

**TRANSCRIPT OF
REAPPORTIONMENT COMMITTEE
MEETING
OCTOBER 26, 2021**

Reapportionment Committee Meeting
October 26, 2021
Transcript by TransPerfect

FEMALE 1: Senator Allen? Senator Holley?

SENATOR HOLLEY: Yes

FEMALE 1: Senator Livingston?

SENATOR LIVINGSTON: Here.

FEMALE 1: Senator McClendon?

SENATOR MCCLENDON: Here.

FEMALE 1: Senator Melson?

SENATOR MELSON: Here.

FEMALE 1: Senator Orr?

SENATOR ORR: Here.

FEMALE 1: Senator Roberts?

SENATOR ROBERTS: Here.

FEMALE 1: Senator Scofield?

SENATOR SCOFIELD: Here.

FEMALE 1: Senator Singleton?

SENATOR SINGLETON: Here.

FEMALE 1: Ms. Smitherman? Senator Williams?

SENATOR WILLIAMS: Here.

FEMALE 1: Representative Boyd?

REPRESENTATIVE BOYD: Here.

FEMALE 1: Representative Clouse? Representative Ellis?

REPRESENTATIVE ELLIS: Here.

FEMALE 1: Representative England?

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REPRESENTATIVE ENGLAND: Here.

FEMALE 1: Representative Greer?

REPRESENTATIVE GREER: Here.

FEMALE 1: Representative Hall?

REPRESENTATIVE HALL: Here.

FEMALE 1: Representative Jones?

REPRESENTATIVE JONES: Here.

FEMALE 1: Representative Lovvorn?

MALE 1: He's on his way. He's in traffic.

FEMALE 1: Representative Pringle?

REPRESENTATIVE CHRIS PRINGLE: Here.

FEMALE 1: Representative South? Representative Wood?

REPRESENTATIVE WOOD: Here.

FEMALE 1: We have 19 present. We have a quorum.

MALE 2: Thank you, members, if you would, please, you will see a copy of the Minutes from the last meeting, May 5th of this year. I would ask you to quickly look over those. We have a motion to approve and let's have a roll call on that please.

FEMALE 1: Senator Allen? Senator Holley?

SENATOR HOLLEY: Aye.

FEMALE 1: Senator Livingston?

SENATOR LIVINGSTON: Aye.

FEMALE 1: Senator McClendon?

SENATOR MCCLENDON: Aye.

FEMALE 1: Senator Melson?

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SENATOR MELSON: Aye.

FEMALE 1: Senator Orr?

SENATOR ORR: Aye.

FEMALE 1: Senator Roberts?

SENATOR ROBERTS: Aye.

FEMALE 1: Senator Scofield?

SENATOR SCOFIELD: Aye.

FEMALE 1: Senator Singleton?

SENATOR SINGLETON: Aye.

FEMALE 1: Senator Smitherman? Senator Williams?

SENATOR WILLIAMS: Aye.

FEMALE 1: Representative Boyd?

REPRESENTATIVE BOYD: Aye.

FEMALE 1: Representative Clouse? Representative Ellis?

REPRESENTATIVE ELLIS: Aye.

FEMALE 1: Representative England?

REPRESENTATIVE ENGLAND: Aye.

FEMALE 1: Representative Greer?

REPRESENTATIVE GREER: Aye.

FEMALE 1: Representative Hall? Representative Jones?

REPRESENTATIVE JONES: Aye.

FEMALE 1: Representative Lovvorn? Representative Pringle?

REPRESENTATIVE CHRIS PRINGLE: Aye.

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FEMALE 1: Representative South? Representative Wood?

REPRESENTATIVE WOOD: Aye.

FEMALE 1: We have 17 yes. The motion passed.

MR. CHAIRMAN: Thank you. I'd like to make just a preliminary statement about the workings of this committee. This time around has been rather unique because of the compactness of the time. Federal Law requires Census Bureau to provide the states with the data no later than March and the year after Census is conducted. In 2011, we received it in mid-February, about six weeks before their deadline. This time, the Census Bureau seriously lied. Instead of getting the data in February or March, we did not receive the data until August 12, actually became usable to us closer to the 17th or 18th of August. It took some amount of time to convert that data to match up our software. August 17 was the first time this committee and our staff, who I'm forever grateful for, for all their hard work was the first time that we actually hadn't data that we could work with and dealing with the Congressional plan, State Board plan, the Senate plan and the House plan.

[00:05:06]

Since that time, since August 17, we have met with seven Congressional Representatives, our staff, eight Board of Education members and all the members of the Senate and the House that are running for reelection. In most cases, there was not just one meeting with any particular office holder. There were repeated meetings with individual officeholders and often with groups of officeholders, these meetings continued right up to the close of business last Friday. It took an enormous effort to prepare these plans in the short amount of time available. And unlike after the 2010 census, when we were able to split the redistricting over a two-year period, we did Congressional and State Board in 2011, and then we did the two legislative plans in 2012. This time, not only did we get the data late, but we had to prepare all four plans at the same time. And I will -- you those of us who worked in this room in this office have seen the dedication of our redistricting staff, of our attorney advising us, of our demographer drawing the maps, they have literally worked day and night and over the weekends in order to reach this point. And I think you'll soon see that they have done a heroic job. I am very grateful to their dedication. At this point, we are going to now go into consideration of these four maps I mentioned. We'll do them in this order for committee members. You'll see, you have an agenda in front of you that shows the order. We'll do this and we're going to start off with congressional districts. Representative Pringle will handle that in the House. Then we'll go to State Board districts. I'll handle that for introduction into the Senate. Then we'll go to the state Senate districts that will first be introduced into the Senate. And once it comes out of this committee, and finally, we'll do the committee plan for the State House, which Representative Pringle, of course, will handle and will introduce on Thursday into the House of Representatives. Let me recognize the House Chair for Redistricting Representative Chris Pringle turn your mic go.

REPRESENTATIVE CHRIS PRINGLE: Thank you, Senator. Again, I am Chris Pringle, State Representative from House District 1 of Automobile. The members of the committee

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would go to the congressional plan and open your folder. You'll see the proposed map that we're going to discuss here from this committee. You'll have it. If you'll note, this is a zero-deviation plan with a minimum number of split counties. There's a one-person difference between all seven districts. Some the deviations on this plan are zero. In developing this plan, all Congressional Representatives were met with in person and then subsequently over the phone our Microsoft teams until their concerns have been addressed. An exception in the Representative Mo Brooks was running for another office. He did not want to meet in person instead of staff member instead. All representatives have had input into this plan. This plan meets the Committee guidelines. It complies a Section 2 the Voting Rights Act and Equal Protection Clause. There's a minimal population deviation between the District 6.

[00:09:59]

Between the District 6 are districts who had ideal population of 717,754 and the second district is one person over. In respects to counties that extend possibly given the requirement for equal population. I'll repeat, it respects counties to the extent possible given the requirements for equal population. It does not require any incumbents to run against each other. All districts are contiguous and reasonably compact. It respects communities of interests. It preserves the cores of existing districts. It splits a minimum number of counties and precincts. Six counties are split and seven are split to get to zero deviation an improvement over the current law which splits seven counties. Splits are, Lauderdale County is split between District 4 and 5. Tuscaloosa County is split between Districts 4 and 7. Jefferson County, between Districts 6 and 7. Chilton County between Districts 3 and 6. Montgomery County between Districts 2 and 7. Escambia County between Districts 1 and 2. This plan contains one majority black district with a black voting age population of 54.22%, thank you.

MALE 2: Motion to adopt.

MALE 3: Mr. Chairman, I'd like to speak to the motion.

REPRESENTATIVE ENGLAND: I would too.

MR. CHAIRMAN: Mr. England.

REPRESENTATIVE ENGLAND: First of, thank you for recognition. I'm pretty sure Ms. Overton probably would doesn't like me very much right now because I harassed her for days on end. Because as a member of this committee, I did not see these maps until yesterday. I think we're undertaking a pretty massive task to be told to come in here with the amount of information presented to us to come here and say, "I need you to vote today." Personally, I may be just speaking for myself, but I think this is doing a disservice to the process and also to the people that we represent because they haven't seen this map either, unless you were following me on Twitter. So, I think it needs to be said that this process itself, there's got to be a better way to do this. I think it's flawed and I don't really think this is the best way for us to walk into this process without any information and to come in here today look at it and say, "I want you to approve it." With that being said, I'm not diminishing the fact this was probably a very difficult task. It's a lot of information to process, but I think it probably would have been better for all of

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us have we all seen the whole entire map and not be drawn into short meetings individually where we can only see our district? For me, that's how the process worked. I was only told I could see the district. My district game me immediate area around my district, and I think it would have been better for the public and all of us to digest the information in front of us by just seeing the whole map so we could see how our district worked relative to the districts around us. And with that being said in your initial statement, you mentioned that this map complies with the Voting Rights Act. Several questions that I have about that. First, I'd like to know who drew the map. Was it drawn in-house or did somebody else draw it? Also, I'd like to know how it complies with the Voting Rights Act. Was there a racial polarization study done to figure out exactly how we comply with the Voting Rights Act? And I'd also like to know since I wasn't afforded an opportunity to see the entire map, I would like to know if anybody else was, whether it be staff, whether it be other members, or whether it be someone hired as a consultant to take a look at these maps. Those are my three initial questions. One, who drew it? Two, can you explain to all of us how it satisfies the Voting Rights Act and how this map was drawn? So, I just like to start there, thank you.

MR. CHAIRMAN: Senator Singleton?

SENATOR SINGLETON: You're not going to answer those question?

MR. CHAIRMAN: I've done listened to it, and we're going to get back with him, okay.

FEMALE 1: Oh Jesus.

[00:14:59]

REPRESENTATIVE ENGLAND: Point of order, so we're not answering questions today?

MR. CHAIRMAN: I'm going to answer your questions. We're just trying to get all the questions asked.

MALE 4: Ms. Chairman, point of order. The point is that I think that we opened ourselves up for confusion of responses and questions and confusions of focusing in on the specific points. So, we're going to take all these varying questions. And then after we take all the various questions, I think that the questions' point of order are to be in relationship to the questions. The answer should be in relationship to the questions as answered and they should be addressed. Questions that [INDISCERNIBLE 00:15:45] may have over there, I saw his hand, and I have is may be totally relevant, but maybe totally different at the same time in parts. So, I think in order to understand that -- and I'm going to make a special request that we put these maps on the board. We have a big old board up there, put the whole maps. Each one of these things we talk, it relates to a map. It needs to be sitting up there in large, of the map.

[OVERLAY]

FEMALE 2: --so we can it.

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MALE 4: Yeah, we can see it. Not the small one where we don't know what it's touching and what it's doing, but actually a large one that deals which shows the precincts.

MR. CHAIRMAN: The map is on the board, ladies and gentlemen, I'm hoping the people online can see it. Can they see the map online?

MALE 5: Yes.

MR. CHAIRMAN: These maps are drawn in this room using the staff here and our lawyer that we've hired has done redistricting for 25 years, has worked with us and told us that he thinks these maps comply with section to the Voting Rights Act and the Fourteenth Amendment to the Constitution.

