

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 NO. 2:21-CV-01530-AMM</p> <p>6</p> <p>7 EVAN MILLIGAN, et al.,</p> <p>8 Plaintiffs,</p> <p>9 vs.</p> <p>10 WES ALLEN, et al.,</p> <p>11 Defendants.</p> <p>12</p> <p>13</p> <p>14 VIDEOTAPED REMOTE DEPOSITION OF:</p> <p>15 RANDY HINAMAN</p> <p>16 August 9, 2023</p> <p>17 9:08 A.M.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 REPORTED BY:</p> <p>22 Cindy C. Jenkins, CCR</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 S T I P U L A T I O N S</p> <p>2 (continued)</p> <p>3</p> <p>4 IT IS FURTHER STIPULATED AND AGREED</p> <p>5 that it shall not be necessary for any</p> <p>6 objections except as to form or leading</p> <p>7 questions, and that counsel for the parties</p> <p>8 may make objections and assign grounds at the</p> <p>9 time of the trial, or at the time said</p> <p>10 deposition is offered in evidence or prior</p> <p>11 thereto.</p> <p>12</p> <p>13 IT IS FURTHER STIPULATED AND AGREED</p> <p>14 that the notice of filing of the deposition by</p> <p>15 the Commissioner is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N S</p> <p>2</p> <p>3 IT IS STIPULATED AND AGREED by and</p> <p>4 between the parties through their respective</p> <p>5 counsel, that the deposition of Randy Hinaman</p> <p>6 may be taken before Cindy C. Jenkins,</p> <p>7 Commissioner, via Zoom Video Conference, on</p> <p>8 the 9th day of August, 2023.</p> <p>9</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the signature to and the reading of the</p> <p>12 deposition by the witness is waived, the</p> <p>13 deposition to have the same force and effect</p> <p>14 as if full compliance had been had with all</p> <p>15 laws and rules of Court relating to the taking</p> <p>16 of depositions.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE MILLIGAN</p> <p>4 PLAINTIFFS:</p> <p>5 HOGAN LOVELLS US LLP</p> <p>6 Mr. Blayne R. Thompson</p> <p>7 609 Main Street</p> <p>8 Suite 4200</p> <p>9 Houston, Texas 77002</p> <p>10 blayne.thompson@hoganlovells.com</p> <p>11 NAACP LEGAL DEFENSE & EDUCATIONAL FUND</p> <p>12 Mr. Deuel Ross</p> <p>13 Mr. Tanner Lockhead</p> <p>14 700 14th Street, Northwest</p> <p>15 Suite 600</p> <p>16 Washington, DC 20005</p> <p>17 dross@naacpldf.org</p> <p>18 NAACP LEGAL DEFENSE</p> <p>19 & EDUCATIONAL FUND, INC.</p> <p>20 Ms. Brittany Carter</p> <p>21 40 Rector Street, 5th Floor</p> <p>22 New York, New York 10006</p> <p>23 212-965-2200</p> <p>24</p> <p>25 AMERICAN CIVIL LIBERTIES UNION FOUNDATION</p> <p>Mr. Davin M. Rosborough</p> <p>125 Broad Street</p> <p>New York, New York 10004</p> <p>drosborough@aclu.org</p> <p>NAACP</p> <p>Mr. Anthony Ashton</p> <p>4805 Mount Hope Drive</p> <p>Baltimore, Maryland 21215</p> <p>aashton@naacpnet.org</p> <p>APPEARING ON BEHALF OF THE CASTER PLAINTIFFS:</p> <p>ELIAS LAW GROUP LLP</p> <p>Ms. Jyoti Jasrasaria</p> <p>250 Massachusetts Avenue, Northwest</p> <p>Suite 400</p> <p>Washington, D.C. 20001</p> <p>jjasrasaria@elias.law</p> <p>24</p> <p>25</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

Page 5	Page 7
<p>1 APPEARANCES (continued)</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE COCHAIRS; RANDY HINAMAN, STEVE LIVINGSTON, and CHRIS PRINGLE:</p> <p>4 BALCH & BINGHAM Mr. Dorman Walker 5 105 Tallapoosa Street Suite 200 6 Montgomery, Alabama 36104 dwalker@balch.com</p> <p>7</p> <p>8 APPEARING ON BEHALF OF THE SECRETARY OF STATE, WES ALLEN:</p> <p>9 OFFICE OF THE ATTORNEY GENERAL Mr. Jim Davis Assistant Attorney General 10 501 Washington Avenue Montgomery, Alabama 36130 jim.davis@alabamaag.gov</p> <p>11</p> <p>12</p> <p>13 VIDEOGRAPHER: 14 Mr. Bailey Diaz</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Ms. Joelle Miller 18 Ms. Donna Loftin 19 Mr. Chris Pringle</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS</p> <p>2 AUGUST 9, 2023 9:08 A.M.</p> <p>3 THE VIDEOGRAPHER: Good morning.</p> <p>4 We're now on the record. The time is now</p> <p>5 9:08 a.m. on Wednesday, August 8, 2023. This</p> <p>6 begins the videotaped deposition of -- I</p> <p>7 apologize -- August 9th, 2023. This begins</p> <p>8 the videotaped deposition of Randy Hinaman</p> <p>9 taken in the matter of Evan Milligan, et al.,</p> <p>10 vs. Wes Allen, et al., the case number of</p> <p>11 which is 2:21-CV-0153-AMM.</p> <p>12 The videographer today is Bailey</p> <p>13 Diaz. Our court reporter is Cindy Jenkins,</p> <p>14 both representing Esquire Deposition</p> <p>15 Solutions.</p> <p>16 Counsel, would you please announce</p> <p>17 your name for the record and whom you</p> <p>18 represent, after which the court reporter will</p> <p>19 swear in the witness.</p> <p>20 MR. THOMPSON: This is Blayne</p> <p>21 Thompson from Hogan Lovells on behalf of the</p> <p>22 Milligan plaintiffs.</p> <p>23 MR. ROSS: Deuel Ross also on</p> <p>24 behalf of the Milligan plaintiffs.</p> <p>25 MR. ROSBOROUGH: Davin Rosborough</p>
Page 6	Page 8
<p>1 INDEX</p> <p>2 WITNESS PAGE</p> <p>3 RANDY HINAMAN</p> <p>4 Examination by Mr. Thompson 9</p> <p>5 Examination by Ms. Jasrasaria 96</p> <p>6</p> <p>7 INDEX OF EXHIBITS</p> <p>8 NUMBER PAGE</p> <p>9 Exhibit 1 23</p> <p>10 Exhibit 2 26</p> <p>11 Exhibit 3 34</p> <p>12 Exhibit 4 38</p> <p>13 Exhibit 5 61</p> <p>14 Exhibit 6 62</p> <p>15 Exhibit 7 76</p> <p>16 Exhibit 8 84</p> <p>17 Exhibit 9 86</p> <p>18 Exhibit 10 88</p> <p>19 Exhibit 11 91</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 on behalf of the Milligan plaintiffs.</p> <p>2 MR. LOCKHEAD: Tanner Lockhead</p> <p>3 also on behalf of the Milligan plaintiffs.</p> <p>4 MS. CARTER: Brittany Carter also</p> <p>5 on behalf of the Milligan plaintiffs.</p> <p>6 MR. WALKER: Dorman Walker on</p> <p>7 behalf on behalf of the Reapportionment</p> <p>8 Committee Chairs. I'm in the room with</p> <p>9 Mr. Hinaman. Also in the room with us is</p> <p>10 Senator Livingston. And there's nobody else</p> <p>11 in the room.</p> <p>12 MS. JASRASARIA: Hi. This is</p> <p>13 Jyoti Jasrasaria from Elias Law Group, and I'm</p> <p>14 here on behalf of the Caster plaintiffs.</p> <p>15 MR. DAVIS: Jim Davis with the</p> <p>16 Alabama -- excuse me, the Alabama Attorney</p> <p>17 General's Office representing the Alabama</p> <p>18 Secretary of State, Wes Allen.</p> <p>19 MR. ASHTON: Anthony Ashton with</p> <p>20 the NAACP representing, Milligan plaintiffs.</p> <p>21 MR. THOMPSON: I also just want to</p> <p>22 note for the record Joelle Miller is an intern</p> <p>23 with my office. Anyone else?</p> <p>24 COURT REPORTER: I see a Donna</p> <p>25 Loftin. I don't know what we identified her.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 9</p> <p>1 MR. WALKER: Donna Loftin is the 2 head of the Reapportionment Office. 3 MR. ROSS: Dorman, what's her role 4 in participating? Is she a client? Is she a 5 witness? 6 MR. WALKER: No, she's just 7 listening. 8 RANDY HINAMAN, 9 being first duly sworn, was examined and 10 testified as follows: 11 EXAMINATION BY MR. THOMPSON: 12 Q. Good morning, sir. 13 A. Good morning. 14 Q. Can you please state your full 15 name for the record? 16 A. Yes. Randy Hinaman. 17 Q. And Mr. Hinaman, you understand 18 that you're testifying under oath right now? 19 A. I do. 20 Q. Is there anything that might 21 prevent you from understanding my questions or 22 answering truthfully today? 23 A. No. 24 Q. Are you being represented by a 25 lawyer today?</p>	<p style="text-align: right;">Page 11</p> <p>1 today? 2 A. Correct. 3 Q. A quick refresher of a few ground 4 rules. I'll be asking questions. If you 5 don't understand any question, please let me 6 know. If you do answer my question, I will 7 assume that you understood it; is that fair? 8 A. Yes, sir. 9 Q. Also, as you know, we have 10 Ms. Jenkins here who is a court reporter. 11 Just like when we were in person, she's going 12 to be typing everything that you and I are 13 saying. So it's really important that only 14 one person speaks at a time. So if you can 15 allow me to finish my questions and sentences 16 before you answer, and I'll do my best to do 17 the same thing for your answers; is that fair? 18 A. Yes, sir. 19 Q. All right. Without disclosing the 20 content of any discussions with Mr. Walker, 21 what did you do to prepare for your deposition 22 today? 23 A. I met with Mr. Walker to talk 24 about it and briefly reviewed the community 25 of interest map.</p>
<p style="text-align: right;">Page 10</p> <p>1 A. Dorman Walker. 2 Q. Mr. Walker is the same lawyer who 3 represents the plaintiffs in this lawsuit; 4 correct? 5 A. Correct. 6 MR. WALKER: Not the plaintiffs, 7 Blayne. 8 MR. THOMPSON: Excuse me. Excuse 9 me. Yes, the Defendants. 10 Q. Are you paying Mr. Walker to be 11 your lawyer today? 12 A. I am not. 13 Q. Do you assume that plaintiffs or 14 the State of Alabama is paying Mr. Walker to 15 be your lawyering today? 16 A. I do. 17 Q. Now, you were deposed by me in 18 December of 2021. Do you recall that? 19 A. I do. 20 Q. So a quick refresher of the ground 21 rules for today. And before I do that, I may 22 have misspoke. Obviously the Defendants is 23 what I meant when I said when I said that. Do 24 you assume that the defendants or the State of 25 Alabama is paying Mr. Walker to be your lawyer</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And when did you meet with 2 Mr. Walker to prepare? 3 A. Yesterday afternoon. 4 Q. Was that the only time? 5 A. Yes. 6 Q. About how long did you guys meet? 7 A. An hour and a half. 8 Q. Did you meet with anyone who was 9 not an attorney? 10 A. No. 11 Q. Did you review any documents 12 preparing for the deposition today? 13 A. I did look at the community of 14 interest map, but that was it. 15 Q. Did you do anything else to 16 prepare for your deposition today? 17 A. No, sir. 18 Q. Are you being compensated by 19 anyone for being here today? 20 A. Yes. 21 Q. By whom? 22 A. The reapportionment committee. 23 Q. And how much are you being 24 compensated? 25 A. \$400 an hour.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 13</p> <p>1 Q. Is your compensation contingent on 2 the content of your testimony in any way? 3 A. No. 4 Q. All right. Mr. Hinaman, you 5 drafted the prior enacted 2021 congressional 6 map for Alabama; correct? 7 A. Yes, sir. 8 Q. Since your prior deposition in 9 December 2021, have you been involved in any 10 further redistricting work for the State of 11 Alabama? 12 A. I'm having trouble remembering 13 the exact timing of 2021. But we did 14 legislative maps at some point in 2021. I 15 can't remember which ones went first to be 16 honest with you. 17 Q. And you're referring to the state 18 legislative maps? 19 A. Yes, I drafted -- I worked on 20 drafting those state senate and state house 21 maps. 22 Q. Outside of drafting the state 23 legislative maps for Alabama, have you been 24 involved in any further redistricting work for 25 the State of Alabama since December of 2021?</p>	<p style="text-align: right;">Page 15</p> <p>1 making up that number honestly. 2 Q. Did you save any of those drafts 3 or any of those other maps? 4 A. I -- I specifically didn't. But 5 they -- they were all drawn on the state's 6 computer. So some of them are -- I assume 7 are still there. 8 Q. Did you print out any copies of 9 those? 10 A. No. 11 Q. Do you have any notes that you 12 took or used while drafting any of those maps? 13 A. No. 14 Q. Outside of drawing these maps, 15 which included the community of interest plan, 16 did you have any other role in the 17 redistricting efforts since December 2021 for 18 Alabama? 19 A. No. 20 Q. Okay. Well, then focusing on your 21 role with drafting the maps for the State of 22 Alabama, when were you first contacted about 23 doing that work? 24 A. Shortly after the Supreme Court 25 ruled. I think that was on June 8th and was</p>
