



Deposition of:

**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  
3  
4

5 Held via Zoom Video Conference

6 And on location at:

7 Snead State Community College

8 9:08 a.m.

9 September 2, 2021  
10  
11  
12  
13

14 Commissioner:

15  
16 Lisa Bailey

17 Certified Court Reporter

18 ACCR #289  
19  
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21  
22  
23  
24  
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1                   \* \* \* \* \*

2                   (Proceedings began, 9:08 a.m.)

3                   \* \* \* \* \*

4                   SENATOR MCCLENDON: My name is Jim  
5                   McClendon. I'm state senator from Saint Clair  
6                   County. On my right over here is Chris  
7                   Pringle, who is a state representative. He's  
8                   from the Mobile area. He is the House  
9                   Chairman of Redistricting. I am the Senate  
10                  Chairman of Redistricting. On my left is  
11                  Dorman Walker who is an attorney. And he  
12                  works for the redistricting committee.

13                 I would ask everyone to mute your  
14                 phones. We've had some feedback problems. If  
15                 you'll please mute your phones or your  
16                 laptops. Everybody that's online and cut --  
17                 turn your cameras off. That gives us a little  
18                 better control of the panel if you'll turn  
19                 your camera off.

20                 No, that's the wrong camera. Not Snead  
21                 State. Turn your camera on. But those who  
22                 have come in online, thank you. That one at  
23                 the top has been there forever.

24                 Oh, our court reporter, that's fine.

25                 Also, we have with us the members of the

1 reapportionment committee. Senator Bobby  
2 Singleton is in the room with us, as is --  
3 yeah, what's-his-name.

4 This happens every ten years --  
5 what's-his-name is Steve Livingston.

6 This happens every ten years where the  
7 population not only is counted, but the  
8 population is located. And as a result of  
9 folks moving and people changing the  
10 population of -- the District, BOE District,  
11 Board of Education, state board districts will  
12 change. And we have a mandate to try to get  
13 back roughly to the One-person, One-vote  
14 ratio.

15 So in order to find out where the people  
16 are, the census bureau forms a census. They  
17 send us the data. And we look to see where  
18 folks are. Now, for your area -- let me give  
19 you some examples of how population changes  
20 have occurred. And let's take Senate District  
21 9. I think -- is Senator Scofield in  
22 attendance? I haven't heard anybody say. He  
23 said he might come by there. Senate District  
24 9 had a lost of 458 people. That keeps it  
25 within the deviation. The ideal number of a

1 new senate district is 143,551. However, we  
2 have a plus-or-minus 5 percent deviation  
3 that's allowed. So we don't have to get it to  
4 the person. That same thing applies to the  
5 House of Representative district and the Board  
6 of Education districts, unlike congressional  
7 districts, which we don't make the rules for,  
8 and the deviation for congressional districts  
9 is zero. It's got to be down to the person.

10 Your next district I've got is 10.  
11 Senate District 10 lost 7,200 people. So that  
12 district has decreased in population, which  
13 means we are going to have to make changes to  
14 that district and increase the size of the  
15 district in order to get it within the  
16 parameters that we're striving.

17 The next district is 17. I didn't know  
18 he went all the way up there. That district  
19 went up by about 1300 people, and that's  
20 within the deviation.

21 Senator Scofield. Thank you, Senator  
22 Scofield, for joining us, majority leader for  
23 the House Republican Caucus. He's online and  
24 with us.

25 Let's look at the house districts in

1 your area. House 9 lost 1,105 people. House  
2 11 lost 278. Both of those are still within  
3 the deviation. Now, keep in mind, a house  
4 district may -- when it changes it may stay  
5 within the allotted amount, but the adjacent  
6 district may change dramatically which will  
7 affect it.

8 Let's go to House 26, gained 507 people.  
9 House 27 lost 644. And then House 34 lost  
10 almost a thousand, 979 people. So we will --  
11 we will work from those numbers.

12 By the way, the ideal house population  
13 in the new maps will be 47,850. And we can go  
14 plus-or-minus five percent from that. Let me  
15 turn this over now to Representative Pringle.

16 But first -- any of you that have joined  
17 us online since we started, I ask you to  
18 please turn your microphone off on your  
19 computer or your phone, whatever you're using,  
20 and turn your camera off.

