



Deposition of:
September 2, 2021 11:00 Public Hearing
September 2, 2021

In the Matter of:
**Permanent Legislative Committee On
Reapportionment Public Hearings**

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1 Permanent Legislative Committee
2 On Reapportionment Public Hearings
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5 Held via Zoom Video Conference
6 And on location at:
7 Wallace-Dothan Community College
8 11:00 a.m.
9 September 2, 2021
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14 Commissioner:

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16 Lisa Bailey
17 Certified Court Reporter
18 ACCR #289
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2 (Proceedings began, 11:00 a.m.)

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4 SENATOR MCCLENDON: My name is Jim
5 McClendon. I'm a state Senator from Saint
6 Clair County, Alabama. And I'm chairman of
7 the Senate Reapportionment Committee. To my
8 right is representative Chris Pringle. He is
9 the House Chairman. And to my left is Dorman
10 Walker. Dorman is the attorney for the
11 Redistricting Committee. And we have joining
12 us here in Montgomery is Senator Bobby
13 Singleton.

14 I would like to welcome everybody. I
15 would please ask all of you that are coming in
16 online attending virtually to please turn your
17 microphones on mute. Mute your mics and turn
18 off your cameras. And you'll be able to --
19 those of you online will be able to send
20 messages back here to us when your turn comes.
21 And we'll read those comments out.

22 And just glad to have you.

23 This process occurs every ten years.
24 That's what the census is all about. The
25 census is taken to find out not just how many

1 people there are but where they are. And
2 we've observed over many decades that there is
3 a migratory pattern in Alabama and the rest of
4 the nation, generally speaking, from rural
5 areas to urban or suburban areas. And as
6 folks move and populations change within these
7 districts, we have to redraw the lines to
8 catch up with the people. The concept is the
9 One-person, One-vote. And when a district
10 gets too heavily populated, we have to shrink
11 it or move it. When a district becomes
12 underpopulated, we have to expand it and move
13 to adjacent districts.

14 Now, sometimes a district has very
15 little change in population, but those
16 districts adjacent to it change and shape and
17 so that can have an effect. So just because a
18 district has little change in population, that
19 doesn't mean the shape of that district is not
20 going to also change.

21 So this process involves the members of
22 the State Board of Education. There's eight
23 of them, and it involves congressional --
24 (technical difficulty) State House of
25 Representative Districts. There's 105.

1 Our task on the Reapportionment
2 Committee is to get all these districts back
3 in balance. Now -- and both House, Senate,
4 and BOE, Board of Education districts, we can
5 use plus or minus five percent on the total
6 population in a district, and we're within our
7 guidelines. However, with congressional
8 districts, we don't write those guidelines.
9 Congressional districts, those seven
10 congressional districts have got to be within
11 person. They've got to be essentially exact.

12 So what I will do now, I'm going to go
13 over the senate and house districts in your
14 area and give you an idea of how much they
15 have increased or decreased in population.
16 That in turn will give you an idea of the
17 magnitude of the changes that you should
18 expect in those districts.

19 So we'll start -- let's start with the
20 senate districts. Now, an ideal senate
21 district under the new plan is 143,551
22 population. Remember, we can do plus or minus
23 five percent. So Senate 28 has a loss of
24 about 6,400 people. Putting it very close to
25 the edge of the allowed deviation. 29, senate

1 29, very little change, lost 322 people.

2 Senate 31 lost 2,700 people. That's within
3 the tolerance.

4 So we'll go over to the house districts
5 now. And the idea number for a house district
6 is 47,850 total population. The house
7 districts in your area -- House District 85
8 had a loss of about 2300 people. House
9 District 86 gained 287. House District 87
10 gained 232, 232 people. House District 89
11 lost about 2,200. And 91, 965. Plus 965
12 people. And then 93, House District 93 went
13 down by about 2,000. So that gives you an
14 idea of the changes in population in your
15 immediate area.

16 With that being said, I'm going to
17 recognize State Representative Chris Pringle
18 to pick it up from here.

19 Thank you. By the way, mute your phones
20 and I believe everybody has got their cameras
21 off. Thank you for turning your cameras off.

22 STATE REPRESENTATIVE PRINGLE: Thank
23 you, Senator McClendon. Again, my name is
24 Chris Pringle. I'm the State Representative
25 for house District 101 in Mobile. I'd like to

1 welcome everybody to this meeting. We will
2 call on people in the order in which they've
3 signed up. Each speaker is limited to three
4 minutes. At the end of three minutes, we'll
5 ask you to stop. But if you have more to say,
6 we can easily bring you back at the end of the
7 meeting to continue.

8 When you're called, please come to the
9 microphone, state your name clearly and the
10 community you represent, and the district, or
11 districts, you want to speak about. If you
12 decide you want to speak but you've not signed
13 up, you'll be given an opportunity to speak at
14 the end of the meeting. If you're
15 participating remotely and you want to ask a
16 question, just e-mail it to us and we'll read
17 it into the record and answer it at the end of
18 the meeting.