<p style="text-align: right;">Page 14</p> <p>1 A. None other than this lawsuit. 2 Q. And what involvement did you have 3 with respect to this lawsuit? 4 A. Well, obviously we had a special 5 session where we worked on it where the 6 legislature passed another map. 7 Q. And what was your involvement with 8 that? 9 A. I worked with the chairs, the 10 house chair and senate chair of the 11 reapportionment committee to draft an initial 12 map that they sponsored. 13 Q. How many maps did you draft? 14 A. I worked on a number of them, 15 but -- but the only one that was sponsored 16 was community of interest. 17 Q. Do you have an estimate about how 18 many maps you drafted? 19 A. Not really. I mean, a number of 20 them would be -- you know, you would change 21 one county. So you would have, you know, map 22 6A, and then you would have map 6B and map 23 6C, all of this just changing a county. So, 24 you know, all in told maybe with those 25 alliterations, maybe, you know, 20. I'm</p>	<p style="text-align: right;">Page 16</p> <p>1 contacted shortly thereafter. 2 Q. Were there any discussions with 3 you prior to the Supreme Court's ruling about 4 drawing any maps? 5 A. No. 6 Q. Were you formally retained to do 7 the map drawing? 8 A. Well, how is that -- 9 MR. WALKER: Objection to form. 10 I'm not sure what "formally retained" means. 11 Q. (By Mr. Thompson) Did you sign any 12 sort of contract regarding your role for 13 drawing maps for the State of Alabama? 14 A. I did not. 15 Q. Okay. Did you enter into any sort 16 of formal agreement with anyone about your 17 role with drafting the maps? 18 MR. WALKER: Same objection. 19 THE WITNESS: I had a discussion 20 with Dorman Walker, but I don't know what a 21 formal -- I don't have a written formal 22 agreement, if that's what you're asking. 23 Q. (By Mr. Thompson) Who was it that 24 first contacted you about your work after the 25 Supreme Court ruling?</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 17</p> <p>1 A. Dorman Walker.</p> <p>2 Q. Anyone else?</p> <p>3 A. I think shortly thereafter, I</p> <p>4 talked to the -- to the reapportionment</p> <p>5 chairs, Senator Livingston and Representative</p> <p>6 Pringle.</p> <p>7 Q. Do you have an estimate about when</p> <p>8 that conversation would have taken place with</p> <p>9 Senator Livingston and Representative Pringle?</p> <p>10 A. Within a week of the Supreme</p> <p>11 Court ruling probably, but I don't have an</p> <p>12 exact date.</p> <p>13 Q. And at the time that you spoke</p> <p>14 with Mr. Walker after the Supreme Court</p> <p>15 ruling, did you understand him to be your</p> <p>16 lawyer at that time?</p> <p>17 A. I understood him to be the</p> <p>18 lawyer for the reapportionment committee.</p> <p>19 MR. THOMPSON: Mr. Walker, will</p> <p>20 you be asserting privilege over any</p> <p>21 discussions that you had with Mr. Hinaman?</p> <p>22 MR. WALKER: Yes.</p> <p>23 Q. (By Mr. Thompson) Then I'll note</p> <p>24 for the record that I will not be asking any</p> <p>25 further questions about the content of your</p>	<p style="text-align: right;">Page 19</p> <p>1 Pringle, you said that was what you recall</p> <p>2 from the initial discussion. You had further</p> <p>3 discussions with them after that?</p> <p>4 A. Yes. Once the legislature --</p> <p>5 the governor called a special session, and we</p> <p>6 had the timing of when the special session</p> <p>7 would be. Then we had follow-up discussions.</p> <p>8 And I was asked to draw some -- a number of</p> <p>9 maps for them to look at.</p> <p>10 Q. What specifically were you asked</p> <p>11 to draw?</p> <p>12 A. I was asked to draw a new</p> <p>13 congressional map that took the Court's</p> <p>14 ruling into account and followed the</p> <p>15 guidelines of the reapportionment committee.</p> <p>16 COURT REPORTER: Mr. Thompson, I</p> <p>17 think we lost our videographer.</p> <p>18 MR. THOMPSON: We'll pause for a</p> <p>19 minute. We can go off the record for just a</p> <p>20 second, Ms. Jenkins.</p> <p>21 (A short discussion was held.)</p> <p>22 Q. (By Mr. Thompson) Mr. Hinaman,</p> <p>23 before we paused there, you were discussing</p> <p>24 your role. Just to regroup, can you explain</p> <p>25 to me what you understood your role to be with</p>
<p style="text-align: right;">Page 18</p> <p>1 discussions with Mr. Walker given that he has</p> <p>2 represented that he will be asserting</p> <p>3 privilege over those.</p> <p>4 Can you tell me about your</p> <p>5 discussions with Senator Livingston and</p> <p>6 Representative Pringle?</p> <p>7 A. Well, I think my initial</p> <p>8 discussion is they were just saying that</p> <p>9 obviously subsequent to the Supreme Court</p> <p>10 ruling that we would have a -- at some</p> <p>11 point -- I don't know that we knew the timing</p> <p>12 quite yet -- would have a special session and</p> <p>13 would be looking at drawing a new</p> <p>14 congressional map.</p> <p>15 Q. Do you recall anything else from</p> <p>16 that discussion?</p> <p>17 A. That was the initial discussion.</p> <p>18 Obviously, subsequent to that, we had</p> <p>19 numerous discussions. But...</p> <p>20 MR. THOMPSON: And setting this</p> <p>21 aside, just for the record, regarding the</p> <p>22 assertion of privilege, obviously plaintiffs</p> <p>23 reserve the right to challenge that privilege.</p> <p>24 Q. But sticking with the discussions</p> <p>25 with Senator Livingston and Representative</p>	<p style="text-align: right;">Page 20</p> <p>1 respect to the redistricting process?</p> <p>2 A. My role was to draw a number</p> <p>3 of -- a number of maps for the chairs of the</p> <p>4 reapportionment committee to look at in terms</p> <p>5 of providing a new congressional map for the</p> <p>6 State of Alabama.</p> <p>7 Q. Were you given any instructions</p> <p>8 about how to draw those maps?</p> <p>9 A. Yeah. In a general sense, to</p> <p>10 address the Court's concerns of our previous</p> <p>11 map and to obviously follow the guidelines of</p> <p>12 the reapportionment committee as well.</p> <p>13 Q. You mentioned to address the</p> <p>14 Court's concerns. What was your understanding</p> <p>15 about the Court's concerns with the prior map?</p> <p>16 A. Well, I had obviously legal</p> <p>17 advice from Mr. Walker and others on what --</p> <p>18 their interpretation of the Court. But my</p> <p>19 understanding of it was that our initial map</p> <p>20 was ruled to violate the -- well, was</p> <p>21 perceived to maybe be ruled to violate the</p> <p>22 Voting Rights Act and that we needed to draw</p> <p>23 two districts that would give African</p> <p>24 Americans an opportunity to elect a candidate</p> <p>25 of their choice.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 21</p> <p>1 Q. Did you understand that you were 2 developing a new map in response a Court 3 order? 4 A. Yes, sir. 5 Q. And beyond -- you mentioned that 6 it was your understanding of the Court's 7 concerns and the Court order. Beyond 8 discussions with Mr. Walker, was there any 9 other source of that understanding? 10 A. Eddie LaCour. 11 Q. And what did Mr. LaCour tell you? 12 MR. WALKER: Objection. Blayne, 13 Mr. LaCour is an attorney in the attorney 14 general's office. 15 Q. (By Mr. Thompson) Sir, is 16 Mr. LaCour your lawyer? Is that your 17 understanding, that he represents you? 18 MR. WALKER: We assert a joint 19 defense. He represents the Secretary of 20 State. 21 MR. THOMPSON: Okay. So Dorman, 22 are you going to be asserting privilege as to 23 any discussions from Mr. LaCour with 24 Mr. Hinaman? 25 MR. WALKER: Yes, Blayne, I will</p>	<p style="text-align: right;">Page 23</p> <p>1 A. No. 2 Q. Taking a step back, I just wanted 3 to make sure that the record is clear here. 4 And I mentioned that I would be sharing some 5 exhibits. So right now I'm going to show on 6 my screen what's being marked as Exhibit 1. 7 Can you see that map, Mr. Hinaman? 8 A. Yes, sir. 9 (Whereupon, Exhibit 1 was marked 10 for identification.) 11 Q. (By Mr. Thompson) You see this map 12 is labeled at the top community of interest 13 plan; correct? 14 A. Yes, sir. 15 Q. Did you draw this map? 16 A. I did. 17 Q. Okay. And this is the single map 18 that you mentioned earlier that you drew that 19 was ultimately adopted by at least one or more 20 of Representative Pringle and Senator 21 Livingston; correct? 22 A. I think initially they both 23 filed it as a bill in their respective 24 bodies. 25 Q. And you did not draw any of the</p>
<p style="text-align: right;">Page 22</p> <p>1 be. 2 Q. (By Mr. Thompson) Okay. Then 3 under that understanding, I will not be asking 4 any further questions about the content of any 5 discussions you had with Mr. LaCour. But 6 obviously plaintiffs, again, reserve the right 7 to challenge that privilege. 8 MR. WALKER: I understand that. 9 Thank you. 10 Q. (By Mr. Thompson) Outside of 11 Mr. Walker and Mr. LaCour, did you discuss the 12 Court's order with anyone else? 13 A. Obviously, the two chairs. 14 Q. What did you discuss with them? 15 A. Just essentially what I said 16 earlier, that we needed to address the 17 Court's concerns and work to draw a map that 18 was -- provided an opportunity for African 19 Americans to elect the candidate of their 20 choice in two districts. 21 Q. Do you remember any other 22 specifics from your discussions with 23 Representative Pringle or Senator Livingston 24 about the Court order other than what you just 25 stated?</p>	<p style="text-align: right;">Page 24</p> <p>1 other maps that were sponsored before the 2 redistricting committee; correct? 3 A. I'm not sure what I know -- I'm 4 not sure what I know what sponsored means -- 5 sponsored by other members you mean? 6 Q. Did you draw any other maps that 7 were submitted to the redistricting committee? 8 A. Well, the Friday before the 9 special session, a number of maps were 10 released publicly, and I did draw a couple of 11 those. But in terms of what was sponsored by 12 a member in either body, I think this is the 13 only map. 14 Q. We'll go over a few of those. But 15 before we do so, you said that you did draw a 16 few of the maps that were released publicly on 17 the Friday before the special session; 18 correct? 19 A. Yes, sir. 20 Q. Okay. Are you able to identify 21 what those maps were? 22 A. I believe so. There was -- 23 there was obviously the community of interest 24 plan. There was also, I think, a plan that 25 was called Russell split which split Russell</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 25</p> <p>1 County, obviously. There was a plan that was 2 called extended Black Belt, which took the 3 second district further into the -- I guess 4 it would be the western part of Alabama's 5 Black Belt. There was also a map that I 6 worked on called whole -- Jefferson whole, 7 which I didn't have the concept of, but I 8 zeroed out the numbers on. 9 Q. What does that mean? 10 A. That means somebody else had the 11 concept for the map, gave it to me, and I 12 zeroed out the numbers to get the zero 13 deviation. 14 Q. Any other maps that you drew that 15 were released publicly on the Friday prior to 16 the special session? 17 A. I believe those were it, sir. 18 Q. Okay. We'll come back to those 19 specific maps in a little bit. Before we do 20 that, I want to talk about the maps that were 21 sponsored. 22 First off, I'm showing you what is 23 being marked as Exhibit 2. This is labeled at 24 the top the opportunity. And my understanding 25 is that this was referred to as the</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. And how far back does your 2 relationship with Senator Livingston go? 3 A. He started working on the 4 redistricting when he -- he was going to take 5 over the senate chair in our last round in 6 2021. So he was in the -- you know, he was 7 in that process, although, I don't think he 8 became chair until after -- after that 9 session. 10 Q. Did you work with Senator 11 Livingston with respect to the 2021 12 congressional map? 13 A. He was in the room for a number 14 of those discussions. He wasn't the chair at 15 the time. But... 16 Q. Looking at this map, which has 17 been labeled as Exhibit 2, the opportunity 18 plan, have you seen this map before? 19 A. I have. 20 Q. When did you see it? 21 A. Probably shortly before it was 22 released to the public on that Friday before 23 the special session. I may have seen it on, 24 you know, Friday morning or Thursday, I can't 25 remember which.</p>
<p style="text-align: right;">Page 26</p> <p>1 opportunity plan. Do you see that? 2 (Whereupon, Exhibit 2 was marked 3 for identification.) 4 THE WITNESS: Yes, sir. 5 Q. (By Mr. Thompson) Okay. 6 This plan was also referred to in 7 the legislature to my understanding as the 8 Livingston 1 plan. Are you aware of that 9 check? 10 A. I don't know -- well, I thought 11 Livingston 1 was actually community of 12 interest, but maybe I'm wrong in my 13 alliteration of senate plans. 14 Q. Okay. Now, speaking of Senator 15 Livingston, my understanding is that he is in 16 the room with you currently; correct? 17 A. He is. 18 Q. Have you met Senator Livingston 19 before today? 20 A. I have. 21 Q. Okay. What's your relationship 22 with Senator Livingston? 23 A. He's the senate chair. And, so, 24 I essentially worked for he and 25 Representative Pringle.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Do you recall who showed it to 2 you? 3 A. It was in the -- it was on the 4 computer in the reapportionment office. 5 Q. Do you recall who showed it to 6 you, or was it just uploaded to the computer? 7 Can you explain that a little bit more? 8 A. Yeah, it was uploaded -- I think 9 either Senator Livingston or Senator Roberts 10 said I could look at that map. So I looked 11 at it probably a day before it was released. 12 Q. Were you provided other maps at 13 the same time to review? 14 A. I don't think so. 15 Q. Any reason why the opportunity 16 plan in specific was shown to you at that 17 time? 18 A. I can't answer that. I don't 19 know what anybody's motivation was. 20 Q. What were you told when you were 21 shown this map? 22 A. I was asked to take a look at 23 it. 24 Q. Were you asked to look at it for 25 any purpose?</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 29</p> <p>1 A. I guess they wanted me to look 2 at it to see if I thought it was a 3 possibility. 4 Q. A possibility for what? 5 A. As a map for the congressional 6 districts. 7 Q. And what were your thoughts on 8 that? 9 A. Excuse me one second. Well, as 10 I say, I didn't really -- I didn't really 11 evaluate it that much at the time because I 12 knew we had community of interest which I 13 thought was -- what -- what was going to be 14 sponsored at that time. 15 Q. So they showed you the opportunity 16 plan and asked you to review it, but did you 17 provide -- 18 A. Reviewing it -- reviewing it is 19 a pretty strong -- reviewing it is a strong 20 word. I was shown -- I was shown the map. 21 Q. Okay. So walk -- walk me through 22 this then. You were shown the map. And who 23 showed it to you? 24 A. Well, I think it was on the 25 reapportionment committee computer. And</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. And why did you think that? 2 A. Well, that's what I was told. 3 Q. Who told you that? 4 A. The two chairs told me that they 5 would -- on -- after -- on Monday would be 6 sponsoring those two plans. 7 Q. Did they tell you why -- sorry. I 8 didn't mean to cut you off. Go ahead. 9 A. No, that's okay. No, they did 10 not. 11 Q. And to be clear, did they tell you 12 why they would be sponsoring your plan over 13 any others? 14 A. They did not. 15 Q. Did you discuss the opportunity 16 plan, which is being shown as Exhibit 2, with 17 anyone else? 18 A. I did not. 19 Q. Do you know who drew the 20 opportunity plan? 21 A. I do not. 22 Q. Do you have any idea or guess 23 about who may have drawn it? 24 A. We're guessing? 25 Q. If you have any sort of</p>