REPRESENTATIVE ENGLAND: Can you explain it now?

MR. CHAIRMAN: I'm not the attorney, but Dorman Walker sat here and went through every one of this our attorney. You know Dorman, he's done this for 25 years.

[OVERLAY]

REPRESENTATIVE ENGLAND: Again, can I say that I was appointed to this committee.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: You stated that it complies with the Voting Rights Act. You also stated that it complies with the Fourteenth Amendment Equal Protection, so I'm asking you how. I just want to make this -- that's obviously --

[OVERLAY]

MR. CHAIRMAN: Okay, representative. That's fine, let's do this.

REPRESENTATIVE ENGLAND: That's a very component of this.

MR. CHAIRMAN: I understand that and I see where you're going and let's do this. You tell me where it doesn't, how's that?

REPRESENTATIVE ENGLAND: First and foremost, if we didn't do a racial polarization study you don't know how it applies. I'll ask you this question, you and the attorney that you consulted, have you all done a racial polarization study?

MR. CHAIRMAN: Yeah, the guy in Georgia did one. It was sent to him Friday and he came back.

REPRESENTATIVE ENGLAND: So, who's the guy in Georgia? Can we see the results of that study?

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MR. CHAIRMAN: The attorney has hired a consultant out of Georgia and he's looked at it.

REPRESENTATIVE ENGLAND: Can we—

MR. CHAIRMAN: There's nothing that's going to be hidden. We're getting it to you as fast as we have it of course.

REPRESENTATIVE ENGLAND: Okay.

MR. CHAIRMAN: We don't have it. You understand, I had to do 28 public hearings. I had to meet with 105 house members, 35 senators, seven members of congress and eight members of the schoolboard and many of these people we met with multiple, multiple times to try and work this out, all in a very short period of time. We didn't have the luxury they had a couple of years ago, having two years to do this. We had about three months.

REPRESENTATIVE ENGLAND: I could understand your frustration, but as the Chair, you're in charge with the responsibility of answering these questions.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: So, I sympathize with the smaller shortened timeframe, but I do still get as a response -- as part of my responsibility as being a member of this committee is to ask these questions and to get answers because I'm not just asking for me. Because remember, the entire State of Alabama, the first time they lay my eyes on this map was yesterday. I think it's pretty legitimate for us to have these questions since we could not get access to this information before. One of the ways --

[OVERLAY]

MR. CHAIRMAN: The first time I saw it was yesterday too.

REPRESENTATIVE ENGLAND: That makes me feel worse, but to be quite honest with you. So, you ask me, I'll point out just that one thing. I need you to help me understand if a racial polarization study was done. I need to know who did it. I need to know what the results are, so I can tell you if I believe that one that matches up with the standards that have been set by federal courts in the Supreme Court, because very recently we had issues with the Supreme Court. We just lost the lawsuit behind some of this stuff, so I need to have something so I can draw some comparative analysis between the two. So, on record, you're telling me that a racial polarization study has been done?

MR. CHAIRMAN: Our attorney looked at it and assured us that we are in compliance with Section 2 of the Voting Rights Act.

REPRESENTATIVE ENGLAND: The question I asked you, you're assuring me right now that a racial polarization study has been done?

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MR. CHAIRMAN: According to my attorney, yes.

REPRESENTATIVE ENGLAND: Okay.

MR. CHAIRMAN: According to the committee's attorney.

[00:20:00]

It's the attorney that's done reapportionment for 25 years.

REPRESENTATIVE ENGLAND: Okay. And you can provide that information to us so we can draw an analysis between the maps, the numbers and the study?

MR. CHAIRMAN: I have no problem when you look at all of our reports.

REPRESENTATIVE ENGLAND: All right. You said also that this map was prepared here in-house?

MR. CHAIRMAN: Yeah, it was drawn right here in this room.

REPRESENTATIVE ENGLAND: All right.

MR. CHAIRMAN: I mean, you sat here with us, and I know several times why we drew these maps.

REPRESENTATIVE ENGLAND: No. Actually, I've only seen my district up until yesterday when I got the maps.

MR. CHAIRMAN: No. I sat here when you're on a call.

REPRESENTATIVE ENGLAND: No. On that call, we looked at my district.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: Period. I haven't seen a map. This is the first time I've actually seen a physical copy of the map since yesterday. Now, that I've answered your question, can you answer mine? What other ways does this map --

MR. CHAIRMAN: Let me report. On district seven, there was not a functional analysis done on it simply because it was drawn blind, the race was turned off on the drawing, and after the district was drawn and we looked at the black voting age population, it was determined there was no reason to do an analysis on it.

REPRESENTATIVE ENGLAND: So, you have not done analysis on that?

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MR. CHAIRMAN: I just found out seven because of the BVAP, no analysis was deemed necessary.

REPRESENTATIVE ENGLAND: So, we don't know if it complies with the Voting Rights Act just based on an attorney's opinion?

MR. CHAIRMAN: Yeah. I mean, it complies.

REPRESENTATIVE ENGLAND: We don't know that.

MR. CHAIRMAN: Well, the attorney that his committee hired says it does.

REPRESENTATIVE ENGLAND: But he also didn't do what's necessary to figure that out. Interestingly enough, the only district –

MR. CHAIRMAN: The BVAP of that district is 54.2%.

REPRESENTATIVE ENGLAND: But again, the study demonstrates how much of that actual percentage is a voting percentage. So, there's a difference between just throwing out a percentage and actually knowing if that's functional or not. And also, interestingly enough, the Seventh Congressional District is the only district that splits counties. Is there a particular reason for that?

MR. CHAIRMAN: That's not true. I just told you, I just run off of the county to split.

REPRESENTATIVE ENGLAND: There's one in District One, you have one in the Escambia County?

MR. CHAIRMAN: No. Lauderdale is split between four and five, Tuscaloosa is split between four and seven, Jefferson is split between six and seven, Chilton is split between three and six, Montgomery is split between two and seven, Escambia is split between one and two.

REPRESENTATIVE ENGLAND: I'm sorry.

MR. CHAIRMAN: Every district has at least one split.

REPRESENTATIVE ENGLAND: I'll rephrase. Seven has the most splits. That correct?

MR. CHAIRMAN: One, two, three. Yes, sir.

REPRESENTATIVE ENGLAND: All right. Is there any particular reason why seven has the most splits?

MR. CHAIRMAN: No. Because four has got two, two has two, three has one, and one has one.

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REPRESENTATIVE ENGLAND: Is there any particular reason why seven has the most split districts? Including in Jefferson --

MR. CHAIRMAN: Trying to get the zero deviation, I'm assuming. We tried to respect -- we had to get to zero deviation.

REPRESENTATIVE ENGLAND: Do you think it has anything to do with making sure that each split holds a particular percentage of African-Americans into it?

MR. CHAIRMAN: I have no knowledge of that now.

REPRESENTATIVE ENGLAND: Okay.

MALE 3: Senator, I was hoping that we wouldn't be so contentious in here today, and I think I've been here with you gentlemen over the period of time trying to ask that we can get to this point. We sit around this table and I know that this is probably one of the most contentious sessions that we can have because everybody's for themselves. Everybody's looking out for what they got and it's all about territory. But I just wanted to ask a question about the map, and I guess go down the same line that Chris was representing England in terms of District Seven. In the last redistributing, we saw and heard from the United States Supreme Court that basically said that District Seven was the most gerrymandered district in the State of Alabama, and when you look at that, it almost looks like a salamander and the way it shaped, I see where you tried to come into your county boundaries to do that this time. But however, the Supreme Court has basically already ruled that, and so I just want this body to know that I will be introducing another map because when you look at the State School Board, it is representative of 26% of the African-American community giving it two districts. The house and the Senate also. The congressional district is the only district, the only map that we would draw as a body that does not represent the 26% of African-Americans. It only represents 13% of those African-American population. We believe that based on whole county, and what you can draw based on zero percentage, we can get two majority districts out of this, and I think that this body or the chairman has not tried to do that, just stay with what they were used to doing, and it's like we just drew over the same lines and didn't even try to come up with anything else different.

[00:25:08]

And that's what you get when you don't get input from everybody else, and when everything is kind of hidden and indoor. And so, with that, I know this is not the proper time to introduce the map, but I would do it officially when we have the next meeting, I will introduce a map even if it gets voted down and we will introduce them again on the floor. It will be on the map to concept, and I just want to let you know that I think that we can get two districts out of here that will show favorably for African-Americans across the state outside of just gerrymandering in this district with the unnecessary splits that we've gotten. Thank you very much.

MR. CHAIRMAN: Thank you, Senator. Did you say you have a map that has two majority black districts in it?

MALE 3: Yes.

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MR. CHAIRMAN: Okay. All right. Senator Smithman.

SENATOR SMITHMAN: Thank you very much Mr. Chairman. Chairman's, let me say this first, I noticed the Senator mentioned a level of frustration, a level of uncomfortableness or whatever words you want to use is coming from our leader. Let me say this, that's what you get paid the big bucks for. You asked to be chairman, you asked. Now, you accepted it. So, get all that comes with it, so, relax and take a deep breath because it's coming. Questions coming, they're coming, they're coming. So, just relax and I understand, but you're the leader, so, that what comes with the territory. Let me piggyback first on starting with this map. In whether or not, -- let me just say this; I asked for a map that shows the precincts, I know we got them. And the reason I'm saying that to everybody in here to do that, yes. It's going to take more time. It's going to be detailed, because you're asking questions about this or that. But as a committee, and thank you for putting me on the committee. Whoever appointed me, I know who did; so thank you. But as a committee, we have to go through this mundane process if members have the question. We are in a committee meeting now; and in here, any of those questions that we have. the means of being able to provide, we have a right to get that information. Let's not vote it all up and down by memos, each member has that right to get that particular information. So, with that in mind, that's the first thing because I like to see what Senator was saying about the drawing to see what it brings in and what it doesn't. I can't tell a lick about Jefferson County, where the line cut off from this map. I don't know if it cut off on south side, if it cut off on far apart. I don't know if it cut off above Fire Park above Center Point. I don't know where it cuts off by looking at this, and along with being here, I'm a citizen in that particular district as well. So, I would like to see that number one. Number two, I think if that information is available that the representative requested, I think that it should be provided immediately if we operated off of it and didn't have the actual information here, then I think that needs to be known. But I think that any information in this meeting not a week later, not two days, not a month later, but should be provided in here. If it's on a computer, push a button, push print, print it out, and then give it to whoever else have requested it. So, I said that to say that it may not happen, but to count all these things right here, you might want to pipe in dinner[PH 00:29:00] because we need to go through these and to ask questions, is going to seem whatever you want to call it, but that's why I say get the frustration down because we have questions, I have questions, and I like to get answers as a committee member. Nobody else may not be concerned about these things, and I understand. But if one member is, we need to address that. The other thing I want to say is this is that there's two other things, and I'll move near the mic. Number one is that the Senator mentioned correctly about the 26% African-Americans. But we we're actually talking about 30 something percent of minorities. One third of them as it relates to minority population itself should be represented. We're talking about that it should be two as it relates to African-American population as a minority because it's a super population of minorities.