19 This hearing is being transcribed by a
20 court reporter working remotely. If you have
21 something you'd like to introduce into the
22 record as an exhibit, bring it to the
23 microphone when you speak and let the hearing
24 officer know. They'll get that material to
25 Mr. Walker, and it will be entered into the

1 permanent record of this committee. I'd like
2 to remind you this hearing is to deal with the
3 issue of redistricting only. We are not here
4 to discuss other subjects before the
5 legislature.

6 With that I'm going to turn it over to
7 Mr. Walker.

8 MR. WALKER: Hello. And, once again,
9 welcome to this hearing. May I ask first that
10 if any members of the media are present that
11 they introduce themselves? We like to have
12 some idea how much media coverage these
13 hearings are getting. If there's anyone there
14 who cares to introduce themselves, please do
15 so now.

16 MR. CURTIS: Good morning. Ken Curtis.
17 I'm with CBS and NBC in Dothan, Alabama, Gray
18 Television TV, and also USA in Montgomery.

19 MR. WALKER: Thank you very much. Glad
20 to have you with us. The scope of this
21 hearing is somewhat narrow. It is what can
22 you tell the committee about how new districts
23 should be drawn. And the committee hearings
24 that have been I think most effective and
25 helpful to the committee are ones at which

1 speakers have given specific instances of how
2 a district should be drawn, what communities
3 of interest need to be respected, what the
4 boundaries of those communities of interest
5 are, and things of that matter that are fairly
6 specific as opposed to general statements.

7 Nevertheless, I'm not trying to limit
8 what you say. I will say, however, that
9 matters outside the scope of the hearing will
10 not be recognized, and comments such as that
11 Alabama should have an independent
12 redistricting committee is beyond the scope of
13 this hearing, or of the redistricting
14 committee to entertain or complaints about
15 past acts of the State of Alabama again are
16 beyond the scope of what we here can do
17 anything about. And those comments will not
18 be recognized.

19 Before starting I want to go over the
20 rules for drawing districts. The legislature
21 can't simply draw districts any way it wants.
22 It's bound by certain constraints,
23 constitutional, statutory, and regulatory.
24 That is, the guidelines adopted by the
25 legislature itself. Overarching everything of

1 course is the United States Constitution and
2 the requirement for One-person, One-vote which
3 means simply that the weight of all votes must
4 be equal. If you were to live in a district
5 where 100 people could elect a legislator and
6 the adjoining district had 1,000 people to
7 elect a legislator, you can readily see that
8 your vote would count for more than the vote
9 of someone in a district where it took a
10 thousand votes to elect a legislator.

11 The purpose of One-person, One-vote, the
12 purpose of redistricting is to rebalance those
13 districts given the demographic shifts that
14 have inevitably occurred since the last census
15 in 2010. And with regard to congressional
16 districts, that balance has to be, in most
17 cases, almost absolute. One person may be
18 different, but really there's typically not
19 much room for variation in the population of
20 congressional districts under most
21 circumstances. With regard to State Board of
22 Education, State Senate, State House, and the
23 other districts that we draw, those districts
24 we have some latitude in.

25 There's an ideal population for each

1 district, and the population for the district
2 can be either above or below by 5 percent that
3 ideal population. The ideal population is
4 simply the total number of units divided into
5 the state population. For example, 105, house
6 seats divided into the population of the state
7 gives you the ideal population for the house
8 districts going forward. And those districts
9 that can be populated within a range of 10
10 percent, 5 percent above or below the
11 population.

12 And the advantage of that is it allows
13 us to adjust populations to keep counties
14 whole, keep jurisdictions whole, keep
15 precincts whole, which makes it easier and
16 makes better maps.

17 In addition, districts will not be drawn
18 unless they comply with Section 2 of the
19 Voting Rights Act of 1965 and shall have
20 neither the purpose nor the effect of diluting
21 minority voting strength. No district will be
22 drawn in a manner that subordinates
23 race-neutral districting criteria to
24 considerations of race, color, or foreign
25 language minority group except that race,

1 color, or membership in a language minority
2 group may predominate over race-neutral
3 districting criteria to comply with section 2
4 of the Voting Rights Act provided there is a
5 strong basis in evidence for the State to do
6 so. A strong basis in evidence exists when
7 the State has good reason to believe that
8 race, et cetera, must be used in order to
9 comply with Section 2 of the Voting Rights
10 Act.

11 All districts should be drawn to reflect
12 the democratic will of the people concerning
13 how their government should be structured.
14 Districts shall be drawn on the basis of total
15 population. Total population includes people
16 who can't vote either because they're minors
17 or because they aren't residents for voting
18 purposes or for any other reason. It's just
19 the total population. And that's the basis on
20 which districts are drawn. However, voting
21 age population, that is, 18 and over, may be
22 considered as necessary to comply with Section
23 2 of the Voting Rights Act.

24 The number of senate districts is set by
25 statute at 35. The number of house

1 statutes -- districts as set by statute at
2 105. The Constitution would allow 106. All
3 districts are single-member districts. That
4 means each district has only one
5 representative elected from it.

6 Other rules that the legislature must
7 follow is that contests between incumbents are
8 to be avoided where possible. All districts
9 must be contiguous among other districts.
10 Contiguity by water is allowed if a district
11 is split by river or by a bay or lake.
12 Contiguity across the water counts. However,
13 point-to-point contiguity, that is, districts
14 that touch at only tangent or long lasso
15 contiguity, that is, using a highway to
16 connect two separate parts of a district does
17 not count. Districts shall respect
18 communities of interest, neighborhoods, and
19 political subdivisions to the extent
20 practicable.

