



Deposition of:  
**September 8, 2021 3:00 Public Hearing**

*September 8, 2021*

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

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DEFENDANT'S  
EXHIBIT

**86**

ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT  
AND REDISTRICTING PUBLIC HEARING

HELD ON  
WEDNESDAY, SEPTEMBER 8TH, 2021  
BEGINNING AT 3:00 P.M.

LOCATION:  
TROY UNIVERSITY  
321 VETERANS MEMORIAL DRIVE  
TROY, ALABAMA 36082  
AND  
ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:  
KATHLEEN F. CAVAZOS, RPR,  
COURT REPORTER

I N D E X

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| BY SENATOR JIM MCCLENDON. . . . .         | 3    |
| BY REPRESENTATIVE CHRIS PRINGLE . . . . . | 5    |
| BY MR. DORMAN WALKER. . . . .             | 6    |

TESTIMONY:

(NONE)

EXHIBIT:

(NONE)

1           SENATOR MCCLENDON: I'm Jim McClendon. I'm a  
2 state senator. I'm the Senate chair of the Redistricting  
3 and Reapportionment Committee. I'm from St. Clair County  
4 in North Alabama, and I welcome you here.

5           To my right is state Representative Chris  
6 Pringle, who is the House chairman of redistricting, and  
7 to my left is Mr. Dorman Walker, who is an attorney, and  
8 he is the hearing officer for today, and he is employed  
9 by the Redistricting Committee.

10           The purpose of the hearing is to get your input  
11 and suggestions on how maps should be drawn every 10  
12 years as the population moves around the state. Folks  
13 change, and the numbers in the districts change from  
14 where they were when we did them 10 years ago. When that  
15 happens, we have to go in and not only count the people  
16 but identify their locations so we can get the districts  
17 back in balance.

18           Our task is to have districts with an ideal  
19 number, plus or minus five percent, and we are working on  
20 the state board of education districts, Congressional  
21 districts, which, by the way, have a zero deviation,  
22 which means all Congressional districts have the same  
23 number of people, but the House and Senate districts and  
24 state board of education districts can go plus or minus  
25 five percent. An example of that would be a Senate

1 district. An ideal population would be 143,551.

2 To give you an idea -- Where are we? Troy?  
3 Yeah. To give you an idea what that means in your area,  
4 Senate district 25 is overpopulated by about 6,200.  
5 Senate district 28 is underpopulated by about the same  
6 number, 6,400, and Senate district 31 is underpopulated  
7 by about 2,800 people.

8 In the House districts in your area -- let me  
9 find them. Here they are. House district 84 is  
10 underpopulated by about 1,900 people. Eighty-nine is  
11 underpopulated by about 2,200. House district 90 is  
12 underpopulated by about 5,600, and 91 has gained 965  
13 people.

14 So all of these that have changes, we have to  
15 change the shape of them in order to capture the ideal  
16 number, plus or minus five percent.

17 Incidentally, with us today, visiting with us  
18 here in the State House and members of the Redistricting  
19 Committee is state Senator Steve Livingston, and state  
20 Senator Dan Roberts is with us today.

21 I'm going to turn it over now to my House  
22 counterpart, state Representative Chris Pringle.

23 REPRESENTATIVE PRINGLE: Thank you, Senator.  
24 Again, my name is Chris Pringle. I'm the state  
25 representative for House district 101 in Mobile. I'd

1 like to go over a few procedures with you.

2 You will be recognized in the order in which you  
3 signed up to speak. Please limit your comments to three  
4 minutes. When called, please come to the microphone,  
5 state your name and the community you represent and the  
6 district or districts you want to speak about. If you  
7 decide you want to speak but did not sign up, we'll ask  
8 at the end if anyone that hasn't spoken wants to speak.  
9 If you are participating remotely, send your questions or  
10 comments, and we'll read them into the record for you.

11 This hearing is being transcribed by a court  
12 reporter working remotely. If you have something you  
13 would like to introduce in the record, email it in, and  
14 we will add it to the permanent record.

15 Today's hearing is dealing strictly with  
16 redistricting, and we're not here to discuss any issue  
17 before the legislature other than the issue of  
18 redistricting.

