



Deposition of:
September 7, 2021 11:00 Public Hearing

September 7, 2021

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

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ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT
AND REDISTRICTING PUBLIC HEARING

HELD ON
TUESDAY, SEPTEMBER 7TH, 2021
BEGINNING AT 11:00 A.M.

LOCATION:
JEFFERSON STATE COMMUNITY COLLEGE
CHILTON - CLANTON CAMPUS
1850 LAY DAM ROAD
CLANTON, ALABAMA 35054
AND
ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:
KATHLEEN F. CAVAZOS
COURT REPORTER

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1 SENATOR MCCLENDON: All right. Can you hear me?
2 Okay. Good.

3 I'm Jim McClendon. I'm a state senator from
4 St. Clair County, and I am chairman of the Senate -- of
5 the committee on redistricting. I want to welcome
6 everybody here. We're glad to have you. We would ask
7 you, those of you that are at home or work and coming
8 online and joining us, to please turn your cameras off.
9 Okay. That's the court reporter we see. We're glad to
10 see you, court reporter.

11 To my right is State Representative Chris
12 Pringle, who is the chairman of the House Committee on
13 Redistricting; and to my left is Dorman Walker, who is
14 our hearing officer and an attorney that works for the
15 Redistricting Committee.

16 We are working on and asking you to comment on
17 the Congressional maps, the Alabama Senate maps, the
18 Alabama House of Representative map and the state board
19 of education. We're charged with redrawing all of these
20 maps. This is something we have to go through every 10
21 years following the census. Once we get the census data
22 in, we not only have an idea of the number of people but
23 the location of people. People move, and there is a
24 pattern of moving from rural areas into urban areas, and
25 in order to honor the concept of one person, one vote, we

1 have to adjust lines to keep districts approximately
2 equal, and in that area, there is a five percent
3 deviation that we use.

4 In drawing an Alabama Senate map, an ideal
5 population would be 143,551. An ideal House map is a
6 third of that, which is 47,850. So our job is to go
7 recapture the correct number. In some districts where
8 the population has gone up, becomes denser, we're going
9 to have to reduce the size of that district to get the
10 population right. And districts that have gone down in
11 population, we're going to have to make them bigger to go
12 capture the necessary people.

13 Let me give you some examples of House and
14 Senate districts that are in your area and what's
15 happened over the past 10 years. Senate district 14, for
16 example, has grown by 4,000 people, while Senate 23 has
17 gone down by 24,000 people. And Senate 30 has gone up by
18 about 1,400 people. It's pretty dramatic changes there.

19 In the House districts, Senate (sic) 42 has gone
20 down by 194. House 49 has decreased by about 1,300
21 people. House 67 has lost about -- House 67 has
22 decreased by about 8,500 people, and 69 has gone down by
23 about 5,500. So in those districts -- Oh, we have one
24 more, 81. House district 81 has gone down by about
25 2,400.

1 So all of those districts that have lost
2 population, we're going to have to reach out and try to
3 capture additional people to get back to that ratio of
4 one person, one vote or get close to it plus or minus
5 five percent.

6 I'm going to turn it over now to Representative
7 Chris Pringle, who is our House of Representatives
8 chairman in the Redistricting Committee. Chris?

9 REPRESENTATIVE PRINGLE: Thank you, Senator.
10 Again, my name is Chris Pringle, and I represent House
11 district 101 from Mobile, Alabama. I'd like to welcome
12 each of you today.

13 You will be asked to speak in the order in which
14 you signed up. Please limit your comments to three
15 minutes each. When called upon, please come to the
16 microphone, state your name and the community you
17 represent and the district or districts you wish to speak
18 about. If you decide you want to speak but did not sign
19 up, we'll ask at the end if anyone who hasn't spoken
20 would like to speak. If you are participating remotely,
21 send us your questions, and we'll read it into the record
22 and answer it.

23 The hearing is being transcribed by a court
24 reporter working remotely. If you have anything you
25 would like to introduce into the record as an exhibit,

1 bring it to the microphone when you speak and let the
2 hearing officer know, and we'll have it entered into the
3 permanent record.

