



Deposition of:
September 8, 2021 11:00 Public Hearing
September 8, 2021

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

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

8 HELD ON
9 WEDNESDAY, SEPTEMBER 8TH, 2021
10 BEGINNING AT 11:00 A.M.
11

12 LOCATION:
13 COASTAL ALABAMA COMMUNITY COLLEGE
14 2800 SOUTH ALABAMA AVENUE
15 MONROEVILLE, ALABAMA 36460
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

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EXHIBIT:	
(NONE)	

1 SENATOR MCCLENDON: Let me start out by asking
2 that anyone that has joined us virtually to please mute
3 the microphones on your devices, your laptop, your phone,
4 whatever it is, mute that and turn your camera off on
5 your devices. That will help us. When you don't mute
6 your devices, we get a pretty vicious echo.

7 I'm Jim McClendon. I'm a state senator, and I
8 am Senate chair of redistricting. On my right is
9 Representative Chris Pringle, who is the House chair of
10 redistricting, and on my left is Mr. Dorman Walker, an
11 attorney. He is employed by the Redistricting Committee.
12 We also have with us today here at the State House in
13 Montgomery, Representative Laura Hall, Senator Steve
14 Livingston and Representative Bob Fincher are sitting in
15 and keeping us company.

16 Every 10 years when the census is taken, it's
17 not only to count the number of people but to determine
18 the location of people, and the concept of one person,
19 one vote requires that periodically the district lines
20 are changed to adjust the number of people in each
21 district to get them approximately equal.

22 For example, an ideal Senate district -- ideal
23 House district is 47,850, and I've got ideal Senate
24 district here somewhere. Here it is, 143,551. Now,
25 there are districts in -- Some of the districts in your

1 area, I'll give you some examples of the type of changes
2 that have to be made. On House and Senate districts and
3 state board of education districts, there's a plus or
4 minus five percent leeway that we have in finalizing
5 those districts. In Congressional districts, it's got to
6 be to the person, and those are not set by us.

7 Let's take, for example, in your area, Senate 22
8 has lost about 7,600 people. Senate 32 has gained 33,600
9 people. So you see it's obvious that one of those
10 districts, 22, is going to have to increase
11 geographically in order to catch the ideal number, and
12 the other one, 32, is going to have to shrink
13 geographically in order to take care of the excess.
14 Another example in your area is 34, Senate district 34.
15 It has grown by 5,500.

16 Your House districts: House district 64 has
17 grown by 4,600, and 65 has lost 7,200, and 66 has lost
18 about 1,600 people. House district 90 has lost about
19 5,600. Ninety-four has gained 11,600. Ninety-five has
20 gained about 14,600. So, as you can see, none of them
21 stayed the same, and almost all of them have to be
22 adjusted.

23 Now, a district can stay within that plus or
24 minus five percent and be affected by an adjacent
25 district that has to either lose or gain.

1 With that being said, let me introduce
2 Representative Pringle, the House chairman of
3 redistricting.

4 REPRESENTATIVE PRINGLE: Thank you, Senator.
5 Again, my name is Chris Pringle. I'm the state
6 representative of House district 101 in Mobile, Alabama.
7 I'd like to go over a few things.

8 Today, we will call on you to speak in the order
9 which you signed up. Please limit your comments to three
10 minutes. Mr. Walker will keep a timer. When called,
11 come to the microphone, clearly state your name and the
12 community you represent and the district or districts you
13 want to speak about. If you decide you want to speak but
14 did not sign up, we'll ask at the end if anyone who
15 hasn't spoken would like to speak. If you are
16 participating remotely, send us your questions or
17 comments, and we will read them into the record and
18 answer questions for you.

19 The hearing is being transcribed by a court
20 reporter working remotely. If you have something you
21 would like introduced into the record as an exhibit,
22 bring it to the microphone when you speak and let the
23 hearing officer know. We will receive it and will give
24 it to the court reporter, and it will become part of the
25 permanent record.

1 This hearing deals strictly with redistricting.
2 We are not here to discuss any other legislative issue,
3 solely redistricting. So please keep your comments
4 germane to that one issue. With that, I'll turn it over
5 to Mr. Dorman Walker.

6 MR. WALKER: Hello and welcome. Coastal Alabama
7 Campus, thank you for hosting this hearing. Thank you
8 for the people who are attending in person and for the
9 people who are attending virtually. Your participation
10 is an important part of this process. So thank you again
11 for participating.

12 Before I open up the floor for comments, I want
13 to go over the rules that the legislature must abide by
14 when it draws new districts. It can't just draw them any
15 way it wants. It must comply with a number of federal
16 and state constitutional and statutory requirements as
17 well as the guidelines which the legislature has adopted
18 to guide it when it draws districts.

