

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ALABAMA  
3 SOUTHERN DIVISION

4 ALABAMA STATE CONFERENCE \*  
5 OF THE NAACP, et al., \*  
6 Plaintiffs, \* 2:21-cv-1531-AMM  
7 vs. \* November 15, 2024  
8 WES ALLEN, in his official \*  
9 capacity as Alabama Secretary \*  
10 of State, et al., \*  
11 Defendant. \*  
12 \*\*\*\*\*  
13

14 TRANSCRIPT OF BENCH TRIAL  
15 VOLUME IV  
16 BEFORE THE HONORABLE ANNA M. MANASCO  
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20

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I N D E X

1		
2		
3	TRACI BURCH	752
	CROSS-EXAMINATION CONTINUED	
4	BY MR. SMITH	
	REDIRECT EXAMINATION	770
5	BY MS. CARTER	
	RECROSS-EXAMINATION	771
6	BY MR. SMITH	
7	WILFRED REILLY	774
	DIRECT EXAMINATION	775
8	BY MR. DAVIS	
	CROSS-EXAMINATION	816
9	BY MR. CAMPBELL-HARRIS	
	REDIRECT EXAMINATION	843
10	BY MR. DAVIS	
11	VALERIE BRANYON	848
	DIRECT EXAMINATION	848
12	BY MS. MESSICK	848
	CROSS-EXAMINATION	871
13	BY MS. CARTER	
	REDIRECT EXAMINATION	886
14	BY MS. MESSICK	
15	COLONEL JONATHAN ARCHER	889
	DIRECT EXAMINATION	889
16	BY MS. MESSICK	
	CROSS-EXAMINATION	907
17	BY MS. ALLEN	907
	REDIRECT EXAMINATION	920
18	BY MS. MESSICK:	
19		
	Defense Exhibit 128	900
20	Defense Exhibit 131	903
	Defense Exhibit 256	904
21		
22		
23		
24		
25		

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1 communicate among -- within the team about what's coming next.

2 And if we are rely -- are you ready? We are ready.

3 THE COURT: I think Ms. Messick is ready.

4 MR. DAVIS: I think she is more than ready. I am  
5 going to sit down and shut up.

6 MS. MESSICK: Good morning, Your Honor.

7 THE COURT: Good morning.

8 MS. MESSICK: Misty Messick for the Secretary of  
9 State, and the Secretary calls Valerie Branyon.

10 THE COURT: All right.

11 VALERIE BRANYON

12 having been first duly sworn by the Courtroom Deputy Clerk, was  
13 examined and testified as follows:

14 THE CLERK: If you will be seated. Please speak  
15 loudly and clearly into the microphone. You can adjust it as  
16 you need.

17 THE WITNESS: Okay.

18 THE CLERK: State your name and spell it for the court  
19 record.

20 THE WITNESS: My name is Valerie Branyon, first name  
21 V-A-L-E-R-I-E; last name Branyon, B-R-A-N-Y-O-N.

22 DIRECT EXAMINATION

23 BY MS. MESSICK:

24 Q Good morning, Ms. Branyon. What county and state do you  
25 live in?

1 A I live in Fayette, Alabama.

2 Q Have you lived in other places?

3 A Yes, I have.

4 Q Where else have you lived?

5 A I've lived in Florida and three different cities in  
6 Florida and Tuscaloosa and Montgomery.

7 Q Do you have a college degree?

8 A Yes, I do.

9 Q From where?

10 A The University of Alabama.

11 Q What is your degree in?

12 A A bachelor of science in civil engineering.

13 Q And when did you get that degree?

14 A I got it in December of 1987.

15 Q What do you do for work?

16 A I work with the Alabama Department of Transportation. I'm  
17 over the materials section. And basically, in materials, we  
18 test any materials that go into the construction of roadways  
19 and bridges. And we also design the roadway build ups.

20 Q And how long have you been with the Alabama Department of  
21 Transportation?

22 A Since January of 1998.

23 Q For the record, would you please tell me your race?

24 A African-American.

25 Q Thank you. You recently ran for office; is that correct?



1 A That's correct.

2 Q What office did you run for?

3 A I ran for the Fayette County District 6 Commissioner  
4 position.

5 Q So the County Commission District 6?

6 A Correct.

7 Q Who did you run against?

8 A I ran against this gentleman named John Underwood.

9 Q And was the seat open?

10 A No. He was the incumbent.

11 Q Mr. Underwood was?

12 A Mr. Underwood was.

13 Q Approximately, how long has Mr. Underwood been in office?

14 A Well, I think it's -- I know at least 16 years, maybe 20,  
15 24, somewhere in there.

16 Q What race is Mr. Underwood?

17 A He's African-American.

18 Q What was the result of the election?

19 A I won.

20 Q Congratulations.

21 A Thank you.

22 Q When do you take office?

23 A I took office last Wednesday a few days ago.

24 Q Did you run with a political party?

25 A Yes, I did.

1 Q Which party was that?

2 A The Republican party.

3 Q Was Mr. Underwood a Democratic candidate?

4 A Yes. He was the Democratic candidate.

5 Q Have you always been a Republican?

6 A No, I haven't.

7 Q What brought you to the Republican party?

8 A Actually, a gentleman I knew, and I think I'm kind of kin  
9 to him, his name is Bill McCollum. He ran for sheriff in  
10 Fayette County years ago.

11 And my mother and I wanted to support him, and he was  
12 running on the Republican ticket, if they run on tickets, I  
13 believe. And we started going to the Republican meetings along  
14 with him and his wife.

