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1 PERMANENT LEGISLATIVE COMMITTEE

2 ON REAPPORTIONMENT

3 PUBLIC HEARING

4
5 DATE: SEPTEMBER 15TH, 2021

6 TIME: 9:00 AM CST

7 LOCATION: THOMASVILLE, ALABAMA

8
9
10 Senator Jim McClendon, State Representative

11 Chris Pringle, Attorney Dorman Walker are in

12 attendance virtually.

1
2
3 SENATOR MCCLENDON: I am Jim
4 McClendon. I'm a state senator. My home is
5 in St. Clair County, and I am Senate
6 Chairman of the Committee on Redistricting
7 and Reapportionment. We have on my right is
8 Representative Chris Pringle. Chris is the
9 House Chairman of Redistricting. And on my
10 left is Mr. Dorman Walker. Mr. Walker is an
11 attorney, and he is employed by the
12 Redistricting Committee. He will be your
13 hearing officer today. Every ten years a
14 census is taken, and the purpose of the
15 census is not only to count the number of
16 people we have but locate them. And what we
17 have seen happen for decades is people move,
18 populations shift. And we are charged with
19 the job of bringing the numbers for each
20 district back into alignment so they are
21 more or less equal. We are charged with
22 redrawing the Alabama Senate districts,
23 Alabama House of Representative districts,
24 the Congressional districts, and the State
25 Board of Education districts. And we're

1 here today to get your input, your comments
2 and what suggestions you might have. Now,
3 to give you an idea of the population, the
4 way populations change, first I'll do the
5 Senate districts that are in your area. An
6 ideal size under the new census data for a
7 Senate district is 143,551. So, we look at
8 each of the existing Senate districts and
9 see how they compare with that number. For
10 example, Senate District 22 is down by
11 12,000 -- no, up. Wait a minute. Here it
12 is. 7,600. In other words, Senate District
13 22 is 7,600 under the ideal size. Now, we
14 do have a plus or minus 5% latitude with
15 House, Senate and BOE districts. We do not
16 have that latitude with Congressional
17 districts. 23 is down by 24,000 people.
18 Well, when you're that far under, we're
19 going to have to extend those district lines
20 to go out there and capture enough people to
21 get them within plus or minus 5% of the
22 ideal district size. 24, Senate 24 is down
23 by 7,900. Senate 34 is over by 5,500. These
24 are round numbers. Your House districts in
25 your area, an ideal House size under the new

1 population data is 47,850. House District 64
2 is over by 4,600. House District 65 is
3 under by 7,200. 68 is under by 8,300. 69 is
4 under by 5,500. I think I've got one more
5 for you. House District 93 is under by
6 5,200. So, you see, these districts that
7 are under, they're going to have to change
8 shapes. They're going to have to get bigger
9 to capture the necessary number of people so
10 we can honor the concept of one person, one
11 vote. That's why we're doing this. Those
12 districts that are overpopulated will have
13 to shrink in size. And you can have a
14 district that really is very close to the
15 ideal size, but it can very well be affected
16 by an adjacent district that has to go up or
17 down in size. With that being said, let me
18 introduce you to Representative Chris
19 Pringle.

20 REPRESENTATIVE PRINGLE: Thank
21 you, Senator. Again, my name is Chris
22 Pringle. I'm the state representative from
23 House District 101 in Mobile. I would like
24 to welcome everybody this morning. Is there
25 any elected officials in the room? Okay.

1 Well, this morning we will call people to
2 speak in the order in which they signed up.
3 You will be limited to three minutes. If we
4 have time at the end, we'll let you come
5 back up and finish. When called, please
6 come to the microphone, state your name and
7 community you represent, and the district
8 you wish to speak about. Please state your
9 name clearly and slowly and probably spell
10 it for our court reporter so she can get it
11 in the record. If you decide you want to
12 speak but did not sign up, we'll ask at the
13 end if anyone who hasn't spoken would like
14 to. If you are participating remotely, send
15 your questions, and we'll read them into the
16 record for you. This hearing is being
17 transcribed by a court reporter working
18 remotely. If you have something you would
19 like to introduce into the record as an
20 exhibit, bring it to the microphone when you
21 speak and give it to the hearing officer,
22 and we'll have it attached to the permanent
23 record of this committee. Today's hearing
24 deals with the issue of redistricting only,
25 and we're not here to discuss any other

1 issues pending before the Alabama
2 Legislature. With that, I would like to say
3 thank you again for coming and turn it over
4 to our hearing officer, Dorman Walker.

