

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DISTRICT

BOBBY SINGLETON, et al.,
PLAINTIFFS,

vs.

CASE NO.

2:21-cv-01291-AMM

WES ALLEN, in his
official capacity as
Alabama Secretary of
State, et al.,

DEFENDANTS.

DEPOSITION OF LEONETTE SLAY

TAKEN AUGUST 10, 2023

* * * * *

Taken pursuant to stipulation and
agreement before Joseph Jones, CCR,
Commissioner for the State of Alabama at
Large, in the offices of Whatley Kallas, LLP,
2001 Park Place North, 1000 Park Place Tower,
Birmingham, Alabama, commencing at
approximately 9:59 a.m. (CT).

* * * * *

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Singleton v. Allen
2:21-CV-01291-AMM-
Date 2/10/2025
Plaintiff Exhibit Label No. 27

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 Mr. James Uriah Blacksher</p> <p>4 Ms. Suzanne York</p> <p>5 WHATLEY KALLAS, LLP</p> <p>6 Attorneys at Law</p> <p>7 2001 Park Place North</p> <p>8 1000 Park Place Tower</p> <p>9 Birmingham, Alabama 35203</p> <p>10 Mr. Henry C. Quillen (via Zoom)</p> <p>11 WHATLEY KALLAS, LLP</p> <p>12 Attorneys at Law</p> <p>13 159 Middle Street, Suite 2C</p> <p>14 Portsmouth, New Hampshire 03801</p> <p>15 Mr. Edward Still</p> <p>16 EDWARD STILL LAW FIRM, LLC</p> <p>17 Attorney at Law</p> <p>18 2501 Cobblestone Way</p> <p>19 Birmingham, Alabama 35226</p> <p>20 Mr. U.W. Clemm</p> <p>21 U.W. CLEMON, LLC</p> <p>22 Attorneys At Law</p> <p>23 Renasant Bank Building</p> <p>2001 Park Place North, Tenth Floor</p> <p>Birmingham, Alabama 35203</p> <p>Mr. Dorman Walker (via Zoom)</p> <p>BALCH & BINGHAM, LLC</p> <p>Attorneys at Law</p> <p>105 Tallapoosa Street, Suite 200</p> <p>Montgomery, Alabama 36104</p> <p>FOR THE DEFENDANTS:</p> <p>Mr. James Davis</p> <p>ALABAMA ATTORNEY GENERAL'S OFFICE</p> <p>Assistant Attorney General</p> <p>501 Washington Avenue</p> <p>Montgomery, Alabama 36104</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX (continued)</p> <p>2 PLAINTIFFS'</p> <p>3 EXHIBIT 12, General Election 11-6-18 43</p> <p>4 Official Summary Report</p> <p>5 For Jefferson County</p> <p>6 EXHIBIT 13, Special Gen. Election 47</p> <p>7 12-12-17 Report for</p> <p>8 Jefferson County</p> <p>9 EXHIBIT 14, General Election 11-8-16 48</p> <p>10 Official Summary Report</p> <p>11 For Jefferson County</p> <p>12 EXHIBIT 15, General Election 11-4-14 50</p> <p>13 Official Summary Report</p> <p>14 For Jefferson County</p> <p>15 EXHIBIT 16, "Alabama's Midterm 51</p> <p>16 Election Turnout Worst in</p> <p>17 36 Years" Article</p> <p>18 EXHIBIT 17, General Election 11-6-12 56</p> <p>19 Official Summary Report</p> <p>20 For Jefferson County</p> <p>21 EXHIBIT 18, General Election 11-2-10 57</p> <p>22 Official Summary Report</p> <p>23 For Jefferson County</p> <p>DEFENDANTS'</p> <p>EXHIBIT D1, Singleton Exhibit 5 69</p> <p>Livingston 3 Plan</p> <p>EXHIBIT D2, Singleton Exhibit 8 69</p> <p>Caster-Milligan Remedial</p> <p>Plan</p>
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<p style="text-align: right;">Page 6</p> <p>1 for by the Statute.</p> <p>2 It is further stipulated and</p> <p>3 agreed by and between the parties hereto and</p> <p>4 the witness that the signature of the witness</p> <p>5 to this deposition is hereby waived.</p> <p>6 *****</p> <p>7 LEONETTE SLAY,</p> <p>8 the witness, having first been</p> <p>9 duly sworn or affirmed to speak the truth, the</p> <p>10 whole truth, and nothing but the truth,</p> <p>11 testified as follows:</p> <p>12 THE COURT REPORTER: Usual</p> <p>13 stipulations?</p> <p>14 MR. DAVIS: Usual stipulations, I</p> <p>15 guess, but, Jim, we've noticed this as a trial 09:59AM</p> <p>16 deposition.</p> <p>17 MR. DAVIS: You have, and I think</p> <p>18 out of fairness to you and the witness, I</p> <p>19 think it would be incumbent on me if I have an</p> <p>20 objection to leading or relevancy, that I 09:59AM</p> <p>21 specify that.</p> <p>22 MR. BLACKSHER: I agree. You need</p> <p>23 to get your objections on the record for a</p>	<p style="text-align: right;">Page 8</p> <p>1 incorrect?</p> <p>2 A. No, this is correct.</p> <p>3 Q. Okay. So --</p> <p>4 MR. DAVIS: Pardon me, but do you</p> <p>5 have an electronic copy so that we can see 10:01AM</p> <p>6 that?</p> <p>7 MS. YORK: That's the Exhibit</p> <p>8 Share function. You should have all received</p> <p>9 an invitation from Veritext.</p> <p>10 MR. DAVIS: Yes. So it's down in 10:01AM</p> <p>11 the marked exhibit folder?</p> <p>12 MS. YORK: Yes, sir.</p> <p>13 MR. DAVIS: Thank you. I</p> <p>14 understand.</p> <p>15 MS. YORK: And, occasionally, as I 10:01AM</p> <p>16 mark them in Exhibit Share, you may have to</p> <p>17 refresh the screen, but they should appear</p> <p>18 there almost simultaneously.</p> <p>19 MR. DAVIS: Thank you. I'm sorry</p> <p>20 for the interruption. 10:01AM</p> <p>21 MR. BLACKSHER: So this will be</p> <p>22 marked as Deposition Exhibit 1, Ms. York?</p> <p>23 MS. YORK: Yes, sir. I've marked</p>
<p style="text-align: right;">Page 7</p> <p>1 trial deposition.</p> <p>2 DIRECT EXAMINATION</p> <p>3 BY MR. BLACKSHER:</p> <p>4 Q. So would you state your name and</p> <p>5 address, please? 10:00AM</p> <p>6 A. Leonette Walker Slay, 320</p> <p>7 Albermarle Drive, Hoover, Alabama 35226.</p> <p>8 Q. Okay. And what is your race or</p> <p>9 ethnicity?</p> <p>10 A. I am non-Hispanic white. 10:00AM</p> <p>11 (Plaintiffs' Exhibit Number 1 was</p> <p>12 marked for identification.)</p> <p>13 Q. Okay. I've just handed you an</p> <p>14 exhibit that we printed off of the Secretary</p> <p>15 of State's website. 10:00AM</p> <p>16 MR. BLACKSHER: Suzanne, can you</p> <p>17 hear us?</p> <p>18 MS. YORK: Yes, sir. I'm marking</p> <p>19 it now.</p> <p>20 Q. Okay. This is -- this locates you 10:00AM</p> <p>21 on the Secretary of State's registered voter</p> <p>22 database. Can you look it over, please, and</p> <p>23 see if there's anything on it that seems</p>	<p style="text-align: right;">Page 9</p> <p>1 it as Slay Exhibit 1.</p> <p>2 Q. Now I'm going to hand you,</p> <p>3 Ms. Slay -- this is a picture -- excuse me --</p> <p>4 that we printed off of Dave's Redistricting</p> <p>5 App that locates your residence in the plan 10:02AM</p> <p>6 that was enacted by the legislature in 2021.</p> <p>7 Does that look about right to you?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And here is a blowup</p> <p>10 of that picture that is hard to read, but it 10:02AM</p> <p>11 might be easier for you to locate your</p> <p>12 Albermarle address residence on it.</p> <p>13 A. Yes. Where that "X" is, you can</p> <p>14 barely see the name of that street is</p> <p>15 Albermarle Drive, and that is where I live. 10:03AM</p> <p>16 MR. BLACKSHER: Okay. So we'll</p> <p>17 mark those two as Exhibits 2 and 3.</p> <p>18 (Plaintiffs' Exhibit Number 2 and</p> <p>19 3 were marked for identification.)</p> <p>20 MS. YORK: They've been marked and 10:03AM</p> <p>21 introduced.</p> <p>22 Q. Now, I'll show you according to</p> <p>23 Dave's where your residence is in the plan</p>

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<p style="text-align: right;">Page 10</p> <p>1 that was enacted recently in 2023.</p> <p>2 Does that look about right?</p> <p>3 A. Yes.</p> <p>4 Q. And here is a blowup of that</p> <p>5 picture as well so that you can locate 10:04AM</p> <p>6 Albermarle Drive, and is the "X" in the right</p> <p>7 spot for your residence?</p> <p>8 A. Yes.</p> <p>9 MR. BLACKSHER: Okay. We'll mark</p> <p>10 those as the next two exhibit numbers, please. 10:04AM</p> <p>11 (Plaintiffs' Exhibit Number 4 and</p> <p>12 5 were marked for identification.)</p> <p>13 Q. Now let's talk a little bit about</p> <p>14 your background please, Ms. Slay. Where were</p> <p>15 born and raised? 10:04AM</p> <p>16 A. I was born in Tupelo, Mississippi,</p> <p>17 and raised in the small town of West Point,</p> <p>18 Mississippi, in northeast Mississippi.</p> <p>19 Q. Okay. And is that where you went</p> <p>20 to high school? 10:04AM</p> <p>21 A. I graduated from public school at</p> <p>22 West Point High School, and then I went to</p> <p>23 college, Millsaps College, in Jackson,</p>	<p style="text-align: right;">Page 12</p> <p>1 the Army, and to your point about education,</p> <p>2 I'm also a graduate of the Army War College,</p> <p>3 which is graduate-level education.</p> <p>4 Q. So give us an overview of your</p> <p>5 career in the military. 10:06AM</p> <p>6 A. Okay. I joined the Army in '76,</p> <p>7 and at that time, it was the Women's Army</p> <p>8 Corps, and I ended up spending 14 years on</p> <p>9 active duty and the rest of the time in the</p> <p>10 Army Reserve both as a military intelligence 10:06AM</p> <p>11 officer and a human resources officer and</p> <p>12 ended up being in several states -- Arizona</p> <p>13 Kentucky, South Carolina, and obviously</p> <p>14 Alabama -- and three years stationed in</p> <p>15 Germany. 10:06AM</p> <p>16 Q. On active duty or as a reservist?</p> <p>17 A. All were on active duty except</p> <p>18 South Carolina and Alabama. So, because of</p> <p>19 that experience, I've had some ideas about</p> <p>20 electoral politics in other states and also 10:06AM</p> <p>21 Germany.</p> <p>22 Q. So are you still a member of the</p> <p>23 Army Reserves?</p>
<p style="text-align: right;">Page 11</p> <p>1 Mississippi. Then I got a scholarship to go</p> <p>2 to the University of Texas at Austin where I</p> <p>3 majored in public affairs.</p> <p>4 Q. As an undergraduate?</p> <p>5 A. No, that was a graduate degree 10:05AM</p> <p>6 after graduating from Millsaps.</p> <p>7 Q. Okay. So you got a master's --</p> <p>8 A. In public affairs.</p> <p>9 Q. -- in public affairs?</p> <p>10 A. Uh-huh. 10:05AM</p> <p>11 Q. And did you have more education</p> <p>12 after that, or did you --</p> <p>13 A. Well, immediately after graduating</p> <p>14 from the University of Texas, I was fortunate</p> <p>15 to get a job as a legislative aid in the Texas 10:05AM</p> <p>16 House of Representatives to a senior member of</p> <p>17 the House, and I worked there for two years to</p> <p>18 include their first constitutional convention</p> <p>19 in a hundred years in a special call session,</p> <p>20 but as a result of that experience, I ended up 10:05AM</p> <p>21 getting a direct commission in the United</p> <p>22 States Army.</p> <p>23 And from there, I had a career in</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Actually, I am not. I was in the</p> <p>2 Reserve until 2010. There is a requirement</p> <p>3 that you had to retire at age 60 for the</p> <p>4 program that I was in.</p> <p>5 Q. Okay. So what was your rank when 10:07AM</p> <p>6 you retired?</p> <p>7 A. I retired as an O6 colonel.</p> <p>8 Q. What brought you to Alabama?</p> <p>9 A. I was stationed in the First</p> <p>10 Infantry Division at Fort Riley, Kansas. That 10:07AM</p> <p>11 was another state that I was active in, and I</p> <p>12 ended up coming to Alabama for some personal</p> <p>13 reasons but then integrated from the active</p> <p>14 Army into the Army Reserve and served in</p> <p>15 Birmingham units as well as a South Carolina 10:07AM</p> <p>16 unit.</p> <p>17 Q. And what year did you come to</p> <p>18 Alabama?</p> <p>19 A. 1991.</p> <p>20 Q. And was that here or -- 10:07AM</p> <p>21 A. I was in Tuscaloosa. I lived</p> <p>22 there for several years and then was asked to</p> <p>23 join a particular unit in Birmingham as an</p>