<p style="text-align: right;">Page 30</p> <p>1 either Senator Livingston or Senator Roberts 2 said I should look -- I could take a look at 3 it. 4 Q. And what -- 5 A. As you may know, that -- a 6 little background. As you may know, when 7 various legislators put maps onto the 8 computer, they're embargoed by out -- other 9 sources, me included, until the principle 10 sponsor of the map or whatever says, you 11 know, you may look at this. So either 12 Senator Roberts or Senator Livingston said I 13 was able to look at this at that point. 14 Q. Okay. Did they ask you to look -- 15 did they say anything else to you other than, 16 here, you can look at this if you'd like? 17 A. That was essentially the 18 discussion, yeah. 19 Q. And then did you review it? 20 A. I looked at it. But, again, I 21 was assuming and thought that the community 22 of interest plan is what both chairs were 23 going to sponsor in their legislative bodies. 24 So I didn't give it much thought to be honest 25 with you.</p>	<p style="text-align: right;">Page 32</p> <p>1 understanding. If you're thinking about it 2 and think it could have been this person or 3 that person. Do you have any sort of idea 4 about who may have drawn it? 5 MR. WALKER: Objection to form. 6 THE WITNESS: All I know is I 7 believe it was given to Donna Loftin, who is 8 head of -- supervisor of the reapportionment 9 office, on a thumb drive. But I don't know 10 who drew it. 11 Q. (By Mr. Thompson) And prior -- so 12 trying to go back over your prior history. 13 And before I do that, you said it was given to 14 Donna Loftin. Do you know who would have 15 given it to Donna Loftin? 16 A. I'm assuming Senator -- again, 17 I'm assuming a lot. Either Senator Roberts, 18 Senator Livingston. 19 Q. Going back over some of your prior 20 history working with the State of Alabama, 21 you've been the map drawer for the State of 22 Alabama's congressional maps in the past, at 23 least in 2021; correct? 24 A. Yes, sir. 25 Q. And also prior to that; correct?</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 33</p> <p>1 A. Yes, sir. I mean, I drew a map 2 that the Court adopted in 1992. 3 Q. And in either -- in either of the 4 process of drafting the 1992 map or the 2021 5 map, was there ever anyone else who was also 6 drawing maps at that time? 7 A. Oh, I'm sure there were. I'm 8 sure there were maps offered in those -- 9 those processes that I didn't draw. So 10 obviously somebody other than me drew them. 11 Q. Okay. Focusing on the opportunity 12 plan, do you recall saying anything to either 13 Senator Livingston or Roberts after you looked 14 at the opportunity plan? 15 A. No. 16 Q. Do you have an understanding of 17 what the purpose of the opportunity plan was? 18 A. I don't. 19 Q. Do you have any understanding 20 about how this map was drawn? 21 A. I do not. 22 Q. Do you have any understanding 23 about why, given your role as a map drawer for 24 the legislature here, you did not draw the 25 opportunity plan?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. You don't recall seeing it before 2 that time? 3 A. I honestly don't think I did, 4 no. 5 Q. So what was the context of when 6 you saw it? Was it when it was presented to 7 the rest of the committee members? 8 A. Yes, sir. 9 Q. Did anyone in particular show you 10 the map? 11 A. No. Obviously at that point, 12 then it was on the computer. So, I mean, I 13 could have looked at it in the 14 reapportionment office. 15 Q. But you did not do that? 16 A. Not before it was introduced. 17 Q. After it was introduced, did you 18 take a look at it? 19 A. I did look at it, yes, briefly. 20 Q. And when was that? 21 A. Probably would have been Tuesday 22 afternoon because I believe this plan was 23 offered in committee on Tuesday. Maybe it 24 was Wednesday. I'm trying to remember the 25 days here. But...</p>
<p style="text-align: right;">Page 34</p> <p>1 A. I do not. 2 Q. Taking a look at the opportunity 3 plan, which is Exhibit 2, do you think that a 4 black preferred candidate can win the 5 district 2 as it's drawn here? 6 A. I'm not familiar enough with the 7 map to have -- offer an opinion on that. 8 Q. Let's move to another exhibit 9 here. This is being marked as Exhibit 3. 10 This titled at the top Livingston 11 congressional plan 2. Do you see that? 12 (Whereupon, Exhibit 3 was marked 13 for identification.) 14 THE WITNESS: Yes, sir. 15 Q. (By Mr. Thompson) Is it okay if I 16 refer to this as the Livingston 2 plan? 17 A. Yes, sir. 18 Q. Have you seen this map before? 19 A. I have. I think it was -- I 20 think Senator Livingston offered this in 21 committee at some point during the 22 legislative session. 23 Q. And when did you first see it? 24 A. I believe when he offered it in 25 committee during the legislative session.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Why did you look at the map at 2 that time? 3 A. Well, that was the plan -- it 4 became the operative plan, I guess, in the 5 senate at that point after committee. And I 6 guess it was eventually voted on by the -- I 7 believe it was passed by the senate on 8 Wednesday maybe. So I looked at it at that 9 point. 10 Q. And what was the purpose of your 11 review of that map? 12 A. Because it was the plan that the 13 senate passed on Wednesday. 14 Q. Were you asked to review it by 15 anyone? 16 A. I wasn't asked to review it. I 17 just looked at it to see -- see what it was 18 honestly. 19 Q. And what were your thoughts on it 20 when you reviewed it? 21 A. I didn't have any definitive 22 thoughts. I was just trying to figure out 23 what it -- what it was to be honest with you. 24 Q. Did you discuss the Livingston 2 25 map with anyone?</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 37</p> <p>1 A. I probably discussed it with 2 Dorman Walker. But I -- that's probably it. 3 Q. Do you know who drew the 4 Livingston 2 map? 5 A. I do not. 6 Q. Similar to before, it's okay to 7 guess. 8 Do you have any idea or guess 9 about who may have drawn it? 10 A. I think it was, again, given to 11 Donna Loftin on a thumb drive by Senator 12 Livingston, and that's about as far as I can 13 tell you. 14 Q. Do you have an understanding about 15 what the purpose of this particular map was? 16 A. I do not. 17 Q. Do you have any understanding 18 about how this map was drawn? 19 A. I do not. 20 Q. I'm going to switch to another 21 exhibit here, which is being marked as 22 Exhibit 4. 23 This is the -- it's labeled at the 24 top as Livingston congressional plan 3. Do 25 you see that?</p>	<p style="text-align: right;">Page 39</p> <p>1 Donna Loftin, who is the supervisor of 2 reapportionment committee office, would have 3 normally been the person who would have drawn 4 this map, I would imagine. But she was out 5 with COVID, and I was the person in the -- 6 who happened to be in the office who was most 7 familiar with Maptitude. So Senator 8 Livingston asked me if I would help him 9 change a few counties in this map the night 10 before it was introduced. 11 Q. And you said that was the night 12 before it was introduced? 13 A. Thursday evening, I believe, 14 yes, sir. 15 Q. What specifically did Senator 16 Livingston ask you to do? 17 A. As I remember, we -- we were 18 working off a version of Livingston 2, 19 which -- and he asked that we move a few 20 counties in the second district. And then 21 subsequent, I think, we put Etowah back 22 together. It was split, I think, in 23 Livingston 2. And then corresponding changes 24 that needed to be rippled through the map 25 from there.</p>
<p style="text-align: right;">Page 38</p> <p>1 (Whereupon, Exhibit 4 was marked 2 for identification.) 3 THE WITNESS: Yes, sir. 4 Q. (By Mr. Thompson) And it's my 5 understanding that this was the final enacted 6 map. Does that match up with your 7 understanding? 8 A. Yes, sir. 9 Q. And is it okay if I refer to this 10 as either the Livingston 3 map or the final 11 enacted map? 12 A. Yes, sir. 13 Q. Have you seen this map before? 14 A. I have. 15 Q. And when did you first see it? 16 A. I actually ran the computer when 17 this map was drawn. The -- I believe it was 18 Thursday night before the Friday session. 19 Q. Just one second here. Can you 20 still see the exhibit there? 21 A. I can. 22 Q. And you said -- I'm sorry. Can 23 you say that again, specifically when you saw 24 this map? 25 A. As a way of background, again,</p>	<p style="text-align: right;">Page 40</p> <p>1 As a way of clarification, I 2 didn't -- I was not -- I was functioning 3 solely as a computer operator, not as a -- 4 not even as a map drawer or not as a 5 consultant. I was a computer operator. 6 Q. Other than you and Senator 7 Livingston, did anyone else participate in 8 making the adjustments from Livingston plan 2 9 to what ultimately became Livingston plan 3? 10 A. Yeah, Senator Scofield was also 11 in the room. 12 Q. And what was Senator Scofield's 13 role? 14 A. He -- he was working with 15 Senator Livingston. 16 Q. Was there anyone else in the room 17 with you? 18 A. No. 19 Q. Did anyone else participate in the 20 modifications to this map that ultimately 21 became Livingston plan 3? 22 A. Not during the half an hour that 23 I worked on it. 24 Q. Do you know if anyone else made 25 any further modifications to the map after you</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 41</p> <p>1 finished?</p> <p>2 A. I don't believe they did, no.</p> <p>3 Q. What instructions, if any, were</p> <p>4 you given by Senator Scofield?</p> <p>5 MR. WALKER: Blayne, I'm going to</p> <p>6 assert legislative privilege on behalf of</p> <p>7 Senator Scofield at this point. I think it's</p> <p>8 fair to ask Mr. Hinaman what he may have said</p> <p>9 to Senator Scofield. But what Senator</p> <p>10 Scofield said to him would be covered by</p> <p>11 legislative privilege, which Senator Scofield</p> <p>12 has not -- has not waived.</p> <p>13 MR. THOMPSON: To be clear,</p> <p>14 Mr. Walker, are you asserting that only as to</p> <p>15 statements by Senator Scofield?</p> <p>16 MR. WALKER: I would assert</p> <p>17 legislative immunity and legislative privilege</p> <p>18 on behalf of any legislator who has not waived</p> <p>19 that privilege. My understanding is that -- I</p> <p>20 mean, the only two of whom I know have waived</p> <p>21 the privilege are Senator Livingston and</p> <p>22 Representative Pringle.</p> <p>23 MR. THOMPSON: And Mr. Walker, do</p> <p>24 you represent Senator Scofield?</p> <p>25 MR. WALKER: Yes, in that I</p>	<p style="text-align: right;">Page 43</p> <p>1 couple of counties in the second district and</p> <p>2 in the subsequent -- the effects that that</p> <p>3 would have throughout the rest of the map.</p> <p>4 And as I said earlier, to put Etowah County</p> <p>5 and north Alabama back -- back whole. It</p> <p>6 was, I think, split in Livingston 2, I</p> <p>7 believe, and he wanted -- we were looking to</p> <p>8 put that -- he wanted to look to put that</p> <p>9 whole.</p> <p>10 Q. Do you recall -- or were you told</p> <p>11 why any of those instructions were given to</p> <p>12 you?</p> <p>13 A. I was not.</p> <p>14 Q. Do you recall any other specific</p> <p>15 instructions you were given by Senator</p> <p>16 Livingston?</p> <p>17 A. Just those. And then we</p> <p>18 obviously had to get to -- you know, split</p> <p>19 a -- split some -- split a precinct to get</p> <p>20 the zero deviation in the various districts</p> <p>21 that we changed, but that -- that was it. I</p> <p>22 guess I'm using the royal "we." That he</p> <p>23 changed. I was just running the computer.</p> <p>24 Q. Do you have an understanding</p> <p>25 whether these instruction were just coming</p>