21 Representative Pringle, you're on.

22 STATE REPRESENTATIVE PRINGLE: Thank  
23 you, Senator.

24 Again, I'm State Representative Chris  
25 Pringle from Mobile. I represent House

1 District 101. Today we'll call the people to  
2 speak in the order in which they signed up.  
3 Each speaker will be limited to three minutes.  
4 If your time runs up and we have time at the  
5 end, we can come back to you, no problem.

6 When called, please come to the  
7 microphone, state your name, the community you  
8 represent, and the district, or districts, you  
9 wish to speak about. If you decide you want  
10 to speak but did not sign up, we'll ask at the  
11 end if anyone who hasn't spoken yet that wants  
12 to. If you are participating remotely, send  
13 us your questions, and we'll read them into  
14 the record and answer it at the end of the  
15 meeting.

16 This hearing is being transcribed by a  
17 court reporter working remotely. If you have  
18 something that you'd like to introduce into  
19 the record as an exhibit, bring it to the  
20 microphone when you speak and let the hearing  
21 officer know. And they'll get them to  
22 Mr. Walker, and they'll be entered into the  
23 permanent record of the committee.

24 This hearing deals with redistricting  
25 issues only. We're not here to discuss other

1 issues, just simply redistricting.

2 With that, I think, Mr. Walker, it's  
3 your turn.

4 MR. WALKER: Good morning, and welcome  
5 again to this hearing.

6 First, I'd like to ask if there are any  
7 media present? We'd like to keep track of  
8 media coverage of these hearings. If there's  
9 are any media present who cares to introduce  
10 themselves, would you go ahead and do it now?

11 It looks like there's no media present,  
12 at least in the auditorium. There may be some  
13 online virtually. Each speaker will have  
14 three minutes to speak. The scope of these  
15 hearings is rather narrow. It's what can you  
16 tell the committee about how you would like  
17 lines to be redrawn, what communities of  
18 interest should be protected or reunited,  
19 things of that nature that relate to changing  
20 the boundaries of the district you're  
21 concerned about. Other matters such as  
22 whether the State should have an appointed  
23 redistricting committee or complaints about  
24 things the State has done are outside the  
25 hearing's scope and will not be allowed.



1           Before I open the floor for hearing, let  
2           me go over the rules the legislature has to  
3           follow when it draws districts. It can't just  
4           draw them in any particular way. It has to  
5           draw them first in compliance with the  
6           constitution and in compliance with the  
7           one-person, one-vote requirement of the  
8           constitution, which really doesn't have  
9           anything to do with the number of votes you  
10          have. It has to do with the weight of the  
11          vote you have. If one person lives in a  
12          county where 100 people elect a legislator,  
13          and the next county over it takes 1,000 people  
14          to elect a legislator, then you can see that  
15          in the first county the votes count more than  
16          they do in the second county.

17          The purpose of redistricting is to  
18          equalize the power or the weight of those  
19          votes so that everyone's vote weighs the same.  
20          And that's One-person, One-vote. And that's  
21          what we're doing. What we're in the process  
22          of doing is gathering information so that when  
23          the new map is drawn and the populations are  
24          equalized, they're done so in a way that  
25          respects traditional race-neutral districting

1 criteria such as respect for jurisdictional  
2 boundaries.

3 So as was indicated, I think Senator --  
4 Livingston -- McClendon, Senator McClendon  
5 said essentially, in most cases there's zero  
6 deviation for congressional districts. So  
7 those will have all or maybe one person off  
8 population after redistricting. For the  
9 legislative districts and the State Board of  
10 Education districts, we have 5 percent above  
11 or below the ideal population is allowed. And  
12 the ideal population is simply the number of  
13 units we have divided into the new state  
14 population.

15 So, for example, in the House that would  
16 be 105 divided into state population would  
17 give you the ideal population for each of the  
18 new house districts. And then when the new  
19 maps are drawn, House districts can be  
20 populated within a range that's from 5 percent  
21 below to 5 percent above that amount. And  
22 that will comply with the One-person, One-vote  
23 requirement.