<p style="text-align: right;">Page 14</p> <p>1 Army Reserve. They were short military 2 intelligence offices. And so I ended up 3 moving to Birmingham and worked here and 4 transitioned into the civil service as well as 5 the Army Reserve. Complicated program, but 10:08AM 6 you have to be in both to be eligible to be in 7 civil service. 8 Q. So explain to me what your civil 9 service position is. 10 A. Well, my civil service position 10:08AM 11 consisted of Army Reserve training and 12 military intelligence, but ultimately, I was 13 the human resource officer for eight 14 southeastern states and Puerto Rico about the 15 same time we started mobilizing Army Reserve 10:08AM 16 personnel for various overseas contingencies. 17 I was also a battalion commander that 18 mobilized people in '97 through '99 to go to 19 Bosnia and Herzegovina, but mainly we were 20 mobilizing thousands for the Global War on 10:08AM 21 Terrorism, Iraq, and Afghanistan. 22 Q. And as I understand it, this is 23 part military duty and part civil service</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Okay. And you won't return until 2 when? 3 A. I will return on August the 24th. 4 Q. And is this a trip that had been 5 planned? 10:10AM 6 A. Yes, this trip was planned last 7 year. 8 Q. Okay. When did you become a 9 resident of Jefferson County, Alabama? 10 A. 1994. At that time, it was 10:10AM 11 another part of Hoover but still in Jefferson 12 County. I've lived in Jefferson County in two 13 different locations since 1994. 14 Q. And the Albermarle Drive location 15 is the second? 10:10AM 16 A. Yes, sir. I purchased that house 17 in 2003. 18 Q. Okay. What was your address 19 before that? 20 A. 7213 Rime Village Drive in Hoover, 10:11AM 21 Alabama. It's an apartment complex. 22 Q. Are you also a member of the 23 League of Women Voters?</p>
<p style="text-align: right;">Page 15</p> <p>1 duty? 2 A. It's called the Military 3 Technician Program, and so to be in a military 4 technician slot, you have to be a serving 5 member of the Army Reserve and meet all 10:09AM 6 requirements. So the two jobs are linked. 7 So, if I could not pass my 8 physical fitness test and was told to leave 9 the Army Reserve, I would automatically lose 10 my federal civil service job. If I couldn't 10:09AM 11 make weight or other requirements of the Army, 12 I would lose my federal civil service job as 13 well. So, when I ended up retiring in 2010 as 14 an O6 at Fort Jackson, I was also the human 15 resource officer GS14 for those southeastern 10:09AM 16 states and Puerto Rico. 17 Q. Thank you. And, you know, I 18 forgot to ask you at the top of the 19 deposition, but we are taking your deposition 20 because you will be unable to attend trial on 10:09AM 21 Monday? 22 A. That's correct. I'm leaving the 23 country on Sunday.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I am a member of the League of 2 Women Voters underscoring that I'm not 3 officially representing them in any way in 4 this proceeding, but much of my experience in 5 Jefferson County is the result of volunteer 10:11AM 6 work with the League of Women Voters. 7 Q. When did you become involved with 8 the League of Women Voters in Alabama? 9 A. I became involved with them when I 10 moved to Tuscaloosa in 1990 where I served on 10:11AM 11 the board and as president of the local 12 league, and then when I transitioned to 13 Birmingham, I immediately joined the local 14 league and ended up being on the board and 15 president several times. 10:12AM 16 Q. When you say "the board," you mean 17 the statewide board? 18 A. Well, at that time, it was the 19 local board, but I have served three different 20 occasions on the state board and am currently 10:12AM 21 on the state board. 22 Q. Okay. And have you held -- have 23 you been chaired or chief officer of the --</p>

<p style="text-align: right;">Page 18</p> <p>1 whatever you call it -- of the Jefferson 2 County league?</p> <p>3 A. I've been at various positions in 4 the Jefferson County league to include 5 president, treasurer, voter service chair, and 10:12AM 6 just various areas because of my long 7 association with the league which started in 8 1976.</p> <p>9 Q. And in -- in your work with the 10 League of Women Voters, are you a volunteer 10:12AM 11 with activities with the League of Women 12 Voters?</p> <p>13 A. The League of Women Voters in 14 Alabama is completely, 100 percent, voluntary.</p> <p>15 Q. And it's a nonpartisan 10:12AM 16 organization?</p> <p>17 A. It is vociferously nonpartisan.</p> <p>18 Q. All right. And so describe your 19 involvement as a member of the league and your 20 colleagues in the league in Alabama elections. 10:13AM 21 A. Well, the league -- nationally, 22 state, and local -- has been know known for a 23 long time as a voting organization, hence our</p>	<p style="text-align: right;">Page 20</p> <p>1 which we have toll-free numbers and emails and 2 are working very successfully with the 3 Jefferson County Board of Pardons and Paroles 4 to make sure that people who are eligible can 5 vote, and if they have one of the 10:14AM 6 disqualifying offenses, how they can go about 7 getting a CERV to restore their voting rights.</p> <p>8 Q. A CERV is a Certificate of 9 Eligibility to Register to Vote?</p> <p>10 A. Right. Thank you. And I've just 10:15AM 11 gotten some updated information from our VRR 12 project manager for Jefferson County. She 13 estimates that we have helped 250 felons make 14 sure that they can vote in Jefferson County.</p> <p>15 Q. Okay. What about eligible felon 10:15AM 16 voters who are incarcerated in jail, for 17 example?</p> <p>18 A. They -- they -- until they're 19 convicted of a disqualifying felony, they are 20 eligible to vote. And so we are working 10:15AM 21 especially with the Jeffco Sheriff's Office to 22 make sure that they have access to ballots and 23 also information.</p>
<p style="text-align: right;">Page 19</p> <p>1 name, and also a voting rights organization in 2 which we think every eligible citizen should 3 be able to cast an informed ballot at every 4 election they choose to participate in.</p> <p>5 And so we work to ensure that 10:13AM 6 elections are accessible, they are 7 transparent, and that people who are eligible 8 to vote have the opportunity to register, to 9 get information about what's going to be on 10 their ballot as well as information on the 10:13AM 11 logistics of casting their ballots.</p> <p>12 Q. What are some of those programs 13 you're involved in right now with helping 14 voters?</p> <p>15 A. We are doing voter registrations 10:14AM 16 whether it's an election or a nonelection 17 season. We are doing a lot of work with 18 voting rights restoration thanks to the 19 legislature's 2017 clarification on which 20 offenses constitute moral turpitude. Many 10:14AM 21 people who have been convicted of felonies 22 erroneously think they cannot vote, and they 23 can. So we have an active VRR project in</p>	<p style="text-align: right;">Page 21</p> <p>1 And speaking of information, the 2 eligibility to vote is only as helpful as your 3 knowledge about who the candidates or the 4 constitutional amendments are on the ballot.</p> <p>5 So the league has a free service called 10:15AM 6 "Vote411.org" in which anyone can enter their 7 home address and find out who or what is going 8 to be on their ballot, and the league has very 9 successfully created questionnaires which 10 speak to local, state, or national issues. 10:16AM 11 The same questionnaire is sent to 12 every candidate. Every candidate has a chance 13 to respond verbatim. It's not edited in any 14 way, and we upload their answers so that a 15 voter can see what the candidates in their 10:16AM 16 region are saying about important issues.</p> <p>17 Q. Okay. And have you sent these 18 questionnaires out to candidates in Jefferson 19 County since you've been here or just 20 recently? 10:16AM</p> <p>21 A. Jefferson County, the league here, 22 has been involved in Vote411 for about three 23 cycles now. We have a committee that creates</p>

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<p style="text-align: right;">Page 22</p> <p>1 specific questions based on the races. Yes, 2 we have done that. What we are finding, 3 however, is there there is a lack of 4 participation by some candidates because the 5 way that the districts are drawn. They know 10:17AM 6 that their success is assured. So they have 7 no motivation to answer questions that their 8 constituents can see, and they know that as a 9 result, it will not impact them negatively. 10 Q. As a plaintiff in this lawsuit, 10:17AM 11 Singleton and others versus first Merrill now 12 Allen, Secretary Allen, have you instructed us 13 lawyers representing the plaintiffs to try to 14 keep Jefferson County whole in the 15 congressional district? 10:17AM 16 A. I have been, let's say, adamant 17 from my early involvement in this that I think 18 that Jefferson County should remain whole 19 because I feel that based on my experience and 20 observations that a viable coalition can be 10:18AM 21 formed by the African American voters, 22 progressives, independents, and moderate 23 Republicans that there is a very good</p>	<p style="text-align: right;">Page 24</p> <p>1 districts. 2 Q. What issues do you and some of 3 your colleagues share with black voters here 4 in Jefferson County? 5 A. One of the reasons I think a 10:19AM 6 coalition would be viable is that we have many 7 common interests. We would like to see 8 Medicaid expanded. We would like to see a 9 further reduction of the state grocery tax. 10 We would like to see a viable public transit 10:20AM 11 system for the whole of Jefferson County, a 12 holistic view to help lift people out of 13 poverty and to make a more viable -- not to 14 use a motor vehicle and to use public 15 transportation to get around the very large 10:20AM 16 metropolitan areas in Jefferson County. So I 17 think we have a lot of issues in common. And 18 revision of some of the criminal justice laws 19 that could be impacted. 20 Q. Are there issues in national 10:20AM 21 government, in congress, that you share with 22 African American voters here in Jefferson 23 County?</p>
<p style="text-align: right;">Page 23</p> <p>1 possibility that that group of people could 2 elect the candidates of their choosing instead 3 of the cycles of which we have very low voter 4 turnout because there is nobody on the ballot 5 except one party or underfunded, unknown other 10:18AM 6 candidates, and because of the way the racial 7 gerrymandering district has been drawn, many 8 people, even enthusiastic committed voters, 9 feel very despondent because they know that 10 the way the district is drawn their candidate 10:19AM 11 will never win. 12 Q. So you have, for example, League 13 of Women Voter colleagues here in Jefferson 14 County some who live in District 6 and some 15 who live in District 7; is that correct? 10:19AM 16 A. That's correct. 17 Q. Okay. And -- but as long as the 18 county is split, you're unable to -- to form a 19 coalition, if you will? 20 A. That is the -- based on my 10:19AM 21 experience, I would agree with that, and it's 22 also hard to get things like forums done when 23 you're county is split among multiple</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Yes. I think that there is plenty 2 of room for investment in infrastructure 3 projects in Jefferson County which would 4 affect all voters but particularly those who 5 have been underserved in neighborhoods that 10:21AM 6 are primarily occupied by people of color. 7 There are some policies as a military veteran 8 I am very against that our national 9 representatives have embarked on. 10 And I think that there would be 10:21AM 11 some like-minded -- because, in the South, the 12 military is overrepresented by people of 13 color. And I think that they would see the 14 domino effects of -- many veterans are seeing 15 about what our junior senator is doing in 10:21AM 16 Washington. Those are just examples that 17 aren't connected just to one thing, but a wide 18 variety of personal interests can coincide 19 inside this one county. 20 Q. Okay. Now -- let's see. We 10:21AM 21 are -- I'm looking for an exhibit here. Give 22 me a second. 23 MR. BLACKSHER: Suzanne, can you</p>