<p style="text-align: right;">Page 42</p> <p>1 represent the reapportionment committee of</p> <p>2 which he is a member.</p> <p>3 MR. THOMPSON: And are you going</p> <p>4 to assert these privileges and immunities as</p> <p>5 to any conversations or discussions from</p> <p>6 Senator Scofield?</p> <p>7 MR. WALKER: To the extent that I</p> <p>8 mentioned earlier. I don't think it's</p> <p>9 improper to ask Mr. Hinaman what he may have</p> <p>10 said to Senator Scofield. But with regard to</p> <p>11 what Senator Scofield said to him, I believe</p> <p>12 the privilege and immunity applies.</p> <p>13 Q. (By Mr. Thompson) Mr. Hinaman, do</p> <p>14 you recall anything that you said to Senator</p> <p>15 Scofield?</p> <p>16 A. I do not.</p> <p>17 Q. And just for the sake of the</p> <p>18 record, do you recall anything that Senator</p> <p>19 Scofield said to you during this time?</p> <p>20 A. I do not.</p> <p>21 Q. Do you recall anything that</p> <p>22 Senator Livingston said to you during this</p> <p>23 time?</p> <p>24 A. Yeah. He -- he -- he was asking</p> <p>25 me on the map to make some changes to a</p>	<p style="text-align: right;">Page 44</p> <p>1 from Senator Livingston himself or whether</p> <p>2 they were coming from a larger group that he</p> <p>3 was relaying them?</p> <p>4 A. I have no idea.</p> <p>5 Q. Did he have these steps written</p> <p>6 down that he was reading to you, or was he</p> <p>7 just telling them you them as you went?</p> <p>8 A. He was just telling me them as</p> <p>9 we went.</p> <p>10 Q. Did you have any other discussions</p> <p>11 with Senator Livingston during this time</p> <p>12 period?</p> <p>13 A. I did not.</p> <p>14 Q. Did you have any other discussions</p> <p>15 with Senator Scofield during this time period?</p> <p>16 A. I did not.</p> <p>17 Q. Did you have any discussions with</p> <p>18 any other senators or representatives</p> <p>19 regarding Livingston congressional plan 3?</p> <p>20 A. I did not.</p> <p>21 Q. Did you have any discussions with</p> <p>22 any other staff members of any senators or</p> <p>23 representatives regarding Livingston</p> <p>24 congressional plan 3?</p> <p>25 A. No.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 45</p> <p>1 Q. Did you have any discussions with 2 anyone else regarding Livingston congressional 3 plan 3? 4 A. Well, maybe after it was offered 5 the next day. I probably had a discussion 6 with Dorman Walker. 7 Q. Anyone other than Mr. Walker? 8 A. I don't believe so. 9 Q. Did you have any discussions with 10 any members of congress or their staff 11 regarding Livingston congressional plan 3? 12 A. I had numerous discussions with 13 members of congress that week. I don't know 14 that I talked to -- I may have talked to -- 15 it sort of all runs together. So it's hard 16 to separate Friday from Thursday from 17 Wednesday. But I may have talked to, Friday 18 morning, a couple of members of Congress. I 19 don't have a firm recollection of it. The 20 conversations would have been more 21 informational of, this is a map that the 22 senate is likely to come out with today. 23 Q. Do you recall who you had 24 discussions with? 25 A. Again, I don't -- I'm having</p>	<p style="text-align: right;">Page 47</p> <p>1 had -- he was hopeful that his district 2 wouldn't change in the process because 3 obviously he was in north Alabama and didn't 4 think he was that close to the potential 5 two -- two black districts. So he was 6 hopeful at the initial beginning of the week 7 that his district wouldn't change. And in 8 the community of interest plan, it didn't -- 9 didn't change. And then as the week went on, 10 there was more informational of, you know, 11 this map changed this county or this map -- 12 in the final map, he lost Etowah County to 13 Congressman Rogers and picked up, I believe, 14 more of Tuscaloosa and maybe Blount. So 15 conversations similar to that. 16 Q. Do you recall any other specifics 17 of any discussions you had with Representative 18 Aderholt? 19 A. That was about it. 20 Q. Do you recall anything 21 specifically that Representative Aderholt 22 relayed to you other than what you just 23 stated? 24 A. That was the gist of it. 25 Q. What about Representative Rogers,</p>
<p style="text-align: right;">Page 46</p> <p>1 trouble separating the days. But the 2 likely -- likely candidates would have been 3 Congressman Aderholt, Congressman Rogers, 4 Congressman Sewell -- Congresswoman Sewell. 5 Q. Did you have any discussions 6 during that week of the special session with 7 any of those congressmen or women's staff 8 members? 9 A. I did a couple of their -- I 10 talked to their chiefs of staff, yes, sir. 11 Q. Who specifically? 12 A. I talked to Chris Brinson, who 13 is Mike Roger's chief of staff. I talked to 14 Hillary Beard, who's Congresswoman Sewell's 15 chief of staff. 16 Q. Anyone else? 17 A. I believe those are the only 18 chiefs of staff that I talked to. 19 Q. I want to walk through those just 20 to see what you can recall from these 21 discussions. So you mentioned Representative 22 Aderholt. What do you recall from any 23 discussions you had with Representative 24 Aderholt? 25 A. At the beginning of the week, we</p>	<p style="text-align: right;">Page 48</p> <p>1 what do you recall from your discussions with 2 Representative Rogers? 3 A. He was interested in obviously 4 what counties he might lose and what counties 5 he might have to pick up. He was not 6 inclined to want to pick up a lot of Shelby 7 County. So that was one of his concerns, 8 which some maps, I think, had him picking up 9 some of Shelby County. 10 Q. Do you recall anything else 11 specific from your discussions with 12 representative Rogers? 13 A. That was about it. 14 Q. What about with Representative 15 Sewell, what do you recall from your 16 discussions with her? 17 A. She was concerned about losing 18 Dallas County, which is where she grew up or 19 her childhood home is. She was hopeful that 20 the map would have Dallas and her current 21 residence in Jefferson together. She was 22 also hopeful that her district would continue 23 to have a substantial BVAP. And she was also 24 hopeful that a second majority black district 25 to be drawn.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 49</p> <p>1 Q. Did you share any thoughts with 2 her about any of those hopes that she relayed 3 to you? 4 A. It updated her on where things 5 were on the various maps as the week went 6 along. 7 Q. And what specifically did you tell 8 her? 9 A. Well, I told her, for example, 10 the community of interest plan she was 11 concerned about losing Dallas County, and I 12 allowed that in my -- the reason it was that 13 way in the community of interest plan was 14 that that population was needed to make the 15 second district perform as an opportunity 16 district for an African American candidate 17 and while I understood she was unhappy losing 18 Dallas County, that was the point -- the 19 reason for it. 20 Q. Do you recall anything else 21 specific from your discussions with 22 Representative Sewell? 23 A. No. Obviously, I think, the 24 final map did have Dallas and Jefferson 25 together -- her part of Jefferson together.</p>	<p style="text-align: right;">Page 51</p> <p>1 voters? 2 A. Well, we had election analysis 3 that were run on the second district. And 4 without Dallas County, I don't -- I don't -- 5 the democratic candidates that won a couple 6 of those races would probably not have won. 7 Q. Who ran those election analysis? 8 A. Trey Hood. 9 Q. Do you know which plans he ran 10 those election analyses on? 11 A. I know he did that for community 12 of interest. And I -- I think a few of the 13 others. Probably Livingston 2, I think I 14 remember seeing numbers for. 15 Q. Do you know if Dr. Hood ran 16 election analysis on each of the plans? 17 A. I don't know. He was asked by 18 Dorman Walker to run analysis on a number of 19 plans. But I can't answer which -- which 20 ones they were other than what I've already 21 just said. 22 Q. And the election analysis, would 23 that be the same as what I've also heard 24 referred to as a performance analysis? 25 A. Yeah, I think so. I mean,</p>
<p style="text-align: right;">Page 50</p> <p>1 So she was probably happier with that. 2 Q. You also mentioned you had 3 discussions with some of the chiefs of staff, 4 one of which was Chris Brinson, who you said 5 was chief of staff for Representative 6 Aderholt; is that correct? 7 A. Mike Rogers. Chief of staff to 8 Congressman Rogers. 9 Q. Got it. Okay. 10 A. And that was -- that was just a 11 subset of the same conversation I had with -- 12 with Congressman Rogers. 13 Q. And you stated that you also had 14 discussions with chief of staff for 15 Representative Sewell, which is Hillary Beard; 16 is that correct? 17 A. Yes, sir. 18 Q. Okay. Before we discuss that -- 19 go ahead. 20 A. No. I'm sorry. 21 Q. Before we discuss that, I just 22 want to tie off one piece you mentioned with 23 your discussions with Representative Sewell. 24 Why did you think that the second district 25 needed Dallas County to perform for black</p>	<p style="text-align: right;">Page 52</p> <p>1 although people have different views of what 2 that is. I -- how I view it is basically 3 taking the election results and apportion 4 them as to how the new district is drawn. So 5 that's how I view it. 6 Q. So what is your understanding of 7 what the election analysis that Dr. Hood 8 performed involved? 9 A. Well, again, I -- my 10 understanding of it took -- whatever election 11 you were -- we were discussing, it took those 12 results and apportioned them to the new 13 geography of the district, and especially, if 14 counties were split, you know, it tried to, 15 by precinct, account for those splits. 16 Q. Did you review any of those 17 election analyses in the process of drawing 18 the community of interest map? 19 A. I reviewed them after the 20 community of interest map was drawn, yes, 21 sir. 22 Q. And what did that analysis show 23 you? 24 A. I looked at the four top races 25 that -- that were in the group of races he</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 53</p> <p>1 looked at, and I believe those were the race 2 for president in 2020, governor's race in 3 2018, the attorney's general's race in 2018, 4 and the senate race in 2020, I believe. And 5 I looked at those. And republicans had won 6 two of them. Democrats had won two of them. 7 So I thought that that was a fair 8 representation of what an opportunity 9 district would look like. 10 Q. And what do you mean when you say 11 that was a fair representation of what an 12 opportunity district should look like? 13 A. Well, obviously, when a 14 democratic candidate was either well enough 15 known or well enough funded to have a 16 reasonable campaign, they had a reasonable 17 chance of winning that district. 18 Q. Which district are you referring 19 to there? 20 A. The second -- I'm sorry, the 21 second district. 22 Q. You mentioned that you look at 23 what you considered to be the top four races. 24 Did you look at any other election results? 25 A. There were results for like</p>	<p style="text-align: right;">Page 55</p> <p>1 probably the final -- final map, 2 Livingston 3. 3 Q. Did you review any of those 4 election analyses? 5 A. I remember looking at 6 Livingston 2 and just thinking that it did 7 not perform as well as community of interest. 8 Q. What specifically do you recall 9 about the election analysis for Livingston 2? 10 A. If I remember right -- and, 11 again, if I remember correctly, that maybe 12 the democrats won one of those races instead 13 of, you know -- maybe they actually -- I 14 think they didn't even win a -- I thought 15 they won a race -- the senate race where 16 Jones ran against Moore. But they didn't -- 17 it didn't perform as well in terms of the 18 four races that I had looked at as community 19 of interest. 20 Q. Did you have a view as to whether 21 that complied with the Court's order in this 22 case? 23 A. Well, that's a lawyer's 24 answer -- question. I'm not a lawyer. 25 Q. I'm not asking for your legal</p>
<p style="text-align: right;">Page 54</p> <p>1 state auditor and Secretary of State and 2 lesser known races. And I put less credence 3 one those ones. They were candidates usually 4 running against republicans, the incumbent 5 republicans were reasonably well funded. The 6 democrats running against them were unknown 7 and unfunded basically. Also, you know, 8 there's quite a bit of drop-off from a 9 governor's race to an auditor's race or a 10 secretary of the state race. So I thought it 11 was more reasonable to look at the races that 12 would drive turnout rather than some down 13 ticket race that no one has ever heard of. 14 Q. Did you make any modifications to 15 the community of interest plan based on your 16 review of the analysis Dr. Hood performed? 17 A. I did not. 18 Q. You also mentioned that Dr. Hood 19 may have performed an election analysis on 20 other maps; correct? 21 A. I know he was asked to, yes, by 22 Dorman Walker. 23 Q. Do you know which maps he was 24 asked to perform that analysis on? 25 A. I don't. I assume Livingston 2,</p>	<p style="text-align: right;">Page 56</p> <p>1 opinion. I'm just asking based on your 2 understanding of what the Alabama legislature 3 was asked to do by the Court, did you have any 4 opinion on whether that complied with the 5 Court's order or not? 6 A. I thought you could make a 7 better argument the community of interest 8 plan was an opportunity district. 9 Q. Did you have an opinion as to 10 whether Livingston 2 complied with the Court's 11 order based on the results of the election 12 analysis? 13 A. Yeah, I did not. Again, that's 14 a decision above my pay grade. 15 Q. Did you discuss your opinions or 16 thoughts on the performance of Livingston 17 plan 2 with anyone? 18 A. I probably discussed them with 19 Dorman Walker who is probably the one who 20 gave me the results. 21 Q. Did you discuss the -- your 22 thoughts on the performance of Livingston 2 23 with any of the congressmen or women or chiefs 24 of staff that we discussed a minute ago? 25 A. I did not.</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 57</p> <p>1 Q. Did you discuss your thoughts on</p> <p>2 the performance of any maps with any can</p> <p>3 congressperson or their chiefs of staff?</p> <p>4 A. I did not.</p> <p>5 Q. Or with anyone else?</p> <p>6 A. Well, obviously, I talk to</p> <p>7 Senator Livingston, Representative Pringle</p> <p>8 about the performance numbers for community</p> <p>9 of interest.</p> <p>10 Q. And what did you discuss with</p> <p>11 Senator Pringle (sic) on that front?</p> <p>12 A. I said I thought since the four</p> <p>13 races we looked at, two were won by democrats</p> <p>14 and two were won by republicans, that that</p> <p>15 was what my definition -- or what a</p> <p>16 definition of what an opportunity district</p> <p>17 would look like.</p> <p>18 Q. And what is your understanding of</p> <p>19 what an opportunity district should look like?</p> <p>20 A. My understanding of it, again,</p> <p>21 that -- if you're looking for an African</p> <p>22 American candidate to be the candidate of</p> <p>23 choice, they would need to be able to be win</p> <p>24 the democratic primary, which I had no reason</p> <p>25 to think that that wouldn't happen in the</p>	<p style="text-align: right;">Page 59</p> <p>1 A. I'm sure I may have discussed</p> <p>2 with Dorman Walker and the chairs if they</p> <p>3 wanted to make any changes. But, again, I</p> <p>4 don't know that there's a threshold. You're</p> <p>5 asking a hypothetical that I don't really</p> <p>6 have an answer to.</p> <p>7 Q. Well, so, your understanding you</p> <p>8 said was that you were asked to draw a map</p> <p>9 that would -- well, tell me again. What was</p> <p>10 your understanding of what your role was in</p> <p>11 drawing this map?</p> <p>12 A. Initially to draw a map that</p> <p>13 complies with the Court's order and follows</p> <p>14 the guidelines of the reapportionment</p> <p>15 committee.</p> <p>16 Q. And do you understand the Court's</p> <p>17 order to involve the creation of an additional</p> <p>18 opportunity district in Alabama?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And if the performance -- and that</p> <p>21 involves looking at performance analysis, I</p> <p>22 assume, correct, to assess whether you created</p> <p>23 an opportunity district?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So that was part of your role, was</p>
