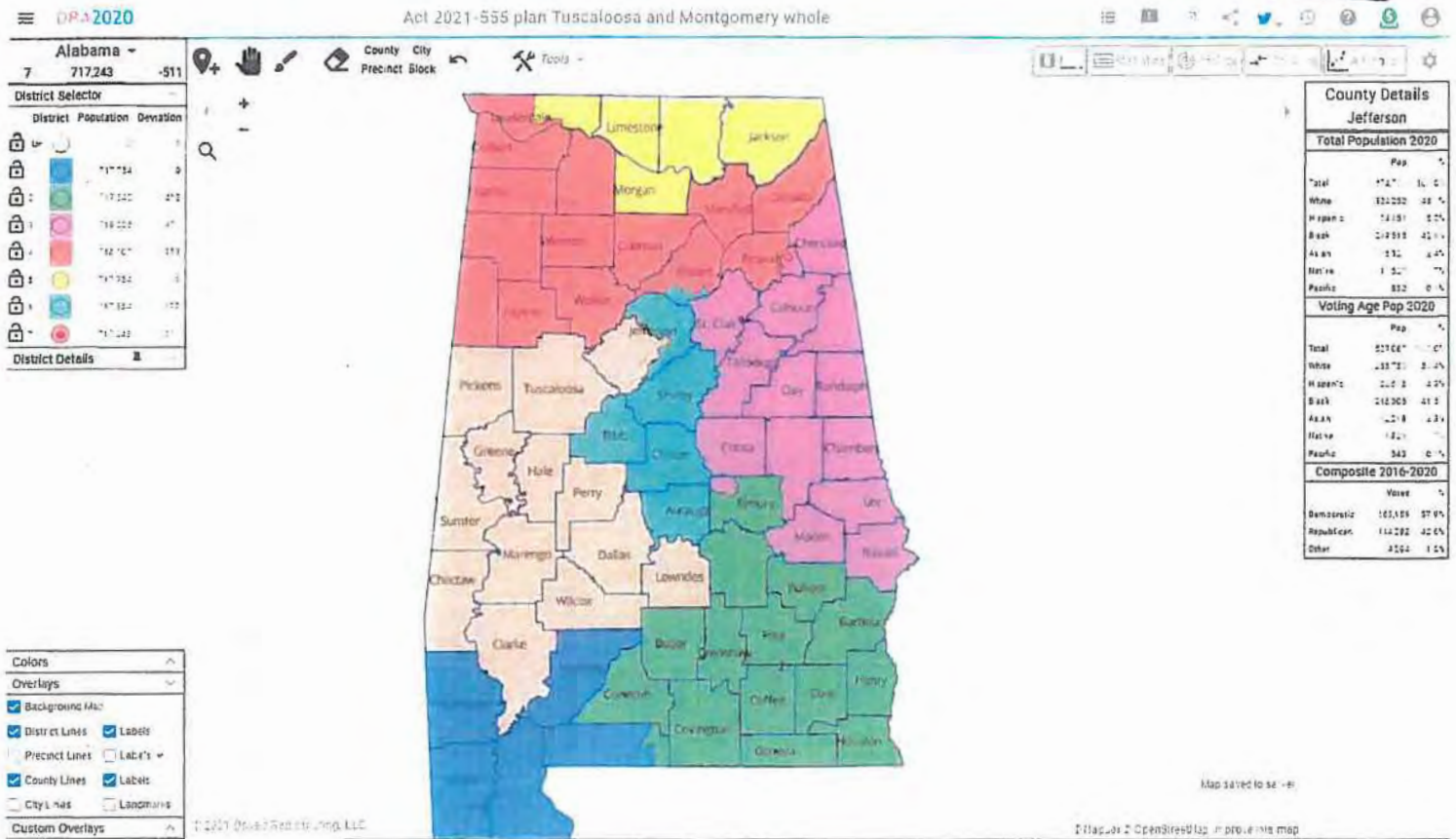
EX. 12

PLAINTIFF'S
EXHIBIT
12

Whole County Plan **Figure 9**



EX. 13



EX. 14



DRA 2020

Ad 2021-555 plan Tuscaloosa and Montgomery whole

Population			Shapes		Partisan Lean			Demographics (VAP)							DOWNLOAD	
ID	Total	±%			Dem	Rep	Oth	Total	White	Minority	Hispanic	Black	Asian	Native	Pacific	
Un	0				0.00%	0.00%	0.00%	0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
1	717,754	0.00%			38.53%	60.22%	1.25%	557,535	66.00%	34.00%	2.23%	25.61%	1.85%	3.11%	0.12%	
2	717,342	-0.08%			42.11%	56.80%	1.09%	568,573	56.97%	43.03%	2.57%	35.45%	2.21%	1.98%	0.14%	
3	718,225	0.07%			35.05%	64.85%	1.10%	564,742	67.85%	32.14%	3.03%	24.89%	2.09%	2.15%	0.13%	
4	718,107	0.05%			21.52%	77.22%	1.25%	556,904	62.42%	37.58%	6.01%	7.34%	0.74%	3.57%	0.06%	
5	717,754	0.03%			37.76%	60.51%	1.68%	561,167	70.69%	29.31%	5.26%	18.06%	2.53%	3.27%	0.16%	
6	717,854	0.01%			36.75%	61.60%	1.70%	551,695	70.68%	29.32%	5.07%	19.72%	2.40%	3.11%	0.11%	
7	717,243	-0.07%			37.47%	59.25%	0.98%	566,228	43.84%	56.16%	5.68%	49.79%	1.56%	1.40%	0.15%	
	717,754	0.14%			39.47%	59.20%	1.33%	559,595	65.47%	34.53%	4.26%	25.90%	1.91%	2.50%	0.12%	

Notes

- The 0.14% population deviation is within the 0.75% threshold tolerated by the courts
- Six districts lean Republican, one leans Democratic, and none fall in the 45-55% competitive range
- There is one majority-minority district