[00:30:00]

But there are other minorities, Asians, there are Latinos, there are all these people in this State and men of my registered voters that make that percentage goes up to 30 something percent. The third thing is that I've had opportunities to see the map that Senator Singleton is talking about, and that map does not split one count, one county, the congressional map that he's talking about.

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It keeps every county whole for all the congressional districts that exist on that map. So, I would think that as a committee, whether the committee ultimately votes it up that as he said, I think that as a committee, that we should consider any of those plans in this meeting if it made those 10 days, I think the requirement that you made that that would be submitted. If they were submitted there in the committee, should take those up -- that was committee rules, that's committee adopted and last, but not least, I'll say this is that I think that the process itself has not addressed the area of compromise, and I'm not talking about somebody's individual districts. I'm talking about the issues that's before you it relates to minorities. I know nobody sat down and talked about the concerns that I split and when we get to that area in the [INDISCERNIBLE 00:31:28] plans, I expressed that I had a concern about that area and no other conversation has been had about it. So, that kind of disappoints me because it's kind of saying that "I don't give a heck what you think or say. So, take me to court." That's what it says to me. I don't give a rip what you think, I don't want to talk to you. I don't want to compromise; this is what I'm going to do. So, take me, so I hope that isn't what it's saying, because I'm not saying anything but anything. I think past involvement says that that has happened. So, I would hope if we are trying to get around and work together in this situation, that we'll find some way to compromise with both sides. I know you've been working hard on your side because I've talked to some of my colleagues and I know some of those concerns, but I'm talking about all of us as a whole. Thank you very much.

CHAIRMAN: Thank you, Senator. Ms. Hall?

REPRESENTATIVE HALL: Thank you, Mr. Chairman and Chairman. I want to reiterate the comment that was made earlier in terms of the response when questions are raised. That we are all in here because we want to do what is right. So, I would hope that we would be considerate of that in light of the fact of the response that I've heard with the comments that have been made up to this point, I'd like to make a motion. I am going to make a motion. My motion is that we postpone the votes on these proposed maps until members of this committee and the public has had adequate time to review and consider the details as well as provide the ratio polarization data study that you said was done.

FEMALE 2: Mr. Chairman, I second the motion.

MALE 2: Mr. Chairman, I think that motion is inappropriate. We have business to tend to at this meeting. Everyone knows it and if it would be --

[OVERLAY]

MALE 2: Would you mind if I get to my comment, please without interrupting? I have not interrupted you and I don't want to be interrupted.

FEMALE 2: I appreciate that, but when you make a comment like that, I'm sorry. I should have held my --

MR. CHAIRMAN: Move to table. We have a motion to table. All in favor. Say, aye.

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MALE 2: Aye.

FEMALE 2: I oppose.

[OVERLAY]

FEMALE 2: Roll call. I will ask that each vote just as you did on the minutes that you would have the roll call vote on each action, thank you. And I would ask that you reconsider at this time.

MR. CHAIRMAN: So, you have a motion to reconsider?

FEMALE 2: Yes, sir.

MALE 3: Second.

MALE 2: I second it.

MR. CHAIRMAN: All in favor, say, aye.

[OVERLAY]

MR. CHAIRMAN: Nay?

[OVERLAY]

FEMALE 2: I did request a roll call on each motion hereon and that you didn't.

[OVERLAY]

FEMALE 2: No, you didn't, because you'd reconsider.

MR. CHAIRMAN: Oh, now we have a motion to give this plan a favorable report in a second.

MALE 4: Mr. Chairman.

MR. CHAIRMAN: Roll call, please.

MALE 4: Mr. Chairman?

CHAIRMAN: Yes, sir?

MALE 4: I'm ready. I'd like to be recognized.

CHAIRMAN: Okay, sure.

MALE 4: So, are we saying that, it doesn't matter what we think at all?

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[00:35:00]

We just come in here to go through the functions. We're not going to consider anything whatsoever that if we have a concern or anything, you're saying it don't matter that we're in here because that's what we're saying. I didn't say what the final vote after we go through the process of consideration. But we're not going to consider anything that we got to say?

MR. CHAIRMAN: No.

MALE 4: I mean, is this a segregated movement or something? Because you haven't considered nothing we're saying over here. So, I'm just asking you as a chairman, is that where we're going with this?

MR. CHAIRMAN: And I'm allowing each of you to speak. Ms. Boyd.

REPRESENTATIVE BOYD: Thank you so much, Mr. Chairman. We've sat around this table many times. It's disgusting when you walk into a room for me and somebody approach me. "May I help you?" That was the first thing; but being as old as I am, and I haven't taught school 45 years and 6 months I've been here, I've learned a lot. At our very first meeting, I asked, "Is this one going to be better than any of those in the past that we do it fairly and collectively?" We know the process, we know who has the vote, all we want, Mr. Chairmans, is the opportunity to be heard fairly and from the way we are starting off here, it doesn't seem that way. Only God Almighty can change hearts. We can sit here forever and look at each other and do what we're told to do when it comes to voting. I would hope not. But we're speaking, I have people at home who are very much concerned about the senatorial. What is shown and as it relates to congressional seats. If that shoe was on the other foot, that's all I'm going to ask you to do when I close. Just think about if the shoe was on the other foot and you were sitting in my seat and my place, oh, our places here, would you act in the same manner? Thank you so much for the opportunity.

MALE 2: Roll call?

MR. CHAIRMAN: Another roll call vote on approving the congressional plan. Mr. Jones, [INDISCERNIBLE 00:38:05]

REPRESENTATIVE JONES: Thank you for the recognition, Mr. Chairman. I think on my visit here last week, I mentioned that this would be the way this process would turn out. It is not logical to think that we can digest the data that's here in the period of time that we received it. Nor is it logical to think that we would vote on something that we actually have no knowledge about and can't even talk to anyone in our district about because we don't know. How do you vote and then go back home and explain when someone asks, "Well, why did you vote for this?" and start asking the questions that's being asked here? What do we do with that? I understand the time. I understand how hard people have worked. I've been up here a couple of times, and I've seen the work that's taking place up here, and that's admirable. I've seen a lot of people working hard. The bottom line, though, we cannot disregard transparency based on urgency, especially in

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this process. I know that there are some time periods we have to meet. To me, the questions that's been asked are logical questions. If someone is really interested in what they're doing and the people they represent, they are logical questions. Now maybe because this is my first time in this process, someone told, I think the attorney mentioned to me, "Well, they've been doing it like this a long time" and let me respond to what I told him. "That does not mean that that's right or fair regardless of whether Democrats did it or Republicans did it, the right way is the right way regardless to who's doing it."

[00:40:00]

And I just think that we ought to give some concern for some of the questions that's being asked here, because those same questions are going to be asked to me as soon as I get back to mobile account and I have no answers. You give me a lot of data here, but it probably takes me a few days to read through it, but it's over then. I've already voted. So that's really my statement and I just want you to consider some of those things as I go forward.

SENATOR MCCLENDON: Ladies and gentlemen, let me point out. What we have before today is simply a recommendation. It will be put in Bill Form. It will be introduced into both chambers of the house. It will be assigned to committee in both chambers, and then it will be debated fully on the floor of both chambers. We're just trying to get to the point where we've been called into extraordinary session. That deadline is set. We have to have something to put into a bill by 04:00 Thursday afternoon, and we need to get something out of here so LSA can put it into Bill Form so we can give it to everybody because it's not in Bill Form until it comes out of here. You will have the time in both the House Standing Committee and the Senate Standing Committee and the floor of the house and the floor of the senate to fully vet and look at these bills. But there's not a bill yet. I don't have a bill because I can't say anything to LSA until I get something from this committee. This is simply a recommendation to send to LSA for us to begin the full-scale debate on the floor. Senator Smitherman.

SENATOR SMITHERMAN: Are you saying, I said you go to the chairman and you're speaking. Are you saying that we can't vet it here wherein the committee itself that we denied the opportunity to vet it? I'm just asking a question. I didn't say you said it or not. You answer, we answer that. Are you telling me that what you just see, all that's going to happen out there -- are you saying that we -- but however, in this committee, we are denied that opportunity to do the same thing in our committee work on reapportionment?

SENATOR MCCLENDON: No.

SENATOR SMITHERMAN: Well, if we did that like for it to be done. That's all I'm at right now. I like this [INDISCERNIBLE 00:42:09].

SENATOR MCCLENDON: You got the populations, the deviations of black age voting population in every different. You have all the information that I have.

SENATOR SMITHERMAN: And I like to vet it in here. Me vet in at, we leave out here means nothing because the vote is going to be taken.

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SENATOR MCCLENDON: I don't have a bill before you because I can't get a bill draft until after it comes out to LSA, and I can't see anything to LSA until it comes out of here.

SENATOR SMITHERMAN: Unless I'm going to be on what -- we vote now. Whether we vote now today. I would like for it to be vetted the same way that you said that it could be vetted in those committees. Why? One of the main reasons we are supposed to have the experts in here. Our reapportionment director will not be on the floor. If it's not a public hearing, she cannot come on the senate floor. This lawyer cannot come on the senate floor itself. This is where the work has to be done to answer those questions in this committee. Not out there. You all know the rules. I don't have to even speak them. The people can't come out there. They are going to be out there. It's going to be somebody at the mic going to be saying the same thing. Well, they did it. And the answer is goes they did it. I would like to know how you came about it. Whatever the process to get to what you said that they say, "Okay to." And this is the place that it should be done right in here, and that's all that I'm asking. The exposure of the process and information be brought out in here so questions and follow up questions can be addressed to that information.

SENATOR MCCLENDON: Yes, Ms. Hall.

REPRESENTATIVE HALL: I needed to go back to make sure I have the correct information as relates to what you said about the racially polarized voting study that was done. Did you say it was done?

SENATOR MCCLENDON: Because of the black age voting population in Congressional District 7, there was not one needed because it was over 54% black voting age population.

REPRESENTATIVE HALL: So you're saying that we don't have a black, we don't have a polarization, racially polarization study?

SENATOR MCCLENDON: None. Because the voting age is 54. What is it? I got it right here.

REPRESENTATIVE HALL: And you use District 7 as the basis for not having such a study done?

SENATOR MCCLENDON: The black voting age population of the district is sufficient enough to where you don't need a study done on it.

REPRESENTATIVE HALL: Are you saying that would not be a part or should not have been a part of this process?

SENATOR MCCLENDON: Once we drew the process, once we drew the plan with no race on the computer --

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-- then after the plan was drawn, we turned on the race and we looked at District 7 and saw that it had a black voting age population that was sufficient enough to not require an analysis. And we put any more African-Americans on the race. We're afraid we'd be sued for packing.

REPRESENTATIVE HALL: So that was just District 7. What about the other districts? If we did those on these, I really would like -- I was trying to get that information. I'd like to have that information. I'm requesting that information.

SENATOR MCCLENDON: The demographics of the district. Yeah. It's right here, it's in your folder.

REPRESENTATIVE HALL: So you're saying the data that we have makes of the --?

SENATOR MCCLENDON: Yeah. Here's the data right here. It's in your folder. It shows you the percentage of African-Americans of whites, the 18 plus populations, everything. It tells you to give you all that information.