15 Q And what race is Mr. McCollum?

16 A He's an African-American.

17 Q Is there anything other than Mr. McCollum that kept you  
18 with the Republican party?

19 A Yes. There are other reasons I stay with the Republican  
20 party, and I got more serious about being Republican later on  
21 for those reasons.

22 Q And can you tell me what some of those reasons are?

23 A Yes. The pro life. I don't believe in killing little  
24 babies. And also the gay rights-type things, the gay marriage,  
25 and all of that.

1 Q Are your political views at all influenced by your  
2 religion?

3 A Yes.

4 Q Have you run for Fayette County Commission District 6  
5 before?

6 A Yes. I ran twice before. And the first time, I didn't  
7 really complete the race. But in 2020, I ran to the end.

8 Q And what has made you focus on this seat?

9 A The District 6 county -- because I couldn't think of  
10 things that the present commissioner was really doing for the  
11 people in District 6, and I felt I could fight to get more  
12 things done for them.

13 Q Am I right to assume that all of the newly-elected  
14 commissioners just took office?

15 A Yes.

16 Q Okay.

17 A We all took office last Wednesday.

18 Q Wednesday of last week or this week?

19 A Of this week. I'm sorry.

20 Q Okay. So the last week before the new commissioners took  
21 office.

22 Can you tell me the race of the people who were on the  
23 county commission?

24 A Yes. There are six county commissioners in Fayette  
25 County. Five of the commissioners are white, and one

1 commissioner was African-American.

2 Q Fayette County Commission District 6, can you tell me what  
3 the population is like?

4 A In District 6, I believe there's somewhere around -- well,  
5 I think there were 2,000 and something on the list that I had,  
6 but I'm not sure it's 2,000 people there, because it just when  
7 I was door knocking, it just didn't seem like 2,000.

8 Q What about the racial makeup of the district?

9 A At this point, I think it's 50/50 somewhat  
10 African-American and white. It's more of an even split, I  
11 believe.

12 Q Is that true historically, as well?

13 A No. Historically, it was a majority African-Americans.

14 Q Is that happenstance?

15 A What did you mean by happen -- it like --

16 Q Is this any reason that that district was previously  
17 majority African-American?

18 A Yes. They drew the district so that it would be a  
19 majority African-American.

20 Q Do you know what the general partisan lean of the district  
21 is?

22 A Right now, I would say it's probably 50/50 Republican and  
23 Democrat.

24 Q Did black candidates only win in black districts in  
25 Fayette County?

1 A No. Black candidates have won in other districts in  
2 Fayette County.

3 Q Can you tell me about those?

4 A Yes. A few years back, I believe it was the 2020  
5 election. I'm not sure, though. But an African-American man  
6 won in another district that was I would say pure white. He  
7 won the position on the board of education. And there's some  
8 others within the city council that have also won in another  
9 district.

10 Q Okay. Tell me about that person or people.

11 A Okay. The way the city's divided up, the district I'm in  
12 within the city limits, there's a majority African-American.  
13 And so an African-American won there.

14 And then there's another district that's majority white.  
15 An African-American lady won in that district also.

16 Q Great. Thank you.

17 Let's talk about your campaign experiences with this most  
18 recent campaign.

19 Can you tell me some of the things that you did to get the  
20 word out?

21 A Yes. I had political signs. I knocked on doors. I had  
22 five weeks of my personal ad was running in the local  
23 newspaper. There was a week before and then the Monday and  
24 Tuesday of the election we had radio ads. There was three  
25 mailers that was sent out, and there was two robocalls and a

1 text message went out. And also somebody told me there was  
2 something on Facebook also.

3 Q Thank you.

4 Can you tell me about your experiences with the door  
5 knocking?

6 A Well, it's hard for me, but I would just knock on  
7 everybody's doors on the list in my district and introduce  
8 myself and tell them something that I had accomplished as a  
9 citizen. And I would let them know that I was a hard worker.  
10 And I think that was basically it.

11 Q Okay. Can you help quantify for me how much door knocking  
12 you did, maybe tell me how many hours or how many people?

13 A I door knocked just about everybody in the district except  
14 for one other voting I guess precinct. I wasn't able to door  
15 knock hardly any in that precinct. But pretty much everybody  
16 else in the rest of them.

17 For the city limits, I door knocked most all the houses,  
18 but there was one apartment complex I wasn't able to get to.  
19 And then I door knocked all the houses in this community called  
20 Canaan and all the houses in a community called Covin.

21 And then there's another area that's on 159. I guess  
22 they're at the Palestine precinct. I door knocked their houses  
23 also.

24 Q Did you have any help with the door knocking?

25 A Yes. A lady volunteered in the beginning to help me, so I

1 gave her 50 houses, I believe in that one District that I  
2 wasn't able to knock doors.

3 I did knock a few doors, but I wasn't able to finish in  
4 that district, so she had helped me a little bit there.

5 Q What was her -- what is her race?

6 A She's a white lady.

7 Q I believe you mentioned like yard signs. Can you tell me  
8 about that?

9 A Yeah. I had yard signs at the intersections of roadways  
10 and along different roadways. Several people allowed me to put  
11 yard signs in their yards. So I had a few yard signs in  
12 different yards also.

13 Q You mentioned newspaper ads. So did you or your campaign  
14 run an ad?

15 A Yes. I ran one I guess you could call it myself for my  
16 campaign. It was a five weeks that I ran that ad. And it was  
17 personally about me and stuff.

18 Q Did that ad include a picture?

19 A Yes. It included a picture of myself. I had the  
20 Republican symbol on it. I told a little bit about my  
21 background and three things that I stood for.