5 MR. WALKER: Hello. Hello to everyone
6 there and thank you to Coastal Alabama,
7 Thomasville for hosting this hearing. Hello
8 also to all of you who are participating
9 remotely. Before taking testimony, I would
10 like to explain some of the concepts and
11 procedures that are followed in
12 redistricting which may be helpful to you.
13 The ideal population that was referred to is
14 simply the new population of the state,
15 which is approximately five million people,
16 divided by the number of districts at
17 issue. So, in order to get the ideal
18 population for the House of
19 Representatives, divide five million by 105
20 districts, and that is the ideal
21 population. And then the Legislature has
22 the discretion to vary that population by
23 more than 5% or less than 5% for a total
24 range of 10%. The advantage of having that
25 discretion gives the Legislature the

1 opportunity to keep counties or
2 municipalities or communities of interest
3 whole. It gives the drawers a little leeway
4 in how they draw lines if they don't have to
5 be quite so mathematically precise. As
6 Representative Pringle said, all of the
7 hearings are being transcribed, and the
8 transcriptions of these hearings with their
9 exhibits will be posted on the
10 Reapportionment Committee's website. To get
11 to that, simply Google "Alabama
12 Legislature," and there will be a drop-down
13 tab for redistricting. Click on that, and
14 you can follow that to the web page for
15 where you can find the transcripts. And I
16 would like to note that Senator Singleton
17 has joined us today. He's coming in now.
18 And he is off the screen, but I promise you
19 he's here, as he has been on, I believe, all
20 the other hearings, too. The committee will
21 take consideration of the comments received
22 in these hearings as it draws plans. And
23 it's particularly helpful to hear -- for the
24 committee to hear and for the record to
25 include statements about what communities of

1 interests should be respected, where
2 boundary lines should be drawn. And that
3 sort of information is particularly helpful
4 to the committee. The committee plan will
5 be introduced as a bill, the redistricting
6 plan introduced as a bill. Other
7 legislators may also introduce plans. So,
8 there could be a variety of plans that will
9 be introduced into the Legislature. And
10 those will be subject to public hearings.
11 And I know the Legislature will -- will the
12 hearings be live streamed, too?

13 MR. MCCLENDON: Yes.

14 MR. WALKER: So, the hearing before
15 the Reapportionment Committee will be live
16 streamed, as well as the expected special
17 session that would be called to deal with
18 redistricting. And it has to be a special
19 session because the Legislature can't wait
20 until next spring until the next legislative
21 session to get these districts in place
22 because we have got elections coming up.
23 So, no one knows quite when the next --
24 when the special session will be called
25 except, I suppose, for the Governor and her

1 advisors. She gets to call it. But maybe
2 sometime in the latter part of October. I
3 would like also to review with you the rules
4 that the Legislature has to follow when it
5 draws districts. It can't just draw
6 districts in any particular way it wants.
7 It has to follow some rules. Some are
8 requirements of the state or federal
9 constitution or statutes and some are
10 guidelines, race-neutral guidelines that the
11 Legislature has adopted for itself. And
12 this is pretty much the process with
13 Legislatures or with redistricting
14 committees across the country. First is the
15 over-arching requirements of one person, one
16 vote, which is just a fancy way of saying
17 population among all the districts when we
18 finish redistricting should be equal or
19 approximately equal. And the second is that
20 plans can't be discriminatory on the basis
21 of race, color, or member in a language
22 minority group. That language comes to us
23 from the Voting Rights Act. So, following
24 all of that -- and the Reapportionment
25 Committee will not approve a plan, the

1 Legislature will not approve a plan that
2 does not meet those two over-arching,
3 non-negotiable requirements. In drawing
4 districts, no district will be drawn in a
5 manner that subordinates race-neutral
6 districting criteria. And, again, I'll go
7 over those with you in a second. To
8 considerations of race, color or membership
9 in a language minority group except that
10 race, color or membership in a language
11 minority group may predominate over
12 race-neutral districting criteria as
13 necessary to comply with Section 2 of the
14 Voting Rights Act. Section 2 of the Voting
15 Rights Act is the provision of the Voting
16 Rights Act that forbids discrimination in
17 matters affecting voting. Provided there is
18 a strong basis in evidence in support of
19 such a race-neutral choice. A strong basis
20 in evidence exists when there is good reason
21 to believe race must to be used to satisfy
22 the Voting Rights Act. Excuse me please.
23 Other rules are that districts must be
24 reasonably compact. Compact is a relative
25 term. Obviously, a House district is going