24 The reapportionment committee will not  
25 approve a plan that has either the purpose or

1 effect of diluting minority voting strength  
2 and complies with -- all plans must comply  
3 with Section 2 of the Voting Rights Act and  
4 the United States Constitution. No plan will  
5 be drawn in a manner that subordinates race-  
6 neutral districting criteria to considerations  
7 of race, color, or membership in a language  
8 minority, except that race, color, or  
9 membership in a language minority may  
10 predominate over race-neutral districting  
11 criteria to comply with Section 2 of the  
12 Voting Rights Act, provided there's a strong  
13 basis in evidence in support of such a  
14 race-based choice. A strong basis in evidence  
15 exists when there's a good reason to believe  
16 that race must be used to satisfy the Voting  
17 Rights Act.

18 All districts should be drawn to reflect  
19 the democratic will of the people concerning  
20 how their government should be structured.  
21 Districts will be drawn on the basis of total  
22 population except that voting age population  
23 may be considered as necessary to comply with  
24 Section 2 of the Voting Rights Act or other  
25 federal or state law. The number of Alabama

1 Senate districts is set by statute at 35. The  
2 number of Alabama House districts is set by  
3 statute at 105. The constitution would allow  
4 us to have 106. All districts must be  
5 single-member districts, which means only one  
6 person can be elected from each district.

7 When drawing districts, contests between  
8 incumbents are avoided wherever possible.  
9 Districts are drawn to be contiguous with  
10 every other district, that is, in touch with  
11 every other district. Contiguity across water  
12 such as Mobile Bay or rivers or lakes is  
13 allowed. But point-to-point or long-lasso  
14 contiguity, that is, touching at one point of  
15 tangent or connected by a long wind such as  
16 just a highway is not considered contiguity.

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

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

4 A discernment weighing and balancing of  
5 the varied factors that contribute to  
6 communities of interest is an intensely  
7 political process best carried out by elected  
8 representatives of the people. Districts  
9 shall be reasonably compact, and the  
10 legislature shall try to minimize the number  
11 of counties in each district. Districts of  
12 the legislature tries to preserve the cores of  
13 the existing districts.

14 In establishing legislative districts,  
15 the Reapportionment Committee shall give due  
16 consideration to all of these criteria.  
17 However, priority is to be given to the  
18 compelling State interest requiring a quality  
19 of population among districts and compliance  
20 with the Voting Rights Act of 1965 as amended.

21 These criteria are not listed in the  
22 order of precedence except for compliance with  
23 the Constitution and the Voting Rights Act.

24 And in each instance where they conflict, the  
25 legislation shall at its discretion determine

1 which takes priority.

2 I now call the speakers. You have three  
3 minutes to speak. If you get close, I'll show  
4 up a sign that says 30 seconds and then five  
5 seconds.

6 There's actually one person signed up to  
7 speak in the auditorium. That's Brett  
8 Johnson. And if that person will come forward  
9 now.

10 MR. JOHNSON: Thank you, Mr. Chairman  
11 and members of the committee. My name is  
12 Brett Johnson. I live in Boaz, Alabama, in  
13 Etowah County. I'm currently a resident of  
14 House District 30. But what I wanted to speak  
15 about is really it's a local issue to this  
16 area, which is the City of Boaz that falls  
17 into Etowah County. So I think in the packet  
18 that we were given here, probably the best map  
19 to look at would be the House District 26  
20 because it shows the area I'm talking about.  
21 House District 26 is -- primarily represents  
22 the City of Boaz that's in Marshall County and  
23 then the City of Albertville to the north of  
24 Boaz. A lot of people don't realize that  
25 there is this small portion of the Boaz city

1 limits that actually falls south of that in  
2 Etowah County.

3 So currently if you live in one of those  
4 neighborhoods just south of that House  
5 District 26 line, you could really fall into  
6 one of three Etowah County house districts,  
7 28, 29, or 30. And so really what it  
8 effectively has done is we are split in our  
9 representation in our municipality that falls  
10 in Etowah County.