<p style="text-align: right;">Page 26</p> <p>1 put up the Singleton -- the 2023 Singleton</p> <p>2 congressional map, which is marked as Docket</p> <p>3 169-6 on the screen for us to look at? Is</p> <p>4 that possible with this equipment?</p> <p>5 MS. YORK: Give me just a second. 10:22AM</p> <p>6 MR. BLACKSHER: Take your time.</p> <p>7 You know what, Suzanne, I've got a workaround</p> <p>8 if you want to come back.</p> <p>9 MS. YORK: All right.</p> <p>10 (Plaintiffs' Exhibit Number 6 was 10:23AM</p> <p>11 marked for identification.)</p> <p>12 Q. All right. So, Ms. Slay, I'm</p> <p>13 handing you a copy of the 2023 Singleton Plan,</p> <p>14 which is also known as the Campaign Legal</p> <p>15 Center Map Number 1 or CLC Map Number 1 as it 10:23AM</p> <p>16 was known in the legislature for a while, and</p> <p>17 I'm just going to tell you that that is marked</p> <p>18 as Exhibit 169-6 in the exhibits that have</p> <p>19 been filed by the plaintiffs thus far or about</p> <p>20 to be filed. 10:24AM</p> <p>21 MR. BLACKSHER: Jim, do you need a</p> <p>22 copy of that in front of you?</p> <p>23 MR. DAVIS: Which exhibit number</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Let me see if I can --</p> <p>2 MR. BLACKSHER: Suzanne, you said</p> <p>3 that exhibit is here now, the sliver of --</p> <p>4 MS. YORK: Yes, sir. It should be</p> <p>5 the fourth from the last folder. 10:26AM</p> <p>6 MR. BLACKSHER: Fourth from the</p> <p>7 last folder. Okay.</p> <p>8 MS. YORK: Yes, sir.</p> <p>9 MR. BLACKSHER: Got it. Thank</p> <p>10 you. 10:26AM</p> <p>11 MS. YORK: Sure.</p> <p>12 MR. BLACKSHER: Fourth from the</p> <p>13 last. That's good.</p> <p>14 (Plaintiffs' Exhibit Number 7 was</p> <p>15 marked for identification.) 10:26AM</p> <p>16 Q. Let me hand you a picture -- I got</p> <p>17 it off of Dave's once again -- that shows the</p> <p>18 eight precincts in Shelby County that are</p> <p>19 included in District 6 in the 2023 Singleton</p> <p>20 Plan. Are you familiar with any of those 10:27AM</p> <p>21 locations just over the Jefferson County line?</p> <p>22 A. Not really. I mean, I -- I've</p> <p>23 been down to certain places in Shelby County,</p>
<p style="text-align: right;">Page 27</p> <p>1 did you say, Jim?</p> <p>2 MR. BLACKSHER: 169-6.</p> <p>3 MS. YORK: I'll put it in Exhibit</p> <p>4 Share. Give me just one second.</p> <p>5 MR. DAVIS: I do have a copy of 10:24AM</p> <p>6 that, and I'm sure I'll have another copy in a</p> <p>7 moment.</p> <p>8 MS. YORK: Yes, it's introduced as</p> <p>9 Slay 6.</p> <p>10 Q. Okay. So we're going to be 10:25AM</p> <p>11 talking about -- for the next several</p> <p>12 questions about this 2023 Singleton Plan we</p> <p>13 called it. It was introduced by Senator Bobby</p> <p>14 Singleton in the special session that just</p> <p>15 adjourned. 10:25AM</p> <p>16 And I'll direct your attention in</p> <p>17 particular to District 6. Does that contain</p> <p>18 all of Jefferson County?</p> <p>19 A. Yes.</p> <p>20 Q. And it also contains part of 10:25AM</p> <p>21 Shelby County, does it not?</p> <p>22 A. Yes, it contains a small sliver of</p> <p>23 northern Shelby County.</p>	<p style="text-align: right;">Page 29</p> <p>1 but -- I know basically where this is, but I</p> <p>2 don't go to any of these places.</p> <p>3 Q. We'll look at some questions about</p> <p>4 those later. Now I'm going to show you --</p> <p>5 MR. BLACKSHER: Do I need to ask 10:27AM</p> <p>6 that these be marked as we bring them in, or</p> <p>7 are you doing it automatically, Suzanne?</p> <p>8 MS. YORK: I'm doing it</p> <p>9 automatically.</p> <p>10 MR. BLACKSHER: Okay. Everything 10:28AM</p> <p>11 is so streamlined now.</p> <p>12 (Plaintiffs' Exhibit Number 8 was</p> <p>13 marked for identification.)</p> <p>14 Q. So now I'm going to show you a</p> <p>15 document that was introduced in the record of 10:28AM</p> <p>16 the special legislative session, which shows</p> <p>17 how the CLC1 Plan performs in past election</p> <p>18 returns.</p> <p>19 Have you looked at that before?</p> <p>20 A. I have. 10:28AM</p> <p>21 Q. So you notice that under the CLC1</p> <p>22 Plan, the percentages on the left side are</p> <p>23 District 6, which is Jefferson County and the</p>