21 A community of interest is defined as an
22 area with recognized similarities of interest,
23 including but not limited to ethic, racial,
24 economic, tribal, social, geographic, or
25 historical identities.

1 The term "communities of interest" may
2 in certain circumstances include political
3 subdivisions such as counties, voting
4 precincts, municipalities, tribal lands, and
5 reservations and school districts. The
6 discernment weighing and balancing of the
7 varied factors that contribute to communities
8 of interest is an intensely political process
9 best carried out by elected representatives of
10 the people.

11 Districts shall be reasonably compact,
12 and the legislature shall try to minimize the
13 number of counties in each district. The
14 legislature also shall try to preserve the
15 core of its existing districts.

16 In establishing legislative districts,
17 or all of the districts the legislature must
18 draw, the reapportionment committee gives due
19 consideration to all of the criteria that I've
20 described. However, priority is given to the
21 compelling state interest requiring equality
22 of population among districts and compliance
23 with Section 2 of the Voting Rights Act.

24 These criteria are not listed in order
25 of precedence. And in each instance where

1 they conflict, the legislature shall, at its
2 discretion, determine which takes priority.

3 We are now ready to begin to receive
4 comments. The first person who signed up to
5 speak is Linda Turner from the Houston County
6 Democratic Party speaking on congressional
7 States Senate, State House, and State Board of
8 Education districts.

9 MS. TURNER: Good morning.

10 MR. WALKER: Good morning. Thank you
11 for coming today.

12 MS. TURNER: I'm the vice chair of the
13 Houston County Democratic -- I'm here today.
14 Your requirement is not --

15 MR. WALKER: Ma'am, can you get a little
16 closer to the microphone. We're having a
17 little difficulty hearing you.

18 MS. TURNER: This can and should be done
19 by drawing a map that is geographically,
20 economically, culturally congruent, preserving
21 communities, towns, and neighbors.

22 We all know that both parties have used
23 this process to gain seats and momentum for
24 their parties. And we all know that that does
25 not serve those communities. We all recognize

1 that each of you have a vested interest in
2 maintaining the current map and lines as is to
3 protect your seat and political views. But,
4 again, that does not serve the people of
5 Alabama.

6 Today I ask that you uphold the values
7 and intent of the true democracy. Those being
8 selfless service, truth, honor, and integrity.
9 Those are the things I want and expect from my
10 representatives. The redistricting process is
11 your opportunity to show you uphold those
12 values as well. Do what is right for the
13 Alabama people and let the chips fall where
14 they may.

15 Thank you.

16 MR. WALKER: Ms. Turner, can you give
17 any examples to the committee of how the lines
18 fail to serve local community interest?
19 That's the type informing that's helped.

20 MS. TURNER: Can you please repeat it?

21 MR. WALKER: Yes, ma'am. I'm sorry.
22 You indicated, if I understood you correctly,
23 that perhaps you felt that the lines as
24 currently drawn do not serve the local
25 interest, the local community interest. And I

1 was saying can you give the committee any
2 specific interest of -- examples, rather, of
3 how those lines might be changed or identify
4 lines that you think do not for whatever
5 reason serve local community interest?

6 MS. TURNER: I did not come prepared for
7 the statement on -- I only had three minutes.
8 I'll be glad to send that to you in an e-mail.

9 MR. WALKER: Great.

10 MS. TURNER: Secondarily, I think there
11 are people who have worked hard on that like
12 the Single Women Voters. And there are a lot
13 of nonpartisan programs out there that can be
14 utilized that make it better as well.

15 Again, I'll send you an e-mail because I
16 have analyzed a lot of the maps, not only in
17 Alabama but in other states. Thank you.

18 MR. WALKER: Thank you very much for
19 your contribution today. We have received a
20 plan, it's a full state plan -- and when plans
21 are submitted, they have to be full state
22 plans -- from the League of Women Voters for
23 the congressional plan. And that might in
24 fact be something that our next speaker wishes
25 to address. It's Emily Heersink from the

1 League of Women Voters Southeast Alabama.

2 MS. HEERSINK: Good morning. I guess
3 you've seen the map that I would propose
4 today. My name is Emily Heersink. I live
5 here in Dothan, Alabama. And I'm the interim
6 president of the League of Women Voters of
7 Southeast Alabama, our member-at-large unit.

8 As you spoke about Alabama law dictates
9 that compact and contiguous, clear of
10 political subdivision such as county, city,
11 and town boundaries, and to serve communities
12 of interest. That is this geographic area,
13 such as neighbors or regions where residents
14 have common political interests that do not
15 necessarily coincide with the boundaries of
16 political subdivision. The current maps have
17 the opportunity to draw the lines --
18 (inaudible) groups. The census data is not
19 compact. It does not preserve the
20 subdivision. It splits Tuscaloosa, splits
21 Birmingham --

22 MR. WALKER: Ms. Heersink --

23 MS. HEERSINK: District 7 carve out --

24 MR. WALKER: Ms. Heersink --

25 MS. HEERSINK: -- while diluting

1 minority voting influence throughout the
2 state.

