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5 ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT
6 AND REDISTRICTING PUBLIC HEARING
7

8 HELD ON
9 THURSDAY, SEPTEMBER 9TH, 2021
10 BEGINNING AT 2:00 P.M.
11

12 LOCATION:
13 COASTAL ALABAMA COMMUNITY COLLEGE
14 220 ALCO DRIVE
15 BREWTON, ALABAMA 36426
16 AND
17 ONLINE VIA MICROSOFT TEAMS MEETING
18
19

20 TRANSCRIBED REMOTELY BY:
21 KATHLEEN F. CAVAZOS, RPR,
22 COURT REPORTER
23
24
25

I N D E X

OPENING REMARKS: PAGE

BY SENATOR JIM MCCLENDON. 3

BY REPRESENTATIVE CHRIS PRINGLE 5

BY MR. DORMAN WALKER. 6

TESTIMONY:

(NONE)

EXHIBIT:

Exhibit 1. ONLINE ATTENDANCE LIST 14

1 SENATOR MCCLENDON: Hello. My name is Jim
2 McClendon. I'm a state Senator from St. Clair County,
3 and I'm the Senate chair of the Redistricting Committee.
4 I want to welcome you.

5 Every 10 years when the census data comes out,
6 we have to redraw districts. We do Congressional
7 districts, state board of education districts, Alabama
8 Senate districts and Alabama House of Representative
9 districts. People move. Population shifts, and we have
10 to recapture those people to get up to the ideal number
11 that should be in each district, respecting the concept
12 of one person, one vote.

13 For example, in the Senate, Alabama Senate, we
14 have an ideal district size of 144,551. Now, we have an
15 allowance of plus or minus five percent over that number.
16 In the House of Representatives, that ideal district size
17 is 47,850. Just to give you some examples of your area,
18 what's going on with the changing population size, Senate
19 district 22 lost about 7,600 in population; 31 lost about
20 3,000; and 32 gained 33,562. So you can see from those
21 numbers, adjustments are going to have to be made in the
22 geography to get back to that within plus or minus five
23 percent deal.

24 Of the House districts, I'll give you a couple
25 of those that are in your area. Sixty-four lost 4,000 --

1 no, gained 4,600. Pardon me. Sixty-six lost about 1,600
2 people. House district 92 lost 3,200. House district 94
3 gained 11,600, and 95 gained 14,600, and 96 gained about
4 8,300 people. So you can see from those numbers,
5 adjustments are going to have to be made, and that's our
6 job. Your job today, it's your opportunity to give us
7 input and suggestions on how we do this.

8 Normally, to my right would be State
9 Representative Chris Pringle who has been sitting here
10 beside me this entire time, but he has a meeting here in
11 the State House that he had to attend today, and he
12 regrets missing this meeting in particular.

13 On my left is Mr. Dorman Walker, who is an
14 attorney, and he will be your hearing officer today. He
15 also works for the committee.

16 I'll ask anyone out there coming in over the
17 internet to please mute your microphones and to turn off
18 the cameras on your devices, your handheld device or your
19 laptop.

20 People will be called to speak in the order that
21 they're signed up. You will please be limited to three
22 minutes. The hearing officer will have a timing device
23 and let you know, if he needs to. Please, when you come
24 up -- When your name is called, come to the microphone,
25 state your name and the community you represent, and in

1 most cases, it's a good idea if you spell your name to
2 help the court reporter get it in the record correctly.
3 So when you say your name, slow down just a little bit
4 and make it very clear so we can get you in the record.

5 After everyone has spoken that has signed up, if
6 there is anyone else that wishes to speak, an opportunity
7 will be given. Those people that are joining us
8 remotely, please send us your comments, and we'll get it
9 into the record and answer it.

10 This hearing is being transcribed by a court
11 reporter that is working remotely, and if you have any
12 items you'd like to introduce into the record as an
13 exhibit, bring it to the microphone and let the hearing
14 officer know, and we'll give you your instructions.

15 Just remember this: This deals only with
16 redistricting, Congressional districts, state board of
17 education districts and Senate districts. It does not
18 deal with any other issue that the legislature may deal
19 with. It doesn't deal with any other redistricting
20 issue.

21 With that being said, let me turn this over to
22 Mr. Dorman Walker, our hearing officer.

23 MR. WALKER: Hello, everyone, and welcome to
24 this hearing. Thank you to Coastal Alabama Brewton
25 Campus for hosting the hearing. Thank you to you for

1 attending in the auditorium and for those of you who are
2 attending virtually. Your participation is important,
3 and your testimony is very helpful to the legislature.