11 So my recommendation, my suggestion, my  
12 request to the committee in consideration as  
13 you redraw the lines is to look at a solution  
14 that would move those residents who are in the  
15 City of Boaz but in Etowah County into one  
16 house district together. And I have a  
17 recommendation. Looking at kind of where the  
18 lines are now to kind of keep everything else  
19 at its core, it looks like House District 29  
20 would be the ideal solution for that simply  
21 because Sardis City falls into House District  
22 29. And Sardis City and that portion of the  
23 City of Boaz I would really consider  
24 communities of interest together.

25 In fact, a lot of people around this

1 area think when they're in the City of Boaz  
2 and Etowah County, they think they're in  
3 Sardis. So there's a lot of common interest,  
4 economic interest, and what have you. So that  
5 is my request.

6 I think I won't belabor the point  
7 because you've other much more important  
8 people to hear from than me. Do I open it up  
9 for questions, or am I done when I'm finished  
10 speaking?

11 MR. WALKER: Let me make sure that I  
12 understand your testimony. What you're asking  
13 is for the parts of Boaz that are not in  
14 Senate District 26 -- excuse me, House  
15 District 26 that they be combined into House  
16 District 29?

17 MR. JOHNSON: Yes. Really my primary  
18 objective is that they be combined into one  
19 house district. It could be 28, 29, 30, or  
20 26. My recommendation, if you're looking for  
21 one, would be that 29 makes the most kind of  
22 logical sense based on the communities.

23 MR. WALKER: Thank you very much.

24 MR. JOHNSON: Yes, sir. I do want to  
25 mention that I will have -- kind of have some



1 rough maps that I've drawn up and a letter of  
2 request. I'd like to submit that as well so  
3 I'll leave that I think with the  
4 representatives that are here.

5 MR. WALKER: If you would write Exhibit  
6 A on those and hand those to the  
7 representative, they'll be sent to the court  
8 reporter and included in the record of this  
9 hearing.

10 MR. JOHNSON: Thank you, sir. Thank  
11 you, Mr. Chairman and Members of the  
12 Committee.

13 MR. WALKER: Mr. Johnson is the only one  
14 in the auditorium who signed up to speak. Is  
15 there anyone else in the auditorium who would  
16 like to speak now?

17 Do you have any questions from the  
18 virtual attendees?

19 MS. OVERTON: Yes, we have one from  
20 Priscilla.

21 MR. WALKER: Priscilla?

22 MS. OVERTON: Uh-huh. Please speak to  
23 the numbers concerning the State Board of  
24 Education districts. I'm hearing that  
25 District 8 may be moved.

1 MR. WALKER: District 8 is overpopulated  
2 by 6.75 percent. So there will be some  
3 movement in its lines. The adjacent District  
4 6 and District 7 are both underpopulated but  
5 to a lesser extent than District 8 is  
6 overpopulated. But I don't think we can tell  
7 you at this time how those lines will be  
8 changed. If you have any recommendations that  
9 you want to make, now is the time to make  
10 them.

11 MS. OVERTON: She commented again that  
12 that is Etowah County that might be moved.

13 MR. WALKER: Without knowing -- I guess  
14 you're thinking that that District -- that  
15 Etowah County could be moved into District 6.  
16 And I don't think sitting here we can say that  
17 will or will not happen. If there's anything  
18 you want to say about your preferences there,  
19 now is the opportunity to say it.

20 MS. OVERTON: She says District 8 has  
21 only 11 school systems and 6 has 20 school  
22 systems.

23 MR. WALKER: Okay. We'll note your  
24 comments, District 8 has 11 school systems and  
25 6 has 20 school systems, in the record. And

1 make sure that's considered by the legislature  
2 when they look at the boundaries between  
3 District 8, District 6, and District 7, and  
4 District 2.

5 Thank you for your comments.

6 Is there anybody else who wants to  
7 comment either in the auditorium or remotely?

8 There's no further comments apparently.  
9 So thank you very much for attending today.

10 This hearing is closed. A transcript of  
11 this hearing will be prepared by the court  
12 reporter, and in approximately two weeks will  
13 be posted online where you can look at it if  
14 you wish. Thank you very much for attending  
15 today.

16 (End of proceedings 9:30 a.m.)  
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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.



Lisa Bailey, CCR #289

CCR #289, Expires 9/30/21

Commissioner for the  
State of Alabama at Large

[1,000 - combined]

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