3 MR. WALKER: Hello. Ms. Heersink, can
4 you hear me?

5 MS. HEERSINK: Yes.

6 MR. WALKER: I'm sorry. You're breaking
7 up a lot. And it might be good for the court
8 reporter if you would go back over the
9 beginning of your statement. We lost a lot.
10 It was sort of modulating in and out. I
11 apologize.

12 MS. HEERSINK: I'm sorry for that. Is
13 that better?

14 MR. WALKER: That's much better. Thank
15 you.

16 MS. HEERSINK: Maybe I'll do this so my
17 voice is right there. Good morning, my name
18 is Emily Heersink. I live in Dothan, Alabama.
19 And I'm the interim president of the League
20 Women Voters of Southeast Alabama's member-at-
21 large unit.

22 Alabama law dictates that voting
23 districts must be compact, contiguous,
24 preserve political subdivisions such as
25 counties, cities, and town boundaries, and

1 preserve communities of interest. That is,
2 those geographic areas such as neighbors or
3 regions where residents have common political
4 interest that do not necessarily coincide with
5 the boundaries of a political subdivide.

6 The current map which you have the
7 opportunity to redraw and improve based on
8 2020 census data is not compact nor does it
9 preserve political subdivisions. Instead it
10 splits Tuscaloosa, cuts through Birmingham,
11 and even captures part of Montgomery. The
12 boundaries of District 7 serve to carve out a
13 single African American district while
14 diluting minority voting influence throughout
15 the entire state.

16 The current map also includes part of
17 Montgomery in District Two which not
18 representative of the more rural character of
19 our district, District 2. Our democracy works
20 best when every person's vote counts. Giving
21 more voices the opportunity to be heard in
22 more distribution provides the opportunity for
23 more competition of ideas, more competitive
24 political races, all of which create a better,
25 stronger democracy.

1 Furthermore, dividing political
2 subdivisions unnecessarily burdens citizens in
3 those counties or cities that have been split.
4 Instead of needing to communicate with one
5 representative, citizens in these split areas
6 must persuade and coordinate with multiple
7 government representatives to get the needs of
8 their geographic community met. Keeping
9 political subdivisions intact helps our
10 communities look out for their own local
11 needs.

12 The current map should be redrawn in
13 favor of a map such as the whole county
14 Alabama Congressional map that I'm sharing
15 today, which I think you may have seen
16 yesterday as well. It (inaudible) the current
17 racial gerrymander, it's more compact and
18 satisfies the constitutional principal of
19 One-person, One-vote much better than the 2011
20 congressional map.

21 The Alabama Registration process has
22 been compressed due to the ongoing pandemic
23 which delayed the 2020 census. So thank you
24 for allowing public testimony in person and
25 virtually all these community input meetings

1 and as well allowing submissions by e-mail.

2 The whole Alabama legislature must
3 fairly consider the input you receive from the
4 public as you strive to create fair maps for
5 2022.

6 Thank you so much for your work and for
7 your time.

8 MR. WALKER: Ms. Heersink, we have
9 received at an earlier hearing a copy of the
10 map that the League of Women Voters has
11 prepared. Nevertheless, if you want to write
12 Exhibit 1 on the map there and give it to the
13 coordinator locally, it will be attached to
14 the transcript of this hearing and made a
15 record of these proceedings.

16 MS. HEERSINK: Thank you. I've done so.
17 Thank you for your time.

18 MR. WALKER: Thank you. There's another
19 speaker. I'm not quite sure how to read this
20 name. It's maybe Rodreshia Russaw from
21 Houston County, Dothan.

22 MS. RUSSAW: Good afternoon -- or good
23 morning. My name is Rodreshia Russaw, and I'm
24 with the Alabama Election Protection Network.
25 Alabama Election Protection Network set on

1 redistricting in 2019 --

2 MR. WALKER: Ma'am, would you speak
3 about a half a degree slower than you are and
4 step back from the mics a little bit. I'm so
5 sorry. We're having difficulty understanding
6 you, and you're going a little bit fast.

7 MS. RUSSAW: Okay. My name is Rodreshia
8 Russaw. I'm the executive director of the
9 Ordinary People Society, also co-founder of
10 Alabama Election Protection Network founded in
11 2019. I'm here on behalf of our community
12 speaking on behalf of our fellows as well part
13 of (inaudible) Academy who has been able to
14 draw maps, to submit maps as well.

15 In particular that I've been working on
16 and what we're here to acknowledge is the fact
17 our voices, especially in the minority
18 community, is nothing being heard in the
19 redistricting process. To continue to educate
20 our community knowing that these lines are
21 threatening our educational, economical
22 growth, and all the resources that come. My
23 particular focus on Houston County, Second
24 Congressional district, have been
25 disapportionately drawn, focusing on making

1 these districts more equal. Also (inaudible)
2 District of Alabama that lacks to please
3 (inaudible) us. And we will be submitting a
4 map as well on the congressional level.