1 be more compact than a Congressional
2 district. All districts must be drawn to
3 reflect the democratic will of the people,
4 which is one of the reasons for these
5 hearings, so that the Legislature and
6 committee can receive testimony about how
7 the districts should be re-drawn. Districts
8 are drawn on the basis of total population.
9 The Census Bureau reports population in many
10 different ways, but total population, that
11 is everybody who was in the district on the
12 census day, that is April 1 of 2020, is
13 counted. And that will include a lot of
14 people who can't vote: Children, people who
15 no longer have the right to vote, people who
16 were residing in the district but were not
17 residents, people who were not citizens of
18 the United States. Nevertheless, total
19 population is how districts are drawn, and
20 have been drawn traditionally, although at
21 times we might look at a subset of total
22 population called voting age population. And
23 that is population that is eighteen and
24 older. That is people entitled to vote.
25 Voting age population doesn't tell us

1 anything about who is actually registered to
2 vote or whether those people actually vote,
3 but it just tells us the voting potential.
4 And VAP may be -- VAP is voting age
5 population. VAP may be considered as
6 necessary to comply with Section 2 of the
7 Voting Rights Act and with the Equal
8 Protection Clause and other federal and
9 state laws. The Legislature has to draw 35
10 Senate districts, and it has to draw 105
11 House districts, although the constitution
12 would allow 106. All districts are
13 single-member districts. In some places in
14 the state -- well, in the country, there are
15 multi-member legislative districts, for
16 example, where one district may elect
17 several people. In Alabama, all of the
18 districts that we're drawing, Congressional,
19 State Board of Education, the House and
20 Senate, are single-member districts. Only
21 one person is elected from them. When the
22 Legislature draws districts, contests
23 between incumbents are to be avoided and
24 contiguity among districts is required.
25 That means that every point on the boundary

1 of a district must be in touch with either
2 another point on an opposing district or the
3 boundary of the state. Contiguity across
4 water is allowed. If you are looking at a
5 district that is bisected by a river or a
6 lake or by maybe even Mobile Bay, the water
7 is okay. That doesn't destroy contiguity.
8 Finally, districts shall respect communities
9 of interest, neighborhoods, and political
10 subdivisions to the extent practicable. A
11 community of interest is defined as an area
12 with recognized similarities of interest,
13 including but not limited to ethnic, racial,
14 economic, tribal, social, geographic, and
15 historical identities. The term
16 "communities of interest" may in certain
17 circumstance include political subdivisions,
18 such as counties, voting precincts,
19 municipalities, tribal lands and
20 reservations, or school districts. The
21 discernment, weighing and balancing of the
22 varied factors that contribute to the
23 communities of interest is an intensely
24 political process best carried out by
25 elected representatives of the people.

1 Districts are supposed to be reasonably
2 compact. The districts should preserve the
3 cores of existing districts. The Legislature
4 should try to minimize the number of
5 counties in each district. And in
6 establishing legislative districts, the
7 Reapportionment Committee and the
8 Legislature shall give due consideration to
9 all of the criteria. However, priority is
10 given to the compelling state interest
11 requiring equality of population among
12 districts and complying with the Voting
13 Rights Act as amended, should the
14 requirement of those criteria conflict with
15 any other criteria. Finally, the
16 criteria -- race-neutral criteria
17 identified are not listed in order of
18 precedence, and in each instance where they
19 conflict, as inevitably they do, the
20 Legislature shall at its discretion
21 determine which one takes priority. I'm
22 going to open the hearing for testimony now,
23 and we have six people who have signed into
24 the hearing. I see actually seven people on
25 the screen. But no one indicated that they

1 want to speak. Is there anyone present in
2 the hearing who would like to speak, who
3 would like to -- oh, eight people -- who
4 would like to give guidance to the
5 Legislature about how the new boundaries
6 should be drawn given the changes that your
7 districts will have to undergo as described
8 by Senator McClendon? Anyone there who
9 would like to speak please come up to the
10 podium or the microphone. Yes, sir.
11 Welcome.

12 MR. JACKSON: (Inaudible) Jackson.
13 Can you hear me?

14 MR. WALKER: Yes, sir, Mr.
15 Jackson. Would you state your name for the
16 record?

17 MR. JACKSON: Chairman --
18 (inaudible.) My concern is losing people in
19 our districts down in the southwest corner.
20 How much do we maintain, the wholeness of
21 our county lines and our city boulders. I
22 live in Thomasville, and my city is divided
23 between (inaudible) and 65.

24 MR. WALKER: Is he breaking up?

25 MR. JACKSON: (Inaudible). My

1 concern is keeping (inaudible) as much
2 maintained as we can. (Inaudible.)