22 Q Who paid for that ad?

23 A The local Republican party paid for it.

24 Q Were there any other newspaper ads that involved your  
25 campaign?

1 A Yes. There was the local Republican party ran a large ad  
2 to pretty much say what they, the Republican party stood for.  
3 And it had every candidate, our local candidate's name on that  
4 ad. And they ran it two weeks.

5 Q Thank you. You mentioned radio ads. What can you tell me  
6 about that?

7 A Yes. The radio ad pretty much, it was ran for the week  
8 before and the Monday before the election and the Tuesday of  
9 the election, and I pretty much introduced myself. It was me  
10 speaking, and I told a little bit about what I would do and  
11 that type thing.

12 Q And who paid for that ad?

13 A The local Republican party paid for that ad, also.

14 Q How did the local Republican party come to pay for the  
15 newspaper ad and the radio ads?

16 A Someone suggested that I present like an itemized budget  
17 of what I would like for the local Republican party to pay for.  
18 And that's what I did. I pretty much -- I got the pricing on  
19 the newspaper ads, and I pretty much wrote out like the price  
20 and how many weeks I wanted them to run the ad, and how much  
21 that would cost.

22 And the -- I got the pricing on the radio ads, which was  
23 run on two radio stations. I itemized it and got the price for  
24 that. And I gave them the itemized copy of what all of that  
25 would cost.



1 Q And what was their response?

2 A They voted and decided to pay for it.

3 Q You were deposed over the summer. And at that time, you  
4 said you were a little shy about asking for money. So what  
5 changed?

6 A What changed was a gentleman that used to be over the  
7 local Republican party, he had planned on, I guess, investing a  
8 lot of money in my election because I wasn't far from winning  
9 the time before, and he felt with a little help I could win.  
10 But for some reason, he had to resign or he ended up resigning  
11 before I started campaigning. So he just talked to me and told  
12 me what I should do. And he also invested a little bit of his  
13 own money in my campaign also.

14 Q And what race is he?

15 A He was a white.

16 Q You mentioned mailers. Can you tell me about the mailers?

17 A Yeah. Three mailers was sent out. I didn't really ask  
18 anybody to do that for me, but the -- I guess the gentleman  
19 that was over the Republican party, his name is John, he had a  
20 lot of connections with the state Republican party and our  
21 representatives and stuff like that. So I don't know if they  
22 paid for it because of him or what reason, but the state  
23 Republican party paid for three mailers that were sent out.

24 Q Thank you. Can you describe those mailers?

25 A Yes. The first two mailers pretty much had pictures of me

1 and two young ladies I knew. And it was stuff on both sides of  
2 the mailers. And it told about me and what I stood for, and  
3 they seemed to know some things that I hadn't even told them,  
4 so I was -- I was impressed with some of the things they said.

5 Q What about the third mailer?

6 A The third mailer was more about what the Republican party  
7 stood for. But it still said vote for Valerie Branyon on it.

8 Q Did it mention other candidates, as well?

9 A No. It just mentioned myself.

10 Q You said that you had robocalls. What can you tell me  
11 about those?

12 A Okay. One robocall was by a local African-American  
13 minister. The other robocall was done by a U.S. representative  
14 for the area, Mr. -- Representative Robert Aderholt.

15 Q What is the name of the local African-American minister?

16 A His name is Floyd Rogers.

17 Q Has Mr. Rogers ever run for office?

18 A Yes, he has.

19 Q What do you know about that?

20 A Well, he ran for two positions. He ran for the city  
21 council. I believe it was in 2020. And he also ran for the  
22 state representative position. So that's pretty much what he's  
23 run for.

24 Q Did he win either one of those elections?

25 A No, he didn't win either one of them, but for the city

1 council, he came really, really close. I believe it was a vote  
2 or so that he lost by.

3 Q What is his race?

4 A African-American.

5 Q I'm sorry. You did tell me that.

6 What party does he associate with or run with?

7 A He -- at present, he associates with the Republican party  
8 also.

9 Q You mentioned text messages or message. What did you tell  
10 me about that?

11 A Well, I don't know who sent them out. I just saw a text  
12 message up here on my phone. And it was about Bill McCollum  
13 who ran for the local board of education, and it was also about  
14 myself. And asked -- I believe it asked that people vote for  
15 me, too, us or whatever.

16 Q Was it one message or two messages?

17 A It was one message, and the top paragraph was about Bill.  
18 The second paragraph was about me.

19 Q And is that the Bill McCollum you mentioned earlier who  
20 had run for sheriff?

21 A Yes.

22 Q Did you receive any other support or help from the state  
23 Republican party with your campaign this year?

24 A Well, I believe it was them that sent out like a Facebook  
25 thing also. I didn't get it personally, but Dr. John Killian

1 did, and he sent it to me. And I'm feeling like the text  
2 message, they were responsible for that also.

3 Q Is John Killian the John who was recently the leader of  
4 the Fayette County Republican party?

5 A Yes. He's the gentleman that was the chairman of the  
6 Fayette Republican party who resigned.

7 Q At your deposition, you talked about a training  
8 opportunity. Can you tell me about that?

9 A Yes. They also -- they invited me to Montgomery prior to  
10 the election to train me about how to run for an office and  
11 win.

12 Q And when you say "they," who is they?

13 A Someone from the state Republican party. I can't remember  
14 his name, though.

15 Q That's okay. Thank you.

16 You previously ran for this Fayette County Commission  
17 District 6 in 2020, as well; is that right?

18 A That's right.

19 Q And did you have a primary that year?

20 A Yes. I had a primary that year.

21 Q And who were you up against?

22 A I'm sorry. I don't know his name. I know he's from the  
23 Newton family. He lives down the road from me, but I don't  
24 know his name exactly, but he was running against me. I do  
25 know that he was probably a sheriff's deputy or something like

1 that, or on the police force, but I think it was on the  
2 sheriff's deputy.