5 Thank you.

6 MR. WALKER: I take it you don't have a
7 map to submit now, but you want to submit one
8 later?

9 MS. RUSSAW: Yes, sir.

10 MR. WALKER: That's fine. Do we have
11 that e-mail for submissions? Can you give it
12 to me?

13 The submissions outside of the hearing
14 can be made to District at Alabamasenate -- or
15 ALsenate.gov. That's D-I-S-T-R-I-C-T at
16 A-L-S-E-N-A-T-E, or Alpha Lima, Sierra, Echo,
17 November, Alpha, Tango, Echo, at gov --
18 dot.gov, rather. District@alsenate.gov.

19 MS. RUSSAW: Wonderful, thank you.

20 MR. WALKER: Thank you. Is there
21 anybody else in the auditorium who did not
22 indicate a wish to speak, but nevertheless,
23 now has decided they would like to address the
24 committee?

25 If so, please come forward.

1 Is there anyone who has --

2 MS. OVERTON: We have one from a -- from
3 Felicia online. It says, When is the deadline
4 to submit maps?

5 MR. WALKER: Felicia, what is her last
6 name?

7 MS. OVERTON: Scalzetti.

8 MR. WALKER: S-C-A-L-Z-E-T-T-I.

9 MS. OVERTON: Z-E-T-T-I.

10 MR. WALKER: There's an online question
11 from Felicia Scalzetti which is, what is the
12 deadline to submit maps. The hearings wrap up
13 on September 16th. And after that the record
14 of the hearings will be delivered to the
15 legislature. The preliminary meetings made
16 with the legislative are going on now, so I
17 would use the 16th of September as a deadline
18 to submit through this process maps to the
19 committee. Of course, you can always meet
20 with your local legislator and submit
21 something through the cooperation of your
22 local legislator as well.

23 But with regard to submitting things
24 through the redistricting committee, the 16th
25 of September is an effective deadline.

1 Any other questions?

2 MS. OVERTON: Just one, the e-mail
3 address again. Will you give it out again?

4 MR. WALKER: Yes, I'll give it out one
5 more time. It is district, D-I-S-T-R-I-C-T,
6 at A-L-S-E-N-A-T-E dot G-O-V. And that will
7 come straight in to the redistrict office.

8 All plans that are submitted, whether
9 they're State Board of Education, legislative,
10 or congressional, must be statewide plans as a
11 whole. You can't submit a plan for just a
12 part of the state because all of the districts
13 have to fit together. So if you submit a
14 plan, please do it for the state as a whole.

15 Sir at the microphone, do you want to
16 speak?

17 Yes. I have one question.

18 MR. WALKER: Could you state your name,
19 please.

20 Representative House, District 85.

21 MR. WALKER: I'm sorry. We're having a
22 real hard time. That's a fuzzy mic. Maybe
23 you can step back a little.

24 REPRESENTATIVE GRIMSLEY: I also have a
25 deep voice. But I'm Representative Dexter

1 Grimsley, House District 85.

2 MR. WALKER: Representative Grimsley,
3 welcome to the hearing, sir.

4 Go ahead.

5 REPRESENTATIVE GRIMSLEY: One question.
6 I have constituents calling me. And like you
7 said, they can introduce plans to the local
8 representative. One of the questions is at
9 what point can they find out how many plans
10 have been introduced prior to us as a
11 legislature advancing those plans? I
12 understand how we work. But I wanted to put
13 that on record so they would know if they want
14 to know how many different plans have been
15 introduced, how can a constituent find which
16 plans have been introduced. That's the
17 question I had. Someone called me about it,
18 and I told them I would ask their question
19 today.

20 MR. WALKER: If you mean by introduced
21 you mean introduced as bills for consideration
22 by the legislature, that information of course
23 would be available on ALIS which all citizens
24 can look at. And I don't know that any full
25 redirecting bills have been introduced on ALIS

1 at this point. There are a number, of course,
2 of plans such as the one from the League of
3 Women Voters that have been given to the
4 committee. I don't think we have all of the
5 information for that yet. It could be that we
6 have everything they intend to give us. And
7 various other people have indicated that they
8 plan to send plans to the committee as well.
9 Those plans will be looked at by legislators
10 but only plans that have a legislative sponsor
11 will be introduced as bills, of course, to the
12 committee.

13 So every plan has to have a legislative
14 sponsor if it's going to go forward for full
15 consideration by the committee when it meets
16 and -- in a formal sense and by the
17 legislative.

18 REPRESENTATIVE GRIMSLEY: That's what
19 I'm saying. And I'm sure you're probably
20 familiar that there are several people that
21 might already have prospective plans that
22 might be introduced, whether they have been
23 introduced or not. The question is those
24 plans are not official unless a legislator
25 introduces those plans. And at what point can

1 my constituents have knowledge of those plans
2 introduced. That's basically what they're
3 asking me. I was trying to explain to them it
4 was not a plan until it's introduced. But I
5 want to make sure I'm correct that they don't
6 have privy to the information of any plans
7 unless it's introduced by a legislator; is
8 that correct?