REPRESENTATIVE HALL: I just want to make sure what you're saying that the data that we're receiving here today on each one of the districts provides us the data that we would have received or that would be received as a part of a racial polarization voting study.

SENATOR MCCLENDON: I'm being told that at 54 plus percent of the African-American vote, it was high enough not to warrant a polarization study. It was a majority-minority district.

REPRESENTATIVE HALL: And that came from our attorney or the committee's attorney?

SENATOR MCCLENDON: Yes. That came from the committee's attorney. Yes, ma'am.

REPRESENTATIVE HALL: And so, at this point, we do not have that.

SENATOR MCCLENDON: Not on District 7. No, ma'am. Yes. Chris. The representative of England, I'm sorry.

REPRESENTATIVE ENGLAND: All right. You're referring to that -- as if the District 7 was the only district that you did not do that on. So did you do that on other districts?

SENATOR MCCLENDON: We have the breakdown of black and white population.

REPRESENTATIVE ENGLAND: No, not that. I'm talking about you mentioning that racial - that you didn't do the study on seven. Did you do it on any other district?

SENATOR MCCLENDON: Can I ask something? The question you're asking, the answer is our attorney, mine and your attorney set that data off for districts that it looked like there might possibly be a racial issue. And we did that on all of these maps that we've done today. So he received the information on those districts where it looked like it could possibly be questionable, and wherever it was questionable, if necessary, we made adjustments. So the answer to your

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question would be a general statement that in any districts where it looked like it possibly was an issue, we had those districts analyzed. And if necessary to make changes in those districts to try to stay in compliance with the Voting Rights Act, then we made those moves. So you can ask that question about any one district and I will answer that by saying any district that looked like it needed to be done, we did it.

REPRESENTATIVE ENGLAND: It would appear that District 7 would look like that would need to be done if the methodology that you said you used was, we didn't think about race and then we drew the map, and then we said, "Okay, well, this is a result." So it appears to me that if we're doing this in the logical way, that District 7 just -- as it appears on a map, would produce a certain percentage. Now, according to what you've been telling me, that the percentage is not the decision that you made looking at it on the paper and saying that 54% is enough, you actually consulted with an attorney to make sure. So it would appear to me that if you're applying the logic that you just gave me that if we just looked at the district to see if it was in compliance, we would actually do District 7 before we did the others. So I would like to request that study be done on District 7. And what is the relationship between the 54% that you're citing and the actual results or potential results of a racial polarization study? What is the relationship between those two?

[00:50:00]

SENATOR MCCLENDON: I got no clue.

REPRESENTATIVE ENGLAND: And that's the point.

SENATOR MCCLENDON: That's, that's the reason why we have the expert.

REPRESENTATIVE ENGLAND: Again, but hold on. That's point. If you can't explain to me why the 54% that you're telling us satisfies the threshold that you have not created or satisfied yet, that would probably make it necessary for you to conduct a study to see if that 54% actually represent, which represents what you think it does. So for -- I would like to request as a member of the committee that that study be done on the Congressional District 7. I would also like to request because the way you keep describing the map itself, is that Districts 1 through 6 may have caused the question or may not have caused to question so there is a situation where that same study may have been done on the other districts. I would also like to see that information as well. Can I get that? First, can I get the study done on Congressional District 7 to make sure that the 54% represents what you think you're saying? And then also, can I get this, the results of the studies that they've been done on other district? Because Senator McClendon, you represented that they had been. So I would like to see that data as well. Is that possible?

SENATOR MCCLENDON: Is there a particular percentage you'd be interested in seeing in District 7?

REPRESENTATIVE ENGLAND: That's the whole point. I want the study done so I'll know. I'm not going to -- I can't just blindly tell you what are percentage I would need in an area to make sure that it complies with the Voting Rights Act, one, but two, it is a -- I guess what you

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would consider a safe majority-minority district. That's the whole point of the study. So I would like the study to be done on Congressional District 7 and I would also like for you to give me the results of the other studies on the other districts that you mentioned may or may not have caused to you some consternation.

SENATOR MCLENDON: Okay, Mr. England, here's what I'll do. I'll request a study on District 7 for you, and I'll request the study be done on Senator Singleton's bill that he introduced also. How's that?

REPRESENTATIVE ENGLAND: Yes.

SENATOR MCLENDON: It's possible to do it. I mean, we're going to talk about it. Okay. I'll do on both of them.

REPRESENTATIVE ENGLAND: To also kind of take a step back, this process isn't result-oriented. Meaning, that we're not collected here to go over the data and the maps just to meet the deadline. We are actually supposed to do some qualitative work on the information that you provided us so we don't send maps or information to LRS to be drawn up into something that can't pass. I mean, and I get it. I mean, we work with deadlines all the time, but this committee structure was set up especially for this component because it's actually a joint committee for the house and the senate that goes over all four maps. So we can actually take a deep dive in that information, in the data and actually produce a map that actually satisfies all the things that you've been mentioning since the very beginning about keeping counties whole, about not splitting precincts, about making sure that equal protection is valid and making sure that the Voting Right Act is complied with. That's what this process is for, is to vet the information that we're getting. Because we may go through this process and discover that some of the is corrupted and it's not reliable or, we may actually if we had done a racial polarization study, we may actually find out that that 54% that you're talking about doesn't actually represent the information that you're giving us, and that you have made an assumption that could jeopardize an entire map. So again, not trying to diminish the effort, the herculean effort that you had to undertake to get us to this point, the point here isn't just to get it done so we can get a bill prepared. The point here is to actually vet the information so we know what we're actually doing in this process.

SENATOR MCLENDON: I understand, and I tell you we're going to spend a lot of time on this differential privacy, and that's going to come up sooner or later. Senator Smitherman?

SENATOR SMITHERMAN: I would just -- if you all, I would like to know first on any of the congressional districts, did you all receive a written report regarding the study that he is requesting on 7? We say it that on some of them, it was done. All right. So whatever ones that were done, do we have a written report from that attorney, from whoever it is that we had to do it. We are saying that it was done on A B, C, or D. Do we have anything in writing that was sent to this committee to you all or sent to the community itself that would suggest that that is actually a fact? That's the first question. Do we have anything?

[00:55:13]

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SENATOR MCCLENDON: When we saw that 54% plus in the Seventh District majority-minority, we didn't think it needed a racial polarization analyzation and a lot to be analyzed and we didn't request racial voting polarization study on the majority of white districts.

SENATOR SMITHERMAN: Okay. So we don't have that, that's the correct answer. We don't have anything in writing that's been sent to you all regarding that you should --

SENATOR MCCLENDON: I have not seen anything.

SENATOR SMITHERMAN: Okay. All right. So we can't hold out then that that has been done. Okay. So that's the first thing. The second thing is this. We have an attorney that as you say very capable of being able to do what's necessary. I cannot understand the most important, the most important and really the only opportunity we as a committee member while we are going through these maps. I cannot understand for the love of life why he is not even sitting over there or he is not on Zoom. That doesn't make any sense. We are asking questions and we can't, you all cannot give the detail. I didn't say it to generalization, but you cannot give the detailed answer -- we keep telling them whether attorney need, an attorney and that's fine. Because if that's the answer. But then, that attorney need to be over there to answer what you just said that he did. I mean, that's an attorney for the committee and that is the most important meeting that he could ever be at being able to get him on there to give those responses as to the things that you all don't have first of all, documentation and secondly, that he in fact was the person who created, who suggested it and it was adopted to present to us by you all. So I'm asking to get him on here. I don't care if the phone.

SENATOR MCCLENDON: [INDISCERNIBLE 00:57:18]

SENATOR SMITHERMAN: Yeah. I don't care if you get the phone or we can't Zoom, we deserve to have those people in here where we can ask those questions to get answers. Thank you.

SENATOR MCCLENDON: Yes, Ms. Hall?

REPRESENTATIVE HALL: Thank you. You indicated in your report about meeting with all of the members of congress, except for one. Are you able to tell me that once the maps were drawn, did they have an opportunity to view this map? And, what was their impression?

SENATOR MCCLENDON: They all saw. The one that we didn't meet was Mo Brooks because he's no longer running. But they've all had the opportunity to look at them and make suggestions, make requests in what they would like to see in their district, yes.

REPRESENTATIVE HALL: And did they indicate that they felt that what you've presented is fair and --?

SENATOR MCCLENDON: To the best of my knowledge, yes. I was not in the meetings.

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REPRESENTATIVE HALL: Thank you.

MALE 1: Mr. Chairman, our renewed motion for roll call vote.

M SENATOR MCCLENDON: We have a motion before us to adopt the congressional plan. Clerk, recall the roll.

CLERK: Senator Holley?

SENATOR HOLLEY: Aye.

CLERK: Senator Allen?

SENATOR ALLEN: Aye.

CLERK: Senator Levison?

SENATOR LEVISON: Aye.

CLERK: Senator McClendon?

SENATOR MCCLENDON: Aye.

CLERK: Senator Melson?

SENATOR MELSON: Aye.

CLERK: Senator Orr?

SENATOR ORR: Aye.

CLERK: Senator Roberts?

SENATOR ROBERTS: Aye.

CLERK: Senator Scofield?

SENATOR SCOFIELD: Aye.

CLERK: Senator Singleton?

SENATOR SINGLETON: No.

CLERK: Senator Smitherman?

SENATOR SMITHERMAN: No.

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CLERK: Senator Williams?

SENATOR SMITHERMAN: Yeah.

CLERK: Representative Boyd?

REPRESENTATIVE BOYD: No.

CLERK: Representative Clouse?

REPRESENTATIVE CLOUSE: Aye.

CLERK: Representative Ellis?

REPRESENTATIVE ELLIS: Aye.

CLERK: Representative England?

REPRESENTATIVE ENGLAND: No.

CLERK: Representative Greer?

REPRESENTATIVE GREER: Aye.

CLERK: Representative Hall?

REPRESENTATIVE HALL: No.

CLERK: Representative Jones?

REPRESENTATIVE JONES: No.

CLERK: Representative Lovvorn?

REPRESENTATIVE LOVVORN: Aye.

CLERK: Representative Pringle?

REPRESENTATIVE PRINGLE: Aye.

CLERK: Representative South?

REPRESENTATIVE SOUTH: Aye.

CLERK: Representative Wood?

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REPRESENTATIVE WOOD: Aye.

CLERK: Fifteen yeses, six nos. The motion passed.

SENATOR MCCLENDON: Thank you committee members. Coming forth now is the State Board of Education in development of this plan. All state board members were met with in person or by phone, follow up meetings were held, sometimes by phone, some on Microsoft Team until all of their concerns were addressed. All board members had inputs. This plan meets our committee guidelines, complies with Section 2 of the Voting Rights Act and Equal Protection clause. There is a minimum population deviation between the districts, all population state board is 628,035 plus or minus five.