3 Q And this was in the Republican primary?

4 A Yes. This is a Republican primary.

5 Q And what race was your opponent in the primary?

6 A He was a white gentleman.

7 Q And who won the primary?

8 A I won.

9 Q And who did you run against in the general election?

10 A I ran against John Underwood in the general election.

11 Q And you told us earlier that he was the incumbent this  
12 time, so I assume he won that race?

13 A Yes. He was the incumbent that time in 2020 also. But,  
14 yes, he won that race. I lost by I believe 31 votes.

15 Q Can you tell us what you remember about your campaign  
16 experiences in 2020?

17 A In 2020, it was mostly me door knocking. I usually have  
18 someone come with me. And there was a newspaper ad and signs.

19 Q Was the newspaper ad like the one that you ran for  
20 yourself this time or like --

21 A I think it was pretty much the same ad. I just -- this  
22 time around, I put the Republican symbol on it also or logo, or  
23 whatever.

24 Q Did you remember how much time you spent door knocking in  
25 2020?

1 A I'm pretty sure I got every house in 2020. I door knocked  
2 every house.

3 Q Did anybody encourage you to run for Fayette County  
4 Commission District 6 in 2020?

5 A Yes. A gentleman named Joe Acker, and Bill McCollum  
6 encouraged me to run in 2020.

7 Q Tell me more about Joe Acker.

8 A He was at one point the leader of the Republican party.  
9 He's a pretty wealthy man in Fayette County. He was also on  
10 the county commission at that time in 2020. I think he had won  
11 maybe in 2016 or something like that.

12 Q When you say he was a leader in the Republican party, do  
13 you mean at the county level or the state level?

14 A At the county level.

15 Q And he was on the county commission at the time that he  
16 encouraged you to run against John Underwood?

17 A Yes.

18 Q Did Mr. Acker do anything to try to support your  
19 candidacy?

20 A Actually, he was going to pay for the whole thing, but I  
21 told him I would fund it myself.

22 Q But he offered to pay for it?

23 A He did offer.

24 Q Was there -- in campaigning in 2020, did you identify a  
25 need in the community?

1 A Yes. The same need that I saw in 2024. I didn't feel  
2 like anything was being done for the citizens of District 6, so  
3 I wanted to try to do something myself.

4 Q What can you tell me about public transportation in  
5 Fayette County?

6 A Okay. There was no public transportation in Fayette  
7 County. And that was -- that was something I realized we  
8 needed in 2020 when I was door knocking. I saw a lot of people  
9 that they couldn't get to the store to get their food. People  
10 would charge them a tremendous amount of money.

11 And then they also couldn't get to the doctor to their  
12 medical appointments. And I was a little upset about that,  
13 that in this age, we had citizens in Fayette County that  
14 couldn't, you know, see about their medical needs because they  
15 didn't have a ride.

16 Q And when you say people would charge them a lot of money,  
17 what do you mean?

18 A Well, okay. Some of the people were -- lived in the  
19 projects, and there's a Walmart in Fayette that's north of town  
20 and the projects are kind of on the south end of town. And  
21 Fayette is not a big town.

22 They would charge them like \$25 for a trip to Walmart so  
23 that they could purchase their food.

24 Q Having identified that need, have you tried to do anything  
25 about it?

1 A Yes. That was one thing that I wanted to do if I had made  
2 it in office in 2020. But since I didn't make it in office, I  
3 tried to work with John Underwood to make it happen on a  
4 county-wide basis, but the other county commissioners, they  
5 didn't like it too well, so they voted it down. There was two  
6 commissioners that supported it -- John and Mr. Joe Acker.

7 But the other two commissioners kind of blind sided them  
8 and voted it down. So at that point, I went to the city. And  
9 the city had different committees that had citizens on it. And  
10 I ended up being one of the citizens on that committee, and I  
11 kind of fought to get the bus system going in the city of  
12 Fayette.

13 Q How did you end up on that committee?

14 A Well, they had a ten-year plan of where they wanted to see  
15 Fayette. And public transportation was one of those items on  
16 the plan. It was basically something that the public wanted,  
17 so they wanted to try to see if they could get it going  
18 themselves. So they developed the committee to work on it.

19 Q And how did you end up on that committee?

20 A Oh, I'm sorry.

21 Somebody asked me to come to one of the city council  
22 meetings, and they -- at that council meeting, they pretty much  
23 told about the different committees. And they asked for  
24 volunteers to serve on that committee. And I was one of the  
25 volunteers that served.



1           Pretty much the guy that was over the ACE program at the  
2 time knew me, and he, you know, encouraged me to be on the  
3 committee and stuff. So that's kind of how I got on the  
4 committee.

5           And I worked with the ACE coordinator and the mayor, and  
6 there was another councilman that was part of the committee.

7           There was another gentleman that started out on that bus  
8 transportation committee, but he kind of fell off. So I ended  
9 up being the only citizen on the committee at that time.

10 Q       And has the city made any progress on getting public  
11 transportation?

12 A       Yes. We now have a city-wide bus system that seems to be  
13 working pretty well.

14 Q       Did your 2020 campaign open any doors for you?

15 A       Yes. It did. I guess the mayor -- I believe he ran for  
16 election that same year, but he took notice of me, and he ended  
17 up appointing me to a C3 committee, which was a -- it's called  
18 something else, Northwest Alabama something. But it's  
19 responsible for bringing industry to the area. And it's --  
20 it's a makeup of three counties -- Fayette, Lamar, and Marion  
21 County.