3 MR. WALKER: Mr. Jackson, hang on
4 just a second, please. Court Reporter, are
5 you able to make out what he's saying?

6 THE COURT REPORTER: I'm
7 struggling. There are parts that are not
8 coming in clearly.

9 MR. WALKER: Okay. Mr. Jackson,
10 would you mind starting over, stating your
11 name clearly for the record, and maybe speak
12 closely to the microphone? You were coming
13 in and out. I apologize.

14 MR. JACKSON: I am Thomas
15 Jackson. T-h-o-m-a-s J-a-c-k-s-o-n.

16 MR. WALKER: Thank you.

17 MR. JACKSON: And I represent
18 District 68.

19 MR. WALKER: Yes, sir.

20 MR. JACKSON: Clark, Conecuh,
21 Marengo, and Monroe counties. And as I
22 listened to Chairman McClendon, it was the
23 numbers of loss in District 68, 69, my
24 concerns were how much community wholeness
25 we maintain after the loss. Where do we go,

1 Senator, to pick up the loss? We can't go
2 to the north because they loss on the north
3 side. So, preparing this appropriation --
4 the reapportionment, how do we go and what
5 directions do we travel in to maintain that
6 number that you have given us that we must
7 maintain?

8 MR. WALKER: Well, Representative
9 Jackson, you, I guess, have not yet met with
10 Randy Heideman, but I'm sure you have got
11 that meeting coming up. And that is exactly
12 the type of thing that you should discuss
13 with him. And I think he and you can work
14 something out together on that.

15 MR. JACKSON: Thank you so much.
16 And I was thinking, also, how are we going
17 to implement the districts as it relates
18 down past -- you put most of the black
19 people in the same district. They get
20 packed. How much leeway do we have that is
21 going to spread people out to get the
22 numbers that we really need to have one man,
23 one vote?

24 MR. WALKER: Thank you for your
25 comments Representative Jackson. Is there

1 anyone else there who wishes to speak?

2 MS. OVERTON: There are no
3 comments or questions in the chat.

4 MR. WALKER: There are several
5 people who are attending this meeting
6 virtually. If you would like to ask a
7 question or comment, raise your hand or
8 submit a comment by chat. We will give you
9 just a minute or two to do that if you want
10 to. If there is anybody in the auditorium
11 who wants to speak, now is your chance.
12 Anybody?

13 MS. OVERTON: No, no one.

14 MR. WALKER: No one who is
15 attending virtually has raised their hand or
16 submitted a comment, and no one who is in
17 the auditorium has indicated a desire to
18 speak. So, thank you for coming. Thank you
19 for --

20 SENATOR MCCLENDON: There is a
21 lady walking up.

22 MS. OVERTON: There is a lady.

23 MR. WALKER: Is she coming up to
24 speak? Okay. We have got a speaker. Yes,
25 ma'am. Welcome. Would you state your name,

1 please?

2 MS. HUTSON: Yes. I'm Barbara
3 Hutson. I'm a citizen of Thomasville,
4 Alabama. I represent a number of civic
5 organizations that encompass Representative
6 Jackson's area, as well as other areas,
7 including Wilcox County, Morengo County, and
8 Clarke County. Lots of concerns in terms of
9 infrastructure and other issues that will be
10 impacted by your decision, but I would first
11 like for you-all to respectfully answer
12 Reverend -- Representative Jackson's,
13 question, please, to the best of your
14 ability.

15 MR. WALKER: What question?
16 Could you repeat the question as you
17 understood it? I'm not sure we understood
18 there was a question.

19 MS. HUTSON: I think his question
20 was how you were going to redistrict the
21 areas that he represents and not, you know,
22 kind of propose race and certain classes of
23 people in certain districts. Is that
24 correct? And I'm sure he will be happy to
25 come up and redirect those questions if you

1 need him to.

2 MR. WALKER: Okay. Let me say
3 that in the past, by which I mean in the
4 2010 and 2000 and 1990 districting cycles
5 that I participated in, it was the common
6 understanding of the obligation under
7 Section 2 of the Voting Rights Act and
8 Section 5 of the Voting Rights Act, which is
9 not applicable in this redistricting cycle
10 because of a Supreme Court decision several
11 years ago, that you would draw the districts
12 that were going to be majority/minority
13 districts first. That is, minority black
14 districts first. And you would draw those
15 to make sure that they had what was
16 considered the appropriate level of black
17 voting age population, maybe 65, maybe 55,
18 maybe 52, depending upon what evidence you
19 had, to ensure that the black members of
20 that district had an equal opportunity to
21 access and participate in the electoral
22 process and elect their candidate of
23 choice. Because of changes in the Supreme
24 Court law in three major decisions since
25 2010, it's pretty clear now that we can't