[01:00:10]

Respects counties to the extent possible of taking into consideration requirements for equal population does not require incumbents to run against each other. District continuous and reasonably compact, respects communities of interest, preserves the course of existing districts, the precinct splits, five counties are splits, five counties with zero splits. It's an improvement over the current law with 12 versus 5 splits. Tuscaloosa County, Jefferson, Talladega, Montgomery and Mobile each have our split. Contains two majority-black, Districts 4 and 5. The BVAP for 4 is 51.2 1%. BVAP for 5 is 51.2 7% and the functionality studies that we've talked about indicate that Section 2 requires no further adjustment to these BVAPs in order to fulfill our obligation under the Voting Rights Act. With that introduction, I move adoption of the plan as you have received. I have a second on that, a motion and adoption and I recognize my good friend Senator Smitherman.

SENATOR SMITHERMAN: Thank you Senator. I can't speak for anybody that's in here, but I have no knowledge of which changes had to be made in here. Is that I would like to go through the changes in each district adjustments. What is the adjustment that you had to make in drawing some out? We can start with warning going all the way to the last one there.

SENATOR MCCLENDON: The changes are detailed. You've got a folder Senator.

SENATOR SMITHERMAN: I would have to read.

SENATOR MCCLENDON: That's the changes in it and from -- let me tell you this.

SENATOR SMITHERMAN: Mr. Chairman, do you want me to -- if you recognize me, I'll take this folder and then read them out. But tell me, I got, so Smitherman is that last vote. I don't like them. I am not even seen none of these until I just walked in at one o'clock. So I don't understand. But I'm requesting either that we go over or I'm requesting the opportunity to -- if I got to read it, let me read it out loud and everybody sit here and we read and then we have discussions about it. I don't mind doing whatever you tell me to do. But I do want to go over these. I mean just to ram them down my throat, that is not right. If I can't go over them, then you're ramming it down my throat because I just got this. I mean, I came down here and you

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meet you and nobody said nothing about change, anything, it was about this. Nobody gave me anything. I am not saying nothing until I got this right now. So I'm asking, please tell me whether we change in one? What we change in two, that's reasonable.

SENATOR MCCLENDON: Would you like a little five-minute break to read over that thing Senator?

SENATOR SMITHERMAN: It'd take more than five minutes to read because I still got questions. Reading don't eliminate the questions because I need a big old map up there. I need a map, I need the overlay. Since you all know what I need, I will need to overlay and then I could see where that is and I could say, "Well, what area is that and then what's the result of that? What impact did it have on initial?" So that I've been asking for the maps and I know that they have it because I saw overlay when I came in here. So I know we have the capability and that's all I'm asking.

SENATOR MCCLENDON: I wish you'd let us know ahead of time. Well Senator, if you want to talk about this, this is your opportunity to go ahead and do that. Now, I will tell you as far as asking me a lot of details on the BOA map, I was not involved and I was involved peripherally but not in detail. So if there's things you would like to discuss and ask and talk about on this thing that you have the floor and you're just welcome to do so.

SENATOR SMITHERMAN: I could do a decent job of that if I got the map up there, well I can ask. That doesn't tell me anything. I'm looking at the one, it didn't tell me anything. It just tell me that these are the new lines. They didn't tell me what's the overlay, what we're taking out, what we had to add in anything like that in terms of the precincts.

[01:05:05]

SENATOR MCCLENDON: So do you have specific questions about parts of the map and I'll see what I can find out.

SENATOR SMITHERMAN: Yes sir.

SENATOR MCCLENDON: I narrow it down and help me out here and I'll see what I can do.

SENATOR SMITHERMAN: The basic question I like to overlay, like to see the comparison and contrast, either way that it's set up that you got to set up in the machine -- presently and what changes this.

SENATOR MCCLENDON: Okay I'll see what you want. I don't know if we're capable of doing that but why don't you talk about any parts of this that catches your attention and I'll check and see what our IT folks can do as far as complying with your request. We might be able to put them side-by-side with the new one. We might be able to do that. I don't know, but I'll be glad to check on that and see what we can do.

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SENATOR SMITHERMAN: Well specific questions, I can't give them to you because I don't know the overlay. That's why I got to have it. I mean, this is the finished product and I'm asking about the contrast between old product and the finished and I don't even have that before me in this where I can do that sitting in, you can think of anything. I don't have it. That's why I'm asking for it and I know we got it because like I said, I was here and I saw that we have overlaying capabilities.

SENATOR MCCLENDON: We did have, and I think we put online. I'm not sure, but I think we put online today old map, new map. We'll see.

SENATOR SMITHERMAN: I did the first time, I've seen this.

SENATOR MCCLENDON: While he makes that request, is anybody else. We'll get back to you Senator.

REPRESENTATIVE ENGLAND: I have questions.

SENATOR MCCLENDON: Under the current map that we're looking at now, was this drawn based on the 5% deviation plus-minus?

REPRESENTATIVE ENGLAND: Yes, sir.

SENATOR MCCLENDON: Could you tell me in District 4 and District 5 what was the population gain or population loss for you to be able to -- because in order for you to do the 5% deviation, you had to look at the gain or loss in that. So therefore, you had to move around in precincts.

REPRESENTATIVE ENGLAND: I don't have a -- it's 27,686 people under that deal. It's 228,659 whites, 319,828 blacks.

SENATOR MCCLENDON: So there's about 27,000 population loss in that district?

REPRESENTATIVE ENGLAND: It's under population idea by 27, has a deviation of minus 4.61%. It's 38.9% white, 53.27% black.

SENATOR MCCLENDON: Where would you have made that part pull more citizens black there in Jefferson County to make up that deviation?

REPRESENTATIVE ENGLAND: I'm not sure where it came from Senator. I'm sorry.

SENATOR MCCLENDON: See, that's the kind of stuff we would need to know in order to be able to approve maps when you start making these kinds of adjustments. I definitely would like to know that because it's not detailed on these maps where your adjustments came in terms of making adjustment to make up that. If you look at the next one and which covers most of the black built, I'm certainly there was some loss there.

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REPRESENTATIVE ENGLAND: District 5?

SENATOR MCCLENDON: Yes.

REPRESENTATIVE ENGLAND: Which is 621,817 people which is a 6,218.

SENATOR MCCLENDON: How many?

REPRESENTATIVE ENGLAND: 6,218.

SENATOR MCCLENDON: Okay.

REPRESENTATIVE ENGLAND: 252,012 whites, 326,931 blacks. That's 40.53% white, 52.58 blacks. In fact, voting age population is 51.27%.

SENATOR MCCLENDON: Okay. And again, you can't tell me where the makeup of that population, which direction you went to get the makeup in that population in your precincts?

REPRESENTATIVE ENGLAND: I can't tell you right off the top of my head, no sir.

[01:10:00]

SENATOR MCCLENDON: Thank you.

MR. CHAIRMAN: Senator Smitherman rest assured. We're over here chasing some electrons around trying to.

SENATOR SMITHERMAN: Thank you Mr. Chairman.

MR. CHAIRMAN: Representative Hall, did you have something to say in the event?

REPRESENTATIVE HALL: I do. I'd like to ask a question that I asked earlier as it relates to the school board plan. Did we do the ratio polarization polarized voting study on these districts?

MR. CHAIRMAN: Okay. My answer would be the same as it was before. Any time there was any suspicion that there might be a racial issue, we did submit these to a political scientist to give us an analysis.

MALE 1: Mr. Chairman.

MR. CHAIRMAN: Just a minute.

MALE 1: Okay.

MR. CHAIRMAN: You're still up.

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REPRESENTATIVE HALL: Okay. Yeah. So you're saying that when you felt that was not a given, that was not part of the process of drawing the maps. So I'm going to get the same response on each one of the --

MR. CHAIRMAN: Yes, ma'am we didn't. I'm sorry, I didn't mean to interrupt you, Ms. Hall. We didn't automatically do every district on every map. We only sent the district's offer analysis where it looked like there might be an issue. If there's any suspicion of an issue, we had them analyzed, and then using that data, we tried to make them -- that wouldn't be an issue where we comply with the voting rights there. Does that answer your question?

REPRESENTATIVE HALL: Yeah. I'm just trying to make sure I was understanding correctly. So, we didn't do that for congressional and we didn't do it for school boards. I've done it for any of the others.

MR. CHAIRMAN: All right. I'm going back if you'll hang on just a minute. Senator Smitherman, have we got the map up done? Okay. There you go.

SENATOR SMITHERMAN: Now, what's the overlay? I'm okay side by side or whatever you want to call it.

MR. CHAIRMAN: According to my expert, the blue lines are the old and the colors are the new.

SENATOR SMITHERMAN: Okay.

MR. CHAIRMAN: So he said there's been a good bit of rearranging. But there always is when you have the population changes like we've had in Alabama this past decade.

SENATOR SMITHERMAN: My first question would be, why is Jefferson County split three different ways? I mean, we just split Chow for every one of these maps we got. Why come into our county and split it three different ways?

MR. CHAIRMAN: You know, these maps were created pretty much in the same style that the senate maps which you participated in and house maps, and that we worked with each of the existing board members, and so many times these changes were made in consultation with the existing board members. Just like you had input into your senate map, they had input into this map.

SENATOR SMITHERMAN: I appreciate you giving them input but I will say this, after the input and everything is done. They don't vote for this. We do.

MR. CHAIRMAN: Right.

SENATOR SMITHERMAN: So, the input all right, but the input are not like ours, because we don't want going to vote. And so that's why it's important for us to understand. They may like something. I got constituents that don't like it. I got a lot of them that don't like the fact that we

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split up three ways in here. I'm talking about seriously. They don't want to be split up like that. That's why I said what I said in that regard. What about the other ones? What was the rationalization for the other changes that exist in the other ones? And this one, too. What was the rationalization? Why was it split three ways?

MR. CHAIRMAN: That was probably the biggest part of it is dealing with the existing members. That's where the most input came from.

SENATOR SMITHERMAN: Okay. So, we took in consideration what individual people won't, and I'm not saying you didn't take it at all but it seems to me that, and you correct me if it's not right. I don't mind being corrected. Well, we seem that we were focusing more on what they wanted than what the citizens wanted or what the better way to draw that map without splitting those counties.

[01:15:02]

Because I'm telling you what citizens are concerned about, they telling you what individual they want and don't want and that takes us out of the game, because we're represent those same citizens and we vote. So I would ask that you all go back and look at where you don't have to split Jefferson County like that, and then provide a map that does not do that. But now what's the other deviations and the changes? In the other deviations, what did you all have to pick up and what did you lose?

MR. CHAIRMAN: Well, the deviations of course are in compliance with the guidelines that this committee adopted and every district within plus or minus 5% of the target. So we've stayed -- this map is inside the deviations that we established really is our own guidelines to how to do this and how to do it in a sense of fairness.

SENATOR SMITHERMAN: Okay. In regards to follow up on Senator Sings question, I know he mentioned something about one of those districts. It was 26% population. Can you tell us what population each one of those? On each one of them.

MR. CHAIRMAN: I think you've got that data.

SENATOR SMITHERMAN: I don't have it all in one though. I got what you say it is in the new district.

MR. CHAIRMAN: Well, because we know what the target. So we got that in this folder? Okay. It's in the back of your folder. You got it in writing.

SENATOR SMITHERMAN: The old and under?

MR. CHAIRMAN: Well, you may have to add or subtract from the target to see what the difference is.