19 Overarching everything is, as was indicated by
20 Senator McClendon, the requirement for population
21 equality in the Congressional districts and near
22 population equality in the state board of education and
23 legislative districts, and that's just -- Population
24 equality is just another way of saying one person, one
25 vote. No less important is that any district plan that

1 is adopted must be non-discriminatory and comply with the
2 federal Constitution, the equal protection clause,
3 section two of the Voting Rights Act and other legal
4 requirements.

5 Beyond that, no district can be drawn in a
6 manner that subordinates race-neutral districting
7 criteria, which I'll talk about in a second, to
8 considerations of race or color or membership in a
9 language minority that's a requirement of section two of
10 the Voting Rights Act, except that race, color and
11 membership in a language minority may predominate over
12 race-neutral criteria to comply with section two of the
13 Voting Rights Act, provided that there is a strong basis
14 in evidence in support of such a race-based choice. A
15 strong basis in evidence exists when there is good reason
16 to believe that race must be used in order to satisfy the
17 Voting Rights Act.

18 When the legislature draws a district, it tries
19 to draw them to be reasonably compact in geography.
20 That's a relative term. Congressional districts,
21 obviously, are going to be much larger than state
22 legislature districts, but within the scope of
23 Congressional districts, each one is gonna be about 10
24 counties, reasonably compact. They should be drawn to
25 contain a minimum of counties. They should reflect the

1 democratic will of the people, which is part of the
2 reason why we're having this hearing so that the
3 Redistricting Committee and the legislature can receive
4 testimony about how districts should be drawn.

5 The number of Senate districts is set by statute
6 at 35. The number of House districts is set at 105,
7 although the Constitution would allow 106. All districts
8 are single-member districts, which means only one person
9 is elected from each district. When the legislature
10 draws districts, it tries to avoid contests between
11 incumbents and tries to preserve the cores of existing
12 districts.

13 Contiguity is another important rule, which
14 means every district must be in contact at every point on
15 its boundary with either another district or the state
16 boundary. Contiguity across water is allowed, so if you
17 have a river in your jurisdiction or Mobile Bay or a
18 lake, contiguity is allowed across that.

19 Communities of interest are another important
20 topic that we hope to hear from people who might speak
21 today. Districts should respect communities of interest,
22 neighborhoods and political subdivisions to the extent
23 practicable. A community of interest is defined as an
24 area with recognized similarities of interest, including,
25 but not limited to, ethnic, racial, economic, tribal,

1 social, geographic or historical influences. The term
2 "communities of interest" may, in certain circumstances,
3 include certain political subdivisions, such as counties,
4 voting precincts, municipalities, tribes and reservations
5 or school districts.

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

10 In establishing legislative districts, the
11 Reapportionment Committee gives due consideration to
12 these race-neutral criteria. However, priority is given
13 to the compelling state interest requiring equality of
14 population among districts and compliance with the Voting
15 Rights Act of 1965 and the federal and state
16 Constitutions. And in addition, the criteria that I've
17 mentioned, the race-neutral districting criteria, are not
18 listed in order for precedence. In each instance when
19 they conflict, the legislature at its discretion will
20 determine which takes priority.

21 Having said that, I now have a list of people
22 who have asked to speak, and the first is Mr. Charles
23 Andrews. So, Mr. Andrews, if you'll come up and take the
24 podium, please. Mr. Andrews, we need you to speak up a
25 little bit. Maybe pull the microphone up to you.

1 MR. ANDREWS: A disadvantage of being tall.

2 MR. WALKER: There you go. We can hear you
3 better now. Thank you.

4 MR. ANDREWS: To the committee, thank you for
5 this opportunity to speak. First of all, good morning.

6 As I looked at this redistricting plan, I'm not
7 quite sure I understand the redrawings on the back. Are
8 these proposed districts or what is currently existing?

9 MR. WALKER: I'm not certain what you're looking
10 at, but I think that handouts were provided to people at
11 each location that show current districts. We don't have
12 maps of proposed districts, although you may have seen a
13 proposed plan by the League of Women Voters for
14 Congressional districts, but I think what you're looking
15 at are the existing districts.

16 MR. ANDREWS: Thank you very much.

17 I was newly elected as mayor here in
18 Monroeville, and I've had several discussions concerning
19 our representation in both the House of Representatives
20 and the Senate, and in those discussions, the question
21 that came up was about how the county is split in
22 representation. And based on your comments about what
23 has happened with the census and the population spread, I
24 would suggest that you consider taking that small
25 southern portion of Monroe County and consolidating that

1 into one district for both the Senate and the House of
2 Representatives. The population out there is a smaller
3 portion of the whole population of Monroe County, and our
4 concern was to have one representative to represent all
5 of the interests of the county, the City of Monroeville
6 and the residents here. That was one of the things that
7 was expressed to me, and in that, I was telling them
8 that -- Am I good?

