

2021 Dec-27 AM 9:36  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

# Exhibit 18

1 PERMANENT LEGISLATIVE COMMITTEE ON

2  
3 REAPPORTIONMENT PUBLIC HEARINGS  
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12 NORTHEAST ALABAMA COMMUNITY COLLEGE  
13 REDISTRICTING PUBLIC HEARING  
14

15 September 1, 2021  
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19  
20

21 REPORTED BY:

22 Jan A. Mann, CSR  
23 Veritext Legal Solutions  
24 260 North Joachim Street  
25 Mobile, Alabama 36603

A P P E A R A N C E S

HEARING OFFICER:

Mr. Dorman Walker

SENATE CHAIR OF REDISTRICTING:

Mr. Jim McClendon

HOUSE CHAIR OF REDISTRICTING:

Mr. Chris Pringle

1 September 1, 2021

4:00 p.m.

2  
3 PROCEEDINGS  
4

5 MR. MCCLENDON: We would ask that anyone  
6 that comes in by phone, over the net that's virtually  
7 accessing this meeting do two things for us. Turn your  
8 cameras off and mute your microphones on your phone or  
9 on your computer or whatever kind of device that you're  
10 using. Please mute it. We get a most aggravating echo  
11 when we have those on and if you -- that will do it. If  
12 you will turn your cameras off, that allows us -- that  
13 just gives us more room on the screen to catch you.

14 My name is Jim McClendon. I'm from St.  
15 Clair County. I am the Senate Chair of the  
16 Redistricting and Reapportionment Committee and I  
17 certainly want to welcome all of you and thank you for  
18 joining us today.

19 We have with us -- on my right is  
20 Representative Chris Pringle. Chris is the House Chair  
21 of Redistricting. And on my left is Dorman Walker, an  
22 attorney, and he is our hearing officer.

23 Every ten years -- the reason we have a  
24 census is to really track the people in our state to see  
25 where they live and how many of them live there. If

1 everybody stayed in the same place and nobody died and  
2 nobody was born, we wouldn't have to do this because  
3 populations would stay the same but that is not the  
4 case. We know that folks move around.

5 There is definitely a pattern from rural  
6 areas into urban areas. That's been going on for  
7 decades not only in Alabama but throughout the country.

8 The job of this committee is to draw the  
9 lines that is congressional districts, Alabama Senate  
10 districts, Alabama House of Representative districts,  
11 and state board of education districts. It's to draw  
12 the lines such that we equalize the number of people in  
13 each of these districts. And as these districts change,  
14 every ten years we get an opportunity to bring it back  
15 into balance.

16 Now, for example, I'll mention you've got  
17 three Senate districts in your area that I can tell. In  
18 Senate District 8 which is Senator Steve Livingston who  
19 is a member of this committee by the way and is with us  
20 here today, Senate District 8 gained -- over a ten year  
21 period gained a thousand and eighty-two people. That's  
22 still pretty close.

23 The target -- the ideal district size for  
24 a Senate district in Alabama is a hundred and  
25 forty-three thousand five hundred and fifty-one plus or

1 minus five percent. We have some latitude there. I  
2 have that same plus or minus five percent for House  
3 districts, for board of education districts. However,  
4 congressional districts have zero deviation. We have  
5 exactly the same number of people in every congressional  
6 district plus or minus one.

7 Okay. That's -- Senate District 8 is  
8 over by a thousand. Senate District 9 is down by four  
9 hundred and fifty-eight. That keeps it still within our  
10 plus or minus five percent. Senate District 10 is down  
11 by seven thousand two hundred people which it puts it  
12 just outside the margin which is going to mandate a  
13 change.

14 Now keep in mind -- let's take for  
15 example -- we'll take Senator Livingston's district. It  
16 has a change in population of a thousand. You would  
17 think, well, we're not going to have to change that  
18 district but the fact is there are adjacent districts  
19 that will go up or down and they all have an impact on  
20 (inaudible).

21 Now let's go to your house seats in your  
22 area. Twenty-two, House District 22 had an increase of  
23 about seven thousand people. That's going to take an  
24 adjustment obviously. Twenty-three had a loss of two  
25 thousand three hundred. Twenty-four, about fifteen

1 hundred loss. Twenty-six gained five oh seven.  
2 Twenty-seven lost six forty-four. Twenty-eight lost  
3 almost five thousand people which certainly will have an  
4 impact and it will impact adjacent districts. Number 29  
5 lost eighteen, nineteen hundred people which would make  
6 a change.

7 So with that being said, that kind of  
8 gives you the overview of why we're doing this. We're  
9 not doing it because we want to do it. We're doing it  
10 because we have to do it. It's just a job that has to  
11 be done every ten years to try to keep your vote  
12 weighted with other votes.