<p style="text-align: right;">Page 30</p> <p>1 eight Shelby County precincts, and the 2 right-hand column are percentages in 3 District 7, which is the Black Belt District. 4 Is it true that all of the 5 elections that are summarized here from 2012 10:29AM 6 President to 2022 Secretary of State, in those 7 elections, the Democrat would have prevailed 8 in District 7 of the Singleton Plan, but in 9 District 6, the Democrat would not have 10 prevailed in three elections in 2020, 2014, 10:29AM 11 and one in 2022, Flowers for governor; is that 12 correct? 13 A. That's what the data suggests, 14 yes. 15 Q. Okay. The question I have for 10:30AM 16 you, do you believe that District 6 would 17 perform as an effective opportunity district 18 for black voters to elect candidates of their 19 choice if it were enacted by the Court? 20 A. Yes, because I think, again, 10:30AM 21 referring back to the coalition, they already 22 have almost a majority, and they're -- if you 23 could get a redrawn district that would</p>	<p style="text-align: right;">Page 32</p> <p>1 one now, which is for the November 8th, 2022, 2 general election. 3 What I'm looking for is the 4 turnout data. I don't see turnout data here, 5 do you? Oh, these are out of order. I'm 10:32AM 6 sorry. Just a second. 7 A. I see the voter turnout in 2022 8 was 41.11 percent. 9 Q. Okay. There it is. I guess I was 10 looking at the wrong copy. I gave you just 10:33AM 11 one page. Confusion reigns. Excuse me. Yes. 12 All right. So the first page does 13 show the number of registered voters in 14 Jefferson County, the number of ballots cast, 15 and based on that, the voter turnout rate, 10:33AM 16 which in 2022 was only 41 percent, and that -- 17 is that a turnout rate that's higher or lower 18 than usual? 19 A. Lower. 20 Q. Okay. So, if we look down at 10:33AM 21 Yolanda Flowers as a candidate for governor, 22 it does appear that she received about 3 or 23 4,000 more votes than Governor Ivey did in</p>
<p style="text-align: right;">Page 31</p> <p>1 coalesce communicative interests in Jefferson 2 County, I think, as a result, you're going to 3 see more people registered to vote, more 4 people interested in the candidates, and a 5 higher turnout because they know that their 10:30AM 6 vote will count differently than if it were in 7 a gerrymandered district. 8 So I think that we have a 9 formidable opportunity in Jefferson County to 10 form a coalition and to select candidates that 10:31AM 11 share the priorities and issues of a large 12 number of people in Jefferson County who have 13 been split by an artificial district line. 14 Q. Now, just to try to get a little 15 bit more detail about how those -- the 10:31AM 16 Singleton District 6 would perform, I'm going 17 to show you a series of printouts from the 18 Jefferson County Probate Court's website which 19 have election returns that actually show the 20 number of votes cast and so forth. 10:31AM 21 (Plaintiffs' Exhibit Number 9 was 22 marked for identification.) 23 Q. I'm going to hand you the first</p>	<p style="text-align: right;">Page 33</p> <p>1 Jefferson County; is that correct? 2 A. Yes, sir. 3 Q. Nevertheless, when you include 4 the -- the precincts from Shelby County that 5 are in Singleton CD6, she came up just, what, 10:34AM 6 49 percent short of winning in that district? 7 A. Yes. 8 Q. All right. All of the other 9 candidates here -- let's look at lieutenant 10 governor, for example -- first of all, 10:34AM 11 straight party voting shows 52 percent 12 Democratic; is that correct? 13 A. Yes. 14 Q. And Democrats would have won -- or 15 did win, excuse me, for -- in Jefferson County 10:35AM 16 for United States senator, Will Boyd? 17 A. Yes. 18 Q. For attorney general Wendell 19 Major? It's on the first page. 20 A. It's not on this page, so am I 10:35AM 21 supposed to be -- 22 Q. It's on the first page. 23 A. Here?</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Down at the bottom, attorney 2 general. 3 A. Yes, I got it. Yes, he did. 4 52.46 percent. 5 Q. Okay. Looking for other statewide 10:36AM 6 races here, if you go to the second page, you 7 encounter associate justice of the supreme 8 court, Place 5, Anita Kelly, Democrat, would 9 have won -- did win in Jefferson County; is 10 that correct? Second page near the bottom on 10:36AM 11 the right-hand side. No, that's not the right 12 page. 13 A. Last page. 14 Q. Yeah. I'm sorry. 15 A. Yes, the Democrat won by 10:37AM 16 52.50 percent of the vote. 17 Q. Then, at the top of the next page, 18 Secretary of State? 19 A. Yes, Pamela Laffitte won, 51.33, 20 against Wes Allen, 45.79 percent. 10:37AM 21 Q. Okay. Now, over to the right side 22 of that page, there are a number of circuit 23 court judge races in which the general</p>	<p style="text-align: right;">Page 36</p> <p>1 district court? Does the same apply to the 2 district court elections? 3 A. I believe that's true, but I'm not 4 an expert on how it all gets sorted out. It's 5 always a mystery who is going to appear on 10:39AM 6 your ballot unless you go to Vote411.org. 7 Q. I'm going to go down to the 8 Jefferson County Sheriff. That's a countywide 9 office. Do you see that at the bottom of the 10 next page? 10:39AM 11 A. Yes. 12 Q. Okay. A Democrat, Pettway, 13 prevailed in that one; is that correct? 14 A. That's correct. 52 to 47 percent. 15 Q. And I don't see any other 10:40AM 16 countywide elections. Do you? 17 A. No. 18 Q. Let's talk for a minute about 19 Yolanda Flowers. She lost the election in 20 District 6 even though she had 96,175 to Kay 10:40AM 21 Ivey's 92,583 in Jefferson County alone, but 22 the -- she was the only statewide Democratic 23 candidate who did lose in District 6.</p>
<p style="text-align: right;">Page 35</p> <p>1 election there appear to be no -- no contested 2 races, only the Democrat is there; is that 3 correct? 4 A. Yes, sir. 5 Q. Now, does the whole of 10:38AM 6 Jefferson -- all of the voters in Jefferson 7 County vote for these circuit court judges? 8 A. No. Jefferson County has a 9 somewhat unique system in that we have two 10 different places for -- we have two 10:38AM 11 courthouses, and we have two judicial 12 districts. So one of them is called the 13 Bessemer Cutoff District, which is where part 14 of Hoover and western Jefferson County have 15 candidates that only serve out of the Bessemer 10:39AM 16 Courthouse. So there are judges that are 17 elected that I as a Bessemer Cutoff voter 18 cannot vote for, will not appear on my ballot, 19 and then there are judges on my ballot that my 20 colleagues cannot vote for because they live 10:39AM 21 elsewhere in Jefferson County. 22 Q. Okay. So the circuit court 23 elections are not countywide. What about the</p>	<p style="text-align: right;">Page 37</p> <p>1 What can you tell us about Yolanda 2 Flowers' candidacy? 3 A. Ms. Flowers qualified to run as a 4 Democrat for governor, but she was an unknown 5 in political circles, pretty much untested in 10:41AM 6 terms of her résumé of past offices. 7 According to media reports, she only raised 8 about \$12,000, and she had some policy 9 positions that were frankly confusing and 10 ambiguous and ended up disappointing both 10:41AM 11 progressives and conservatives. And that was 12 primarily around the issue of choice. And so 13 her statements were not quite unambiguous, and 14 it ended up perhaps chilling the vote for her 15 among people who might have voted for her 10:41AM 16 otherwise. 17 I actually talked to her once. 18 And she also interjected a lot of biblical 19 references in her campaign tweets, and that 20 was something that also disappointed certain 10:42AM 21 segments of the electorate in my opinion that 22 might have voted for her otherwise. 23 Q. So, because of those issues, she</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 might not have received as much Democratic 2 support as some of the other candidates? 3 A. True. I think that in that case 4 that there are enough problematic statements 5 by the candidate that the coalition was not as 10:42AM 6 robust as it could have been if that party had 7 fielded a more viable candidate for governor, 8 and even though she only had \$12,000 and even 9 though she didn't make very many appearances, 10 look at the vote that she got in Jefferson 10:42AM 11 County. 12 Q. Well, yeah, she -- she won in 13 Jefferson County. 14 MR. DAVIS: Mr. Blacksher, before 15 you move on, can you tell me where Exhibit 9 10:43AM 16 came from? I think you said at the beginning, 17 but I didn't catch it, this printout we've 18 been discussing. 19 MR. BLACKSHER: It's off of the 20 Jefferson County Probate Court website. 10:43AM 21 MR. DAVIS: Thank you. 22 (Plaintiffs' Exhibit Number 10 was 23 marked for identification.)</p>	<p style="text-align: right;">Page 40</p> <p>1 2020? 2 A. The voter turnout was 3 64.84 percent, so about 20 points higher. 4 Q. Than it was in 2022? 5 A. Yes, sir. 10:44AM 6 Q. And -- and in your opinion, is -- 7 is there a reason for that? 8 A. Well, there's a couple reasons. 9 First of all, this is a presidential election 10 year, so turnout is traditionally higher when 10:45AM 11 you have a -- a president on the ballot. This 12 is also the year in which there was intense 13 interest in the United States Senate seat with 14 much national and state publicity on the two 15 candidates running. So there were several 10:45AM 16 reasons to get voter interest to get to the 17 polls in 2020. 18 Q. Okay. And so the United States 19 Senator election between Doug Jones and Tommy 20 Tuberville? 10:45AM 21 A. Yes, sir. 22 Q. And how big of a margin did Doug 23 Jones get in Jefferson County?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. I'm handing you a newspaper 2 article. You mentioned media reports that 3 mentioned Yolanda Flowers. Have you looked at 4 that article before? 5 A. I -- I did briefly, yes. 10:43AM 6 Q. Okay. Does this article refer to 7 the -- the choice versus right-to-life issue 8 that -- that you were referring to? 9 A. Yes. 10 Q. Okay. So it's just evidence -- 10:43AM 11 it's hearsay, but it's evidence of what was 12 actually said in the -- in the press; is that 13 right? 14 A. Yes. 15 Q. Okay. Just keep that. 10:44AM 16 (Plaintiffs' Exhibit Number 11 was 17 marked for identification.) 18 Q. All right. And next I'm going to 19 hand you the general election summary report 20 for the November 3, 2020, election here in 10:44AM 21 Jefferson County, again, off of the Probate 22 Court's website. 23 Now, what is the voter turnout in</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Well, he got 17 percentage points 2 higher than Senator Tuberville. 3 Q. Now, again, there are a number of 4 elections here for associate justices of the 5 Alabama Supreme Court, also Court of Appeals 10:46AM 6 judges, and none of them seems to be 7 contested. 8 In your observation and your 9 experience, have Democrats -- Democratic 10 candidates been able to prevail in any 10:46AM 11 statewide elections in the last decade? 12 A. No. 13 Q. Again, there are -- there are some 14 county -- there are some county judges, 15 circuit court and -- you know, for circuit 10:46AM 16 court judges, but I believe your testimony was 17 before that not all of Jefferson County voters 18 get to vote for these circuit court judges; is 19 that correct? 20 A. That's correct. 10:47AM 21 Q. And you're in the Bessemer Cutoff? 22 A. I am. 23 Q. And don't get to vote for many of</p>

<p style="text-align: right;">Page 42</p> <p>1 them?</p> <p>2 A. That's correct. I want to</p> <p>3 highlight one of these races, which is the</p> <p>4 public service commission, to show you how</p> <p>5 well that the Democrats performed because 10:47AM</p> <p>6 Ms. Cavanaugh had the -- I mean, she's an</p> <p>7 incumbent. She's been elected twice before,</p> <p>8 and yet here is a newcomer that comes to offer</p> <p>9 her services. And in Jefferson County, she</p> <p>10 would have prevailed 56 percent to 10:47AM</p> <p>11 Ms. Cavanaugh's 43 percent, and the public</p> <p>12 service commission is a hugely important</p> <p>13 office that's elected by districts.</p> <p>14 So it just goes to show you that</p> <p>15 in a competitive race in Jefferson County, 10:48AM</p> <p>16 even a -- a newcomer can wage an effective</p> <p>17 campaign and potentially win.</p> <p>18 Q. So, if you really want to get more</p> <p>19 in detail about the chances of black voters</p> <p>20 and their white coalition partners, you have 10:48AM</p> <p>21 to go to the election returns and look at each</p> <p>22 race and put it in context; is that correct?</p> <p>23 A. You know, context is incredibly</p>	<p style="text-align: right;">Page 44</p> <p>1 Jefferson County.</p> <p>2 What was the voter turnout in</p> <p>3 2018?</p> <p>4 A. 54.67 percent.</p> <p>5 Q. Okay. And what was -- in terms of 10:50AM</p> <p>6 straight party voting, what does that breakout</p> <p>7 look like?</p> <p>8 A. The Democrats had 58.07;</p> <p>9 Republicans, 41.93.</p> <p>10 Q. And -- but you've testified that a 10:50AM</p> <p>11 lot of your colleagues split their tickets.</p> <p>12 They don't always vote straight ticket?</p> <p>13 A. Well, our general opinion is that</p> <p>14 straight ticket voting is not the best way for</p> <p>15 an educated voter, and Alabama is only one of 10:50AM</p> <p>16 seven states that even allows straight ticket</p> <p>17 voting. So, if you have done your homework</p> <p>18 and you really are open to listening to people</p> <p>19 talk about issues, a split ticket is</p> <p>20 completely acceptable because you may want to 10:50AM</p> <p>21 vote for one party's judicial candidates,</p> <p>22 which are unfortunately running on a partisan</p> <p>23 basis, but you want to also keep your party</p>
<p style="text-align: right;">Page 43</p> <p>1 important as well as current events. So, in</p> <p>2 some cases, a particular race may not be as</p> <p>3 riveting, but then you have a case in which</p> <p>4 your electricity rates are being raised and</p> <p>5 all of a sudden you get interested in the 10:48AM</p> <p>6 people who are regulating that particular part</p> <p>7 of your monthly bill. So context matters.</p> <p>8 What's happening in your locality and state</p> <p>9 matters, and sometimes they all come together</p> <p>10 so that you have much more interest in a race 10:49AM</p> <p>11 than is typical for that particular office.</p> <p>12 Q. Okay. So is there anything more</p> <p>13 that you notice that we ought to comment on</p> <p>14 for the 2020 official results? We can go down</p> <p>15 the list and say something about everything, 10:49AM</p> <p>16 but we don't want to take the time to do that.</p> <p>17 A. (Witness shakes head.)</p> <p>18 Q. Okay.</p> <p>19 (Plaintiffs' Exhibit Number 12 was</p> <p>20 marked for identification.) 10:49AM</p> <p>21 Q. All right. Next I'm going to hand</p> <p>22 you the summary report election returns for</p> <p>23 the November 6th, 2018, general election in</p>	<p style="text-align: right;">Page 45</p> <p>1 together on national or state things.</p> <p>2 So I never vote a straight ticket,</p> <p>3 and I encourage my family and friends not to</p> <p>4 vote a straight ticket because you are not</p> <p>5 giving individual candidates who have offered 10:51AM</p> <p>6 themselves for public service the opportunity</p> <p>7 and the respect to vote on each of those</p> <p>8 separately.</p> <p>9 Q. So, in the 2018 race for governor,</p> <p>10 it was Walt Maddox versus Kay Ivey. What does 10:51AM</p> <p>11 it show for Jefferson County?</p> <p>12 A. Walt Maddox got 58.94 percent,</p> <p>13 and Kay Ivey got 40.94 percent. We have to</p> <p>14 remember that Walt Maddox got a lot of</p> <p>15 national public accolades and publicity 10:51AM</p> <p>16 because this race came after the tornadoes in</p> <p>17 Tuscaloosa County, and he performed so well in</p> <p>18 his role as mayor there that he got a</p> <p>19 tremendous boost in his image as a person who</p> <p>20 could take on a higher office. And he ran a 10:52AM</p> <p>21 fairly effective campaign, but thanks to</p> <p>22 straight ticket voting and the war chest that</p> <p>23 the supermajority party has, he came up short</p>