<p style="text-align: right;">Page 58</p> <p>1 second district and district -- in the</p> <p>2 community of interest. And then once the</p> <p>3 nominee of the party, would they have a</p> <p>4 chance to win? And since democrats won two</p> <p>5 of those four races and republicans won two,</p> <p>6 that -- that would be my understanding of an</p> <p>7 opportunity district.</p> <p>8 Q. If the election analysis on your</p> <p>9 community of interest plan would have only</p> <p>10 shown the black preferred candidate winning</p> <p>11 one out of those four races, would you have</p> <p>12 been satisfied with that in terms of complying</p> <p>13 with the Court's order?</p> <p>14 A. That's not for me to decide. As</p> <p>15 you know, I don't vote on these plans. I'm</p> <p>16 just a map drawer.</p> <p>17 Q. If that had been the results of</p> <p>18 the election analysis on the community of</p> <p>19 interest plan, would you have made any</p> <p>20 modifications to it, or would you have</p> <p>21 submitted it as is?</p> <p>22 A. I don't know because that was --</p> <p>23 those weren't the results of the community of</p> <p>24 interest plan.</p> <p>25 Q. Correct. But if they had been.</p>	<p style="text-align: right;">Page 60</p> <p>1 to assess the results of the performance</p> <p>2 analysis to see if you were, in fact, creating</p> <p>3 a second opportunity district?</p> <p>4 A. Yes. And as -- and I -- a</p> <p>5 little background. As you know, some maps</p> <p>6 that were submitted in this lawsuit while</p> <p>7 their BVAPs may have been low, they may --</p> <p>8 like Singleton maps for a certain district,</p> <p>9 if they performed in a way that a candidate</p> <p>10 of choice could be elected, it seemed like</p> <p>11 the plaintiffs in your case were happy with</p> <p>12 that outcome, and that's what we thought made</p> <p>13 sense in terms of reviewing the second</p> <p>14 district in the community of interest plan.</p> <p>15 Q. Okay. Clarify for me what you're</p> <p>16 saying then specifically you were looking for</p> <p>17 in assessing whether you had, in fact, create</p> <p>18 a second opportunity district.</p> <p>19 A. Right. You asked me</p> <p>20 hypothetically whether one out of four would</p> <p>21 have been enough or if you needed two out of</p> <p>22 four. I don't know. I'm just saying that I</p> <p>23 could make a better argument probably for two</p> <p>24 out of four rather than one out of four. But</p> <p>25 I don't know what the threshold is. And,</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 61</p> <p>1 again, that's not really my decision. That's 2 more of a legislative decision. 3 Q. Okay. You also mentioned in your 4 answer their BVAP, which that stands for black 5 voting age population; correct? 6 A. Yes, sir. 7 Q. Did you assess the BVAP numbers 8 for the community of interest plan? 9 A. I took note of them. Did we 10 lose him? Are we still here? 11 Q. We are still here. I'm pulling 12 something up. 13 A. I'm sorry. 14 Q. For the record, I'm going to show 15 another exhibit here. 16 MR. THOMPSON: I believe this is 17 Exhibit 5, is that correct, Ms. Jenkins? 18 COURT REPORTER: Yes, sir. 19 (Whereupon, Exhibit 5 was marked 20 for identification.) 21 Q. (By Mr. Thompson) This is being 22 marked as Exhibit 5. And this is titled at 23 the top, somewhat confusingly, Exhibit 7, 24 Livingston deposition. Please ignore that. 25 But it's also titled community of interest</p>	<p style="text-align: right;">Page 63</p> <p>1 A. I have. 2 Q. What is your understanding of what 3 this document shows? 4 A. It shows a black voting age 5 population percentage in the second 6 congressional district of 42.45 and black 7 voting age population in the seventh 8 congressional district of -- my eyesight is 9 bad here. It's 51.55, I believe. 10 Q. Did you look at this analysis in 11 the process of drawing the community of 12 interest plan? 13 A. I did. 14 Q. Did this analysis impact your map 15 in any way? 16 A. Not really. I mean, I think the 17 more relevant numbers to the opportunity 18 district, as I think you -- the plaintiffs 19 shown in the Singleton plans, for example, 20 that the performance is probably more 21 relevant than the raw BVAP number percentage. 22 Q. When you were drawing the 23 community of interest plan, did you have any 24 target BVAP levels that you were aiming for? 25 A. I did not.</p>
<p style="text-align: right;">Page 62</p> <p>1 plan. Do you see that? 2 A. Yes, sir. 3 Q. Okay. Have you seen this document 4 before? 5 A. Yeah. Those are the four races 6 I was referencing in our earlier discussion 7 of the community of interest plan. 8 Q. Is it your understanding that this 9 is the results of the election analysis that 10 Dr. Trey Hood performed on the community of 11 interest plan? 12 A. Yeah. It's a sub -- it's a 13 subset of it, but, yes. 14 Q. Now, you also mentioned the BVAP 15 numbers. So I want to discuss those briefly. 16 I'm showing you now what's being 17 marked as Exhibit 6. It's titled at the top 18 population summary. And it says, plan name, 19 community of interest. It's dated Thursday, 20 July 13, 2023. Do you see that? 21 (Whereupon, Exhibit 6 was marked 22 for identification.) 23 THE WITNESS: Yes, sir. 24 Q. (By Mr. Thompson) Have you seen 25 this document before?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Were you given any instructions 2 about a range of BVAP levels you were to 3 trying to achieve in drawing your map? 4 A. I was not. 5 Q. Were you given any information or 6 instructions about a minimum BVAP level that 7 you were to achieve? 8 A. No, sir. 9 Q. The same question for a maximum 10 BVAP level? 11 A. No, sir. 12 Q. Did you try to reach any certain 13 BVAP levels in drawing your community of 14 interest plan? 15 A. I did not. 16 Q. How did you choose District 2 to 17 be the level -- excuse me -- to be the 18 district -- let me just start that question 19 over for clarity. 20 How does choose District 2 to be 21 the district in which you would aim to create 22 a second opportunity district? 23 A. It was an area of geography that 24 had a compact enough African American 25 population in the relevant counties to draw a</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 65</p> <p>1 district that could perform as an opportunity 2 district. 3 Q. Were you instructed to choose 4 District 2 as the district that would be an 5 additional opportunity district in your map? 6 A. I was not. 7 Q. Looking at this map, you have a -- 8 one district, District 7, that has a majority 9 of black voting age population at 51.55 10 percent. Do you see that? 11 A. Yes, sir. 12 Q. But there are not two districts in 13 which there is a black voting age population 14 majority; correct? 15 A. That's correct. 16 Q. The closest is District 2, which 17 has 42.45 percent; correct? 18 A. Yes, sir. 19 Q. Were you satisfied with that 42.45 20 percent BVAP number in District 2? 21 A. I was satisfied that the 22 performance numbers were such that I think it 23 could perform as an opportunity district. 24 Q. So to clarify -- and I know you 25 mentioned this earlier. But just to clarify,</p>	<p style="text-align: right;">Page 67</p> <p>1 A. That's correct. I mean, we had 2 other maps that -- I mean, the extended Black 3 Belt map, I think, was slightly higher than 4 that. And there were a couple of other maps 5 that were slightly higher BVAPs than this. 6 But -- but I did not try to modify this map. 7 Q. In drawing your new maps, were you 8 instructed to try to add a second majority 9 black congressional district? 10 A. I was instructed to add an 11 opportunity -- a district where an African 12 American candidate would have -- African 13 Americans would have an opportunity to elect 14 the candidate of their choice. 15 Q. Were you instructed to try to add 16 a second majority black congressional 17 district? 18 A. I was instructed to add an 19 opportunity district. 20 Q. I appreciate that. And I'm going 21 to object to nonresponsive and just ask -- I'm 22 trying to be fair here. If I'm not, let me 23 know. But I would like to were you instructed 24 to try to add a second majority black 25 congressional district?</p>
<p style="text-align: right;">Page 66</p> <p>1 your focus was more on the performance 2 analysis rather than the BVAP levels; is that 3 correct? 4 A. Yes. And I think -- I mean, not 5 all 42 or 43 or 41 or 39 percent districts 6 perform the same obviously. So, yes, I was 7 more interested in performance than the raw 8 BVAP number. 9 Q. Did you try to make the BVAP 10 number in 40 -- excuse me. Let me start over. 11 Did you try to make the BVAP level 12 in District 2 any higher than 42.45 percent? 13 A. No. I mean, I was looking at, 14 you know, traditional redistricting 15 principles in whole counties to the extent 16 possible and not pairing incumbents, which, 17 obviously, we had incumbents that could have 18 been paired there in terms of Barry Moore in 19 Coffee County and Jerry Carl in Mobile and 20 taking those things into consideration. The 21 BVAP number, you know, came out to what it 22 came out to. 23 Q. Just to clarify, you did not try 24 to make the BVAP number of District 2 any 25 higher than 42.45 percent; correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. I was not instructed to do that. 2 Q. Did you make any attempt to draw a 3 map that adds a second majority black 4 congressional district? 5 A. I did not draw such a map. 6 Q. Did you make any attempt to draw 7 such a map? 8 A. I'm sure I looked at maps at 9 some point. You know, there were maps 10 presented that were those majority -- had two 11 majority black districts, but I did not draw 12 them. 13 Q. Did you make any attempt to draw a 14 map that had a second majority black district? 15 A. No. 16 Q. You said that you were instructed 17 to draw a map that included a second district 18 in which black voters have an opportunity to 19 elect a representative of their choice; 20 correct? 21 A. Yes, sir. 22 Q. And I know we've discussed that a 23 little bit. But what specific instructions 24 were you given in that regard? 25 A. Just that. I mean, obviously,</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 69</p> <p>1 following guidelines of the reapportionment 2 committee, not pairing incumbents and so 3 forth and so on. Draw a -- draw a district 4 that provides the opportunity for African 5 American voters to have -- to elect a 6 candidate of their choice. 7 Q. Who gave you those instructions? 8 A. The two chairs. 9 Q. Anyone else? 10 A. I'm sure Dorman Walker. 11 Q. Anyone else? 12 A. No. 13 Q. When were those instructions given 14 to you? 15 A. At the beginning of the drawing 16 process. 17 Q. Were you asked to evaluate any of 18 the other maps for compliance with that 19 instruction? 20 A. I was not. 21 Q. Did anyone that you spoke to at 22 the legislature have a different understanding 23 from you about what it means for black voters 24 to have an opportunity to elect a 25 representative of their choice in a district?</p>	<p style="text-align: right;">Page 71</p> <p>1 one out of four. 2 Q. So, for example, then, your belief 3 is that a district that performed for black 4 preferred candidates half of the time would be 5 an opportunity district; is that fair to say? 6 A. That is fair to say. 7 Q. And what is that understanding 8 based on? 9 A. Conversations with lawyers and I 10 guess -- primarily conversations with 11 lawyers. 12 Q. Which lawyers? 13 A. Dorman Walker and Eddie LaCour. 14 Q. And when did those conversations 15 take place? 16 A. Throughout the drawing process 17 of these maps. 18 Q. What did Mr. Walker say to you? 19 MR. WALKER: Objection. 20 MR. THOMPSON: Is there an 21 objection there made, Mr. Walker? 22 MR. WALKER: Yes. Yes. I'm 23 sorry. Did you not hear me? I asserted 24 privilege. 25 MR. THOMPSON: Are you instructing</p>