4 Before we get to the point of taking testimony,
5 I'd like to explain a few fundamental items that I think
6 make it easier to understand what we're doing. As
7 Senator McClendon mentioned, the term "ideal population,"
8 that's simply the population of the state as determined
9 by the 2020 census, which I'm going to round off to five
10 million people, divided by either 105 for the House or 35
11 for the Senate or seven for Congress or eight for the
12 state board of education. So, for example, divide five
13 million by 35, and you get the ideal population for the
14 Senate.

15 The legislature has given itself the discretion
16 to vary population in Senate districts by five percent
17 above or below that ideal population, and the reason for
18 doing that is to help preserve communities of interest
19 and governmental units such as municipalities and
20 counties, to the extent that that can be done compatibly
21 with the requirement to equalize population. So because
22 last time, 10 years ago, the total allowed deviation was
23 two percent and now it's 10 percent, I would expect that
24 many of the counties and municipalities that were split
25 last time, precincts as well, will not be split this

1 time, that there will be fewer of those.

2 There will always be some split counties or
3 municipalities in some maps because of the requirement
4 for population equality. For example, the city of
5 Tuscaloosa is a densely populated, concentrated area in
6 Tuscaloosa. It's surrounded -- Tuscaloosa County is
7 surrounded for the most part by counties that are losing
8 population, and districts located there need more
9 population. So cities like Tuscaloosa, Montgomery and
10 Auburn, which are all in similar situations in that
11 regard, are likely to be split up among a variety of
12 House districts, if not Senate districts, in order to
13 spread their population where it's needed. Otherwise,
14 those rural districts would just be enormously large and
15 unmanageable.

16 But if you've come to talk, in part, about a
17 request not to split your county, not to split your city,
18 please go ahead with that testimony. It's very
19 important.

20 This is one of a series of hearings that the
21 Reapportionment Committee is conducting. They'll
22 conclude on the 16th. As Senator McClendon said, they
23 are being transcribed by a court reporter, and I expect
24 that those transcriptions will start to show up soon on
25 the redistricting committee web page. To get to that,

1 google the Alabama legislature, and when the legislature
2 site comes up, there will be a tab for redistricting.
3 Click on that, and you will be able to work your way to
4 the transcripts of all the hearings. If you're
5 interested in them, you can read them and look at
6 whatever was introduced at any hearing as an exhibit.

7 This testimony collectively that we're taking is
8 helpful to the legislature to know things like
9 communities of interest and the request of people around
10 the state, which is helpful as the legislature engages
11 now in the process of drawing new districts. What's
12 happening right now concurrently with taking this
13 testimony is that state board of education members,
14 Congressional members, staffers and House and Senate
15 members are starting to meet with the map drawer to talk
16 about whether their district needs to lose people or add
17 people, and, if so, what areas they would like to add or
18 lose. Of course, that has to be done in conjunction with
19 their adjoining district, so it's a complex process that
20 will take some time to complete.

21 All of this will culminate, of course, in a
22 special session for redistricting. It will have to be a
23 special session. We can't wait until the next session
24 because of the election schedule for 2022 and we already
25 had the regular session for 2021. So a special session

1 will have to be called to deal with redistricting. We
2 don't know when that will be, or at least I don't know.
3 It's repeatedly rumored that it will be in late October.

4 As the session approaches, legislators will
5 begin to prefile their redistricting bills, and the
6 Redistricting Committee bill will be introduced as well.
7 And when those -- Each legislator or every legislator can
8 be working on their own bill, if they want, or they can
9 sponsor bills that have been prepared by other people.
10 For example, Senator Singleton has announced that he will
11 sponsor as a bill a no-county split Congressional plan
12 proposed by the League of Women Voters.

13 So if you have a plan that you're interested in
14 the legislature looking at, the best thing to do -- You
15 can send it in and have it added to the record, but in
16 order to get it introduced as a bill, you need to find a
17 legislator who can sponsor it. And the legislature --
18 Again, one of the questions we get is when can we see
19 those districts. Well, that depends on the legislators.
20 They control when their plans are made public, but at a
21 minimum, they'll be made public at the time they're
22 introduced as bills or prefiled, and if you're interested
23 in that, as we get close to a legislative session, you
24 might want to go back to the legislative website, look at
25 either the House's or the Senate for prefiled bills, and

1 there you would find the plans that they have proposed.

2 In addition, once the session begins, there will
3 be public hearings on bills, and those are open to the
4 public, and they may well be streamed as well. The
5 legislative session itself will be streamed.

6 I think it also is helpful to explain the rules
7 for drawing districts which the legislature must follow.
8 Overarching requirements are two: One is population
9 equality among districts, and the other is
10 non-discrimination, that is, that no districting plan
11 will be passed by the committee that it understands
12 violates the equal protection clause or any other
13 provisions of the federal or state constitutions or
14 section two of the Voting Rights Act.