1 look at race when we draw districts, that
2 districts have to be drawn -- the computer
3 could display race, but we don't allow that
4 to be turned on. We just look at total
5 numbers of people. And once the map is
6 drawn, we may step back and see if we need
7 to look at race, as I indicated when I was
8 talking about the race-neutral criteria, in
9 order to comply with the requirements of
10 Section 2 of the Voting Rights Act. And we
11 would do that only after determining that
12 the district has complied or can meet the
13 certain requirements set forth in a case
14 called Jingles and do a functional analysis
15 of the district. And then at that point, we
16 might make race-conscious decisions to add
17 additional black citizens to a district in
18 order to ensure that it has BVAP that allows
19 the citizens of that district the ability to
20 participate in the electoral process. So,
21 that is the process that we're using now.
22 We are drawing districts without regard to
23 race, although I'll say that, obviously,
24 there are places in the state where if you
25 draw a district just on the basis of

1 geography you're going to wind up with a
2 fairly high black population. It's not
3 because blacks are packed into the district
4 on intent, it's just that is where they
5 live, and there will be high populations in
6 the adjoining districts too because of
7 demographics and geography. I'm not saying
8 that packing doesn't exist. What I'm saying
9 is sometimes you get naturally high black
10 populations simply because of the housing
11 patterns that exist. If that -- that is my
12 best answer to the question as I understand
13 it. If there is any follow-up, let me
14 know. Okay. Anyone?

15 MS. OVERTON: Yes. We have two
16 questions in the chat.

17 MR. WALKER: Oh. Good. We have two
18 questions in the chat.

19 MS. OVERTON: The first comes from
20 Kathryn Davies. "Can someone please explain
21 who was drawing the maps for the committee?
22 Have you hired a professional cartographer?"

23 MR. WALKER: The maps are being
24 drawn by the legislators in consultation
25 with Randy Heideman, who is a map drawer who

1 has assisted the Legislature previously. In
2 addition, individual legislators may be
3 drawing their own maps. And whether they
4 are or not is a matter that they can keep
5 confidential to themselves until they decide
6 to submit a plan. They may be working with
7 a demographer. I suspect that anyone who is
8 working on a plan is working with a
9 demographer. That is just kind of the
10 nature of the beast. We know that there is
11 an outside plan, I'll call it, proposed by
12 the League of Women Voters that suggests
13 that there should be no majority black
14 districts in Congress but instead should be
15 two opportunity districts in which, I
16 believe, Representative Sewell's district
17 would be about 40.44% black voting age
18 population and the other -- there would be
19 two districts. The other opportunity
20 district is I think at about
21 forty-five-point-something percent black
22 voting age population. And I'm sure that
23 they worked with a demographer, too, on
24 that. So, there probably will be other
25 plans introduced as well as the one that

1 will be introduced by the Committee. What
2 the Legislature will do in the end, of
3 course, only the Legislature knows.

4 MS. OVERTON: The second question
5 comes from Felicia Petty. "If you can't
6 look at race when you're drawing the maps,
7 then how would you know where black citizens
8 are and need to have a majority/minority
9 districts drawn?"

10 MR. WALKER: Well, you don't. You
11 don't address that issue until you have
12 completed drawing the map. And then you may
13 step back and see if any adjustments need to
14 be made to comply with Section 2.

15 MS. OVERTON: There are no other
16 questions.

17 MR. WALKER: Okay. Last call.
18 There being no further questions, thank you
19 very much for your participation today.
20 It's important. And thank you for Coast
21 Alabama, Thomasville campus for hosting
22 this. Have a good day. This hearing is
23 closed.

24
25 (Hearing concluded.)

CERTIFICATE

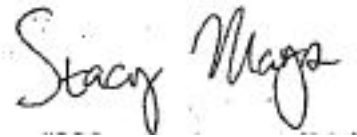
STATE OF ALABAMA

LAUDERDALE COUNTY

I hereby certify that the above and foregoing proceedings were taken down by me in stenotype, and the questions and answers thereto were reduced to computer print under my supervision, and that the foregoing represents a true and correct transcript of the testimony given by said witness upon said hearing.

I further certify that I am neither of counsel, nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

Signed the 28th day of September, 2021

A handwritten signature in cursive script, appearing to read "Stacy Mays", is written over a horizontal line.

Stacy Mays

Alabama CCR #229. Expires 9/30/2021

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