<p style="text-align: right;">Page 70</p> <p>1 A. Anyone I spoke to? That's a 2 rather large group. I don't know. I don't 3 remember any specific conversation. 4 Q. Well, let's just take a step back. 5 You mentioned that, from your 6 perspective, an opportunity district is one in 7 which black voters have an opportunity to 8 elect a representative of their choice; 9 correct? 10 A. Yes, sir. 11 Q. And you mentioned that a big 12 indicator of that is shown in a performance 13 analysis, so an election analysis; correct? 14 A. Yes, sir. 15 Q. And you stated that, in your 16 opinion, a plan that, for example, has an 17 election analysis showing that a candidate 18 that black voters prefer that wins two out of 19 four elections has a stronger argument of 20 being an opportunity district than one in 21 which one out of four elections that occurs; 22 correct? 23 A. Again, I don't know that there's 24 a threshold. But I think you can make a 25 stronger argument with two out of four than</p>	<p style="text-align: right;">Page 72</p> <p>1 your witness not to answer that question on 2 the basis of privilege? 3 MR. WALKER: I am, Mr. Thompson. 4 Q. (By Mr. Thompson) Mr. Hinaman, are 5 you -- do you intend to follow your counsel's 6 instruction? 7 A. I do. 8 Q. The same question as to 9 Mr. LaCour. Do you recall what Mr. LaCour 10 told you? 11 MR. WALKER: Same objection. 12 MR. THOMPSON: And by objecting, 13 Mr. Walker, are you instructing your witness 14 not to answer on the basis of privilege? 15 MR. WALKER: I am, Mr. Thompson. 16 Q. (By Mr. Thompson) Mr. Hinaman, do 17 you intend to follow your counsel's 18 instruction? 19 A. I do. 20 Q. Outside of Mr. Dorman (sic) and 21 Mr. LaCour, did you have any discussions with 22 anyone else whether at the Alabama 23 legislature, the reapportionment committee, or 24 U.S. Congress members, or anyone else, 25 regarding what it means to have an opportunity</p>

<p style="text-align: right;">Page 73</p> <p>1 district?</p> <p>2 A. I did not.</p> <p>3 Q. Is it your opinion that the</p> <p>4 community of interest map that you drew</p> <p>5 provides black voters an opportunity to elect</p> <p>6 a candidate of their choice in a second</p> <p>7 district?</p> <p>8 A. It is.</p> <p>9 Q. Did you draw any other maps that</p> <p>10 involve an opportunity district, a second</p> <p>11 opportunity district?</p> <p>12 A. Yeah. As I mentioned earlier,</p> <p>13 the Russell split and the black -- extended</p> <p>14 Black Belt maps that were released on that</p> <p>15 Friday before the session.</p> <p>16 Q. I want to turn back to those maps.</p> <p>17 One of the other maps that you stated that you</p> <p>18 drew was a map you referred to as Russell</p> <p>19 split; is that correct?</p> <p>20 A. Yes, sir. Yes, sir.</p> <p>21 Q. I think I have a copy of that</p> <p>22 here. If you'll give me just one second.</p> <p>23 THE WITNESS: I'm going to have a</p> <p>24 drink while you do that.</p> <p>25 MR. THOMPSON: Sure.</p>	<p style="text-align: right;">Page 75</p> <p>1 THE VIDEOGRAPHER: The time is</p> <p>2 10:48 a.m. We're back on the record.</p> <p>3 Q. (By Mr. Thompson) Mr. Hinaman,</p> <p>4 going back to the community of interest plan</p> <p>5 that you drew, aside from anything that you</p> <p>6 looked at involving the BVAP levels or the</p> <p>7 performance of the plans, what other factors</p> <p>8 did you consider in drawing your plan?</p> <p>9 A. Obviously I followed the</p> <p>10 guidelines of the reapportionment committee.</p> <p>11 So that was not -- not pairing incumbents and</p> <p>12 keeping communities of interest, where --</p> <p>13 where possible, together such as Mobile and</p> <p>14 Baldwin and other community -- and Black Belt</p> <p>15 to the extent possible and so forth.</p> <p>16 Q. When you say that you followed the</p> <p>17 redistricting -- or the reapportionment</p> <p>18 committee redistricting guidelines, were those</p> <p>19 the same guidelines that you followed in</p> <p>20 drafting the 2021 congressional map?</p> <p>21 A. Yes, sir. And just for the</p> <p>22 record, I'm showing you what's being marked</p> <p>23 as Exhibit 7. These are the -- this is the</p> <p>24 same exhibit that I showed you in your prior</p> <p>25 deposition representing the May 5th, 2021</p>
<p style="text-align: right;">Page 74</p> <p>1 MR. WALKER: Blayne, is there any</p> <p>2 opportunity for us to take a quick break at</p> <p>3 some time convenient to you?</p> <p>4 MR. THOMPSON: Sure. We can do</p> <p>5 that now. Take a ten-minute break?</p> <p>6 THE WITNESS: Unless you're</p> <p>7 minutes from wrapping up.</p> <p>8 MR. THOMPSON: I don't think it</p> <p>9 will be too much longer. But let's take a</p> <p>10 ten-minute break, and I'll get this exhibit</p> <p>11 ready. And then we can reconvene, we'll say,</p> <p>12 at 11:35 central.</p> <p>13 MR. WALKER: Thank you very much.</p> <p>14 MR. THOMPSON: Thank you, Guys.</p> <p>15 THE WITNESS: You mean 10 --</p> <p>16 11:35.</p> <p>17 MR. THOMPSON: Sorry. That would</p> <p>18 have been eastern. 10:35 central. Excuse me.</p> <p>19 Let's be clear here. We will reconvene at</p> <p>20 10:45 central, 11:45 eastern.</p> <p>21 THE WITNESS: Thank you.</p> <p>22 MR. THOMPSON: Thank you.</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 10:35 a.m. We're going off the record.</p> <p>25 (A short break was taken.)</p>	<p style="text-align: right;">Page 76</p> <p>1 Alabama reapportionment committee</p> <p>2 redistricting guidelines. Do you see that?</p> <p>3 (Whereupon, Exhibit 7 was marked</p> <p>4 for identification.)</p> <p>5 THE WITNESS: I do. Redacted</p> <p>13 Q. Of course. So just so that you</p> <p>14 can see here that -- the entire document, it</p> <p>15 looks like it's seven pages. And I will flip</p> <p>16 through it briefly here to page 2, page 3,</p> <p>17 page 4, page 5, page 6, and page 7. Do you</p> <p>18 see that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. You can see in the bottom right</p> <p>21 corner there is also a Bates label. It's</p> <p>22 labeled RC043723 through RC043729. Do you see</p> <p>23 that?</p> <p>24 A. I don't. But that's okay.</p> <p>25 MR. WALKER: Mr. Thompson, I don't</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 77</p> <p>1 believe 28 and 29 are part of the guidelines. 2 It looks like they're an agenda and minutes. 3 Am I wrong? 4 MR. THOMPSON: It looks like 5 it's an appendix to the document. 6 MR. WALKER: Okay. I think, for 7 the record, that the guideline is RC049221 8 through RC049227. 9 MR. THOMPSON: Okay. We may 10 have -- this may have been produced twice 11 then. The version that I have, I think, the 12 page numbers you're referring to correlate to 13 RC043723 through RC043727. 14 MR. WALKER: Okay. I'm sorry. I 15 didn't realize we had different Bates numbers. 16 Q. (By Mr. Thompson) And this is the 17 same exhibit that I showed you during your 18 prior deposition in December 2021 when we 19 discussed the reapportionment guidelines. 20 Are these the same reapportionment 21 guidelines that you used in drafting the 22 community of interest plan in this case? 23 A. Yes, sir. Well, yes. I was 24 just looking at -- yes. Obviously parts of 25 it don't apply because there was a part in</p>	<p style="text-align: right;">Page 79</p> <p>1 was helpful to split Jefferson County to not 2 pair incumbents. 3 Q. Did you have any understanding 4 whether the legislature had modified the 2021 5 criteria in any way? 6 A. My understanding is they did 7 not. They voted to renew them as is. The 8 reapportionment committee voted to renew them 9 as is. 10 Q. Were you told to keep any specific 11 counties or regions together in drawing your 12 map? 13 A. Yeah. I mean, we were trying to 14 protect community of interest. So keeping 15 the Mobile and Baldwin, the Gulf Coast 16 together, keeping the Wiregrass together, 17 having the Black Belt in two districts 18 preferably rather than split among three. 19 Keeping -- I mean, I wasn't really focusing 20 on north Alabama. But obviously keeping 21 Madison and Morgan together. Keeping the 22 Shoals together as much as possible. 23 Q. Were there any other communities 24 of interest that you considered in drawing 25 your map?</p>
<p style="text-align: right;">Page 78</p> <p>1 there about legislative districts and 2 deviations of plus or minus 5 percent. And 3 obviously these maps are drawn to zero 4 deviation. But -- but, again, that was for 5 legislative. So, yeah, they're the 6 guidelines. 7 Q. Aside from the redistricting 8 guidelines -- well, first off, was there 9 anything in particular from the redistricting 10 guidelines that impacted your map in any 11 specific ways? 12 A. Well, keeping incumbents in 13 their own -- not pairing incumbents obviously 14 impacted the map. And obviously going to 15 zero deviation impacts the map because you've 16 got to split counties. And preserving 17 community of interest, you know, impacts the 18 map. 19 Q. Did you have to split Jefferson 20 County to protect incumbents? 21 A. Not technically because there 22 aren't two incumbents who live in Jefferson 23 County. But as a practical matter, 24 Representative Palmer lives right on the 25 border between Jefferson and Shelby. So it</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Those are the main ones. 2 Q. Were you specifically instructed 3 to keep Mobile and Baldwin Counties together? 4 A. Yes. 5 Q. By whom? 6 A. From -- by Representative 7 Pringle and, I believe, by Senator 8 Livingston. But certainly Representative 9 Pringle. 10 Q. When did they tell you that? 11 A. When we started the drawing 12 process. 13 Q. Did they tell you why? 14 A. It's protecting a community of 15 interest to keep them together. 16 Q. Was this a nonnegotiable 17 requirement? 18 A. I don't know. That's not -- 19 again, legislatures pass plans. I just draw 20 maps. 21 Q. Did that instruction impact your 22 map in any way? I guess -- 23 A. No -- I mean -- 24 Q. I should rephrase that. 25 How did that instruction, if at</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 81</p> <p>1 all, impact your map?</p> <p>2 A. I prefer to keep communities of</p> <p>3 interest together. So keeping Baldwin and</p> <p>4 Mobile together would have been my preference</p> <p>5 in any initial drawing in any case.</p> <p>6 Q. Were you told there were any other</p> <p>7 specific aspects of the map that you shouldn't</p> <p>8 touch?</p> <p>9 A. No. Again, we were hopefully to</p> <p>10 have the Black Belt in two districts instead</p> <p>11 of three, to keep the Wiregrasses together as</p> <p>12 together. And I'm focusing on south Alabama</p> <p>13 because obviously that's where the -- at</p> <p>14 least I thought, the majority of the changes</p> <p>15 would be.</p> <p>16 Q. Did someone instruct you to keep</p> <p>17 the Black Belt in two districts rather than</p> <p>18 three?</p> <p>19 A. Instruct maybe isn't the right</p> <p>20 word. But we talked about the desirability</p> <p>21 of doing that, yes.</p> <p>22 Q. Who did you discuss that with?</p> <p>23 MR. WALKER: Don't -- don't</p> <p>24 discuss anything you discussed with me.</p> <p>25 THE WITNESS: Mostly with lawyers,</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Were you given any instructions on</p> <p>2 which factors or policies should take priority</p> <p>3 over any others in drawing your map?</p> <p>4 A. No.</p> <p>5 Q. Did you consider any other factors</p> <p>6 when drawing your community of interest plan?</p> <p>7 A. Other than what's in the</p> <p>8 guidelines?</p> <p>9 Q. Correct.</p> <p>10 A. Well, applying to -- I mean, you</p> <p>11 know, complying with the Court order.</p> <p>12 Q. Anything else?</p> <p>13 A. That would be it.</p> <p>14 Q. Did you place any factors --</p> <p>15 scratch that.</p> <p>16 Did you place a higher priority on</p> <p>17 any factors other than -- I'm sorry. I'm</p> <p>18 having trouble wording my question.</p> <p>19 Did you place any higher priority</p> <p>20 on any factor over compliance with the Court's</p> <p>21 order?</p> <p>22 A. No.</p> <p>23 Q. I'm going to go to the other three</p> <p>24 maps that you said you drew. This is being</p> <p>25 marked as Exhibit 8.</p>