4 This hearing deals solely with the issue of
5 redistricting. No other legislative issue is on the
6 agenda today, so please keep your comments germane to
7 redistricting.

8 And with that, I'd like to turn it over to
9 Mr. Walker.

10 MR. WALKER: Hello, everyone. I'm Dorman
11 Walker. I'm the hearing officer today. Thank you for
12 coming and thank you, Jefferson State, for hosting this
13 hearing.

14 The legislature, as it goes about drawing new
15 Congressional, board of education and legislative
16 districts can't just do it any way it wants to. It has
17 to follow certain rules. It has to comply with certain
18 laws and constitutional provisions. Foremost among these
19 is the Federal Constitution and the requirement for one
20 person, one vote, which is just another way of saying
21 that the population of the districts after redistricting
22 is finished must be approximately equal.

23 In the context of Congressional districting, the
24 deviation from ideal population -- and ideal population
25 is merely the total population of the state divided by

1 the number of districts. So for Congress, that's seven
2 into about five million, whatever the rest of our new
3 population is. It gives you an ideal population. We
4 have minimal deviation for that allowed for
5 Congressional.

6 For the others, we can vary from the ideal
7 population that Senator McClendon gave to you by upwards
8 of five percent or downwards of five percent for a total
9 deviation of 10 percent deviation allowed. So that is
10 the first and overarching and non-negotiable requirement
11 when new districts are drawn is that we achieve
12 population equality as defined. The other is, of course,
13 that we draw non-discriminatory districts in compliance
14 with the Federal Constitution and the Voting Rights Act
15 and other provisions. The Reapportionment Committee and
16 the legislature will not consider or pass a plan that
17 does not meet either of these requirements.

18 In addition, no district will be drawn in a
19 manner that subordinates race-neutral districting
20 criteria, which I'll tell you about in a second, on
21 considerations of race, color or membership in a language
22 minority group, except that race, color or membership in
23 a language minority group may predominate over race-
24 neutral districting data to comply with section two of
25 the Voting Rights Act, provided there's a strong basis in

1 evidence in support of such a race-based choice. A
2 strong basis in evidence exists when there is good reason
3 to believe that race must be used in order to satisfy the
4 Voting Rights Act.

5 I mentioned race-neutral districting criteria.
6 These are criteria adopted by the Reapportionment
7 Committee that, while they're adopting it on a state
8 basis, generally all states have 80 or 90 percent the
9 same criteria. The first of these is that districts must
10 be reasonably compact with a minimum of counties in each
11 district as possible in order to achieve compactness.
12 That's a very relative term. Obviously, if you've got
13 seven districts and you've got the whole state of 67
14 counties, you're going to have 10 counties in every
15 district. So a remedy resides in the people of Alabama,
16 and districts should be drawn to reflect the democratic
17 will of the people concerning how they should be
18 structured, and that's one of the reasons for this series
19 of hearings is to receive input on how districts should
20 be redrawn.

21 Districts are drawn on the basis of total
22 population. The census bureau gives us data in many
23 different forms. One of those is total population, which
24 is everybody who was in the state on census day and
25 recorded, and that includes a lot of people who don't

1 vote. Children, people under 18, people who were in the
2 state but are not citizens of the state, people that are
3 not citizens of the United States, and certain people who
4 are incarcerated would be examples of people included in
5 the total population count but can't vote.

6 At times, the legislature will consider voting
7 age population, that is, the population 18 and older,
8 particularly black and white voting age population as
9 necessary to comply with section two of the Voting Rights
10 Act.

11 The number of Alabama Senate districts is set by
12 statute at 35, and the number of House districts is set
13 by statute at 105. The Constitution would allow 106.

14 All districts are single-member districts, which
15 means that from each district, only one person is
16 elected. When the legislature draws districts, contests
17 between incumbents are avoided whenever possible.

18 Contiguity is required, which means that every
19 part of every district must be in contact with another
20 district or the state boundary. Contiguity across water
21 such as rivers, lakes or the Mobile Bay is allowed.