22           So I was kind of happy he appointed me to that committee.  
23 And it opened a lot of doors for me.

24 Q       And I'm sorry. Who appointed you?

25 A       The mayor of Fayette.

1 Q What race is he?

2 A He's white. And I was also able to serve on a few other  
3 committees also.

4 Q What is the Fayette County leadership training?

5 A Oh, okay. It's a training that they do for citizens in  
6 Fayette County. Basically, they like for the company that you  
7 work for to sponsor you, to I guess attend the Fayette -- the  
8 training. And it lasts over a period of several months.

9 They meet once a month, and they pretty much tell you  
10 about city government and different things, a little bit about  
11 industry. We went to the water department and the sewer  
12 department, went to Montgomery to the Legislature and got to  
13 sit in on the House and Senate while they were meeting. And  
14 it's just to help I guess get you in tune with what goes on in  
15 local government.

16 And my workplace wouldn't sponsor me, so I was sponsored  
17 by someone on the -- the ACE coordinator actually sponsored me  
18 to attend that.

19 Q Who is that ACE coordinator?

20 A His name was -- at that time -- they have had two in a  
21 short time period, but at the time, Floyd Rogers was the ACE  
22 coordinator.

23 Q Do you know why your employer wouldn't sponsor you?

24 A I guess I had asked my boss, and he thought it was a good  
25 thing. They had to get approval from the central office in

1 Montgomery, and they act like they would support me in it. But  
2 in the end, they never did like give me a concrete answer.

3 So when that didn't happen for me, at that point, Floyd  
4 Rogers, he wanted me to really attend the training, so he  
5 sponsored me himself.

6 Q Thank you.

7 You ran for County Commission District 6 one time before  
8 2020; isn't that right?

9 A That's correct.

10 Q And you indicated earlier you didn't finish that race.

11 Can you just tell me briefly why not?

12 A Yes. I didn't finish it because of the Hatch Act. The  
13 probate judge in Fayette, he went -- I worked out of Tuscaloosa  
14 at that point. But he went to visit my office to let her know  
15 -- my boss actually -- to let her know that I was running for a  
16 partisan race, a bipartisan race, and that it was illegal for  
17 me to do so because of the Hatch Act.

18 Pretty much at that time, the Hatch Act covered federal  
19 employees, along with any entity that received federal dollars.  
20 And the Alabama Department of Transportation receives federal  
21 funding, so it was pretty much, I couldn't run.

22 Q Is it your understanding that the law has changed?

23 A Yes. The law has changed now. Federal employees still  
24 can't run for an office. But if you work for another entity,  
25 you can, if that entity receives federal dollars.

1 Q Did you receive any support from the Fayette County  
2 Republican party before that campaign was suspended?

3 A Yes. They -- I went to training during that time too. It  
4 was in Jasper that time. And so the training is something that  
5 they did support me on.

6 Q Is there anything else that you can think of that they did  
7 for you at that time?

8 A They also ran a newspaper ad at that time to tell about  
9 the candidates that were running for office that year.

10 Q Are you registered to vote in Alabama?

11 A Yes, I am.

12 Q Do you recall having any problems registering to vote in  
13 Alabama?

14 A No, ma'am.

15 Q Do you recall having any problems updating your voter  
16 registration in Alabama?

17 A No.

18 Q Do you recall ever having any problems actually voting in  
19 Alabama?

20 A No.

21 Q Are you aware of any problems in the Fayette County  
22 election that we just had on November 5th?

23 A I don't know of any problems, no.

24 Q What year were you born?

25 A I was born [REDACTED], 1964. I'm sure you didn't ask me my

1 birthday, but I was born in 1964.

2 Q Okay. Did you attend segregated schools?

3 A Segregated, yeah. No. I didn't.

4 Q Okay. Segregated meaning there was a white school and a  
5 black school?

6 A Yes. I didn't attend a segregated school. I think when I  
7 started first grade, that was the first year of desegregation  
8 in Fayette County.

9 Q What is your perception of how race relations are today in  
10 Fayette County?

11 A In my opinion, I feel like they're pretty good.

12 Q Is that the same or different as the experiences that like  
13 your father's generation would have had?

14 A They weren't too good back then. It was pretty bad.

15 Q But today, you're not aware of any issues?

16 A No. Not really.

17 Now, when I was really, really small, there was still some  
18 issues, but not -- from the time I started school, it seemed to  
19 be pretty much okay, yeah.

20 Q So that would be about the last 50 years?

21 A Yes. 50 -- 54 or so.

22 Q Okay. Thank you. I don't have any further questions.

23 The plaintiffs will have some questions for you.

24 A Okay. Thank you.

25 THE COURT: Counsel, I am not limiting you in any way,

1 but I am simply offering you an option. Would you prefer to  
2 start now and then break for lunch in a little while or to  
3 break for lunch now and start afterward?

4 MS. CARTER: We can break for lunch. Yes.

5 THE COURT: All right. It's noon. Let's come back at  
6 1:15.

7 And can I have Mr. Ross and Mr. Davis in chambers at 1:05,  
8 please? Thank you.

9 (Recess.)