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SENATOR SMITHERMAN: Well in that case, I move a 30 minutes recess. I got to do some math. [INDISCERNIBLE 1:17:03] some math. Give me time to do. The figure is all over that low. I mean, I know they are. You all could tell me about my own district. You know about every district in every plan it is.

MR. CHAIRMAN: All right. I'm looking at the data that you've got in your folder, and I'm looking at district five. It gives the ideal population, gives the actual population then it gives the deviation. So, you've got all of that information in writing in your folder?

SENATOR SMITHERMAN: What's the ideal population? The actual population?

MR. CHAIRMAN: It's at the very back of your

SENATOR SMITHERMAN: I see that part what you're saying right. I see it. Now, the other question there, where did we make of those numbers from? What precincts?

MR. CHAIRMAN: I was moved around to create the district.

SENATOR SMITHERMAN: Yeah.

MR. CHAIRMAN: I don't know the answer to that. Oh, no.

SENATOR SMITHERMAN: Do we have the answer in this room?

MR. CHAIRMAN: A lot of precincts. Well, it doesn't matter. What you know is what the old district is and now, before you, you have what the new district is. So now where some people came from, that is the overlay.

SENATOR SMITHERMAN: You said it don't matter, it does to me. I just wanted to say that it may not to nobody else, but it does. That's why I'm asking the question. I wouldn't ask the question being dealing --

MR. CHAIRMAN: Are you asking me and listen Senator Smitherman, I'm trying to get what you want here, but you want to know where people came from or where they went. That's what your overlay map shows us, where the changes were made, which precincts were in a district before and which ones are in our district now. Does that answer your question?

SENATOR SMITHERMAN: It answers 50%.

MR. CHAIRMAN: Okay.

SENATOR SMITHERMAN: But the other part is that it does not talk about what area. [INDISCERNIBLE 1:18:56] and put it over here. That's what I'm saying. We don't have any writing up there. I wouldn't have to ask, and we do have maps that is that detail. You all know that. I know you do, because you all the chairman's. You know we do, and that's what I was asking. I mean, do we have capabilities of doing that? Yes. And that's all I'm asking. In every

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one of these things, we're going to do -- I would like to see that. So that at the, we can make a better understanding of what we vote on and taking places from people, because people ask us especially up in mayor. They don't want to be over here. They want the county to be whole. And so when you make the moves, and that tells me what people will move and what people will left and that has a basis too of the way I feel about this plan because all of us, we are here to represent the people in our district, and these are concerns of people in the district. Is there any way to know that?

[01:20:02]

MALE 1: No, sir.

SENATOR SMITHERMAN: It's not? You sure now? I mean, I was here when we did it, when we provided it.

MALE 1: Well, it could be that.

SENATOR SMITHERMAN: So even in man, I saw precincts. You remember you were in here when I came. I saw precincts. So I'm not making up some, you was in there with me when we saw those precincts.

SENATOR MCCLENDON: Now we can bring that down and we can get that to you but as far as it's coming before this committee, what we have presented and this is what we've got before us today.

SENATOR SMITHERMAN: And I have no problem with you presented and that's what before us. I just want some answers of what's before us. That's all I'm asking.

MALE 1: All right, sir.

SENATOR SMITHERMAN: So, can we get that information? Can we break it down? Let me just say this, I understand that we can, all we have to do, even out there is take number one and then put the details in and put it across there. That's all we got to do and then we'll see where it comes from. We should put that old, that blue line or whatever that line over there and that's like it is right there. The old and new and put the detail in there and it's over there in that computer right there. That's all we got to do. It's right there. I ain't asking for the man who ain't that available lawyer we got. I'm asking him about that computer right there.

SENATOR MCCLENDON: Okay, where we're examining on the capability of this system that we have now to the extent that we can.

SENATOR SMITHERMAN: Okay. There we go. That's what I'm talking about. That's I'm saying pop up there.

SENATOR MCCLENDON: Is there any particular area that you would like to look at?

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SENATOR SMITHERMAN: I like to --

SENATOR MCCLENDON: Do you want to look at your area and --

SENATOR SMITHERMAN: First all [INDISCERNIBLE 01:22:03], I like to look at the one above and I think that's six or whatever that is above that, every part, me particularly every one of those districts that Jefferson County, I like to see that part, that district that touches. It's three of them and I like to be told what I'm looking at, so I'll be sure of what I see. Yeah, you getting it. I was looking over that Tarrant and I'm looking at Inglenook, Brownsville. I'm looking at those.

SENATOR MCCLENDON: Senator Smitherman.

SENATOR SMITHERMAN: Yes, sir.

SENATOR MCCLENDON: We're going to spend, if you want to spend, we're going to spend about 10 minutes with you.

SENATOR SMITHERMAN: That's fine, I'll take it here.

SENATOR MCCLENDON: [INDISCERNIBLE 01:23:10] on this and then we're going to get you back on business.

SENATOR SMITHERMAN: 10 is better than zero. Take the 10.

SENATOR MCCLENDON: You're always a 10 Senator Smitherman.

SENATOR SMITHERMAN: Thank you, Senator. Sun Valley, so that the blue is the new, right?

MALE 1: That's right.

SENATOR SMITHERMAN: The blue is old. Blue is old and the colors are new. Okay. What district is that green? What number district? Four? It's number four? Blue, that y'all call it blue. Okay. All right. So, it's the color is a change? Let me see. And it's four, four is the C5 and what six is the majority of the districts, five and; no, five and what? What number Mr. Chairman? I was just trying to speed up the process. Which one is five and what's the other one you say is a majority? African-American district, [INDISCERNIBLE 01:24:42] voting population? It's five and it's four and five?

MALE 2: Five, four is 51.2. Five is 51. [INDISCERNIBLE 01:24:57].

[01:25:00]

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SENATOR SMITHERMAN: How can we tighten it up that you don't have already splits in that county? Did y 'all look at that? Did you play with the map and look at it and see what it looked like?

SENATOR MCCLENDON: We played with a map and you certainly will have an opportunity if you've got a better plan for us. You'll have an opportunity to like that proposal to the legislator when we meet.

SENATOR SMITHERMAN: So, that's four, that all the four right there? I see some more at the bottom, is that part of four? And above four is what, seven? That's at the top of Jefferson County?

MALE 2: Yes, sir.

SENATOR SMITHERMAN: What percentage of seven is in Jefferson County? Anybody can tell me that? So we got three in Jefferson County and we got four and we got seven. Now, those are three at [INDISCERNIBLE 01:26:13] Jefferson County?

MALE 2: Yes.

SENATOR SMITHERMAN: Three, four and seven. It's seven, four and three. So in four, we went straight up. We did like the old seven in congressional. We went straight up in the Jefferson County to pull those people out, is that correct? Why we could not make Jefferson County whole or Tuscaloosa whole and keep those whole and satisfy that population? Did y 'all try to do that? And if you did - -

SENATOR MCCLENDON: I'm sure that was looked at and considered.

SENATOR SMITHERMAN: But you're not sure though. Okay, I was going to ask why. I'm not going to put you on the spot if you don't know, you know. Okay. All right, Mr. Chair, I see what's been done and I know what the people want. Thank you very much on that.

SENATOR MCCLENDON: Senator Smitherman, thank you for your participation and your comments. As always, a pleasure. Call a question. Roll call vote. There's no more discussion and let me see, Senator Singleton, do you have a question before we call roll? Call roll, please.

FEMALE 1: Senator Allen?

SENATOR ALLEN: Aye.

FEMALE 1: Senator Holly?

SENATOR HOLLY: [INDISCERNIBLE 01:27:59].

FEMALE 1: Senator Livingston?

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SENATOR LIVINGSTON: Aye.

FEMALE 1: Senator McCLENDON?

SENATOR MCLENDON: Aye.

FEMALE 1: Senator MELSON?

SENATOR MELSON: Aye.

FEMALE 1: Senator ORR?

SENATOR ORR: Aye.

FEMALE 1: Senator ROBERTS?

SENATOR ROBERTS: Aye.

FEMALE 1: Senator SCOFIELD?

SENATOR SCOFIELD: Aye.

FEMALE 1: Senator SINGLETON?

SENATOR SINGLETON: No.

FEMALE 1: Senator SMITHERMAN?

SENATOR SMITHERMAN: No.

FEMALE 1: Senator WILLIAMS?

SENATOR WILLIAMS: [INDISCERNIBLE 01:28:20].

FEMALE 1: Representative BOYTE?

REPRESENTATIVE BOYTE: No.

FEMALE 1: Representative CLOUSE?

REPRESENTATIVE CLOUSE: Aye.

FEMALE 1: Representative ELLIS?

REPRESENTATIVE ELLIS: Aye.

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FEMALE 1: Representative England?

REPRESENTATIVE ENGLAND: No.

FEMALE 1: Representative Greer?

REPRESENTATIVE GREER: Aye.

FEMALE 1: Representative Hall?

REPRESENTATIVE HALL: No.

FEMALE 1: Representative Jones?

REPRESENTATIVE JONES: No.

FEMALE 1: Representative Lovvorn?

REPRESENTATIVE I: Aye.

FEMALE 1: Representative Pringle?

REPRESENTATIVE CHRIS PRINGLE: Aye.

FEMALE 1: Representative South?

REPRESENTATIVE SOUTH: Aye.

FEMALE 1: Representative Woollett?

REPRESENTATIVE WOOLETT: Aye.

FEMALE 1: 16 yes, 6 no. It's passed.

SENATOR MCCLENDON: BOE, bill to favorable report by this committee. We are now moving into the Senate bill. I'm going to take that bill. All senators were met with multiple times. Most of them wanted to. Sometimes we met on the phone, sometimes in person, sometime over Microsoft Team when there was a group. Senator Don, who is not running for re-election. We met with her representative speaking on her behalf. All senators had input into the plan. This plan follows our guidelines, compliance with Section 2. Minimal population deviation. Ideal pop is 143,551. All of the districts that are on this map that you have in your folder and which will get displayed are within plus or minus 5%.

[01:30:00]

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We respect County Lowndes to the extent possible, given the requirement of equal population. We are not requiring any incumbents to run against each other; districts are continuous and they're not reasonably compact. We try to respect calamities of interest and we preserve the cores of the existing district. The existing plan, the one we're under right now splits 26 counties under the plan that is being proposed that you have on the Board now. We are split 19 counties. This plan contains eight majority black districts. These districts fulfill the state's obligation under the Voting Rights Act. I have a Motion for a favorable report and a second Senator Melson, are there any -- Senator Smitherman, it's about time you chimed in. Got involved in this.

SENATOR SMITHERMAN: This is one that goes even deeper than that what I've been talking about. I got serious concerns about the fact -- let me say this first.

MR. CHAIRMAN: Yes sir.