<p style="text-align: right;">Page 46</p> <p>1 statewide, but he didn't come up short in 2 Jefferson County.</p> <p>3 Q. Well, he -- the vote for Maddox at 4 58.94 is close to the 58.07 straight ticket 5 voting, but in order to get 58.94 for governor 10:52AM 6 in Jefferson County, Maddox had to get votes 7 from white voters, didn't he?</p> <p>8 A. Yes, he did.</p> <p>9 Q. And how would -- in your 10 experience, where and who are those white 10:52AM 11 voters? How would you characterize them in 12 your experience?</p> <p>13 A. Well, I think they're the same 14 voters who -- who have the same concerns. 15 Medicaid, Mr. Maddox had indicated his support 10:53AM 16 for expanding Medicaid in Alabama. Kay Ivey 17 was already serving as lieutenant governor 18 under Robert Bentley, and then she went to be 19 governor after he resigned. But he, as a 20 medical doctor, refused to even entertain 10:53AM 21 expanding Medicaid, and so there was no way 22 she was -- seemed to be in a position to take 23 a different stance.</p>	<p style="text-align: right;">Page 48</p> <p>1 would be 70.65 versus 29.35, but in this case, 2 straight party is the same thing as individual 3 vote because there's only one candidate on the 4 ballot.</p> <p>5 Q. That's right. 10:55AM</p> <p>6 A. But as we know, this -- this was 7 an aberration and was unlikely to be repeated. 8 And so clearly you had a lot of crossover 9 voting or nonvoting by people who would have 10 traditionally voted Republican. 10:55AM 11 (Plaintiffs' Exhibit Number 14 was 12 marked for identification.)</p> <p>13 Q. And now I'm going to show you the 14 2016 -- November 8th, 2016, general election 15 results. 10:55AM</p> <p>16 A. We're going back in history here.</p> <p>17 Q. 2016, yeah. Well, I want to try 18 to use these exhibits to indicate how 19 consistent, how sustained Democratic victories 20 in Jefferson County have been. So that's one 10:56AM 21 of the reasons I want you to look at these. 22 This one doesn't seem to have 23 turnout in it. I don't know why they didn't</p>
<p style="text-align: right;">Page 47</p> <p>1 So those people who thought that 2 health care in Alabama would benefit from 3 expanding Medicaid were more likely to vote 4 for Mr. Maddox. He was also more in tune with 5 lower to middle class voters and some of their 10:53AM 6 budgetary concerns which probably would have 7 been translated into some of the policies that 8 he would have supported as governor of the 9 state.</p> <p>10 Q. Thank you. I think we can go a 10:54AM 11 little more quickly through these because 12 we've indicated what to look for, but there's 13 no point in taking the time to do so. 14 (Plaintiffs' Exhibit Number 13 was 15 marked for identification.) 10:54AM</p> <p>16 Q. Here is the special general 17 election, December 12th, 2017. This is the 18 election between Doug Jones and Roy Moore. 19 And what's the voter turnout?</p> <p>20 A. Voter turnout is 47.74 percent. 10:54AM</p> <p>21 Q. And what was the straight party 22 vote?</p> <p>23 A. Well, the straight party ticket</p>	<p style="text-align: right;">Page 49</p> <p>1 give us that. It says, "Registered voters: 2 Zero. Ballots cast: 305,000." I don't 3 understand. That must be a typo, but in any 4 event, what is the straight party vote here?</p> <p>5 A. Democrat is 58.58; the 10:56AM 6 Republicans, 41.42.</p> <p>7 Q. And how did the Democrat and 8 Republican candidates for president fair in 9 Jefferson County?</p> <p>10 A. Secretary Clinton got 51.57, and 10:56AM 11 former president Trump got 44.30 and keeping 12 in mind there were two other candidates in 13 that race. So a total of four. So they took 14 several percentage points away.</p> <p>15 Q. Now, to be clear, the straight 10:57AM 16 party vote contains -- it contains white 17 voters as well, right?</p> <p>18 A. Certainly.</p> <p>19 Q. Yes.</p> <p>20 A. And the straight party vote for 10:57AM 21 Republicans probably contains minority voters.</p> <p>22 Q. Some black voters?</p> <p>23 A. Yes.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Latino voters?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Okay.</p> <p>4 A. And in that particular race</p> <p>5 because it was a woman running for president, 10:57AM</p> <p>6 you may have gotten some different kinds of</p> <p>7 crossover voting that you would not have</p> <p>8 gotten had it been two male candidates.</p> <p>9 Q. What do you mean by that?</p> <p>10 A. I mean that a lot of Republican 10:58AM</p> <p>11 women may have ended up voting for Hillary</p> <p>12 Clinton because her stances were more in line</p> <p>13 with their priorities as opposed to the</p> <p>14 Republican candidate. So, again, context</p> <p>15 matters when you're looking at election 10:58AM</p> <p>16 returns.</p> <p>17 (Plaintiffs' Exhibit Number 15 was</p> <p>18 marked for identification.)</p> <p>19 Q. Okay. Here I'm handing you the</p> <p>20 November 4, 2014, general election returns. 10:58AM</p> <p>21 This is one of the elections in which,</p> <p>22 according to the summary, three Democrats lost</p> <p>23 in statewide races at 48 percent or so.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Yes.</p> <p>2 Q. And it mentions Yolanda Flowers?</p> <p>3 A. Yes.</p> <p>4 Q. It says she spent a paltry \$12,500</p> <p>5 with her campaign. All right. So -- 11:00AM</p> <p>6 A. But to your -- our earlier</p> <p>7 discussion about context, part of this is very</p> <p>8 Alabama specific in terms of the</p> <p>9 disorganization and infighting of one of the</p> <p>10 two parties, and that's translating into 11:01AM</p> <p>11 whether candidates want to throw their hat in</p> <p>12 the ring. So some of this is internal party</p> <p>13 politics and, in my opinion, shouldn't be so</p> <p>14 much a direct reflection on what voters would</p> <p>15 do because voters haven't been given a good 11:01AM</p> <p>16 candidate with substantive issue solutions on</p> <p>17 which they could base a vote.</p> <p>18 And that is part of the reason</p> <p>19 you're seeing this paltry turnout because the</p> <p>20 candidates are not people who can be viable 11:01AM</p> <p>21 candidates. They may be good people, but they</p> <p>22 don't have the funding. They don't have the</p> <p>23 infrastructure. They don't have the political</p>
<p style="text-align: right;">Page 51</p> <p>1 What is the voter turnout in 2014?</p> <p>2 A. Oh, gosh. 40.71 percent.</p> <p>3 Q. So it's about as low as it was in</p> <p>4 2022?</p> <p>5 A. Uh-huh. But, again, this is not a 10:59AM</p> <p>6 presidential election.</p> <p>7 (Plaintiffs' Exhibit Number 16 was</p> <p>8 marked for identification.)</p> <p>9 Q. Let me show you -- let's put this</p> <p>10 to the side. This is a newspaper article 10:59AM</p> <p>11 captioned "Alabama's Midterm Election Turnout</p> <p>12 Worst in 36 years," and it's dated November 9,</p> <p>13 2022. So this is after the 2022 election, not</p> <p>14 the 2014 election, that we were just looking</p> <p>15 at. 11:00AM</p> <p>16 Have you seen this article?</p> <p>17 A. Yes.</p> <p>18 Q. Now, I know this article is</p> <p>19 hearsay, but it does quote and cite Secretary</p> <p>20 of State Merrill as saying that he had 11:00AM</p> <p>21 predicted a higher Democratic vote and that it</p> <p>22 was the lowest he had seen in 36 years; is</p> <p>23 that correct?</p>	<p style="text-align: right;">Page 53</p> <p>1 experience, and they don't have any kind of</p> <p>2 national underpinning to help them win an</p> <p>3 election in Alabama.</p> <p>4 Q. Right. And if Jefferson County</p> <p>5 had its own congressional district, isn't it 11:02AM</p> <p>6 likely that the candidate who comes out of the</p> <p>7 primary election is going to be more qualified</p> <p>8 than candidates have been in the past in</p> <p>9 congress here?</p> <p>10 A. That would be my personal opinion 11:02AM</p> <p>11 because you've got a contiguous, fairly</p> <p>12 compact area that clearly have many common</p> <p>13 issues. And so you are trying to appeal to a</p> <p>14 more -- a group that you can get around to</p> <p>15 much easier, that you can speak with, and the 11:02AM</p> <p>16 media has access to this particular county.</p> <p>17 You could use the -- a district that is just</p> <p>18 Jefferson County and make your campaign funds</p> <p>19 go further. You could have more exposure to</p> <p>20 the potential voters, and depending on how the 11:03AM</p> <p>21 issues sort out, you could find some</p> <p>22 coalitions where you least expected it.</p> <p>23 Q. Let me just ask a hypothetical</p>

<p style="text-align: right;">Page 54</p> <p>1 question. Let's assume that the 2024 election 2 used Singleton's Congressional District 6, 3 which is all of Jefferson County and eight 4 Shelby County precincts, if the winner of the 5 Democratic primary was -- if the winner of 11:03AM 6 the -- of the Democratic primary was incumbent 7 Terri Sewell, do you think that the turnout 8 would be higher? 9 A. But Representative Sewell is not 10 in District 6. 11:03AM 11 Q. No. I said hypothetical. 12 A. Oh. Yes. 13 Q. You see what I'm -- I'm saying? 14 Assume -- I could give you another example. 15 Let's assume that it was Walt Maddox 11:04AM 16 because -- well, it can't be Walt Maddox. 17 MR. BLACKSHER: Give me another 18 name, Ed. 19 MR. STILLS: Rodger Smitherman. 20 A. Doug Jones. Doug Jones could run 11:04AM 21 in Jefferson County, lives in Jefferson 22 County. He would be elected state 23 representative for District 6 because there</p>	<p style="text-align: right;">Page 56</p> <p>1 different solutions to current issues, they 2 may find that they're voting out of their 3 pattern. 4 MR. BLACKSHER: Do we need to take 5 a break? How you doing? 11:06AM 6 THE COURT REPORTER: I'm fine. 7 MR. BLACKSHER: All right. 8 (Plaintiffs' Exhibit Number 17 was 9 marked for identification.) 10 Q. This is the November 6th, 2012, 11:06AM 11 official results from the Jefferson County 12 Probate Court website, and what's the voter 13 turnout here? 14 A. The voter turnout is 15 79.15 percent, which is quite amazing, but 11:06AM 16 then this is a presidential year when 17 President Obama is on the ballot. 18 Q. And how did he do? 19 A. He got 52.50 percent of the vote, 20 and Mitt Romney got 46.53 percent. But, see, 11:06AM 21 this is an example, in my opinion, on a 22 national level of two viable candidates, and 23 you can see that because the Democrat got</p>
<p style="text-align: right;">Page 55</p> <p>1 would be enough crossover voters based on his 2 stellar reputation and his long political 3 history that he would easily win election as 4 a -- as a congressman from District 6 in 5 Jefferson County. 11:04AM 6 Q. Okay. And can't you say the same 7 thing about Terri Sewell, though? 8 A. Yes. Yes. And there would be a 9 lot more interest in the campaign, but I don't 10 think that you're just trying to get something 11:05AM 11 that's so overwhelming that one candidate is 12 assured to win. What -- what -- I want is a 13 fair map, a map that gives us two viable 14 candidates who are forced to debate and say 15 what their issues are so that we can make an 11:05AM 16 informed decision. 17 It would be the same thing if it 18 were overwhelmingly a sure thing so that no 19 GOP guy wants to get on the ballot. That is 20 the same situation, and there are plenty of 11:05AM 21 people, along with the precincts in Shelby 22 County, that might find that with a robust 23 debate between two candidates who have</p>	<p style="text-align: right;">Page 57</p> <p>1 59.64, but Mitt Romney got 40.36 percent 2 because they were both speaking to the issues. 3 (Plaintiffs' Exhibit Number 18 was 4 marked for identification.) 5 Q. Okay. Next I want to show you the 11:07AM 6 November 2, 2010, election returns. Turnout 7 here is what? 8 A. Turnout is 56.20 percent. 9 Q. Straight ticket voting? 10 A. Democrats, 59.06; Republicans, 11:07AM 11 40.94. 12 Q. And for governor? 13 A. Governor was an unknown named Ron 14 Sparks who got 50.35, and at that point, 15 Robert Bentley was pretty much unknown, and he 11:07AM 16 got 48.86. 17 Q. And I had one more, I think. 18 (Plaintiffs' Exhibit Number 19 was 19 marked for identification.) 20 Q. These are the November 4, 2008, 11:08AM 21 general election returns, and what's the 22 turnout here? 23 A. 77.05. And the straight party was</p>