22 Districts shall respect communities of interest,
23 neighborhoods and political divisions to the extent
24 practicable. A community of interest is defined as an
25 area with recognized similarities of interest, including,

1 but not limited to, ethnic, racial, economic, tribal,
2 social, geographic and historical identities. The term
3 "communities of interest" may, in certain circumstances,
4 include political subdivisions such as counties, voting
5 precincts, municipalities, tribal lands and reservations
6 or school districts.

7 The discernment, weighing and balancing of the
8 various factors that contribute to communities of
9 interest is an intensely political process best carried
10 out by the elected representatives of the people.

11 The legislature also, when it draw districts,
12 will try to preserve the cores of existing districts,
13 and, again, the legislature will give due regard to all
14 of these criteria, but overarching them is the
15 requirement of one person, one vote and
16 non-discrimination as required by the Constitution and
17 Voting Rights Act.

18 Having said that, we'll open the hearing, and we
19 have one person who has signed up to speak. I'll ask
20 that person to speak first. Then I'll ask if anyone else
21 in the auditorium wants to speak, and then I'll see if
22 anybody participating remotely wants to speak, and then
23 I'll give everybody else one last chance before closing
24 the hearing.

25 So Alan Williams from Chilton County has signed

1 up to speak. Mr. Williams, please come up.

2 MR. WILLIAMS: Good morning.

3 MR. WALKER: Good morning.

4 MR. WILLIAMS: My name is Alan Williams,
5 resident of Chilton County, been here about 66 years.
6 I'm now an elected county commissioner in this county.

7 My question is, was any consideration or is any
8 consideration being given to make each county whole in
9 this endeavor?

10 MR. WALKER: I think that it's very likely that
11 the plans that are passed by the legislature this time
12 around will have many more whole counties than was the
13 case from the last plan.

14 If you recall, in the guidelines that were
15 adopted in 2011, the state went from 10 percent deviation
16 to two percent deviation, which meant that the state had
17 far less room in population variance in order to populate
18 the county. And as a result of that, a lot of counties
19 were split. The state narrowed the deviation because of
20 language from a Supreme Court case that caused Alabama
21 and many other states to think that the 10 percent
22 deviation would no longer be a safe harbor. Since then,
23 the Supreme Court has made it clear that it still is.

24 The answer to your question is, I believe that
25 it's likely that there will be more whole counties in the

1 new plans than have been in the past because the state
2 has greater population deviation.

3 MR. WILLIAMS: Will we see that plan prior to
4 the legislature voting on it? If so, how far ahead of
5 their vote?

6 MR. WALKER: Well, we don't know when the
7 special session for redistricting will be called. After
8 these hearings are completed, the legislature -- or
9 various people may now be voting on plans. In fact,
10 we've already had one plan submitted by the League of
11 Women Voters. Other plans will be submitted. When the
12 legislature convenes, the Reapportionment Committee will
13 submit a plan or perhaps more than one plan to the
14 legislature for consideration, and that's when -- The
15 individual legislators who sponsor a plan control when it
16 becomes public, but at a minimum, they will all become
17 public at the moment when they're introduced as a bill.

18 MR. WILLIAMS: My main concern is
19 disenfranchising of different voters, especially in our
20 county, Chilton. We're divided up into three areas, two
21 very small districts, and one I happen to live in in the
22 southeast corner that Ed Oliver is our representative.
23 And that's my concern for the district, each county being
24 made whole in a district, which it was prior to 2011, I
25 believe is correct.

1 MR. WALKER: Okay. Thank you.

2 Is there anyone else in the auditorium who would
3 like to speak? Is there anyone participating -- We don't
4 have anyone participating remotely who has sent in a
5 question. I'll ask again. No? So last call. Anybody
6 either participating remotely or in the auditorium who
7 would like to speak?

8 Thank you very much. Thank you to Jeff State
9 for hosting this hearing. Thank you to you all for
10 coming or participating remotely. This hearing is
11 closed.

12 (Exhibits 1 and 2 were 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 remotely by me in stenotype and
transcribed by means of computer-aided transcription, and
that the foregoing is a true and correct transcript to
the best of my ability.

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

[1 - commission]

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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.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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