<p style="text-align: right;">Page 82</p> <p>1 but I'm sure we had a discussion among the</p> <p>2 chairs as well.</p> <p>3 Q. (By Mr. Thompson) Anyone else?</p> <p>4 A. No.</p> <p>5 Q. What about Madison and Morgan,</p> <p>6 were you instructed to keep those counties</p> <p>7 together?</p> <p>8 A. I wasn't instructed. But I</p> <p>9 was -- I was trying to -- community of</p> <p>10 interest to make as few changes to</p> <p>11 districts 4 and 5 as possible.</p> <p>12 Q. Did you have any discussions with</p> <p>13 anyone about keeping Madison and Morgan</p> <p>14 Counties together?</p> <p>15 A. Not specifically.</p> <p>16 Q. Were you instructed to keep any</p> <p>17 other alleged communities of interest</p> <p>18 together?</p> <p>19 A. No. You keep using the word</p> <p>20 "instructed." I was -- it more a discussion</p> <p>21 than instructed.</p> <p>22 Q. Did you have any discussion with</p> <p>23 anyone else about keeping any alleged</p> <p>24 communities of interest together?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. THOMPSON: Do I have that</p> <p>2 correct?</p> <p>3 COURT REPORTER: Yes, sir.</p> <p>4 Q. (By Mr. Thompson) Perfect. This</p> <p>5 is being marked as Exhibit 8. It is a map.</p> <p>6 At the top of it, it is titled Russell split</p> <p>7 plan. Do you see that?</p> <p>8 (Whereupon, Exhibit 8 was marked</p> <p>9 for identification.)</p> <p>10 THE WITNESS: Yes, sir.</p> <p>11 Q. (By Mr. Thompson) Is this one of</p> <p>12 the maps that you drew in the 2023</p> <p>13 redistricting cycle?</p> <p>14 A. It is.</p> <p>15 Q. And tell me about this map. Why</p> <p>16 did you draw this map?</p> <p>17 A. It was just another option of</p> <p>18 creating an opportunity district in the</p> <p>19 second district.</p> <p>20 Q. Who asked you to draw this map?</p> <p>21 A. Nobody specifically asked me to</p> <p>22 draw it. But, again, the cochairs asked for</p> <p>23 a couple of different maps to look at.</p> <p>24 Q. What did you do differently with</p> <p>25 this map versus the community of interest</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 85</p> <p>1 plan?</p> <p>2 A. It -- it splits Russell County,</p> <p>3 which -- and then that means you added, I</p> <p>4 guess Wilcox and the rest of Conecuh -- the</p> <p>5 rest of Conecuh was added to the second</p> <p>6 district.</p> <p>7 Q. Do you know if any performance</p> <p>8 analysis was done on this map?</p> <p>9 A. I don't think so. I don't</p> <p>10 remember to tell you the truth, but I don't</p> <p>11 think there was.</p> <p>12 Q. Do you know why this map was not</p> <p>13 ultimately sponsored or selected by the</p> <p>14 redistricting committee?</p> <p>15 A. I do not.</p> <p>16 Q. Did you discuss this particular</p> <p>17 map with anyone?</p> <p>18 A. Discussed it with lawyers and</p> <p>19 the two chairs.</p> <p>20 Q. What were those discussions</p> <p>21 entailing?</p> <p>22 MR. WALKER: Asserting the</p> <p>23 privilege again as to my communications.</p> <p>24 Q. (By Mr. Thompson) You can answer.</p> <p>25 A. We just discussed it as, you</p>	<p style="text-align: right;">Page 87</p> <p>1 A. No.</p> <p>2 Q. What was this map from the</p> <p>3 community of interest plan?</p> <p>4 A. It extends further into the</p> <p>5 western part of the Black Belt.</p> <p>6 Q. And why did you do that?</p> <p>7 A. It's just another way of --</p> <p>8 another way of grouping Black Belt counties</p> <p>9 to create an opportunity district.</p> <p>10 Q. Was any performance analysis done</p> <p>11 on this map?</p> <p>12 A. I don't believe so. Maybe there</p> <p>13 was. I don't -- I don't remember it.</p> <p>14 Q. Do you see any reason why this map</p> <p>15 would not be an acceptable option?</p> <p>16 A. Again, I'm a map drawer --</p> <p>17 drawer. The legislature picks maps.</p> <p>18 Q. But as to you, do you see any</p> <p>19 reason why this would not be an acceptable</p> <p>20 option for the enacted plan?</p> <p>21 A. I don't think it's as compact</p> <p>22 as -- as the other maps. So that's not a</p> <p>23 positive.</p> <p>24 Q. Any other reasons that you see why</p> <p>25 this map would not be acceptable?</p>
<p style="text-align: right;">Page 86</p> <p>1 know, another option to look at in the --</p> <p>2 Q. Do you remember any specifics from</p> <p>3 the conversation?</p> <p>4 A. No. I mean, I don't think</p> <p>5 splitting Russell County was probably a great</p> <p>6 idea.</p> <p>7 So that was probably the reason</p> <p>8 it was -- but, again, I need to stop</p> <p>9 speculating.</p> <p>10 Q. All right. Can you see the new</p> <p>11 map I've changed on your screen?</p> <p>12 A. I can.</p> <p>13 Q. This is being marked as Exhibit 9.</p> <p>14 It's titled at the top expanded Black Belt</p> <p>15 plan. Is this another one of the plans that</p> <p>16 you drew?</p> <p>17 A. It is.</p> <p>18 (Whereupon, Exhibit 9 was marked</p> <p>19 for identification.)</p> <p>20 Q. (By Mr. Thompson) And what was the</p> <p>21 purpose of drawing this map?</p> <p>22 A. It was another option to comply</p> <p>23 with the Court order.</p> <p>24 Q. Did someone specifically ask you</p> <p>25 to draw the map?</p>	<p style="text-align: right;">Page 88</p> <p>1 A. No.</p> <p>2 Q. And the same question going back</p> <p>3 to Exhibit 8, the Russell split plan, do you</p> <p>4 see any reasons why this plan would not be an</p> <p>5 acceptable option?</p> <p>6 A. No. I think it could have been.</p> <p>7 Although, again, I'm not sure that splitting</p> <p>8 of Russell, which some consider a Black Belt</p> <p>9 county was a good -- was a good -- a good</p> <p>10 thing to do. But I think it could have been</p> <p>11 an option.</p> <p>12 Q. And then going back to your</p> <p>13 community of interest plan, do you see any</p> <p>14 reason why the community of interest plan</p> <p>15 would not be an acceptable option?</p> <p>16 A. I do not.</p> <p>17 Q. I'm going to show you one last</p> <p>18 map. This is being marked as Exhibit 10.</p> <p>19 This is the whole Jefferson County plan</p> <p>20 according to the label at the top. Do you see</p> <p>21 that?</p> <p>22 (Whereupon, Exhibit 10 was marked</p> <p>23 for identification.)</p> <p>24 THE WITNESS: I do.</p> <p>25 Q. (By Mr. Thompson) Is this another</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 89</p> <p>1 map that you drew?</p> <p>2 A. This a map that I zeroed out</p> <p>3 meaning I got it to zero deviation. I didn't</p> <p>4 come up with the concept of it.</p> <p>5 Q. Do you know who drew this map</p> <p>6 other than you?</p> <p>7 A. I do.</p> <p>8 Q. Who was that?</p> <p>9 A. The concept of the map came from</p> <p>10 Eddie LaCour.</p> <p>11 Q. And you are having a discussion</p> <p>12 with someone right now. But I can't see</p> <p>13 because I'm not in the room with you. Who</p> <p>14 were you just talking to?</p> <p>15 A. I was asking Dorman if I could</p> <p>16 answer that question.</p> <p>17 Q. Okay. So your understanding was</p> <p>18 that Exhibit 10 was drawn by Eddie LaCour, is</p> <p>19 that what I heard?</p> <p>20 A. The concept of the map was drawn</p> <p>21 by Eddie LaCour, yes.</p> <p>22 Q. What does that mean, the concept</p> <p>23 of the map was drawn?</p> <p>24 A. It means he showed me a map that</p> <p>25 tied Shelby County into the other Black Belt</p>	<p style="text-align: right;">Page 91</p> <p>1 counties, and I don't think they have a lot</p> <p>2 in common. Shelby's, obviously, I think, the</p> <p>3 second fastest growing county in the state,</p> <p>4 and a lot of Black Belt counties are losing</p> <p>5 population. So I'm not -- I'm not sure they</p> <p>6 pair up that well. But other than that, I</p> <p>7 suppose it's an option.</p> <p>8 (Whereupon, Exhibit 11 was marked</p> <p>9 for identification.)</p> <p>10 Q. I'll bring up one more exhibit for</p> <p>11 you. This is being marked as Exhibit 11. And</p> <p>12 this is the text of SB-5 as it was finally</p> <p>13 enacted and signed by Governor Ivey. It is 12</p> <p>14 pages long. This was pulled from the Alabama</p> <p>15 Legislature's website. You can see at the top</p> <p>16 it says, SB-5 enrolled. Under that, it says</p> <p>17 Act No. 2023-563. Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Can you see the stamp on here that</p> <p>20 says July 21, 2023, received, governor's</p> <p>21 office?</p> <p>22 A. Yes, sir.</p> <p>23 Q. I'm going to just scroll down for</p> <p>24 you briefly so that you can see the entirety</p> <p>25 of this document. Obviously you can read it</p>
<p style="text-align: right;">Page 90</p> <p>1 counties that are in the 7th district there</p> <p>2 and then moved the 2nd district into Chilton,</p> <p>3 for example. And -- but -- but when he</p> <p>4 showed me the map, it was not to zero</p> <p>5 deviation. So I took his concept and put it</p> <p>6 to zero deviation.</p> <p>7 Q. So when you say the concept, you</p> <p>8 mean a rough drawing that's not drawn out to</p> <p>9 zero deviation?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know if any performance</p> <p>12 analysis was done on the whole county to --</p> <p>13 excuse me -- the whole Jefferson County plan?</p> <p>14 A. I don't know. I don't remember</p> <p>15 seeing it. But that doesn't mean that</p> <p>16 somebody didn't have it.</p> <p>17 Q. Do you have any knowledge about</p> <p>18 whether this plan performed to create an</p> <p>19 opportunity district?</p> <p>20 A. I do not.</p> <p>21 Q. Do you see any reason why the</p> <p>22 whole Jefferson County plan would not be an</p> <p>23 acceptable option?</p> <p>24 A. No. Again, you're -- you're</p> <p>25 pairing Shelby County with Black Belt</p>	<p style="text-align: right;">Page 92</p> <p>1 in a moment if you would like. But just</p> <p>2 showing you here each page. Do you see here</p> <p>3 on page 11, there's a signature by the</p> <p>4 president presiding officer of the senate and</p> <p>5 by the speaker of the house of</p> <p>6 representatives. Do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And then you see at the bottom</p> <p>9 here it says, approved, July 21, 2023, time</p> <p>10 5:28 p.m., Kay Ivey, Governor, with her</p> <p>11 signature. Do you see that?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Have you seen this document</p> <p>14 before?</p> <p>15 A. I have not.</p> <p>16 Q. I want -- if you can read this.</p> <p>17 Can you read this? Is it big enough for you</p> <p>18 to see?</p> <p>19 A. Not -- not very easily. But...</p> <p>20 Q. Let's see. Does that help?</p> <p>21 A. That's better. Yes.</p> <p>22 Q. Okay. What I'd like you to do, if</p> <p>23 you can, is to read section 1, paragraph 3,</p> <p>24 this section is 1 right here. You see it</p> <p>25 says, The legislature finds and declares the</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 93</p> <p>1 following. There's section 1 here. 2 Section -- excuse me, paragraph 1, paragraph 3 2, and then paragraph 3 starts here. So I'm 4 going to scroll down a bit. If you can review 5 this and then just tell me when you're ready 6 for me to scroll down. 7 MR. WALKER: Mr. Thompson, I have 8 a copy of the same exhibit here. Would you 9 like for me to show it to him? 10 MR. THOMPSON: That would be 11 perfect if preferable. 12 MR. WALKER: Okay. Hang on one 13 second, please. 14 MR. THOMPSON: Sure. And, again, 15 it's section 1, paragraph 3. And it is a -- 16 it is a couple of pages long, so take your 17 time to read it. 18 MR. WALKER: Wait. It's not the 19 same document. I apologize. 20 MR. THOMPSON: Okay. Well, then 21 we'll try this route. 22 Q. So, again -- 23 A. I'm starting where it says, the 24 legislature's intent; is that correct? 25 Q. Correct.</p>	<p style="text-align: right;">Page 95</p> <p>1 never instructed that it was the maximum; is 2 that correct? 3 A. That's correct. 4 Q. Were you ever made aware of any of 5 these redistricting criteria prior to drawing 6 your map? 7 A. Well, certainly some of them, I 8 was. I mean, not pairing incumbents, 9 district shall be as reasonably compact. 10 Yeah, you know, a lot of them are in the -- 11 are overlaps of the guidelines of the 12 reapportionment committee. 13 Q. So to the extent that these are 14 already contained within the 2021 15 redistricting guidelines, you were obviously 16 aware of those prior to drawing your map; 17 correct? 18 A. Correct. 19 Q. But to the extent that there are 20 any new or different requirements in this 21 SB-5, you were not made aware of those prior 22 to drawing your map; is that correct? 23 A. That is correct. 24 MR. THOMPSON: All right. 25 Mr. Hinaman, I think those are all of my</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Okay. Can we move down? Okay. 2 Thank you. 3 Q. Okay. 4 A. Can you go back just one tick 5 there? Thank you. Okay. 6 Q. And it ends here with line 57. 7 A. All right. 8 Q. Have you had a chance to review 9 section 1, paragraph 3? 10 A. I did. 11 Q. Have you seen these provisions of 12 SB-5 before? 13 A. I have not. 14 Q. Has anyone ever told you about 15 these provisions of SB-5 before? 16 A. No. 17 Q. Specifically, were you ever given 18 any instruction that the redistricting plan 19 shall contain no more than six splits of 20 county lines? 21 A. I was not given that 22 instruction. Although, obviously, that is 23 the minimum needed to split to get seven 24 districts to deviation. 25 Q. That's the minimum. But you were</p>	<p style="text-align: right;">Page 96</p> <p>1 questions at this time. So I'm going to pass 2 the witness. 3 EXAMINATION BY MS. JASRASARIA: 4 Q. Hi, good morning, Mr. Hinaman, my 5 name is Jyoti Jasrasaria, and I represent the 6 Caster plaintiffs this case. 7 A. Good morning. 8 Q. I don't think we've met before, 9 but I really appreciate your time today in 10 answering all of our questions. I will be 11 short. I just wanted to follow up on a few 12 things that Mr. Thompson asked you about. 13 So you spoke to Mr. Thompson 14 earlier this morning about being contacted by 15 Mr. Dorman Walker shortly after the June 8th 16 U.S. Supreme Court decision; is that correct? 17 A. Yes, ma'am. 18 Q. And what did Mr. Walker tell you 19 at that time? 20 A. He told me -- 21 MR. WALKER: Objection. 22 Objection. I'm asserting attorney -- I mean, 23 privilege over that conversation. 24 MS. JASRASARIA: Mr. Walker, are 25 you instructing the witness not to answer?</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 97</p> <p>1 MR. WALKER: I am.</p> <p>2 Q. (By Ms. Jasrasaria) Okay. And</p> <p>3 Mr. Hinaman, are you intending to follow your</p> <p>4 counsel's instruction?</p> <p>5 A. I am.</p> <p>6 Q. In that initial conversation, was</p> <p>7 anyone else present besides yourself and</p> <p>8 Mr. Walker?</p> <p>9 A. No.</p> <p>10 Q. And did Mr. Walker can give any</p> <p>11 instructions or guidance about drawing a map</p> <p>12 at that time?</p> <p>13 MR. WALKER: Counsel, I'm having a</p> <p>14 hard time hearing you.</p> <p>15 MS. JASRASARIA: Oh.</p> <p>16 MR. WALKER: But I think I assert</p> <p>17 the privilege to that question that you asked,</p> <p>18 but I'm not sure I heard it clearly.</p> <p>19 MS. JASRASARIA: Sure. Can you</p> <p>20 hear me better now?</p> <p>21 MR. WALKER: I can. Thank you so</p> <p>22 much.</p> <p>23 MS. JASRASARIA: Okay. Excellent.</p> <p>24 I just changed my microphone.</p> <p>25 Q. So I just asked whether Mr. Walker</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. About how many times did you meet</p> <p>2 with Mr. Walker over the course -- from June</p> <p>3 8th to the present?</p> <p>4 A. Probably about once a week. And</p> <p>5 then obviously when I was in -- you know, in</p> <p>6 Montgomery to draw maps. And then obviously</p> <p>7 I was here for the entire special session and</p> <p>8 saw him every day, I believe.</p> <p>9 Q. Was anyone else involved in those</p> <p>10 conversations and meetings that you had with</p> <p>11 Mr. Walker?</p> <p>12 A. Sometimes the cochairs and</p> <p>13 sometimes Eddie LaCour.</p> <p>14 Q. Anyone else?</p> <p>15 A. Donna Loftin possibly. Of</p> <p>16 course, she was out -- she missed most of the</p> <p>17 special session with COVID.</p> <p>18 Q. When was the first time that you</p> <p>19 spoke to Mr. LaCour?</p> <p>20 A. I believe it was our initial</p> <p>21 meeting in Montgomery.</p> <p>22 Q. And was that the same meeting that</p> <p>23 you mentioned was about a week after the</p> <p>24 Supreme Court decision?</p> <p>25 A. Yeah. A week to ten days,</p>