9 MR. WALKER: You're good.

10 MR. ANDREWS: Okay. I told them redistricting
11 was the time to bring this issue up and to try to get it
12 addressed. So that's what I would ask the committee to
13 take into consideration. As you look at -- I think, the
14 demarcation line is somewhere right there around Frisco
15 City south. And I ask that they would take that into
16 consideration in making the county whole in terms of
17 districting.

18 Thank you.

19 MR. WALKER: Thank you, Mr. Andrews. I'm only
20 the hearing officer, and I can't tell you what the
21 legislature is going to do, but I can tell you that the
22 legislature has given itself much greater deviation in
23 population -- or room for much greater deviation in
24 population this time around. So I think it's likely that
25 there will be fewer split counties in the House district

1 plans that are going to be proposed than was the case
2 last time when only two percent deviation was allowed.

3 The next person who signed up to speak is
4 Commissioner Gwendolyn Richardson from --

5 AN ONLINE SPEAKER: Excuse me. Could someone
6 pin the auditorium on the big screen because right now
7 "RB" is highlighted as the star.

8 MR. WALKER: Commissioner Richardson.

9 MS. RICHARDSON: I have nothing to say at this
10 time. I just want to be able to ask questions.

11 MR. WALKER: Okay. Any question you want to
12 ask?

13 MS. RICHARDSON: I don't know if you know the
14 answer. We're here to represent the county. You know,
15 you're not talking about county lines, but I know that we
16 are under a court order when we do our lines, and I don't
17 know if that's still in effect because it said something
18 about a case Shelby County may have, you know, caused
19 something.

20 MR. WALKER: Ma'am, are you talking about the
21 Monroe County Commission lines?

22 MS. RICHARDSON: Yes, sir.

23 MR. WALKER: I'm sorry. I don't have any
24 information on that.

25 MS. RICHARDSON: Okay. That's what I said.

1 That's what I thought.

2 MR. WALKER: All right. Thank you.

3 Has anybody asked to speak who is attending
4 virtually? I don't have anyone who is attending
5 virtually having asked to speak. If you are attending
6 virtually and you would want to speak or want to make a
7 comment, please raise your hand or send in a comment by
8 chat.

9 Is there anyone else in the auditorium? Oh, we
10 have somebody whose hand is up? Who is that? Kathy
11 Jones. Ms. Jones?

12 MS. JONES: Hi there. I had a question about
13 your standard deviation that you mentioned. You had
14 talked about giving more latitude for the state House and
15 Senate districts, and I was just wondering, could someone
16 clarify how your -- When you get a standard deviation,
17 how do you allow for leeway? I'm wondering, do you have
18 your Congressional, state and House district standard
19 deviations all lumped together and then you allocate it,
20 or how do you give yourself more flexibility on one
21 district and then not give the flexibility on other
22 districts? I'm wondering how you're assigning your map
23 makers the standard deviation.

24 MR. WALKER: Okay. Standard deviation might not
25 be the best term to use. It's allowable deviation. And

1 for the state districts, the Supreme Court has indicated
2 that plus or minus a total deviation of 10 percent, which
3 is five percent above or below the ideal population, is a
4 safe harbor in terms of deviation. The ideal population
5 is merely the population of the state, which under the
6 2020 census is a little more than five million divided by
7 either 35, to get the ideal population for a Senate
8 district, or 105, to get the ideal population for a House
9 district.

10 So if a House district is 47,850, when districts
11 are drawn, the legislature can populate a district either
12 five percent above that 47,850 or five percent below that
13 and still be within its guidelines. So that would be a
14 permissible district. If it goes more than five percent
15 above or below, then that's not a permissible district.
16 There may be districts that, according to the census data
17 that we've received, have changed their population but
18 they're within the plus or minus five percent. So on
19 that basis alone, there would be no reason to change
20 those districts. However, they might need to be changed
21 because of requirements from adjoining districts where
22 population is needed or that need to shed population. So
23 districts could be changed.

24 Congressional, as you and I have discussed on
25 two or three other occasions, comes from a different

1 requirement in the Constitution, and my understanding of
2 that requirement is that for Congressional districts
3 minimal deviation is allowed, although there are some
4 circumstances, rare, where the Supreme Court has allowed
5 a greater than minimal deviation.