15 In addition, no district will be drawn in a
16 manner that subordinates race-neutral districting
17 criteria -- and I'll go over what those criteria are in
18 just a second -- to considerations of race, color or
19 membership in a minority language group, except that
20 race, color or membership in a language minority group
21 may predominate over race-neutral districting criteria to
22 comply with section two of the Voting Rights Act,
23 provided there is a strong basis in evidence in support
24 of a race-based choice. A strong basis in evidence
25 exists when there is good reason to believe that race

1 must be used in order to satisfy the Voting Rights Act.

2 In drawing districts, the legislature's race-
3 neutral criteria call for districts to be reasonably
4 compact and to contain as few counties as possible.
5 Districts should reflect of the sovereignty and will of
6 the people of Alabama, and that's one of the reasons for
7 this hearing, so the legislature can learn how people
8 want districts to be recomposed.

9 Districts are drawn on the basis of total
10 population. The census bureau reports population in many
11 different forms. Total population is the broadest
12 category, and it includes everyone who is in Alabama on
13 census day whether or not they can vote. So it includes
14 a lot of people who can't vote, children, people who are
15 not yet 18, people who have lost the right to vote
16 through perhaps a felony conviction. People who are
17 residing in the state temporarily, people who are not
18 citizens are all included in the total population.
19 Nevertheless, through a long history, total population
20 has been the basis on which districts are drawn, and that
21 is the basis on which the legislature will draw them this
22 year, although under certain circumstances, the
23 legislature may look at voting age population, that is,
24 population that's 18 and older. That doesn't tell us
25 anything about who's actually registered to vote or who

1 does vote, but it does tell us the potential. So at
2 times, in order to ensure compliance with the Voting
3 Rights Act, the legislature may look at black voting age
4 population or BVAP or white voting age population or
5 WVAP.

6 The legislature has to draw 35 Senate districts
7 and 105 House districts, although the constitution would
8 allow 106. All districts are single-member districts.
9 Only one person is elected from each district. In some
10 parts of the country, you have multiple -- districts from
11 which multiple people are elected. We don't have that in
12 Alabama.

13 Contests between incumbents will be avoided
14 whenever possible, and the legislature seeks to preserve
15 the cores of existing districts. Districts should
16 respect communities of interest, neighborhoods and
17 political subdivisions to the extent practicable. A
18 community of interest is defined as an area with
19 recognized similarities of interest, including but not
20 limited to, ethnic, racial, economic, tribal, social,
21 geographic and historical identities. The term
22 "community of interest" may, in certain circumstances,
23 include political subdivisions such as counties, voting
24 precincts, municipalities, tribal lands and reservations,
25 and school districts.

1 The discernment, weighing and balancing of the
2 very factors that contribute to communities of interest
3 is an intensely political process best carried out by the
4 elected representatives of the people.

5 In establishing legislative districts, the
6 Reapportionment Committee and the legislature will give
7 due consideration to these criteria that I've identified.
8 However, priority is given to the compelling state
9 interest in requiring equality of population among
10 districts in compliance with the Voting Rights Act of
11 1965, the equal protection clause and other requirements
12 should there be any conflict between these criteria and
13 other criteria.

14 In addition, the race-neutral criteria that I
15 identified are not listed in order of precedence, and in
16 each instance where they conflict, the legislature shall,
17 at its discretion, determine which takes priority.

18 We're ready now to receive testimony. There is
19 no one at the auditorium who has indicated they want to
20 speak. But let me see if that's changed. Is there
21 anyone in the auditorium who wants to speak? Anybody in
22 the auditorium who wants to speak?

23 I will recognize Representative Alan Baker, who
24 is in the auditorium. Thank you for attending, sir.

25 Do we have anybody --

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

3 MR. WALKER: Nobody who is attending virtually
4 has indicated they want to speak. If you are attending
5 virtually and would like to speak, please raise your hand
6 or send in a comment by chat.

7 MS. OVERTON: There are none.

8 MR. WALKER: Give it a bit more time. Last
9 chance. Please either raise your hand, send in a comment
10 by chat, or if you're in the auditorium and wish to
11 speak, come up to the microphone.

12 Appearing that there is no one who wants to
13 speak, thank you very much for attending, and this
14 hearing is closed.

15 (Exhibit 1 marked.)

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C E R T I F I C A T E

STATE OF ALABAMA)

COUNTY OF MOBILE)

I hereby certify that the above and foregoing was taken down by me in stenotype and transcribed by means of computer-aided transcription, and that the foregoing is 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 any of the parties, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.



KATHLEEN F. CAVAZOS, RPR, ACCR302

NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/16/23

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[gained - neither]

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[neutral - senate]

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