<p style="text-align: right;">Page 58</p> <p>1 63.35 for Democrats, 36.35 for Republicans, 2 with President Obama in his first term getting 3 52.15 and John McCain, 47.07. 4 Q. All right. I think we're through 5 with those. 11:09AM 6 MR. BLACKSHER: Suzanne, I'm not 7 going to introduce the Shelby County things. 8 We'll have to mark them up to indicate their 9 correct precincts. We'll have to put them 10 into evidence another way. Okay? 11:09AM 11 MS. YORK: Yes, sir. 12 MR. BLACKSHER: Can we take a 13 short break? Is that all right with you, Jim? 14 MR. DAVIS: Sure. It's just me. 15 What time you want to come back? 11:09AM 16 MR. BLACKSHER: How about ten 17 minutes? 18 MR. DAVIS: Okay. 19 (A recess was taken.) 20 MR. BLACKSHER: We're going to 11:17AM 21 turn Ms. Slay over for cross-examination. 22 //// 23 ////</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes. 2 Q. Do you consider yourself 3 knowledgeable about voting issues in the 4 state? 5 A. About voting issues or any issues? 11:20AM 6 Q. Electoral politics. 7 A. I do consider myself probably a 8 little more than the average person because of 9 my lifelong interest in politics, so yes. And 10 I subscribe to a variety of media that tries 11:20AM 11 to keep me informed on various issues. 12 Q. How long would you say that you've 13 been an active and interested voter? 14 A. I have been an active and 15 interested voter since I turned 18, and the 11:20AM 16 first election I voted in, my father was on 17 the ballot for sheriff of Clay County, 18 Mississippi. So we have been involved in 19 retail politics since I was old enough to 20 attend cake walks with my dad in rural Clay 11:21AM 21 County. 22 Q. In the complaint you filed in this 23 action, if I understand your claims correctly,</p>
<p style="text-align: right;">Page 59</p> <p>1 CROSS-EXAMINATION 2 BY MR. DAVIS: 3 Q. Good morning, ma'am. 4 A. Good morning. 5 Q. My name is Jim Davis. I represent 11:19AM 6 Secretary of State Wes Allen in this 7 litigation that you filed. 8 May I ask how you would prefer to 9 be addressed? 10 A. What are my options? 11:19AM 11 Q. Whatever. Is it miss? Is it 12 colonel? 13 A. Thanks for asking that, and as a 14 point of etiquette, you're not supposed to use 15 your military rank unless it is directly 11:19AM 16 connected to your military service. So, for 17 these purposes, we will just use miss. 18 Q. Thank you, Ms. Slay. You said 19 you've lived in Jefferson County since 1991 20 correct -- pardon me -- in Alabama since 1991? 11:20AM 21 A. Yes. 22 Q. And Jefferson County since around 23 the 1994?</p>	<p style="text-align: right;">Page 61</p> <p>1 you consider it important that counties be 2 kept together in congressional plans; is that 3 correct? 4 A. That's correct, to the extent it's 5 possible that meets the criteria set out by 11:21AM 6 the Supreme Court. 7 Q. Why do you think it important to 8 keep counties together in an Alabama 9 congressional districting plan? 10 A. It allows the political team to 11:21AM 11 work as one in a county because, when you are 12 bounded by county lines, you're obviously 13 electing positions like the sheriff and the 14 district attorney and various judgeships along 15 county lines. 11:22AM 16 And so when an issue emerges, it 17 is, to me, practical, if the population 18 justifies it, to have your congressional 19 representative involved and aware of the same 20 issues that your local officials are already 11:22AM 21 aware of so you can work as a holistic team to 22 bring solutions to the table and resources, by 23 the way because, if you're splitting along</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 county lines, you've got representatives and 2 senators who have access to all kinds of 3 largess, but they're working for different 4 geographical areas when you split a county. 5 Q. You recognize, do you not, that 11:22AM 6 other principles and other laws may require a 7 state on occasion to split a county? 8 A. Absolutely. 9 Q. Do you think it more important 10 that Jefferson County be kept whole than other 11:23AM 11 counties in Alabama? 12 A. I think that the data supports the 13 goal of providing voters opportunities to 14 elect candidates of their choice, and when you 15 look at the polarized voting and the data from 11:23AM 16 Jefferson County, it argues more for this 17 county than some other counties who are not as 18 racially polarized as Jefferson County, and -- 19 Q. Can you -- 20 A. -- excuse me -- and don't have the 11:23AM 21 population that would justify creating an 22 opportunity district. 23 Q. Are you able to see this screen,</p>	<p style="text-align: right;">Page 64</p> <p>1 vote is more important than somebody else's 2 vote. 3 Q. This plan you support splits 4 Tuscaloosa County, though, does it not? 5 A. Yes. 11:25AM 6 Q. Why is it more important that 7 Jefferson County be kept whole than Tuscaloosa 8 County? 9 A. Well, Tuscaloosa was split because 10 of some other criteria that don't fit 11:25AM 11 Jefferson County, and that would be, I would 12 assume, population. 13 Q. Okay. Are there any other issues 14 that you would contend make it more 15 appropriate to split Tuscaloosa County than 11:26AM 16 Jefferson County? 17 A. No. 18 Q. Okay. So population is the only 19 criteria that you can point to that would make 20 it more appropriate to split Tuscaloosa County 11:26AM 21 than Jefferson County? 22 A. Having not looked at the data, I 23 would just assume that Tuscaloosa County does</p>
<p style="text-align: right;">Page 63</p> <p>1 the map on the screen, ma'am? 2 A. Yes. 3 Q. Let me get the right one. There. 4 I believe I'm showing you the Smitherman 5 Congressional Plan 1. What I mean to show you 11:24AM 6 is the Singleton Plan. Okay. Pardon me. 7 There we go. 8 Is this the map that we reviewed 9 earlier in the case, the Singleton 10 Congressional Plan 1? 11:25AM 11 A. Yes. It appears to be a little 12 sliver of Shelby County down there, and then 13 the contiguous Jefferson County. 14 Q. Right. This plan -- do you 15 support this plan? 11:25AM 16 A. Yes. 17 Q. Do you consider voters in 18 Tuscaloosa County to be less important than 19 voters in Jefferson County? 20 A. Why would I say that? 11:25AM 21 Q. I'm asking if you do. 22 A. I think all votes should count 23 equally -- one person; one vote -- so no one's</p>	<p style="text-align: right;">Page 65</p> <p>1 not have the population that Jefferson County 2 has; and, therefore, it's harder to meet the 3 equalization of population criteria by keeping 4 Tuscaloosa whole. 5 Q. Would that be true for other 11:26AM 6 counties that are split in this Singleton 7 Congressional Plan 1 such as Talladega, 8 Elmore, Escambia, Lauderdale? 9 A. Yes, but I think every map that's 10 been suggested splits certain counties. There 11:27AM 11 is no map that's been introduced that keeps 12 all counties whole. 13 Q. Thank you. Ms. Slay, are you 14 familiar with areas of Jefferson County, say, 15 in the northern part of the county that are 11:27AM 16 adjacent to Blount County? 17 A. Well, I travel through there. 18 I -- I have -- probably Gardendale and that 19 area, but I don't have neighborhoods that I 20 visit in northern Jefferson County. 11:27AM 21 Q. Do you have any opinion about 22 whether voters in that northern -- so the 23 rural part of the county, say, up around</p>

<p style="text-align: right;">Page 66</p> <p>1 Warrior, whether they have more in common with</p> <p>2 inner city Birmingham or Blount County across</p> <p>3 the line in terms of what they need from a</p> <p>4 congressional representative?</p> <p>5 A. I think they could have much in 11:28AM</p> <p>6 common with Birmingham as much as Blount</p> <p>7 County because many of them are commuting into</p> <p>8 Birmingham to work. And so the conditions in</p> <p>9 Birmingham, the infrastructure, the safety,</p> <p>10 security, are all -- shopping. They're coming 11:28AM</p> <p>11 to Birmingham, not Blount County.</p> <p>12 Q. Do you have any information on</p> <p>13 when the last time was that Alabama kept</p> <p>14 Jefferson County whole in a congressional map?</p> <p>15 A. I want to say 1965, but I could be 11:28AM</p> <p>16 wrong on that.</p> <p>17 Q. Okay. But as far as you're aware,</p> <p>18 it's been a long time since Alabama had a map</p> <p>19 that kept Jefferson County whole for</p> <p>20 congressional districts? 11:29AM</p> <p>21 A. Yes, that's true, but as the</p> <p>22 census data has proven that population shifts</p> <p>23 occur which necessitate the re-imagining of</p>	<p style="text-align: right;">Page 68</p> <p>1 be different because you pull those</p> <p>2 neighborhoods out, and those are the neighbors</p> <p>3 that we're working on common issues for in</p> <p>4 Jefferson County. It was clearly to pull</p> <p>5 those minority voters out of Jefferson County 11:30AM</p> <p>6 and put them in District 7.</p> <p>7 Q. I'm showing you Livingston</p> <p>8 Congressional Plan 3 that the legislature</p> <p>9 passed in 2023, and this is a map that the</p> <p>10 Singleton Plan has filed into court as 11:31AM</p> <p>11 Exhibit 5.</p> <p>12 Do you recognize this as the map</p> <p>13 that was passed last week by the Alabama</p> <p>14 legislature?</p> <p>15 A. I certainly do. 11:31AM</p> <p>16 Q. And the part you contend is a</p> <p>17 racial gerrymander is that -- the part that</p> <p>18 goes into Jefferson County?</p> <p>19 A. Yes.</p> <p>20 Q. Why is it you say it is clear that 11:31AM</p> <p>21 they were reaching for minority voters,</p> <p>22 Ms. Slay?</p> <p>23 A. In Jefferson County, as in many</p>
<p style="text-align: right;">Page 67</p> <p>1 congressional districts -- and when Jefferson</p> <p>2 County was -- when certain actions were taken</p> <p>3 according to the districts in 1992, that was</p> <p>4 court ordered, but then a Supreme Court</p> <p>5 decision in '93 said that racial gerrymanders 11:29AM</p> <p>6 were unconstitutional. So, when those maps</p> <p>7 were drawn in '92, that was before SCOTUS made</p> <p>8 the decision in the '93 case.</p> <p>9 Q. Ms. Slay, do you contend that the</p> <p>10 map that the legislature passed in 2023, the 11:29AM</p> <p>11 congressional map -- do you contend that that</p> <p>12 map is a racial gerrymander?</p> <p>13 A. I absolutely do.</p> <p>14 Q. What is your basis for that</p> <p>15 contention? 11:30AM</p> <p>16 A. Because of the way they have</p> <p>17 inserted that finger up into Jefferson County</p> <p>18 to extract the primarily minority</p> <p>19 neighborhoods and put them in congressional</p> <p>20 District 7, and that -- this is pretty 11:30AM</p> <p>21 personal for me because I'm so close to that</p> <p>22 district line that it is -- it's indefensible</p> <p>23 for you to tell me that my issues are going to</p>	<p style="text-align: right;">Page 69</p> <p>1 other areas of the state and the country,</p> <p>2 we're living in largely segregated</p> <p>3 neighborhoods, and so people are sorting</p> <p>4 themselves out in neighborhoods more and more</p> <p>5 that are economically stratified. 11:32AM</p> <p>6 And so the neighborhoods that are</p> <p>7 affected by this finger are -- are, for the</p> <p>8 most part, people of color and lower economic.</p> <p>9 We're talking Fairfield, Bessemer, part of</p> <p>10 Hoover, and those people are primarily people 11:32AM</p> <p>11 of lesser means. And I think that they have</p> <p>12 been lumped into District 7 to make District 6</p> <p>13 even more white and Republican.</p> <p>14 MR. DAVIS: And I will mark this</p> <p>15 as Defendants' Exhibit 1 to the deposition, 11:32AM</p> <p>16 and I will work with Mr. Blacksher and the</p> <p>17 court reporter to provide PDFs at the</p> <p>18 conclusion of the deposition, if that's okay</p> <p>19 with everyone.</p> <p>20 (Defendants' Exhibit Numbers 1 and 11:33AM</p> <p>21 2 were marked for identification.)</p> <p>22 Q. All right. Ms. Slay, are there</p> <p>23 any -- is there any other reason that you</p>