SENATOR SMITHERMAN: I'm going to make a personal comment; and then I'm going to get into this. I enjoy very much working with my delegation, let me make sure you understand that. We've done a lot of good things together; so by no means that I have any problem with any individual in my district, I mean, in my delegation. But let me say this to you, there's no reason under the earth why Jefferson County is split among seven senators. We have a population of 670,000 people. When you do the math, just divide it into that, that's 4.7 senators. That's what we should have in terms of our county. Whole county, keeping the county whole. Number one, let me say this; and I think -- that's why I wish the lawyer was here because he wouldn't have a choice but to say you were right. The Constitution in Section 199 and Section 200 states and I state that the counties are to be maintained to be kept whole in terms of drawing these districts. The only deviation that it talks about is simply this; is that where you have to provide a minority district; then you go outside of the counties to succeed to do that. In Jefferson County, that does not apply. All three minority districts are inside of the county. So, as a result of that, there is no reason that that county should have those splits, based on the constitution, not based on an opinion or how I feel. I've mentioned that when I was in here, I mentioned that my concern, when I was asked the question that you satisfied, not the word satisfied, but that's with the district, and my comment is that I was concerned about whole counties, and I say that even if the Supreme Court ruled that way that I had to have this district then I will live with it, that's what my comment so I don't want to be misconstrued or what I say it in there. I'm saying it officially here. But in terms of Jefferson County, there's no reason why we should be split seven ways and I mentioned that to it made that known, no effort was made to deal with that issue. No effort was made to deal with that issue based on the constitution. So, I want to make that known that I put it out there, nothing was done about it, so, that is my concern. If you remember, that last time that we went to the Supreme Court, they took up the house issue and they addressed it in the house and said that the house should be a certain way because of dealing with this issue. Now, we're looking at the senate district that the committee has made no changes whatsoever and as a result of that, as I said, we have seven senators who represent one county. So, I'm asking the committee to go back to address section 199 and section 200 of the constitution that talks about whole counties and has laid out the proper legal basis of why we should do that especially as it relates to Jefferson County where all three minority districts encompass inside of the county.

[01:35:00]

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MR. CHAIRMAN: Okay, anyone else? Seeing no other discussion, I call for the roll call vote. Representative England, I missed you over there, hold that roll call vote. Representative England, you are recognized sir.

REPRESENTATIVE ENGLAND: I'm just trying to figure out almost the same lines that Senator Smitherman identified that's Lucy County for whatever reason has three senators and it is carved up. It's going to be 200,000 people total and it has three senators that come from -- don't really represent the same sort of communities of interest and Senator Singleton is my friend. He is my senator, but his district goes from Tuscaloosa County all the way down to Choctaw. Senator Reed who is also a friend, his district goes from Tuscaloosa County all the way to the northern tip of Walker all the way to Lamar. These are not communities of interest. The City of Tuscaloosa proper only has average three-member senate delegation; only one of the senators live actually inside of Tuscaloosa County. So, the people in Tuscaloosa County, there are people who have more influence or just as much influence of his own city in county business that live outside the county as members that who do. Now, we're not talking about the house delegation yet, but the house delegation is worse. So, I am just as many other senators and representatives, where you have a major city, it is often sacrificed in order to make up population for other districts. As a result, it sacrifices the amount of representation that we have. So, I just want to go on record once again to state that Tuscaloosa County is possible to draw a map without splitting it into three different districts, thank you.

MR. CHAIRMAN: Thank you Representative England for your remarks. Senator Smitherman, back to you.

SENATOR SMITHERMAN: At the proper time, I have a substitute motion.

MR. CHAIRMAN: Let's see, anyone else have anything else to say? Yes, sir, Mr. [PH 01:37:24] Myer. Did you want to get in on this?

MR. MYER: I'm just concerned about, I guess the Senate District 33 is now in Baldwin County but it's traditionally all in Mobile County and then some of the Baldwin County senators are now in Mobile County; I didn't quite understand that. The Baldwin County is the largest grove county around the state. How did we get a senator from Baldwin County in Mobile and then the senators from Mobile in Baldwin? Who are they coming to cross path like that?

MR. CHAIRMAN: Is that a question?

MR. MYER: Yes, it is.

MR. CHAIRMAN: You know, the answer is pretty easy, isn't it? Just like in the house districts, we had to sit down and work with each of the incumbents to resolve their issues and that appears to be the resolution. Senator Smitherman, are you back?

SENATOR SMITHERMAN: Yes sir, I'm back.

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MR. CHAIRMAN: Yes sir, I recognize you. You're okay?

MALE 1: No, I'm not okay but -- Senator Smitherman.

MR. CHAIRMAN: Yes sir, Senator Smitherman, you're recognized.

SENATOR SMITHERMAN: Thank you, Mr. Chairman. I like to make a substitute motion that we carry over this plan and the motion ask the committee to go back and to look at making the basis for drawing this plan to perseveration of this provision of the constitution which is Section 199, 200 deals with whole counties and that in particular, the counties who have an excess amount of representation as it relates to the population in reference I'm talking to primarily Jefferson County, but all other counties that we would not go forward with this until that issue is addressed and corrected to reflect out of the 678 -- 70 something thousand people that the proper number of representation in the senate honoring whole counties would be five senators, 4.7 or 5 senators, thank you.

MR. CHAIRMAN: Thank you Senator Smitherman. Now, my commotion to table, I would ask that you all vote aye all in favor, say aye.

[01:40:00]

SENATOR SMITHERMAN: That's a rollcall, remember --

[OVERLAY]

MR. CHAIRMAN: Senator Smitherman, you're recognized.

SENATOR SMITHERMAN: A request was made for rollcall on all the votes from --

[OVERLAY]

MR. CHAIRMAN: Yes, sir, the chairman decided to make that a voice vote.

SENATOR SMITHERMAN: So you're not honoring her request for -- she made a formal request.

MR. CHAIRMAN: That's okay.

SENATOR SMITHERMAN: Okay, what's the rule does a committee regarding? I know on the floor what you had two or three hands up. Is there any rules that we can -- as a committee be recognize so that we can have a roll call vote?

MR. CHAIRMAN: That's a discretion of the chairman.

SENATOR SMITHERMAN: So they go back to what I say. Okay. All right, thank you.

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MR. CHAIRMAN: Senator Singleton, did you decide you want to join in?

SENATOR SINGLETON: Obviously not now.

SENATOR SMITHERMAN: You have time later, don't worry, you have time later. You have some time.

MR. CHAIRMAN: Do you want the floor Senator Singleton?

SENATOR SINGLETON: No sir.

MR. CHAIRMAN: Okay. Thank you. Let's roll call vote. Please call the room.

FEMALE 1: [PH 01:41:10] Barry Allen.

MALE 1: Let's make it a voice vote.

[BACKGROUND CONVERSATION]

FEMALE 1: Senator Allen.

SENATOR ALLEN: Aye.

FEMALE 1: Senator Holley.

SENATOR HOLLEY: Aye.

FEMALE 1: Senator Livingston.

SENATOR LIVINGSTON: Aye.

FEMALE: Senator McClendon.

SENATOR MCCLENDON: Aye.

FEMALE 1: Senator Melson.

SENATOR MELSON: Aye.

FEMALE 1: Senator Orr?

SENATOR ORR: Aye.

FEMALE 1: Senator Roberts?

SENATOR MELSON: Aye.

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FEMALE 1: Senator Scofield.

SENATOR SCOFIELD: Aye.

FEMALE 1: Senator Singleton.

SENATOR SINGLETON: No.

FEMALE 1: Senator Smitherman

SENATOR SMITHERMAN: No.

FEMALE 1: Senator Williams.

SENATOR WILLIAMS: Aye.

FEMALE 1: Representative Boyte.

REPRESENTATIVE BOYTE: No.

FEMALE 1: Representative [PH 01:41:45] Clouse.

REPRESENTATIVE CLOUSE: Aye

FEMALE 1: Representative Ellis.

REPRESENTATIVE ELLIS: Aye

FEMALE 1: Representative England.

REPRESENTATIVE ENGLAND: No.

FEMALE 1: Representative Greer.

REPRESENTATIVE GREER: Aye.

FEMALE 1: Representative Hall.

REPRESENTATIVE HALL: No.

FEMALE 1: Representative Jones.

REPRESENTATIVE JONES: No.

FEMALE 1: Representative Lovvorn.

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REPRESENTATIVE LOVVORN: Aye.

FEMALE 1: Representative Pringle.

REPRESENTATIVE CHRIS PRINGLE: Aye.

FEMALE 1: Representative South

REPRESENTATIVE SOUTH: Aye.

FEMALE 1: Representative Wood.

REPRESENTATIVE WOOD: Aye.

FEMALE 1: 16 yeses, 6 nos. It's passed.

MALE 1: Thank you, senator. Ladies and gentlemen, now we move to the House of Representatives plan. In developing this plan, house members were met with in person. And subsequently over the phone on Microsoft teams and told many of their concerns have been addressed. All representatives had input into this plan. The exceptions are a handful of members who are not running for re-election and who chose not to meet with us. This plan meets our committee guidelines. It complies of section two of the Voting Rights Act and the Equal Protection Clause for the Constitution. There is a minimal population deviation between the districts, ideal population for house district is 47,850. All districts are within plus or minus 5% of ideal population. It respects counties to the extent possible, given the requirements for population on the 14th Amendment of the Constitution. It is not required incumbents to run against each other however there are a few members who are not running who are in other districts. All districts are continuous and reasonably compact under the Gingles test. It respects communities of interest and preserves the course of existing districts. It splits a minimum number of counties in voting precincts, 39 counties for split and 57 voting precincts for split to get the deviation. This is improvement of the current law which split 46 counties. This plan contains 27 majority minority black districts including the creation of a new majority black district in Montgomery which is House District 74. In addition, House District 53 held by minority leader Daniels has a black voting population of 48.15% which he said he was comfortable having. Well that ladies and gentlemen, are there any questions?

MALE 2: Motion to adopt.

REPRESENTATIVE ENGLAND: I have a question.

MR. CHAIRMAN: Okay, Representative England.

REPRESENTATIVE ENGLAND: Its seems like the whole county constitutional requirement applies everywhere but Tuscaloosa County. Again, there are 200% people inside the Tuscaloosa County and as it stands, there are seven members in that delegation. Of the seven, only four live

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within the county. You mentioned in your discussions, you said we try to keep communities of interest together, representative Ralph Howards, district now draws all the way into Tuscaloosa - not only Tuscaloosa County but in the city limits. He goes into the west side of Tuscaloosa which is majority minority.

[01:45:08]

MR. CHAIRMAN: And he is very happy with that by the way because he told me how excited he was.

REPRESENTATIVE ENGLAND: I appreciate you offering editorial for me. Secondly, District 71 goes into downtown or to the west side of Tuscaloosa. It also encompasses Pickens, Sumter and Marengo counties. It also goes into the west of Tuscaloosa and it captures the other half of the black population on the west side of Tuscaloosa. I don't think that's by accident. As it stands, the City of Tuscaloosa also now has a seven-member delegation of which three do not live anywhere near the county. The minority majority area of the city is represented by representatives that live an hour and hour and a half away. It is carved up in the City of Tuscaloosa to the point where it is very difficult to say for us to suggest that people that live in the county that the people that live outside the county don't have as much influence on what we do as the people who live inside of the county, especially the city limits. You also mentioned that it [PH 01:46:35] complies with the Voting Rights Act. I would also like to request the same information that I have requested all day long. I would like the same results from the same studies that we're conducting and that there has not been a study done on my District, District 70, 71, 72 or any district within the city of Tuscaloosa, I would like to have the results of those studies but not only that, I would like to also know who conducted the study and I would like to see the results. As far as across the state, I get the whole concept of try to keep counties whole and whatnot. But it does not appear that that was a guiding principle whenever you got to areas that where districts were minority. It seems like you dove into cities just to capture the black population and to pack them into districts to re-establish a population but to make sure that their influence does not spread outside to potentially impact an election in what would be a traditionally white or republican district specifically, in Tuscaloosa. So as I said, I would love to see -- I'm requesting the same information I have requested about the congressional districts and also, if there's any districts out where there are racial polarization studies were done, I would also like to see those as well.