9 MR. WALKER: That's correct. And as you
10 know, Representative Grimsley, any legislator
11 can come to the reapportionment office and
12 work on a plan. But that plan is, by the
13 rules of the legislature, held confidential,
14 and every information about it is confidential
15 until the legislator either tells the
16 reapportionment office that they can make it
17 public or until it's released to the
18 committee. There could be people that are
19 working on plans that we would not know about
20 because that's confidential. But the best way
21 to keep track of the status of plans is to
22 periodically look at ALISON and see what bills
23 have been prefiled. And I guess it would be
24 in the queue of prefiled bills if somebody's
25 got at this point a reapportionment plan.

1 REPRESENTATIVE GRIMSLEY: Okay. Thank
2 you.

3 SPEAKER: I don't think you can prefile
4 when you don't even have a session.

5 MR. WALKER: Is there anyone else who
6 would, either attending in the auditorium or
7 online, care to make a comment or ask a
8 question?

9 We've got two online. Hang on.

10 MS. OVERTON: So there is no way for
11 citizens to submit maps after the final data
12 on September 30th without help from a current
13 representative. The guidelines clearly state
14 that maps must be submitted ten days before
15 introduction but did not mention this
16 restriction.

17 MR. WALKER: Well, there's -- that's --
18 the question was is there any way to submit
19 maps without having them sponsored by a
20 legislator, I think is basically the question.
21 And that's just the way the legislature
22 functions. Maps are really bills, and bills
23 have to be introduced by a legislator.

24 Is there another question?

25 MS. OVERTON: Yes. Catherine Davies

1 asked, We need the citation for one person
2 deviation for the congressional districts.

3 MR. WALKER: I don't have that with me.
4 It's generally in case law. There are
5 examples where the supreme court has allowed
6 greater than essentially zero or minimal
7 deviation. I don't think those are in
8 circumstances that apply here. I think Jim
9 Blackshire, who may be on electronically, has
10 an argument that they do apply here. And
11 that's why the plan submitted by the League of
12 the Women Voters has a deviation that's a bit
13 higher than minimal. But that's an issue
14 we'll have to take up down the road.

15 Anything else?

16 MS. OVERTON: (Inaudible) Washington
17 asked if you could repeat the statement about
18 the prefilled bills.

19 MR. WALKER: Ms. Washington asked if I
20 could repeat the statement about the prefilled
21 bills. I think what she's referring to is
22 that I said that you could go to ALISON, and
23 that is the legislative software system that
24 keeps tracks of bills and things like that,
25 and see if there are prefilled bills that --

1 and see what the prefiled bills are and see if
2 there are any redistricting bills among them.

3 However, after I made that statement,
4 Senator McClendon told me that because we're
5 looking at a special statement -- session,
6 excuse me, he doesn't believe that it's
7 possible to prefile bills at this point.

8 Once a special session is declared, will
9 it be possible to prefile bills?

10 SENATOR MCCLENDON: Once a special
11 session is declared, it will be available on
12 ALISON. Right now if you go to ALISON to look
13 for bills in the special session, you can't
14 even find a special session because it has not
15 been called. Once it has been called, there
16 will be a link on ALISON. And then you could
17 look for bills that have been filed. But a
18 legislator, house member, or senator will have
19 to file that bill just like they would file
20 any other bill or piece of legislation.

21 MR. WALKER: Any other questions either
22 in the auditorium -- we do have one.

23 MS. OVERTON: Felicia Scalzetti added to
24 hers. What I'm specifically asking is that
25 this process restricts citizens from being

1 able to draw and propose maps prior to the
2 final data being released on September 30th.

3 MR. WALKER: No, really it doesn't. I
4 guess the question was, does this process
5 restrict citizens from being able to release
6 maps prior to the final release of
7 redistricting data on the 31st. The
8 districting data that were released by -- this
9 year was an unusual year. Normally we get the
10 redistricting data in one form. It has been
11 to be delivered by the end of April. We
12 usually get it a bit earlier than that,
13 particularly in Alabama if the legislature is
14 in session.

15 This year we got it in two forms. We
16 got a release on August 12 which the census
17 bureau called a legacy format. What that
18 meant was it didn't have as many bells and
19 whistles. It wasn't as easy to use as what
20 they ultimately will produce on -- on
21 September 30. However -- and so that data was
22 loaded into -- if you have a sophisticated
23 system like Maptitude. If you can go to a
24 regional planning center, they've got that.
25 ASU has that. It would already be working

1 with that data. Since then the census bureau
2 has released a significant amount of
3 information ahead of their September 30th
4 deadline. A lot of that is available on the
5 census bureau now. And I would ask anyone
6 who's -- I mean, if you're interested, let me
7 see if I can find a -- there's in
8 particular -- each state now has a page that
9 is full of really interesting data that you
10 could use if you wanted to work on a plan.
11 I'm not sure if I have the URL for it now.

12 REPRESENTATIVE GRIMSLEY: Can I
13 interrupt one second?

14 MR. WALKER: Sure.

15 REPRESENTATIVE GRIMSLEY: Representative
16 Grimsley again. If I don't represent my
17 people, I'll feel like I neglected them a
18 hundred percent. But I have to do what I'm
19 elected to do.

20 My question is this: In this special
21 session, the Governor calls a special session,
22 correct?

23 MR. WALKER: That is correct.

24 REPRESENTATIVE GRIMSLEY: Okay. And the
25 bills that are considered in a special session

1 or subject matter is declared by the governor?