<p style="text-align: right;">Page 98</p> <p>1 gave the witness any instructions or guidance</p> <p>2 about drawing a map during the initial</p> <p>3 conversation after the June 8th decision?</p> <p>4 MR. WALKER: And I'll assert the</p> <p>5 same privilege and instruct the witness not to</p> <p>6 answer.</p> <p>7 Q. (By Ms. Jasrasaria) Okay.</p> <p>8 And Mr. Hinaman, are you following</p> <p>9 your counsel's instruction?</p> <p>10 A. I am.</p> <p>11 Q. When was the next time that you</p> <p>12 spoke to Mr. Walker after your initial</p> <p>13 conversation?</p> <p>14 A. I believe we had a meeting in</p> <p>15 Montgomery the following week or a few days</p> <p>16 later. I can't remember the exact dates,</p> <p>17 but...</p> <p>18 Q. And was anyone else present at</p> <p>19 that meeting in Montgomery?</p> <p>20 A. I believe that two chairs were</p> <p>21 present at that meeting.</p> <p>22 Q. Anyone else?</p> <p>23 A. Donna Loftin probably. There</p> <p>24 are probably, you know, a segment of</p> <p>25 different meetings.</p>	<p style="text-align: right;">Page 100</p> <p>1 something like that.</p> <p>2 Q. And that meeting included</p> <p>3 Mr. Walker and the cochairs?</p> <p>4 A. I'm sorry. Dorman was stealing</p> <p>5 my water. I was somewhat distracted there,</p> <p>6 Ma'am. I'm sorry.</p> <p>7 Q. No problem. That meeting that you</p> <p>8 mentioned in Montgomery, did that include</p> <p>9 Mr. LaCour, Mr. Walker, and the cochairs?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. And what did Mr. LaCour tell you</p> <p>12 in that conversation?</p> <p>13 MR. WALKER: Counsel, I'm going to</p> <p>14 assert the privilege again and instruct the</p> <p>15 witness not to answer.</p> <p>16 Q. (By Ms. Jasrasaria) Mr. Hinaman,</p> <p>17 do you intend to follow your counsel's</p> <p>18 instruction?</p> <p>19 A. I do.</p> <p>20 Q. When was the next time that you</p> <p>21 spoke to Mr. LaCour after the initial meeting?</p> <p>22 A. Probably another week later when</p> <p>23 I was back in Montgomery.</p> <p>24 Q. And about how many times did you</p> <p>25 meet with Mr. LaCour over the course of the</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 101</p> <p>1 special session?</p> <p>2 A. Over the course of the special</p> <p>3 session? Are you talking about those five</p> <p>4 days?</p> <p>5 Q. Oh, sorry. Over the course of the</p> <p>6 June and July period.</p> <p>7 A. Half a dozen times probably.</p> <p>8 Q. Was anyone else involved in those</p> <p>9 meetings and conversations?</p> <p>10 A. Dorman Walker and occasionally</p> <p>11 the chairs.</p> <p>12 Q. Did you ever meet with or speak</p> <p>13 with Mr. LaCour one on one?</p> <p>14 A. I did not. I mean, I'm sure I</p> <p>15 said hello passing him in the hall, but I did</p> <p>16 not meet with him.</p> <p>17 Q. You mentioned that Mr. LaCour was</p> <p>18 involved in the drawing of the whole Jefferson</p> <p>19 County plan; correct?</p> <p>20 A. I said that was his concept,</p> <p>21 yes.</p> <p>22 Q. Were there any other plans that</p> <p>23 Mr. LaCour was involved in the concept of?</p> <p>24 A. Not with me.</p> <p>25 Q. Are you aware of any that did not</p>	<p style="text-align: right;">Page 103</p> <p>1 about community of interest. We talked about</p> <p>2 the Jefferson whole plan. I'm sure we</p> <p>3 discussed maybe a couple of the other ones --</p> <p>4 you know, Russell split, for example. I</p> <p>5 don't have a direct recollection of it, but</p> <p>6 I'm sure we probably discussed it.</p> <p>7 Q. Did you speak with Mr. Walker</p> <p>8 about the communities of interest plan?</p> <p>9 A. Yes.</p> <p>10 Q. And did you speak to Mr. Walker</p> <p>11 about the Livingston 2 plan?</p> <p>12 A. I did.</p> <p>13 Q. What did you discuss with</p> <p>14 Mr. Walker about the Livingston 2 plan?</p> <p>15 MR. WALKER: Counsel, I'm going to</p> <p>16 assert privilege again and instruct the</p> <p>17 witness not to answer.</p> <p>18 Q. (By Ms. Jasrasaria) Mr. Hinaman,</p> <p>19 do you intend to follow your counsel's</p> <p>20 instruction?</p> <p>21 A. I do.</p> <p>22 Q. Mr. Hinaman, did you speak to</p> <p>23 Mr. Walker about the Livingston 3 plan that</p> <p>24 was ultimately passed?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 102</p> <p>1 involve you?</p> <p>2 A. If it didn't involve me, it's</p> <p>3 sort of hard for me to know.</p> <p>4 Q. So, just to clarify, are you aware</p> <p>5 of any plans that Mr. LaCour was involved in</p> <p>6 developing the concept for besides the whole</p> <p>7 Jefferson County plan?</p> <p>8 A. I don't know. I'm not aware.</p> <p>9 Q. Did you speak with Mr. LaCour</p> <p>10 about the communities of interest map that you</p> <p>11 drew?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Did you speak with Mr. LaCour</p> <p>14 about the Livingston 2 plan?</p> <p>15 A. I don't believe so. I don't</p> <p>16 remember. I don't recollect it, no.</p> <p>17 Q. But you mentioned that did you</p> <p>18 speak to -- I'm sorry. Let me rephrase that.</p> <p>19 Did you speak to Mr. LaCour about</p> <p>20 the Livingston 3 plan?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. Did you speak to Mr. LaCour about</p> <p>23 any other plan?</p> <p>24 A. I don't -- I mean, I don't have</p> <p>25 an exact recollection. Obviously, we talked</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. And what did you discuss?</p> <p>2 MR. WALKER: I'll assert the</p> <p>3 privilege again and instruct the witness not</p> <p>4 to answer.</p> <p>5 Q. (By Ms. Jasrasaria) Mr. Hinaman,</p> <p>6 do you intend to follow your counsel's</p> <p>7 instruction?</p> <p>8 A. I do.</p> <p>9 Q. Did you speak to Mr. Walker about</p> <p>10 any other plans?</p> <p>11 A. I'm sure I spoke to him about</p> <p>12 the Russell -- the other plans that were</p> <p>13 released, Russell split, extended Black Belt.</p> <p>14 Q. Okay. Turning to your role with</p> <p>15 the Livingston 3 plan, which you discussed</p> <p>16 with Mr. Thompson earlier, you mentioned that</p> <p>17 you were involved in zeroing out the</p> <p>18 population of that plan; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And was the population zeroing out</p> <p>21 something that you were doing solely based on</p> <p>22 someone else's instructions, or were you</p> <p>23 exercising your own judgment to zero out the</p> <p>24 population deviations?</p> <p>25 A. I was instructed on what county</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 105</p> <p>1 and precinct to zero out. But then when 2 we're picking selected census blocks, I -- 3 you know, if we needed a census block of ten, 4 I would hunt for a census block of ten. 5 Q. And can you just remind me, who 6 was giving those instructions to you? 7 A. Senator Livingston. 8 Q. And are you aware of whether he 9 was -- he had developed those instructions on 10 his own? 11 A. I have no idea. 12 Q. When you were asked to evaluate or 13 look at other maps that you did not draw in 14 this processes, were you given any criteria on 15 which to evaluate those plans? 16 A. Other than the guidelines, no -- 17 and the Court, no. 18 Q. And who gave you instructions to 19 evaluate those plans on the Court and the 20 guidelines? 21 A. Well, I'm not sure. Which plans 22 are you referring to? 23 Q. So let's take them in turn. So 24 with respect to the -- I think you mentioned 25 that you looked at the opportunity plan; is</p>	<p style="text-align: right;">Page 107</p> <p>1 A. I did not. 2 Q. Did you produce any reports or 3 written analysis of any other plans that you 4 did not draw? 5 A. I did not. 6 MS. JASRASARIA: Okay. No further 7 questions for me. Thank you very much. I'm 8 going to hold this deposition open due to some 9 of the objections and directions not to 10 answer. And if we have to go to the Court to 11 continue this, we will. But, for now, I just 12 wanted to state that on the record. Thank you 13 for your time. I'll pass the within. 14 MR. WALKER: Thank you, counsel. 15 COURT REPORTER: Any other 16 questions, Counsel? 17 MR. DAVIS: No questions from the 18 Secretary of State. 19 COURT REPORTER: Okay. 20 Mr. Thompson, are you ready to go off the 21 record? 22 MR. THOMPSON: I am. 23 COURT REPORTER: Thank you, 24 Mr. Hinaman. 25 THE VIDEOGRAPHER: Counsel, I</p>
<p style="text-align: right;">Page 106</p> <p>1 that right? 2 A. Yeah. I wouldn't say I 3 evaluated it. I looked at it. 4 Q. Okay. Which plans did -- were you 5 asked to evaluate? 6 A. I didn't really evaluate any. 7 Other than the plans that I drew, I didn't 8 really evaluate any of the plans. 9 Q. So you evaluated only the 10 community of interest plan and the Russell 11 split plan and the expanded Black Belt plan; 12 is that fair? 13 A. That's fair. 14 Q. And then other iterations of those 15 plans that may have been drafts? 16 A. Yes, ma'am. 17 Q. And who gave you -- who asked you 18 to evaluate your own plans? 19 A. Well, Dorman Walker and, I 20 guess, the chairs. 21 Q. And how did you share your 22 evaluation of your maps with them? 23 A. Verbally. 24 Q. Did you produce any reports or 25 written analysis?</p>	<p style="text-align: right;">Page 108</p> <p>1 apologize. Before we go off, does anyone need 2 transcript or video orders? 3 MR. THOMPSON: Yes, we do. 4 THE VIDEOGRAPHER: Mr. Thompson, 5 do you need -- as to your video, do you need 6 that synced or unsynced? 7 MR. THOMPSON: I'll defer to the 8 rest of the group on that. But let's do 9 synced. 10 MR. ROSS: I have a question. So 11 we probably need this as soon as possible. 12 I'm not sure that was conveyed to you. Is 13 there a way to get this -- I assume synced 14 takes longer. So -- 15 COURT REPORTER: That's Mr. Ross; 16 right? 17 MR. ROSS: Yes. 18 COURT REPORTER: Okay. I am aware 19 of the rush transcript order for you guys -- 20 for the Milligan plaintiffs. The Caster 21 plaintiffs, do you need to order a copy of the 22 transcript as well? 23 MS. JASRASARIA: Yes. But if I 24 could just get back to you. Do you mind 25 dropping your e-mail in the chat, and I can</p>

RANDY HINAMAN
EVAN MILLIGAN, et al. vs WES ALLEN, et al.

August 09, 2023

<p style="text-align: right;">Page 109</p> <p>1 get back to you with the timeline? Thank you.</p> <p>2 COURT REPORTER: Yes, ma'am.</p> <p>3 Okay. Any other transcript orders while we're</p> <p>4 here.</p> <p>5 MR. ROSS: Just to be clear, we</p> <p>6 only need electronic. We don't need paper</p> <p>7 copies or anything else. Just the -- just the</p> <p>8 PDF is fine.</p> <p>9 COURT REPORTER: Yes, sir.</p> <p>10 Mr. Walker, do you need a copy of the</p> <p>11 transcript?</p> <p>12 MR. WALKER: Yes, we do, please.</p> <p>13 COURT REPORTER: Okay. Are you --</p> <p>14 do you need it rush as well?</p> <p>15 MR. WALKER: Did you say do I need</p> <p>16 it rush as well?</p> <p>17 COURT REPORTER: Yes, sir.</p> <p>18 MR. WALKER: Yes, please.</p> <p>19 COURT REPORTER: Okay. They're</p> <p>20 receiving it tomorrow. Are you with that same</p> <p>21 timeline?</p> <p>22 MR. WALKER: Yes, please.</p> <p>23 THE VIDEOGRAPHER: Mr. Walker, do</p> <p>24 you need video?</p> <p>25 MR. WALKER: Jim, do you want to</p>	<p style="text-align: right;">Page 111</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 CALHOUN COUNTY)</p> <p>5</p> <p>6 I hereby certify that the above</p> <p>7 proceedings were taken down by me and</p> <p>8 transcribed by me using computer-aided</p> <p>9 transcription, and that the above is a true</p> <p>10 and correct transcript of the said proceedings</p> <p>11 given by said witness.</p> <p>12 I further certify that I am neither</p> <p>13 of counsel nor of kin to the parties to the</p> <p>14 action, nor am I in anywise interested in the</p> <p>15 result of said cause.</p> <p>16 I further certify that I am duly</p> <p>17 licensed by the Alabama Board of Court</p> <p>18 Reporting as a Certified Court Reporter as</p> <p>19 evidenced by the ACCR number found below.</p> <p>20</p> <p>21 COMMISSIONER - NOTARY PUBLIC</p> <p>22</p> <p>23 <i>Cindy C. Jenkins, CCR</i></p> <p>24 CINDY C. JENKINS, CSR</p> <p>25 ACCR #470 - Exp. 9/30/2023</p>
<p style="text-align: right;">Page 110</p> <p>1 weigh in on that.</p> <p>2 MR. DAVIS: I do not think we need</p> <p>3 video.</p> <p>4 THE VIDEOGRAPHER: Okay.</p> <p>5 COURT REPORTER: Okay. If that's</p> <p>6 all, you can take us off the record, Bailey.</p> <p>7 THE VIDEOGRAPHER: Of course.</p> <p>8 With no further questions the time is</p> <p>9 currently 11:31 a.m. on August 9th, 2023, and</p> <p>10 we are going off the record.</p> <p>11 (The deposition concluded at 11:31 a.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	