<p style="text-align: right;">Page 70</p> <p>1 contend that the 2023 map is a racial 2 gerrymander other than the part that goes into 3 Jefferson County?</p> <p>4 A. Well, I'm not speaking to the rest 5 of the state because I don't have any direct 11:33AM 6 knowledge there. So there could be some other 7 instances of that, but it would seem to me 8 that that effort was made to make sure that -- 9 that the incumbents were not going to be 10 challenged. And if we changed that map and 11:33AM 11 put it contiguous Jefferson County, then the 12 current congress people would have a more 13 serious race on their hands.</p> <p>14 And my contention is that we would 15 end up with less extreme policy positions 11:33AM 16 because both parties would have to appeal to a 17 cross-section of voters and come with some 18 substantive solutions to issues that affect 19 all people in Jefferson County.</p> <p>20 Q. Do you have any evidence, 11:34AM 21 Ms. Slay, that any member of the Alabama 22 legislature voted for that plan because of the 23 way, as you -- because of your contention that</p>	<p style="text-align: right;">Page 72</p> <p>1 why the congressional map in 1992 was drawn 2 the way it was?</p> <p>3 A. My understanding is it was 4 accepted or directed by federal court to 5 rectify some of the past problems in the 11:35AM 6 Alabama redistricting process.</p> <p>7 Q. Do you disagree with the decision 8 by that federal court in 1992?</p> <p>9 A. I'm not going to say anything 10 about that because that was 1992, and, again, 11:35AM 11 that was before the Supreme Court made some 12 clearer guidance in subsequent cases on what 13 was permissible and what was not. And here we 14 are in 2023, and the SCOTUS has opined that 15 partisan gerrymandering is A-OK but racial 11:36AM 16 gerrymandering is not.</p> <p>17 Q. Ms. Slay, I'm sharing now a copy 18 of Figures Congressional Plan 1. For the 19 record, this has been filed to the Singleton 20 Court Record as Exhibit 8. 11:36AM 21 You recognize this as a map that 22 has sometimes been referred to as the Milligan 23 and Caster Plaintiffs' Remedial Plan?</p>
<p style="text-align: right;">Page 71</p> <p>1 it separates voters by race in Jefferson 2 County?</p> <p>3 A. Well, since I wasn't on the -- in 4 the legislature to hear their negotiations, 5 no, I don't have any direct evidence of it. 11:34AM 6 Q. Do you have any indirect evidence?</p> <p>7 A. I have some indirect evidence 8 through hearsay by somebody that was on the 9 floor of the legislature saying that they 10 liked the Singleton maps but were told by the 11:34AM 11 national party not to vote for them.</p> <p>12 Q. Do you have any information that 13 the national party said that for a reason that 14 had anything to do with race?</p> <p>15 A. I don't have that information. I 11:35AM 16 would surmise that part of it is to keep 17 incumbents in safe districts, but if the 18 district was originally racially gerrymandered 19 just to keep them in the same district is 20 still a racial gerrymander, and Secretary 11:35AM 21 Merrill has said that the districts that were 22 drawn were racial gerrymanders.</p> <p>23 Q. Do you have any information as to</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. And have you seen this map before 3 today?</p> <p>4 A. I probably have. I have not 5 studied it as closely as the Singleton Map. 11:37AM 6 Q. Would you contend that this map 7 contains any racial gerrymanders?</p> <p>8 A. I think that you could possibly 9 make that argument. You see -- I see that, 10 again, Jefferson County has been split and 11:37AM 11 that there is a considerable amount of it 12 that's been put down in the District 7, and 13 also --</p> <p>14 Q. Do you have any --</p> <p>15 A. Excuse me. There seems to be a 11:37AM 16 lot of counties in this plan that are also 17 split.</p> <p>18 Q. Do you have any opinion about the 19 part of this map that puts a portion of the 20 city of Mobile or Mobile County into 11:37AM 21 District 2?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. If the legislature's 2023</p>