2 MR. WALKER: That's my understanding.

3 REPRESENTATIVE GRIMSLEY: Is that
4 correct?

5 MR. WALKER: Correct.

6 REPRESENTATIVE GRIMSLEY: Okay. So if
7 there's no bills existing to be considered,
8 can I just represent my people -- excuse me,
9 that's the way I am -- if there's no bills
10 already considered, why does the governor put
11 in her call at the time for a special session?

12 MR. WALKER: Representative Grimley,
13 it's hard to understand you. But I think the
14 answer to your question is that the governor
15 calls the topic, i.e., redistricting. And
16 that is -- unless the legislature when it
17 convenes undergoes some procedural steps.
18 That is the only thing that can be considered
19 in that special session. Did that answer your
20 question?

21 REPRESENTATIVE GRIMSLEY: It does but
22 the timing is what some people are asking.
23 I've got constituents -- the timing is what
24 they want to know.

25 MR. WALKER: Of course we don't know --

1 REPRESENTATIVE GRIMSLEY: The timing is
2 the consideration I'm asking. So if the
3 governor calls a special session for
4 tomorrow --

5 MR. WALKER: No.

6 REPRESENTATIVE GRIMSLEY: I'm giving an
7 example. Please understand my question.

8 MR. WALKER: We would not call a special
9 session tomorrow because we're in the process
10 of these hearings. Rumor that I keep
11 hearing -- and it's just a rumor -- is that it
12 will be the third week of October. I can't
13 tell you how good that rumor is, but it's one
14 I hear repeatedly said here in the State
15 House.

16 REPRESENTATIVE GRIMSLEY: Well, we can
17 put any date on it. It doesn't matter what
18 the date is. I'm trying to answer the
19 constituents. They're texting me now is what
20 they're doing. I know they're sending us
21 messages, but they're texting me asking me
22 some of the similar questions. And I can't
23 answer them unless I ask you all. You
24 understand what I'm saying? I'm not trying to
25 go against what you're saying, but they're

1 texting me questions. And I have to answer
2 the questions as they text me.

3 So whenever the special session is
4 called, what is the time limit for someone to
5 introduce their plan is what I'm saying.
6 Unless there -- you said, October or whenever.
7 How many days do they have to introduce a plan
8 after this -- after the governor calls a
9 special session? That's a text I just got,
10 and I just wanted to come to the mic and ask
11 you. And the only reason I'm doing that is
12 somebody just texted me to ask me that
13 question.

14 MR. WALKER: Okay. Let's --

15 REPRESENTATIVE GRIMSLEY: You're telling
16 us the legislators -- so as the legislator,
17 I've got to give them an answer.

18 MR. WALKER: I'll do my best to give you
19 an answer now. Let's say that the governor
20 does indeed call a special session that begins
21 on Monday, the 18th of October. That would be
22 the third week of October. Plans that are
23 drawn outside of the reapportionment committee
24 system must be given to the reapportionment
25 office no later than ten working days before

1 they're introduced. So that means that those
2 plans would have to have a legislative sponsor
3 who would know when she or he wants to
4 introduce the bill and --

5 REPRESENTATIVE GRIMSLEY: Okay. Well,
6 stop one second, please. You said no more
7 than ten days the special session is called?

8 MR. WALKER: Ten working days before the
9 plan is introduced. And I assume that the
10 plans would be introduced on the 18th because
11 I think five days is minimum amount of time --

12 REPRESENTATIVE GRIMSLEY: How long is
13 the special session?

14 MR. WALKER: I couldn't understand what
15 you said.

16 REPRESENTATIVE GRIMSLEY: How long is a
17 special session?

18 MR. WALKER: The last time a special
19 session was called for redistricting, it was
20 for five legislative days. I don't have any
21 access to Governor Ivy, but I assume that's
22 what she would do this time.

23 REPRESENTATIVE GRIMSLEY: Okay. Five
24 legislative days. But it takes ten days to
25 introduce a plan.

1 MR. WALKER: No. The plan has to be
2 given to the redistricting office at least ten
3 working days before it's introduced. So if I
4 were trying to answer that question just to be
5 safe, I would say to someone you better have
6 your plan done by, say, the 4th of October so
7 that we can get it in.

8 REPRESENTATIVE GRIMSLEY: But right now
9 we don't -- I'm just standing up for my
10 people. Right now we don't know when the
11 governor is going to call the special session.
12 So if I have a plan I want to introduce and it
13 has to be introduced ten days prior -- you
14 said ten days prior to the beginning of the
15 session, correct?

16 MR. WALKER: It has to be introduced ten
17 days before the plan will be introduced.

18 REPRESENTATIVE GRIMSLEY: Okay. So if
19 it has to be introduced ten days before I
20 introduce my plan --

21 MR. WALKER: Yes, sir.

22 REPRESENTATIVE GRIMSLEY: And there's a
23 special session on October 1st -- I don't know
24 what date. I'm just giving you a date. The
25 special session is going to be over prior to

1 my plan being considered. Is that possible?