MR. CHAIRMAN: Thank you and duly noted, we will get back to you. [PH 01:48:06] Senator Smitherman.

SENATOR SMITHERMAN: Two questions, one statement one question. I would request the same thing for all senator districts, okay. That study that they are trying to get, I would like for all senator districts. So I wanted to say that, I'm not saying you would but don't make a judgment [INDISCERNIBLE 01:48:28]. As a member, I am entitled to and I would ask for that. If we don't have it, spend the money and why we [PH 01:48:36] appropriate it. So any savings of money, either is about getting the necessary stuff that we need to get. The other question I would ask because I kind of heard you. Un your statement you said, you went on like you spoke to in your statement but I would like to know how many districts have been combined to where you

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have now someone who is either waiting for a position that's open, that's obviously right now or who is -- or has been placed where two incumbents are now having to run against each other?

MR. CHAIRMAN: In the house plan, there is zero.

SENATOR SMITHERMAN: What about that [INDISCERNIBLE 01:49:20]?

MR. CHAIRMAN: No.

SENATOR SMITHERMAN: There is not?

MR. CHAIRMAN: No.

SENATOR SMITHERMAN: Okay. So he is not in the district with -- what's the other [PH 01:49:27] sister that's in Montgomery?

MR. CHAIRMAN: He passed away but the candidate -- there are no two candidates that I know off. I don't know if he is going to run but no.

SENATOR SMITHERMAN: Can she run? Ms. [PH 01:49:40] Morris and that's --

MR. CHAIRMAN: I don't know the name of anybody.

SENATOR SMITHERMAN: No, I was just saying Ms. Morris, that's [INDISCERNIBLE 01:49:49] putting Ms. Morris' district. Not understanding. Is that right? Am I wrong or right? Correct me if I'm wrong because I try to make statements that's right.

[01:50:00]

MALE 2: Yeah, couple of house district.

SENATOR SMITHERMAN: Right. So, you know, what are we going to do to correct that? And I'll stop when you said it, I want to make a comment. All I want to say is this and the records speak for itself and if Senator [INDISCERNIBLE 01:50:16] was in here, he would, I think vouch for that. We made sure that no districts when we were in the majority ever, to republicans or to democrats that they had to run against each other. That's traditionally what we've done in here. All the time that I've been had the blessings and opportunity to be on Reapportionment and that since 1994. So now why are we doing that? And why are we doing it in a minority district? I mean, we got 105 seats out there now, why are we picking these minority district? They have two of them run against each other.

MR. CHAIRMAN: Not that I'm aware of in Montgomery County. And I know when I ran in 94, I defeated -- two incumbents were put in the same district and I beat two of them. Not to get two incumbents.

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SENATOR SMITHERMAN: There was a 94 run. Remember I said I've been here since 1994, it hasn't happened. He will vouch how much I folded in my [INDISCERNIBLE 01:51:10] and make sure that wouldn't happen.

MR. CHAIRMAN: We did not place any incumbents together.

MALE 2: Mr. Chairman, why you may say you didn't have any incumbents together, but you did have a candidate that was out there running in 76. That are currently running in 76. You have candidates that are currently running and 76 who would now not be in 76 because if they wanted them, they would not represent 76.

MR. CHAIRMAN: I don't believe that's the best the case anymore.

MALE 2: That is the case.

MR. CHAIRMAN: I don't believe it is anymore.

MALE 2: Explain the new district 74 if Represented [INDISCERNIBLE 01:51:50] was living today.

MR. CHAIRMAN: He would be in another district but--

MALE 2: It will be in another district, so he wouldn't be in 76.

MR. CHAIRMAN: Yeah but the person running his district is in that district.

MALE 2: In what district in the new district?

MR. CHAIRMAN: [INDISCERNIBLE 01:52:01].

[BACKGROUND CONVERSATION]

MALE 2: No but now, they are tagged with another incumbent, who lives in that area now.

MR. CHAIRMAN: I'm aware of what you believe, but I promise you the plan has been changed.

MALE 2: The plan has been changed?

MALE 1: Can you show us a change?

MALE 2: Could you explain the changes?

[OVERLAY]

MALE 1: We can't see it. It doesn't clearly show here. Yeah, help me out with that.

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[BACKGROUND CONVERSATION]

MALE 1: 76 is the new 74 that's been fixed.

[BACKGROUND CONVERSATION]

MR. CHAIRMAN: While we're doing that, Mr. Clouse is there anything you would like to say? We are going to pull that.

MALE 2: Yeah, well you can be seen.

MR. CLOUSE: I just want to make a clarification on my friend Senator Smitherman. It might have been after 2000 census when the democrats were in the majority there were no republicans put together in the Senate.

SENATOR SMITHERMAN: That's what I'm talking about.

MR. CLOUSE: Right. But in the house, there were two districts, where two republican incumbents were put together.

SENATOR SMITHERMAN: Yeah well let me come down and I'll [PH 01:53:45] refer it.

MR. CLOUSE: Yeah okay.

SENATOR SMITHERMAN: Republican Senate did that they won. See, we'll be fair about this thing. That's what I'm talking about. They'll tell you, I'll hide them for them. There isn't anybody allowing for them right now, but us.

[BACKGROUND CONVERSATION]

SENATOR SMITHERMAN: Is that a new district now?

MR. CHAIRMAN: That's a new district.

SENATOR SMITHERMAN: That district?

MR. CHAIRMAN: That is.

SENATOR SMITHERMAN: That has been in the county though but that is?

MR. CHAIRMAN: That is. That's whole precincts. So are there any more questions? Now we have a motion? Move to have a final approval to this.

FEMALE 1: Question.

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MR. CHAIRMAN: Yeah, I have done that once. Call roll.

SENATOR SMITHERMAN: She had a question.

MR. CHAIRMAN: All right, let Ms. Hall ask her question.

REPRESENTATIVE HALL: I was just trying to follow up with what you were saying in terms of the counties. Are we clear and what you're saying in reference to the county that Singleton and Smitherman mentioned as it relates to the candidates, whether the candidate is alive or not does that --

[01:55:00]

MR. CHAIRMAN: Where is perfectly thought.

REPRESENTATIVE HALL: All right, and so the -- this is the last activity that we are doing, right?

MR. CHAIRMAN: Yes, ma'am.

REPRESENTATIVE HALL: I would also like to request precincts for each one of these proposals that you provided today. I'd like to have that.

MR. CHAIRMAN: I will be more than happy to give you all breakdowns with all this stuff.

REPRESENTATIVE HALL: And then as we look at the rules, it says a legislator shall try to minimize the number of counties in each district. It seems like we're being a bit confused here with what we've heard today. We use the word "shall," it says that you must follow, trial indicates that you might not. And so, would you tell me based on what we have today and what instant would you not minimize the number of counties or the process that you've used here today?

MR. CHAIRMAN: Ma'am we did our very best to respect voting precincts and county lines and keep as many counties hold as possible but the overriding principle of reapportionment is one man one vote. When we went by whole counties in the State of Alabama -- in 1947 the United Supreme Court said the redistricting was a judicial ticket in which the court should not weighed and declared it non-despicable. Until the State of Alabama came and rentals [PH 01:56:37] via sims and our whole our whole county plan where they ruled that it was so egregious that denied people their constitutional right to fair representation. And that's the lawsuit just started all redistricting and the Fourteenth Amendment requires one man one vote and we respect county lines as much as we could but the overriding principle is to draw districts that each person in this room represents the [PH 01:56:59] apportionment the same number of people as every other person.

REPRESENTATIVE HALL: So it still appears that we've still dividing counties and it's just -
- and so you're saying that process was necessary.

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MR. CHAIRMAN: We split counties and precincts solely for the purpose of population deviations.

MALE 3: Mr. Chairman?

REPRESENTATIVE HALL: But we did not do the population study on all of these counties?

MR. CHAIRMAN: No, well, we're going to do the voting studies on the ones we think are necessary, but you don't need a voting study on my district. It's just not needed.

REPRESENTATIVE HALL: But I'm saying if we're being fair, when you do a study, you study all you don't study what you think.

MR. CHAIRMAN: No reason.

REPRESENTATIVE HALL: So help me to understand what the standard is.

MR. CHAIRMAN: Why would you study racial polarized voting in my district?

REPRESENTATIVE HALL: I don't know.

MR. CHAIRMAN: I mean, you just --

REPRESENTATIVE HALL: Other than in fact you want a process --

[OVERLAY]

MR. CHAIRMAN: I mean the reason we do this to ensure we don't run up against a regression on law suit and violate section two of the Voting Rights Act.

REPRESENTATIVE HALL: I shouldn't have said I don't know. I would think you don't do it because you would --

MR. CHAIRMAN: We were doing everything we can to prevent a regression problem and violate section two of the Voting Rights Act. I mean we're trying to follow the law and we don't have a retrogression issue and violate section two.

REPRESENTATIVE HALL: So would you violate the law if you did all of this information --

[OVERLAY]

MR. CHAIRMAN: We asked for polarized voting analysis on districts that we were concerned about whether we whether intentionally or unintentionally diminish the ability of a protected class of minority citizens from electing or defeating the candidate of their choice. That's what

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we're looking at. We are making sure a protected class minor and compact and cohesive but minority class is able to elect to defeat the candidates of their choosing.

REPRESENTATIVE HALL: And I want to make sure that the record is clear. I'm not asking you to violate the law but I would ask you to be consistent and fair and across the board in the process.

MR. CHAIRMAN: We have met with every member trying to make him happy. Yes, senator?

SENATOR SMITHERMAN: I would just add that you quoted [INDISCERNIBLE 01:59:12] but if you go further it addresses what I see it. You did say what you said but you see what I see it after they said all that bizarre stuff they said however, counties should be made whole where there's possibility except one of the criteria was when you were trying to create a minority district. Unless you're getting ready to give up four in Jefferson County instead of three then we got out inside the county and that does not apply.

MR. CHAIRMAN: I'm a humble contractor and you're a scholared attorney. Well, that we had a question before us, I believe we have a roll call vote, clerk call the roll.

FEMALE 1: Senator Allen

SENATOR ALLEN: Aye.

FEMALE: Senator Holley.

SENATOR HOLLEY: Aye.

FEMALE: Senator Livingston

SENATOR LEVISTON: Aye.

[02:00:00]



I, Anders Nelson, hereby certify that the document “Reapportionment committee 10.26.21” is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders
Nelson

Anders Nelson
Project Manager

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December 14, 2021