13 So let me turn this over now to  
14 Representative Chris Pringle who is House chair.

15 MR. PRINGLE: Thank you, Senator  
16 McClendon. Again I am Representative Chris Pringle from  
17 the 101st district in Mobile. I'd like to announce that  
18 you will be called in the order in which you have signed  
19 up to speak. You will be limited to three minutes. If  
20 your time elapses, we'll come back around to you at the  
21 end. We want to make sure everybody has the opportunity  
22 to speak, but if you run out of time, looks like we'll  
23 be able to get back to you.

24 When you come to speak, please come to  
25 the microphone, state your name and the community you

1 represent and the district or districts you want to  
2 speak about. If you decide you want to speak but did  
3 not sign up, we'll ask at the end if anyone wants to  
4 speak that had not signed up.

5 If you are participating remotely, send  
6 your questions and we'll read it into the record and  
7 answer it for you. This hearing is being transcribed by  
8 a court reporter who is working remotely. If you have  
9 something that you would like to introduce into the  
10 record as an exhibit, bring it to the microphone when  
11 you speak and let the hearing officer know. They will  
12 get the information to us and we will enter it into the  
13 record.

14 This hearing deals strictly with  
15 redistricting. We are not here to hear subjects outside  
16 of the redistricting process so please keep your remarks  
17 germane to that subject. Thank you. Oh, yeah. If you  
18 are joining us remotely, please mute your microphone.  
19 It helps on the back feed on everybody. Please make  
20 sure -- and turn your cameras off so we can see how many  
21 people are up but please mute and turn your cameras off.  
22 Thank you.

23 HEARING OFFICER: Hello. My name is  
24 Dorman Walker and I'm the hearing officer. Before we  
25 get started, I'd like to ask if there are any members of



1 the media present. We like to keep track of the media  
2 coverage of the hearing. If there are media members  
3 present and they would like to identify themselves,  
4 please do.

5 Okay. You'll have three minutes to  
6 speak. The scope of this hearing is what you can tell  
7 us about how to make the districts better, how would you  
8 like to see the districts changed given that some  
9 districts will grow smaller; that is, the districts that  
10 are overpopulated. Some districts will grow bigger;  
11 that is, the districts that are underpopulated.

12 Do we have -- do you have a speakers list  
13 yet? Okay. We need to wait just a second to get the  
14 speakers list so talk among yourselves for a moment.

15 I tell you what. While we're doing that,  
16 I'll go ahead and go over some of the criteria we have.  
17 The legislature can't just draw districts any particular  
18 way. It has to follow rules.

19 The first one is that the end result has  
20 to be that the districts have to have approximately  
21 equal population. The other rules that the legislature  
22 have are embedded in the guidelines to redistricting  
23 that you can find on the web at the redistricting  
24 office.

25 And in summary, they are that all

1 districts have to comply with the constitution and  
2 particularly the Equal Protection Clause of the federal  
3 constitution and with any applicable provisions of the  
4 Alabama Constitution and with state and federal law and  
5 in particular Section 2 of the Voting Rights Act which  
6 forbids discrimination and vote dilution.

7 In addition, the -- no district can be  
8 drawn that subordinates the race neutral districting  
9 criteria which I'll go over in a second to  
10 considerations of race, color or membership in a  
11 language minority unless race, color or membership in a  
12 language minority -- those may predominate over race  
13 neutral criteria if they're -- if doing so is necessary  
14 to comply with the Voting Rights Act and that would  
15 be -- in that case, there must be a strong basis of  
16 evidence for the committee to use race -- to use race  
17 conscious decisions before they can do that.

18 Districts must be contiguous and they  
19 must be reasonably compact. They should reflect the  
20 democratic will of the people which again is one of the  
21 reasons for these hearings. They must be drawn on the  
22 purpose of a basis of total population; that is, all the  
23 residents of a location regardless of whether they're  
24 citizens, whether they're just visiting, whether they  
25 can vote, whether they do vote doesn't matter. It's

1 total population although at times voting age population  
2 will be considered.

3 The number of Senate districts is set by  
4 statute at thirty-five. The number of House districts  
5 is set by statute at 105. The constitution would allow  
6 there to be 106.

7 All districts are single member and every  
8 part of every district shall touch -- must be in contact  
9 with districts at every point all the way around.

10 Contiguity is allowed by water. So if you have a river  
11 that flows through a jurisdiction, it's not considered  
12 discontinuous. Contiguity is allowed across the water.

13 Districts shall respect communities of  
14 interest, neighborhoods and political subdivisions to  
15 the extent practicable. Communities of interest is  
16 defined as an area with recognized similarities of  
17 interests including but not limited to ethnic, racial,  
18 travel, social, geographic and historical entities --  
19 identities. Excuse me.