2 MR. WALKER: Well, I'm going to
3 assume --

4 REPRESENTATIVE GRIMSLEY: I'm just
5 saying numbers --

6 MR. WALKER: I'm going to assume that
7 the special session will be announced for a
8 date reasonably far off for redistricting
9 activities to be completed. Right now
10 redistricting activities are just beginning.
11 I'm going to assume that the governor will
12 give the legislature a reasonable amount of
13 lead time on that.

14 REPRESENTATIVE GRIMSLEY: Okay. That
15 was my question. I'm trying to answer my
16 constituents. They want to make sure they
17 know far enough in advance when the special
18 session will be announced for them to have the
19 plans ready. I'm not trying to, you know, do
20 anything. I just want to make sure I can
21 answer my constituents' question. They want
22 to know if they're going to have time prior to
23 the special session. A lot of times we have
24 special sessions that are announced maybe
25 three or four days prior to us going into a

1 special session. We want to make sure they
2 have enough time for that ten-day window for
3 the special session to be announced and give
4 them an opportunity to have their bill --
5 first to find a sponsor, because if they don't
6 have a sponsor now, they have to find a
7 sponsor to represent it, to bring it, and also
8 time for the sponsor to get prepared to do it.

9 You understand what I'm saying?

10 MR. WALKER: I understand what you're
11 saying. And, of course, if somebody is
12 thinking about bringing a bill, they should
13 already be working on recruiting a sponsor for
14 their bill and talking about the sponsor for
15 their bill. And I'm not at all being flippant
16 when I say that if you want to know when the
17 special session is going to be called, whoever
18 is asking you these questions, they need to
19 contact the governor's office because that's
20 the person who makes the decision. We don't
21 have any information on that.

22 REPRESENTATIVE GRIMSLEY: Okay. I just
23 wanted to make sure I can answer that question
24 because that's one of the -- I've got several
25 texts while I've been here in this meeting.

1 They want to make sure they have their time
2 period prior to the special session called to
3 have their legislation prepared and find a
4 sponsor and have an opportunity. Because if
5 the special session is going to last five
6 days, it will be over prior to them being able
7 to find proper sponsorship and have the bill
8 introduced and passed through legislature, if
9 it does. And that was the question I got.

10 I just wanted to run it by you all and
11 put that on your mind and understand what
12 people are asking me because I try to
13 represent my constituents as well as I can
14 down here. I just want to make sure you
15 understand that.

16 MR. WALKER: Thank you. Let me give
17 everybody the URL that I alluded to earlier.

18 I think you can find lots of information
19 about the State of Alabama -- this is a very,
20 very powerful page. Slash, slash,
21 www.census.gov, G-O-V, slash, library,
22 L-I-B-R-A-R-Y, slash, stories, S-T-O-R-I-E-S,
23 slash, State-by-state, slash, Alabama,
24 A-L-A-B-A-M-A, hyphen, population, hyphen,
25 change, hyphen, between, hyphen, census,

1 hyphen, decade, dot HTML. And that will sort
2 of land you in the middle of that page. And
3 you can move around in that. And, again,
4 there's a ton of information on that that you
5 can use if you're interested in seeing what
6 the census data are or using that data to work
7 on a redistricting plan.

8 She's going to type this in the box.

9 MS. TURNER: Mr. Chairman, I have one
10 question. This is Linda Turner again.

11 MR. WALKER: Yes. I'm sorry. Please
12 speak, Ms. Turner.

13 MS. TURNER: I can't really hear you.
14 The question is these are public hearings. Is
15 there a place where they will be posted for
16 someone to view all the hearings as well as
17 any documents that were submitted?

18 MR. WALKER: Yes. That's a good
19 question and thank you. All of the hearings
20 are being transcribed by a court reporter to
21 the extent that we can make out what's being
22 said. And those transcriptions and any
23 exhibits that were entered into a hearing at
24 each hearing will be compiled in a record and
25 published on the redistricting web site. They

1 will also be made available of course to the
2 legislators. But I would look for them about
3 two weeks after the hearings close on the
4 16th, possibly earlier.

5 MS. TURNER: Okay. All right. Two
6 weeks after they close. Thank you.

7 MR. WALKER: Yeah, and they may start
8 appearing earlier than that. I just don't
9 know.

10 MS. TURNER: The redistricting web site
11 is a dot gov, right?

12 MR. WALKER: Go to this legislative web
13 site and you'll see a drop-down tab for
14 redistricting and follow that.

15 MS. TURNER: Thank you.

16 MR. WALKER: You're welcome. Anybody
17 else who has a question or a comment or point
18 of clarification in the auditorium or online?

19 No? Thank you very much. This hearing
20 is closed. Have a good day.

21 (End of proceedings, 11:53 a.m.)
22
23
24
25

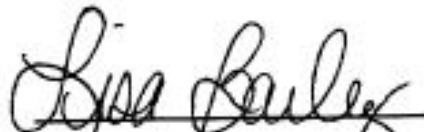
C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I hereby certify that the above and foregoing deposition was 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 deposition 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.

A handwritten signature in black ink, appearing to read "Lisa Bailey". The signature is fluid and cursive, with a horizontal line drawn across the bottom of the name.

Lisa Bailey, CCR #289

CCR #289, Expires 9/30/21

Commissioner for the

State of Alabama at Large

[1 - available]

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[drawing - good]

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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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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