19 With that, I'll turn it over to Dorman Walker.

20 MR. WALKER: Hello, everyone, and thank you to  
21 Troy University for hosting this hearing. Thank you for  
22 you all who are appearing remotely for your participation  
23 which is important to the redistricting process.

24 Before I open up the floor for testimony, I'd  
25 like to explain the rules by which the legislature draws

1 districts. It can't draw them in just any way. It has  
2 to comply with federal and state requirements, and  
3 foremost among these are the requirements that districts  
4 be equal or approximately equal in population after  
5 redistricting is completed and that the district plans  
6 don't discriminate on the basis of race and comply with  
7 the equal protection clause and section two of the Voting  
8 Rights Act, among other provisions.

9 The Reapportionment Committee will not approve  
10 any redistricting plan that doesn't comply with the  
11 population requirements or that it understands violates  
12 section two or the equal protection clause.

13 No district can be drawn in a manner that  
14 subordinates race-neutral districting criteria -- and  
15 I'll go over those in just a second -- to considerations  
16 of race, color or membership in a minority language  
17 group, and that language comes to us from the Voting  
18 Rights Act. However, race, color or membership in a  
19 minority language group may predominate over race-neutral  
20 districting criteria to comply with section two of the  
21 Voting Rights Act, provided that there is a strong basis  
22 in evidence in support of such a race-based choice. A  
23 strong basis in evidence exists when there is a good  
24 reason to believe that race must be used in order to  
25 satisfy the Voting Rights Act.

1           The districting criteria that the legislature  
2       has adopted are that districts should be reasonably  
3       compact and should contain as few counties as possible.  
4       They should reflect the democratic will of the people,  
5       which is one of the reasons for this hearing so that  
6       testimony about how districts should be redrawn can be  
7       received. There have to be 35 Senate districts and 105  
8       House districts, although the Constitution would allow  
9       106. All districts are single-member districts, which  
10      means that only one person is elected from each district.  
11      We don't have any multi-member districts.

12           In drawing districts, contests between  
13      incumbents are avoided and the legislature seeks to  
14      preserve the core of existing districts. Districts must  
15      be contiguous, which means that every point on the  
16      boundary of a district must be in contact with another  
17      district or the state borders, and contiguity across  
18      water, such as a river or lake or Mobile Bay is allowed.

19           Finally, districts shall respect communities of  
20      interest, neighborhoods and political subdivisions to the  
21      extent practicable. A community of interest is defined  
22      as an area with recognized similarities of interest,  
23      including, but not limited to, ethnic, racial, economic,  
24      tribal, social, geographic or historical identities.  
25      The term "community of interest" may, in certain



1 circumstances, include political subdivisions such as  
2 counties, voting precincts, municipalities, tribal lands  
3 and reservations, and school districts.

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

8 In addition, in establishing legislative  
9 districts, the Reapportionment Committee will give due  
10 consideration to all of the race-neutral criteria that  
11 I've mentioned. However, priority is given to the  
12 state's compelling interest requiring equality of  
13 population among districts and compliance with the Voting  
14 Rights Act and provisions of the Constitution should the  
15 requirements of those criteria conflict with the Voting  
16 Rights Act or the Constitution.

17 Finally, the race-neutral criteria are not  
18 listed in any order of precedent, and in each instance  
19 where they conflict, the legislature shall at its  
20 discretion determine which takes priority.

21 I'm ready to open the floor for testimony.  
22 There is, unusually, no one attending the hearing in  
23 person at Troy University, which has never happened  
24 before. But we have a number of people attending  
25 remotely. Has anybody indicated they want to testify?

1           If you want to testify and are attending  
2 remotely, either raise your hand or submit a statement or  
3 question via chat. We'll give just a minute for anybody  
4 to decide if they want to talk. Again, raise your hand  
5 or submit a statement or comment or question via chat.  
6 Anybody?

7           Okay. No one has attended the hearing, again,  
8 uniquely and unusually, and no one who is attending  
9 virtually has indicated that they want to speak. Thank  
10 you, nonetheless, for attending this hearing. This  
11 hearing is closed.

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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

[1,900 - discuss]

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[notary - troy]

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Alabama Rules of Civil Procedure  
Part V. Depositions and Discovery

Rule 30

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



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

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

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

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