20 The term communities of interest may  
21 under certain circumstances include political  
22 subdivisions such as counties, voting precincts,  
23 municipalities, travel lands and reservations or school  
24 districts.

25 The discernment of weighing and balancing

1 of the various factors that contribute to communities of  
2 interest is an intensely political process best carried  
3 out by the elected representatives of the people.

4 In plain language, sometimes the idea of  
5 communities of interest within a jurisdiction will  
6 overlap and one can be honored only at the expense of  
7 the other and it's left to the legislature to determine  
8 what the best response is under those circumstances.

9 The legislature tries to minimize the  
10 number of counties in each district. Smaller districts  
11 are preferred over larger districts where possible and  
12 the legislature tries to preserve the cores of existing  
13 districts and disfavors putting two incumbents in the  
14 same district.

15 In establishing legislative districts,  
16 the reapportionment committee gives due consideration to  
17 all these criteria, however priority to be given to --  
18 is given to the compelling state interest in requiring  
19 equal population among districts and in compliance with  
20 the Voting Rights Act of 1965.

21 With that said -- ah, we do have the list  
22 of people who want to speak. There is only one person  
23 who signed up to speak and that is Toni McGriff. Toni  
24 McGriff, if you want to come up and speak, we will be  
25 glad to hear from you.

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

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

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

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

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

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

23 MS. MCGRIFF: Thank you.

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

1 asked me to explain the plus or minus. There are two  
2 different levels of deviation generally allowed for  
3 districts.

4 For the legislative districts and the  
5 state board of education district, the legislature gives  
6 itself room to give itself room to have more variation  
7 in population than with congressional districts.

8 Congressional districts generally must be  
9 equal in population or as equal as is practicable.  
10 House districts, state senate districts and state board  
11 of education districts can have population variance that  
12 ranges from five degrees -- five percent below the ideal  
13 population to five percent above the ideal population  
14 and the ideal population of course is simply the number  
15 of units you have divided into the total population of  
16 the state.

17 For example, the total population of the  
18 state divided by seven gives you the ideal population  
19 for each of the congressional districts and in fact each  
20 of the congressional districts will have that ideal  
21 population when we finish redistricting.

22 The same thing -- the total population of  
23 the state divided by eight would give you the ideal  
24 population of the state board of education districts but  
25 those districts can be populated either five degrees

1 below or five degrees above the ideal population. So --  
2 five percent. Excuse me. So there's a little room for  
3 adjusting the population in order to ensure things like  
4 whole counties.

5 If there's no one in the lyceum who  
6 wishes to speak, is there anyone online who sent in a  
7 question? No one has sent in a question online so --

8 UNKNOWN SPEAKER: There is one coming in.

9 HEARING OFFICER: Oh, one coming in.

10 UNKNOWN SPEAKER: This is from Matt  
11 Sharp. DeKalb County is split into six House districts  
12 and three senators. Only one of these nine legislators  
13 live in DeKalb County. No disrespect to any of the  
14 legislators that represent DeKalb but six legislators  
15 are too many. District 23 and District 27 would be  
16 better served to not include part of DeKalb County.

17 HEARING OFFICER: Noted. That's a good  
18 comment and I think it will be very helpful to the  
19 redistrictors. Thank you for making it.

20 UNKNOWN SPEAKER: One more.

21 HEARING OFFICER: Oh.

22 UNKNOWN SPEAKER: From Melissa Russell.  
23 Are there any entities or people who advise the  
24 committee on where to place any of the district lines?

25 HEARING OFFICER: Yes. Yes, the -- you

1 do that through your comments here as well as the  
2 respective members of the House and the Senate advise on  
3 how the line should be placed. In addition to that, I  
4 provide advice to a legal extent as -- under some  
5 circumstances about where a line should be. That was  
6 Melissa.

7 UNKNOWN SPEAKER: Melissa Russell.

8 HEARING OFFICER: Anyone else? Okay.  
9 Last chance for anyone to speak. Hearing none, I  
10 declare this hearing closed and thank you very much for  
11 participating today. Have a good evening.

12  
13 END OF PROCEEDINGS  
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C E R T I F I C A T E

STATE OF ALABAMA)

MOBILE COUNTY)

I hereby certify that the above  
proceedings were taken down by me and transcribed by me  
and that the above is a true and correct transcript of  
the said proceedings given by said witness.

I further certify that I am neither of  
counsel nor of kin to the parties nor in anywise  
financially interested in the outcome of this case.



JAN A. MANN

COMMISSIONER - NOTARY PUBLIC

ACCR NO. 321

[1 - csr]

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