<p style="text-align: right;">Page 74</p> <p>1 map is a racial gerrymander in Jefferson 2 County, wouldn't this map also be a racial 3 gerrymander? 4 A. Well, I think that some arguments 5 could be made for that. That's why I'm 11:38AM 6 supporting the Singleton Map. 7 Q. Okay. Now, you were asked by 8 Mr. Blacksher what issues voters in Jefferson 9 County have in common, and I wrote down one 10 was expansion of Medicaid. 11:38AM 11 Is that an issue that you think 12 voters in Jefferson County have in common? 13 A. Yes. 14 Q. I also wrote down grocery tax, 15 public transit, criminal justice reform, 11:39AM 16 infrastructure projects, and certain military 17 issues. 18 A. Okay. 19 Q. I'm not meaning to test your 20 memory. I just want to be complete. 11:39AM 21 Are those issues that you recall 22 saying are issues that Jefferson County voters 23 have in common, this coalition of voters that</p>	<p style="text-align: right;">Page 76</p> <p>1 first. When you say "grocery tax," what do 2 you mean? What is the belief about the 3 grocery tax that this coalition has in common? 4 A. Well, I think all voters, all 5 residents of any entity, would be in favor of 11:40AM 6 reducing a grocery tax, which is a regressive 7 tax, as we know, and the effects of it are 8 most apparent in lower-income families who 9 spend more money on things that are taxed by 10 sales tax than upper income families do. 11:41AM 11 And so our move at the state level 12 to reduce it, the state tax, is great, but 13 again, removing the tax would be an income 14 boost for all voters. And, yes, is this 15 something that a congressperson could do? Not 11:41AM 16 directly, but certainly, he or she has 17 influence with state leaders as we have seen 18 in Alabama in the discussion on the 19 redistricting in which national leaders of 20 their party are having much input into how 11:41AM 21 negotiations go. 22 So, if you could speak with one 23 voice, then, to me, it would just be a much</p>
<p style="text-align: right;">Page 75</p> <p>1 you talked about? 2 A. I think coalitions are creatures 3 that form kind of organically. So you can't 4 say this coalition will always support these 5 eight issues. Coalitions form based on their 11:39AM 6 common interests on the issue that's 7 percolating up. What I am suggesting is that 8 the Jefferson County voters are more likely in 9 a contiguous congressional district to be 10 speaking with one voice to a unified group of 11:39AM 11 political leaders and we're not being split 12 among various people who can effect change. 13 And so the same people who might 14 be concerned with military issues, might not 15 be concerned with Medicaid, but overall, there 11:40AM 16 is such a spectrum of economic differences and 17 political differences in Jefferson County, to 18 me, it would make for a much more robust 19 democratic -- and with a little "D" -- 20 conversation about what's best for Jefferson 11:40AM 21 County. 22 Q. Well, let's take the first one -- 23 well, actually, I want to ask this question</p>	<p style="text-align: right;">Page 77</p> <p>1 more constructive way to go forward, and -- 2 you can say that about any of these issues 3 because they're not all issues that a U.S. 4 congressman directly affects for sure, but he 5 or she can certainly direct resources to those 11:42AM 6 areas, grants, open doors. 7 Q. Would you agree that a desire to 8 expand Medicaid, a desire to lower the grocery 9 tax, criminal justice reform, for example, 10 that those are issues that are generally held 11:42AM 11 in common or beliefs generally held in common 12 by progressive voters? 13 A. That's a great question. And I 14 would say in 2023 it is, but that's because 15 the -- the nature of the two parties has 11:42AM 16 changed over time. So many of these things 17 used to be bipartisan issues at the national 18 and state level, and they have become 19 affiliated with one party now because the 20 other party has shifted its priorities. 11:43AM 21 But -- but to say this is a Democratic issue, 22 it's only because the parties have changed 23 because people who were supportive of these</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 kind of issues used to be both Republicans and 2 Democrats.</p> <p>3 Q. And as I understand the coalition 4 of voters that you're advocating for in 5 Jefferson County -- 11:43AM</p> <p>6 A. Let me just back up. I'm not 7 advocating for a coalition. I'm saying I 8 think that coalition is already here if we 9 were given fair maps to vote.</p> <p>10 Q. Thank you. That's an important 11:43AM 11 clarification. I would say you're advocating 12 for a district that allows that coalition to 13 vote as a unit.</p> <p>14 A. Thank you.</p> <p>15 Q. Is that fair? 11:44AM</p> <p>16 A. That's a better way of stating 17 that.</p> <p>18 Q. Thank you for correcting me, but 19 the voters of Jefferson County who are 20 interested in expanding Medicaid, lowering 11:44AM 21 grocery tax, criminal justice reform, how are 22 their needs different from a progressive voter 23 in Madison County who favors expanding</p>	<p style="text-align: right;">Page 80</p> <p>1 I've been taking notes, but if I heard you 2 correctly when we were discussing the 2010 3 elections, particularly the gubernatorial 4 race, did you say that Ron Sparks was a rather 5 unknown candidate? 11:45AM</p> <p>6 A. To me, he was. He may have had 7 some statewide maybe agriculture. I don't 8 know, but he was not a household name to me. 9 Nor was Robert Bentley actually, but he was in 10 Tuscaloosa. And he had a following because of 11:45AM 11 his stature as a well-known doctor in that 12 rather small town. So I didn't mean to 13 misspeak. I'm just saying for me he was 14 unknown.</p> <p>15 Q. I understand. Thank you. I'm 11:46AM 16 also interested if you share an opinion that I 17 have. I lived in Jefferson County from '93 18 until about five years ago, and for about half 19 that time, I lived really close to where you 20 now live. I lived in Bluff Park or Park 11:46AM 21 Avenue, and then I moved out further west to 22 Lake Crest. It seemed to me that both Bluff 23 Park and Lake Crest, which is sort of near the</p>
<p style="text-align: right;">Page 79</p> <p>1 Medicaid, lowering the grocery tax, and 2 reforming the criminal justice system?</p> <p>3 A. They may not be different, but 4 they are in a position where their priorities 5 aren't translated, and this is sort of a 11:44AM 6 domino effect because, if a district is drawn 7 so that your values and your priorities are 8 never going to be in the majority, then 9 those -- those programs won't be implemented.</p> <p>10 If you had a district drawn that 11:44AM 11 gave opportunities for a coalition to be 12 formed and a candidate that espouses your 13 values to be elected, then some programs might 14 actually change at the local, state, or 15 national level, and more importantly, the 11:45AM 16 interest in getting out to vote and actually 17 voting would increase because you see that you 18 now have a viable vote to get to that goal 19 that you've been trying to do for years and 20 years but your candidate consistently loses 11:45AM 21 because of the way that the lines have been 22 drawn.</p> <p>23 Q. I'm jumping around here because</p>	<p style="text-align: right;">Page 81</p> <p>1 Hoover Met, that those neighborhoods got much 2 more racially diverse over the time that I 3 lived there.</p> <p>4 Have you noticed that in the part 5 of Bluff Park where you live? 11:46AM</p> <p>6 A. I take your point, and I agree. 7 One of the interesting things about Bluff Park 8 is how eclectic it is and how different the 9 neighborhoods look from other neighborhoods 10 that are all sort of cookie cutters, but as I 11:47AM 11 was telling my colleagues here that you might 12 be surprised to know that the second largest 13 minority group in the Hoover City Schools now 14 are people from India or their offspring. So 15 we've got about 30 different nationalities in 11:47AM 16 the Hoover City Schools right now -- or -- if 17 not more.</p> <p>18 So, yes, it is racially diverse, 19 and it is also politically diverse. So, on 20 the national level, a lot of people are 11:47AM 21 sorting themselves into neighborhoods based on 22 how progressive or conservative -- it's really 23 kind of appalling. I don't see that in Bluff</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 Park yet, and you can look at the data and see 2 how close some of these elections have been 3 Democrat and Republican. But, yes, it's much 4 more diverse than it was ten years ago. 5 Q. I'm going to go back to -- I don't 11:47AM 6 need to show it to you -- but the plan that 7 you support, the Singleton Plan, which keeps 8 Jefferson County whole. 9 You understand that there is no 10 majority black district in that plan, do you 11:48AM 11 not? 12 A. I absolutely understand that what 13 we're looking for is the opportunity to elect 14 candidates of our choosing, not a foregone, 15 definite possibility, a definite "I want it my 11:48AM 16 way or no way." No. This is the only way to 17 form a coalition so that you can continue this 18 into the future and reduce the polarization of 19 voting just by race, and all you want is an 20 opportunity, not a guarantee. And that forces 11:48AM 21 you to reach across and form groupings that 22 have issues in common in my opinion. 23 Q. Do you believe that even though</p>	<p style="text-align: right;">Page 84</p> <p>1 returns when Mr. Blacksher was asking you 2 questions, and if I recall, there were a few 3 elections where Republicans won in those 4 districts? 5 A. Absolutely. 11:50AM 6 Q. So you still think that provides a 7 fair opportunity? 8 A. Yes, I do. 9 Q. A fair opportunity for African 10 American voters to elect their candidate of 11:50AM 11 choice? 12 A. Yes, because other things are 13 going to happen. If you actually have a 14 district that might allow you to have your 15 vote count as much as somebody else's, then it 11:50AM 16 may mean, probably will mean, more viable 17 candidates come to the table. Then we'll get 18 more funding. Then we'll get more grass roots 19 volunteers. And so you have a campaign that's 20 able to generate the energy it would take to 11:51AM 21 actually win the election. 22 Q. As we looked at various election 23 returns in Jefferson County -- and we looked</p>
<p style="text-align: right;">Page 83</p> <p>1 districts in the Singleton Plan -- District 6 2 and District 7, even though they're not 3 majority black, you believe those districts 4 provide an opportunity for African American 5 voters to elect their candidate of choice? 11:49AM 6 A. Yes. 7 Q. And what is your basis for that? 8 A. Well, again, if you've got a 9 contested race with -- with viable candidates 10 and you know that your vote might actually 11:49AM 11 make a difference in this race, you're going 12 to be more likely than not to make sure you're 13 registered, that you listen to what the 14 candidates are saying, to actually get to the 15 polls on a Tuesday, and to make your vote 11:49AM 16 known. 17 It's -- it's demoralizing to know 18 that as much as you educate yourself and go to 19 a poll your candidate will never win even 20 though he has really good ideas because the 11:50AM 21 way that gerrymandering has drawn the 22 district. 23 Q. And we looked at some election</p>	<p style="text-align: right;">Page 85</p> <p>1 at '22, '20, all the way back to 2010 -- the 2 Democrats did not do as well in 2022, though, 3 did they, as they did in prior years? 4 A. I think the data would support 5 that. The turnout was different. The 11:51AM 6 candidates were not stellar, and the party has 7 suffered from, what we call in the military, a 8 circular firing squad. And so you really have 9 to say "put this in context." 10 Q. So, even though 2022 is a more 11:51AM 11 recent election, is it your position that some 12 other elections like '20 and '18 and '16 13 provide a more accurate view of how those 14 districts would perform? 15 A. I think so, yes. Well -- and, 11:52AM 16 again, as you know, a presidential election 17 year creates its own issues which drives 18 turnout. And so every election is special in 19 its own way, but the data over time shows that 20 if Jefferson County were a contiguous 11:52AM 21 district, Democrats would have prevailed, not 22 always -- you know, sometimes 50, 51, 23 sometimes 52.</p>

<p style="text-align: right;">Page 86</p> <p>1 But, again, the coalition would be 2 key in cementing a victory for people who -- 3 it's not the party label I'm really concerned 4 with. It's the fact that you have two 5 candidates coming forward with viable 11:52AM 6 solutions. 7 Right now, what has happened 8 because it's no way that -- a supermajority 9 party is always going to win. So they can 10 take real extreme views that appeal to a 11:53AM 11 certain segment of that population and never 12 accept an invitation to debate, don't answer 13 candidate questionnaires, don't entertain 14 conversations because they don't have to 15 because they know they're going to win. 11:53AM 16 Q. I want to stick with the '22 17 elections just a minute, and understand, 18 although this is a trial deposition, it's also 19 my opportunity to understand your claims a 20 little better. 11:53AM 21 If 2022, the -- if the 2022 22 election is not the best indication of how a 23 district performs, I want to understand all</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. And if I understood you correctly, 2 is it your position that Democratic party 3 infighting was a drain on Democratic turnout 4 in 2022? 5 A. Yes. And -- not only that, but 11:54AM 6 they -- according to people who were running 7 as Democrats, they didn't get any financial or 8 how-to support from the state party, just 9 procedural things, how to file, how to go 10 about campaigning, how to -- no funding. And 11:55AM 11 so they were all on their own. 12 MR. DAVIS: If we could pause for 13 just a moment and let me call my co-counsel, 14 that would be helpful. 15 MR. BLACKSHER: Certainly. 11:55AM 16 (A recess was taken.) 17 MR. DAVIS: Thank you for 18 indulging me that pause. Ms. Slay, thank you 19 for answering my questions and helping me to 20 understand your claims better. Those are all 11:56AM 21 the questions I have today. 22 I will, after we close, speak to 23 the court reporter and find out how to get</p>
<p style="text-align: right;">Page 87</p> <p>1 the reasons why you think that is the case. 2 If you're looking for something, 3 Ms. Slay, that will help, I will be very happy 4 to pause for a moment. 5 A. Well, you're referring to 2022, 11:53AM 6 and I'm just trying to -- here it is right 7 here. So let's -- 8 Q. Okay. 9 A. Okay. 10 Q. Yes, I want you to have whatever 11:53AM 11 information you need to help me understand 12 your claims better. 13 Would you say that the quality of 14 candidates on the Democratic side was an issue 15 in the 2022 election? 11:54AM 16 A. You're being much too diplomatic. 17 Q. How would you phrase it? 18 A. I would say that it was abysmal. 19 Not that I -- I don't know these people 20 personally, but it's the way they were chosen, 11:54AM 21 the funding they secured, the backgrounds they 22 came with. It was not a way to -- to win 23 elections at the statewide level.</p>	<p style="text-align: right;">Page 89</p> <p>1 copies of the Singleton -- well, the two plans 2 that we've discussed that were not already 3 introduced, and that was the Legislature's '23 4 plan and the Milligan plan, this VRA plan, 5 marked as 1 and 2 respectively. 11:57AM 6 With that, those are all the 7 questions that I have, Ms. Slay. Thank you so 8 much. 9 THE WITNESS: Well, you're quite 10 welcome. 11:57AM 11 REDIRECT EXAMINATION 12 BY MR. BLACKSHER: 13 Q. I have just one redirect question. 14 Ms. Slay, I may have misunderstood what you 15 said, but I thought you said something to the 11:57AM 16 effect that other counties were not as 17 polarized as Jefferson County is. 18 Did you mean the opposite of that, 19 or did I hear you correctly? 20 A. Well, let me just back up and say 11:57AM 21 I am not expert on other counties in Alabama. 22 So perhaps I shouldn't have said that at all, 23 but I don't -- I think that the neighborhoods</p>

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1 in Jefferson County are -- have a very high
 2 correlation with racial voting, racial
 3 polarized voting, and I don't -- I can only
 4 speak a little bit from Tuscaloosa because of
 5 where I live. I cannot speak to the rest of 11:57AM
 6 Alabama. So maybe that should have been an
 7 overly broad statement.

8 MR. BLACKSHER: Okay. Thank you.
 9 No further questions.

10 MR. DAVIS: None for me either. 11:58AM

11 Thank you so much, Ms. Slay.

12 (The deposition concluded
 13 at 11:58 a.m.)

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15 FURTHER DEPONENT SAITH NOT

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1 REPORTER'S CERTIFICATE
 2 STATE OF ALABAMA
 3 ETOWAH COUNTY
 4 I, Joseph Jones, Certified Court
 5 Reporter and Commissioner for the State of
 6 Alabama at Large, hereby certify that on
 7 August 10, 2023, I reported the deposition of
 8 LEONETTE SLAY, who was first duly sworn or
 9 affirmed to speak the truth in the matter of
 10 the foregoing cause, and that pages 6 through
 11 90 contain a true and accurate transcription
 12 of the examination of said witness by counsel
 13 for the parties set out herein.

14 I further certify that I am neither kin
 15 nor of counsel to any of the parties to said
 16 cause nor in any manner interested in the
 17 results thereof; and that this transcript was
 18 certified and prepared on August 10, 2023.

19 
 20 _____

21 JOSEPH JONES, CCR
 22 Commissioner for the
 23 State of Alabama at Large
 CCR # 645, Expires 09/30/23
 MY COMMISSION EXPIRES: 06/05/25

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Alabama Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

(e) Submission to witness; changes; signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within thirty (30) days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the

court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(F) Certification and filing by officer; exhibits; copies; notice of filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court, the officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

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