10 THE COURT: Good afternoon, everybody. Please be  
11 seated.

12 All right. You may proceed.

13 MS. CARTER: Thank you.

14 CROSS-EXAMINATION

15 BY MS. CARTER:

16 Q Good afternoon, Ms. Branyon.

17 A Good afternoon.

18 Q I'm Brittany Carter. I represent the Stone plaintiffs --  
19 the Alabama NAACP plaintiffs. Pardon me.

20 I am going to ask you some yes-or-no questions.

21 A Okay.

22 Q Thank you. You ready to begin?

23 A I'm ready.

24 Q Ms. Branyon, you were born in Fayette County, correct?

25 A Correct, yes.

1 Q And you grew up in Fayette County?

2 A Yes.

3 Q And after some time away, you moved back to Fayette County  
4 in 1999?

5 A Well, yeah. Yes, that's correct.

6 Q And you've lived there ever since?

7 A Yes.

8 Q You started to get involved in politics only after you  
9 moved back to Fayette County?

10 A That's correct.

11 Q You ran for District 6 of the Fayette County Commission?

12 A Correct, yes.

13 Q And you ran in the Republican primary?

14 A Yes. For one time. I guess.

15 Q Yes.

16 A Yes.

17 Q So I'm talking about in the early 2000s.

18 A Yes. Well, 2020. Wait. Will you ask that question one  
19 more time?

20 Q Did you first run for office in the 2000s?

21 A I think it was the 2000s.

22 Q Okay. And you ran for -- and one of the offices that you  
23 ran for was District 6 of the Fayette County Commission?

24 A Yes.

25 Q And you ran in the Republican primary?

1 A Yes. I'm not sure anybody was opposing me. I can't  
2 remember too good back that far.

3 Q Okay. So did you drop out of the Republican primary?

4 A Yes. The first time.

5 Q Okay. And what year are you talking about right now that  
6 you're trying to think of?

7 A I'm sorry. I can't remember --

8 Q Okay.

9 A -- the year. It was way before 2020.

10 Q Okay.

11 A Yes.

12 Q Did you also become involved with the Fayette County  
13 Republican Party around 2008?

14 A If that's the year Bill ran for sheriff, yes.

15 Q Okay. But you've only been involved on and off?

16 A When you say "involved," do you mean voting or going to  
17 the meetings?

18 Q I'd say going to the meetings.

19 A Okay. I'd have to say that's yes on the on and off.

20 Q And so you mostly attend some meetings, but not all of the  
21 meetings?

22 A No. My mom got sick, so I stopped attending so many  
23 meetings.

24 Q Were you ever attending a lot of meetings?

25 A Yes. I was pretty much attending probably all of them



1 maybe.

2 Q Around what time are you thinking?

3 A Around the time Bill McCollum ran for sheriff.

4 Q And you've never held any officer level roles with the  
5 local party?

6 A No.

7 Q In 2020, you ran again for the District 6 seat of the  
8 Fayette County Commission?

9 A That's correct.

10 Q And at that time -- and that time around, excuse me, you  
11 mostly campaigned on your own?

12 A Yes.

13 Q You didn't know many people in the local Republican Party?

14 A I knew a few people, but I didn't know that many people  
15 within District 6 I would say.

16 Q And the Republican Party did not offer you financial  
17 support at that time, correct?

18 A No.

19 Q So, is that correct?

20 A That is correct.

21 Q Thank you.

22 A Okay.

23 Q Sorry. I'm trying to understand.

24 A Okay. Not in the 2020, but the earlier one they did.

25 They -- it was the newspaper article and the training that I

1 went to in the earlier one that I had to drop out of. Earlier  
2 race I had to drop out.

3 Q Okay. Thank you.

4 A Yes.

5 Q And so in the -- in the 2020 election --

6 A Yeah.

7 Q -- the Republican didn't -- the Republican Party didn't  
8 support you with any volunteers, correct?

9 A Not per se with volunteers, no.

10 Q And you lost your 2020 election, correct?

11 A Yes.

12 Q Ms. Branyon, you have never been involved with the Alabama  
13 State Republican Party, correct?

14 A No.

15 Q And then except for attending that one-day training you  
16 mentioned, you've never attended a meeting of the State  
17 Republican Party?

18 A No.

19 Q You also never attended a meeting of the Montgomery County  
20 Republican Party?

21 A No.

22 Q Or the Madison County Republican Party?

23 A No.

24 Q Or the Morgan County Republican Party?

25 A No.

1 Q Or any other county Republican Party, other than Fayette  
2 County?

3 A Just Fayette County, yes, because that's where I pretty  
4 much live. I lived in Montgomery for a short time, but I  
5 wasn't that involved with politics at that time.

6 Q So you didn't go to any Montgomery County Republican Party  
7 meetings?

8 A No.

9 Q Thank you.

10 In 2024, you, again, ran for District 6 Commissioner in  
11 Fayette County, correct?

12 A That's correct.

13 Q And you ran as a Republican, correct?

14 A Correct.

15 Q It is your understanding that District 6 is a  
16 majority-black district, correct?

17 A Right now, I would say it's 50/50. When they established  
18 it, it was majority black in the early days.

19 Q We'll get to that, yes, ma'am.

20 A Okay.

21 Q Black voters in District 6 asked you to run in 2024,  
22 correct?

23 A Correct.

24 Q And black voters supported your candidacy, correct?

25 A Talking about voted for me or...

1 Q Even before voting for you, just supported you to --  
2 encouraged you to run.

3 A Yes, they -- there was someone from the Democratic party  
4 that encouraged me to run, yes.

5 Q Well, I'm not talking necessarily about the Democratic  
6 party. Black voters.

7 A Yes.

8 Q And you won?

9 A Yes. I won.

10 Q Approximately how many people voted in the Republican  
11 primary?

12 A Talking about this year or...

13 Q Yes.

14 A There was no primary --

15 Q Okay.

16 A -- this year.

17 Q Were the total votes in your election -- cast in your  
18 election somewhere around 1,000 people?

19 A It was a little over a thousand.

20 Q A little over a thousand people --

21 A Yes.

22 Q A little over a thousand votes were cast in the election  
23 that you won?

24 A Yes.

25 Q Okay. So now let's talk about District 6.

1 A Okay.

2 Q When you were a child, District 6 was redrawn to be a  
3 majority-black district?

4 A Yes.

5 Q Before District 6 was redrawn as a majority-black  
6 district, only white people had ever elected to the commission,  
7 correct?