6 Did I answer your question?

7 MS. JONES: Yes, you did. Thank you. I thought
8 I needed clarification.

9 MR. WALKER: Okay. Thank you.

10 Anyone else who is attending remotely who would
11 like to speak?

12 MS. OVERTON: Yes, there's a Rebecca Corneilson
13 that has signed up to speak. She is live at the hearing.

14 MR. WALKER: Oh. Ms. Corneilson, if you want
15 to speak, please come up to the microphone.

16 MS. CORNEILISON: Good morning. With respect to
17 the mayor, I disagree on unifying Monroe County under the
18 district north of us. I don't even know why I bothered
19 to come to this meeting because I've been told several
20 times this is a done deal, and if it's a done deal, then
21 why are we even having these meetings? Why are we having
22 this hearing?

23 But the reason I came anyway is because as an
24 American, at least for right now, we have the freedom of
25 speech, and I think we ought to stand up for what

1 concerns us.

2 Now, I live in Uriah. That's in House district
3 64 and Senate district 22. I believe that if you're
4 going to unify Monroe County, that it needs to be
5 extended. Sixty-four needs to be extended for the whole
6 county, and 22 needs to be extended for the whole county,
7 not the other way around.

8 If you look at the Senate districts, there's
9 already eight counties in district 23. One
10 representative is not going to be able to represent the
11 interests of all the people in eight counties. The
12 reason that you have eight counties is because these are
13 rural counties who have poor representation, and people
14 have moved out of them because of poor representation.

15 Monroe County lost population. That's because
16 of poor representation. Half of the county is not even
17 represented. I've never seen either one of the
18 representatives or the senator from the other district in
19 Monroe County. Maybe some of these people in Monroeville
20 have. I don't know. But I've never seen anything that's
21 done --

22 We have failing schools in the northern part of
23 Monroe County. J.F. Shields and County High are either
24 failing or at risk almost all the time. In the southern
25 part of the county, we have Excel High School and J.U.

1 Blacksher High School that are maintaining good
2 performance, at least before COVID.

3 People move out of districts where Democrats
4 have control. They are not being represented properly.
5 Schools fail. Unemployment is increasing.
6 Businesses leave. Monroe County has seen more businesses
7 leave in the last 20 years than is imaginable. They've
8 all left because of poor representation.

9 The two schools in the northern part of the
10 county, as I said, are failing schools. We don't want
11 that for all of Monroe County. We want them to succeed.
12 We want J.F. Shields to be better. We want Monroe County
13 to be better, and that's not going to happen when you
14 lump us all into districts that have poor representation.

15 Now, you talked about communities of interest.
16 The south part of Monroe County is largely conservative,
17 largely conservative. We've been working very hard in
18 Monroe County to try to get things to be better. We, for
19 the first time, in 2020 elected a county-wide Republican.
20 I know you said you can't draw these on Republican or
21 Democrat. You can't go by party lines, but you can on
22 communities of interest.

23 Whenever you consolidate south Monroe County
24 into that district north of us, you're going to be
25 creating a minority within a minority and we will have no

1 representation whatsoever. There will be no growth in
2 Monroe County. There will be no advancement in our
3 schools, and we will be a people without representation.
4 I highly object to that plan.

5 And, Mr. Pringle, we've talked several times,
6 and you know how I feel. I'm very passionate about this,
7 and one of the things I wanted to mention is you see 11,
8 12 people here. This hearing was not advertised. It was
9 not properly advertised, and nobody knew about it. The
10 only reason I knew about it is because of an internet
11 news source, and I tried my best to share and call and
12 tell people about it. Apparently, a few people got
13 emails saying that there was going to be a hearing, but
14 the majority of people in Monroe County have no idea that
15 this is going on today and have no idea how this is going
16 to affect them.

17 MR. WALKER: Ms. Corneilus, I'm going to have to
18 ask you to wrap it up. You've used your time.

19 MS. CORNEILISON: Okay. Thank you very much.
20 I'll see you in Montgomery tonight.

21 MR. WALKER: Thank you for your comments. I
22 don't know what you mean by this is a done deal. There
23 is no plan yet, and the legislature will consider all the
24 comments that are made. Of course, I don't know what
25 they'll do, but as I indicated earlier when the mayor was

1 speaking, I think it's a likelihood there will be fewer
2 split counties in the new district plans than there were
3 in the existing ones.

4 With regard to publicity, the notice of the
5 hearings was posted, of course, on all the state
6 resources as well as sent to media across the state for
7 them to share with the public.

8 Is there anyone else who wants to speak in the
9 auditorium? If there is, please come up to the
10 microphone.

11 Is there anyone who wants to speak online?

12 I don't have anybody who is asking to speak who
13 is attending remotely, and no one else has come up to the
14 microphone. Last call for anyone who wants to speak.

15 I'm not seeing anything either online or in the
16 auditorium. So thank you for your good comments and for
17 your participation today both virtually and in the
18 auditorium. This 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

[1,600 - circumstances]

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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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