

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVAN MILLIGAN, et al.,

Plaintiffs,

vs.

JOHN H. MERRILL, et al.,

Defendants.

No. 2:21-cv-01530-AMM

DECLARATION OF BENARD SIMELTON

I, Benard Simelton, declare as follows based on my personal knowledge:

1. My name is Benard Simelton and I am the President of the Alabama State Conference of the NAACP (“Alabama NAACP”). The Alabama NAACP is a Plaintiff in this matter.

2. The Alabama NAACP is a non-profit and non-partisan organization and a state conference of the National Association for the Advancement of Colored People. The Alabama NAACP was founded in 1913 and is the oldest civil rights organizations in the State. The Alabama NAACP works to ensure the political, educational, social, and economic equality of African Americans, other minorities, and all residents of Alabama. We are committed to the removal of all discriminatory barriers to the democratic process, and the full enforcement of federal laws securing the right to vote.

3. The Alabama NAACP fulfills its mission by seeking to increase voter registration and voter turnout, engaging in voter registration and “get-out-the-vote” drives, and publicly advocating to address the adverse effects of racial discrimination in voting and to seek its elimination.

4. I have served as the President of the Alabama NAACP since October 2009. During my time as President, I have overseen the Alabama NAACP's voter registration, voter education and voter mobilization efforts.

5. As a non-profit organization, the Alabama NAACP raises money from private donors and membership fees. The Alabama NAACP has two paid staff member but relies primarily on the assistance of volunteers, such as myself, to meet its goals. As a result, the Alabama NAACP's monetary, personnel and time resources are very limited.

6. The Alabama NAACP has thousands of members in Jefferson County, the Black Belt and other counties across the state. Most of the members of the Alabama NAACP are Black registered voters. The Alabama NAACP's members include registered voters who reside and vote in CDs 1, 2, 3, and 7. Robert Clopton is a Black registered voter and President of the Mobile County NAACP Branch, currently located in CD 1. Bobby Mays is a Black registered voter and President of the NAACP Elmore County Branch #5026, currently located in CD 2. Alozo Bullie is a Black registered voter and President of the Macon County Branch NAACP, currently located in CD 3. Lisa Young is a Black registered voter and President of the Tuscaloosa County NAACP Branch, currently located in CD7.

7. Members of the Alabama NAACP include Black registered voters who I understand would reside in the illustrative second majority-Black district presented by Plaintiffs in this case.

8. The Alabama NAACP proposed a map in October that would provide for two majority-minority districts prior to the state legislature's special session to take up the redistricting issue.

9. The state's redistricting process was rushed and did not allow for adequate input from the Black community. Members of the NAACP attended reapportionment hearings and

reported that Black state representatives did not have much time to present their support for the NAACP's map. It was as if the Committee members minds were made up before public discussion took place. The plan proposing a second Black congressional district was rejected without much debate or attempt to understand the justification for it. It seemed as though acknowledging the NAACP's plan and listening to the opposition against HB-1 was a formality, but not seriously considered.

10. In the state's proposed maps, Black voters are packed into CD 7 where they are overrepresented. With two districts, economic and political interests would be better represented. Black voters need to have more than one representative from the state of Alabama to represent their interests in our US Congress.

11. The Black Belt is a community of interest that should be kept together as much as possible in redistricting. The Black Belt is a collection of majority-Black counties that runs through the middle of Alabama. The Black voters in the Black Belt share a rural geography, concentrated poverty, unequal access to government services, and lack of adequate healthcare.

12. Medicaid expansion is an economic interest that connects Black voters in the Black Belt and elsewhere in Alabama. It is estimated that there are over 300,000 total population in Alabama who do not have health care because Medicaid has not been expanded. Those who do not have affordable healthcare, are disproportionately African-American. Currently, Terri Sewell is the only Congressional representative advocating for Medicaid expansion.

13. Criminal justice reform is another issue that ties Black voters together. African-Americans are incarcerated more than any other race, based on percentage, and receive harsher sentences. With additional representation in Congress, Black voters in Alabama could exert more political pressure on the federal and state governments to develop a fairer criminal justice

system. Currently, Representative Sewell is the only representative from the state that understands there is a problem.

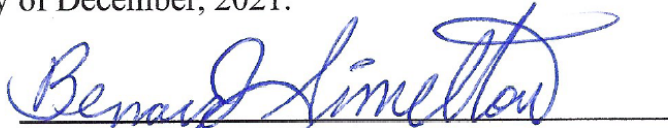
14. Currently, Representative Sewell is the only one representative from the state giving voice to the issue that the Black Belt and the other Black communities in Alabama need more economic opportunity and funding.

15. Moreover, Black Alabamians continue to face higher rates of infection and death from COVID-19 due to disparities in access to healthcare and other forms of structural inequality.

16. None of the representatives, besides Representative Sewell, voted for the John Lewis Advancement Act of 2021 that would improve voting opportunities for African-Americans and other minorities.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Sworn to this 14th day of December, 2021.


Benard Simelton