8 A I assume so. I was just a kid so I'm just assuming that's  
9 correct.

10 Q The majority-black District 6 offered black people an  
11 opportunity to be represented on the county commission,  
12 correct?

13 A That's correct.

14 Q In fact, no black person has ever been elected to the  
15 Fayette County Commission outside of District 6, correct?

16 A Not to my recollection.

17 Q So that's correct?

18 A Correct.

19 Q Okay. Thank you. I'm saying that because I think that  
20 helps us a little bit more --

21 A Okay.

22 Q -- with me knowing what you mean by "no."

23 A Okay.

24 Q And you mentioned earlier that your opponent in 2024, this  
25 most recent election, was John Underwood, correct?

1 A Yes, that's correct.

2 Q He is a Democrat, correct?

3 A Correct.

4 Q And you also ran against Mr. Underwood in 2020, correct?

5 A Yes.

6 Q And in that 2020 election, Mr. Underwood was the candidate  
7 that black voters primarily supported, correct?

8 A I would have to say yes, because he won the race.

9 Q So now let's turn to another topic.

10 A Okay.

11 Q You've never been to a hearing in the State Legislature  
12 about redistricting, correct?

13 A No. Not to my recollection.

14 Q And so turning a little bit to what you were talking  
15 about, about the old days when you were a child.

16 A Okay.

17 Q When your father -- when you were a child -- when your  
18 father was a child -- excuse me -- black people had to walk a  
19 lot to get to places in Fayette County, correct?

20 A That's correct.

21 Q And so --

22 A That's what he told me.

23 Q Right.

24 A Okay.

25 Q Yes. Yes, ma'am.

1 And some white people would shoot at black people's feet  
2 as they would walk around town, correct?

3 A Well, it wasn't around town. It was -- I think it was  
4 along that kind of road, which I picture it as being County  
5 Road 100 --

6 Q Okay.

7 A -- that he was talking about. He used to tell us stories  
8 when we were kids about that.

9 Q And --

10 A But it didn't sound like it was in town. It sounded like  
11 it was down where they lived, which would have been County  
12 Road 100.

13 Q In Fayette County?

14 A In Fayette County.

15 Q Yes, ma'am.

16 And the Ku Klux Klan used to be in Fayette County,  
17 correct?

18 A I assume. I'm pretty sure they were there, yes.

19 Q Your father told you, you were there -- they were there,  
20 correct?

21 A Yes. And my brother, also.

22 Q Your father and your brother told you that the Ku Klux  
23 Klan was in Fayette County?

24 A Yes.

25 Q You also -- you also experienced some racial

1 discrimination in high school in Fayette County related to the  
2 National Honor Society, correct?

3 A I -- i felt like it was probably a little discrimination.  
4 I can't remember exactly what it is -- it was, but I felt --  
5 yeah, there was a little problem there.

6 Q Uh-huh.

7 A I mean, not like every day. It was just a particular  
8 issue. It seemed to be a little -- a little problem.

9 Q It was an issue you experienced in your life, racial  
10 discrimination, just -- that you remember being associated when  
11 you were in high school?

12 A Well, that's what I assumed it was. I mean, it wasn't  
13 ruled that, it was I just felt a little different about a  
14 particular issue.

15 Q And as an adult, you filed a discrimination complaint  
16 against the Florida Department of Transportation?

17 A Yes.

18 Q And that was a racial discrimination complaint?

19 A Yes. I felt like it was for my race. But now that I look  
20 back, it could have been for another reason.

21 Q You worked at the Alabama Department of Transportation,  
22 correct?

23 A That's correct.

24 Q When did you work there?

25 A I started in -- I believe it was 1998. January, I



1 believe.

2 Q And how long did you work there?

3 A From then until now.

4 Q Until now, correct?

5 A Yeah.

6 Q Is it okay if I call it ALDOT?

7 A That's fine.

8 Q You will know what I am talking about?

9 A Yeah, I will.

10 Q The atmosphere at ALDOT wasn't great when you started  
11 there, right?

12 A It didn't seem to be too good. I think they were just  
13 finishing up a trial or it could have been still going on. But  
14 I was pretty much hired because it was ruled that they should  
15 hire a certain number of black engineers. They felt like the  
16 black engineers had been discriminated against in the past  
17 concerning their registers or something like that and it was  
18 ruled that they had to hire a certain number of black  
19 engineers.

20 Q There had been a finding that there had been racial  
21 discrimination at ALDOT?

22 A From what I understand. I was -- I was living in Florida.  
23 I was one of those engineers that got hired.

24 Q You need a license to work at ALDOT, correct?

25 A Some positions you do need a license.

1 Q You sometimes heard white people say that your license was  
2 not as good as theirs?

3 A Yeah. I did hear that. Yeah.

4 Q And you felt like you weren't promoted a time or two when  
5 you should have been, correct?

6 A Correct.

7 Q And you believe that this was because of racial  
8 discrimination, correct?

9 A I felt like it, yeah.

10 Q Okay.

11 A But this is within ALDOT now.

12 Q Excuse me?

13 A Within ALDOT, I felt that way.

14 Q Within ALDOT?

15 A Yeah.

16 Q Exactly.

17 A Not necessarily in my community.

18 Q Sure.

19 A Okay.

20 Q Thank you.

21 Do you know whether Fayette County receives any State  
22 funding for public transit?

23 A Yes. They do, yeah.

24 Q Okay.

25 A Well, actually, I found out about the program when I was

1 working at ALDOT. There was a training program I had to  
2 participate in and I found out about the transportation system  
3 then.

4 Q Earlier, you -- you got a little emotional when discussing  
5 people having issues -- in Fayette County having a hard time  
6 accessing transportation to get groceries or to go to medical  
7 appointments or things like that.

8 A That's correct.

9 Q So they still have trouble accessing transportation?

10 A I feel like people in the County probably still have  
11 problems.

12 Q What was the race of those people you were talking about  
13 in particular who had those troubles?

14 A They were both races, white and black. There was one  
15 white lady that I tried to help. I think she had cancer or  
16 something and her appointments were here in Birmingham and she  
17 couldn't make it to those appointments, and that was -- that  
18 was kind of upsetting to me.

19 Q And you mentioned a lot of those people primarily living  
20 in the projects?

21 A Some lived in the projects, but some also lived out in the  
22 County.

23 Q Okay. And was there a disparity between the people who  
24 lived in the projects and the people who lived in the County?

25 Were the majority of people who lived in the projects

1 black people or...

2 A I wouldn't say that a majority is necessarily black. I  
3 would say it's probably equal black and white in the projects.

4 Q Okay. Now, turning back to your time at ALDOT.

5 Other black co-workers have brought your attention to  
6 situations where they also felt discriminated against in  
7 promotions, correct?

8 A Yes.

9 Q And there have been instances where ALDOT didn't even want  
10 to review the applications of black people, correct?

11 A Well, a particular office didn't want to do that.

12 Q Okay. A particular ALDOT office?

13 A Particular ALDOT office.

14 Q So I'll just discuss one situation.

15 A Okay.

16 Q You had interviewed a black woman?

17 A Yes.

18 Q You thought she had a good interview?

19 A That was the office I work in, yes.

20 Q Right. And -- but she wasn't hired because a colleague  
21 had called around to ask about her?

22 A On that particular interview, yes, someone had called  
23 around our -- he may have checked with someone in the office  
24 first, and then he -- I think he called around to get  
25 information on this particular lady. And he did that before

1 the interview.

2 Q And you didn't think that was fair to her?

3 A No, I didn't.

4 MS. CARTER: Your Honor, may I have a moment to confer  
5 with counsel?

6 THE COURT: You may.

7 MS. CARTER: Thank you.

8 No further questions from me, Your Honor.

9 THE COURT: Thank you. Any redirect?

10 MS. MESSICK: Yes. Thank you.

11 REDIRECT EXAMINATION

12 BY MS. MESSICK:

13 Q Ms. Branyon, that situation you were just asked about with  
14 a woman who a colleague didn't want to interview, was that a  
15 one-time situation, or was that something that happened a lot?

16 A It was -- for this particular situation, it was one time.  
17 And I ended up hiring the lady later on.

18 Q You hired her anyway?

19 A It was a different position that I hired her for. But,  
20 yes, I did, because I didn't like the tone of what went on  
21 prior to that.

22 Q But nobody stopped you from hiring her?

23 A No.

24 Q When ALDOT failed to sponsor you for some leadership  
25 training, was there anything racial about that?

1 A No. We're a bureaucracy. Things move a little slowly.  
2 It had to be approved down in Montgomery, so even the  
3 individuals that was supposed to approve it, they said it was  
4 okay and they were good with it. It was just taking too long,  
5 and the leadership training was about to start.

6 Q You're a black voter. Do you believe that black voters  
7 can only be represented by black officeholders?

8 A No, I don't feel that they can only be represented by  
9 black officeholders.

10 Q And it was your opinion that John Underwood wasn't doing a  
11 good job of representing his constituents?

12 A No. And there was another individual that was Democratic  
13 with the board of education. I didn't feel like he was  
14 representing his constituents well, either. I felt like they  
15 were basically collecting a paycheck and going home.

16 Q Who was it that you're thinking of on the board of  
17 education?

18 A His name is John Stowe -- Stove, I believe.

19 Q Was he up for election this year?

20 A He retired this year, so the candidates that ran for the  
21 board of education seat in District 6 were both newcomers.  
22 They weren't an incumbent.

23 Q Did you remember who they were?

24 A Yes. It was Bill McCollum and this lady called Portia  
25 Stowe.

1 Q And that's the same Bill McCollum who's come up earlier in  
2 your testimony today?

3 A Yes. It's the same Bill McCollum.

4 Q And if Bill McCollum ran for sheriff in 2002, would that  
5 be when you started associating with the Republican Party in  
6 Fayette?

7 A Yes.

8 Q Have you ever wanted to hold office with the Fayette  
9 County Republican Party and been denied the opportunity?

10 A No. I -- I have too many other things to do to hold  
11 office with them.

12 MS. MESSICK: Thank you. No further questions.

13 THE COURT: All right. Is there any reason I may not  
14 excuse Ms. Branyon?

15 MS. CARTER: No.

16 MS. MESSICK: No, Your Honor.

17 MS. CARTER: No, Your Honor.

18 THE COURT: Ms. Branyon, thank you very much for being  
19 with us today.

20 THE WITNESS: Thank you.

21 (Witness excused.)

22 THE COURT:

23 MS. MESSICK: The Secretary of State calls Colonel Jon  
24 Archer.

25 THE COURT: All right. Colonel Archer, come to the

CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Christina K Decker

11-15-2024

Christina K. Decker, RMR, CRR

Date

Federal Official Court Reporter

ACCR#: 255