



Deposition of:
September 2, 2021 2:00 Public 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
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5 Held via Zoom Video Conference

6 And on location at:

7 Bevill State Community College

8 2:00 p.m.

9 September 2, 2021
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14 Commissioner:

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16 Lisa Bailey

17 Certified Court Reporter

18 ACCR #289
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2 (Proceedings began, 2:00 p.m.)

3 * * * * *

4 SENATOR MCCLENDON: I'm Jim McClendon.

5 I am the Senate Chair of redistricting. To my
6 right over here is Chris Pringle. He's the
7 House Chair of redistricting. And on my left
8 is Dorman Walker. Dorman is the attorney for
9 the redistricting committee. We lost our --
10 I'm assuming y'all can still hear me.

11 Is that the case or not? Hello?

12 I need a response. I need to know if
13 you can hear me.

14 Okay. I got a yes and we can see you.

15 I want to welcome you all to this
16 redistricting public hearing. We are
17 traveling around the state. This is one of 28
18 locations. And the purpose of this is for the
19 public, everyone in Alabama that wishes to
20 have input, to have their comments heard,
21 their suggestions made to the redistricting
22 committee. We're talking about redrawing the
23 districts for Alabama Senate, Alabama House of
24 Representatives, the Alabama Congressional
25 Delegation, and the Alabama State Board of

1 Education. That's four different maps that we
2 will -- once the State gets this input and
3 consults with our state legislators, we'll
4 bring it before a special meeting of the House
5 and Senate. And it will pass into law like
6 any other.

7 Are there any elected officials I need
8 to recognize attending? I'll assume that's
9 not the case.

10 What we're going to do is take testimony
11 today from any of you who are interested in
12 giving your opinion. That testimony will be
13 taken down and entered into the record.

14 What happens over a ten-year period
15 since the last time we did this is people
16 move. The demographics are fluid. Areas that
17 met the ideal number of people in the district
18 changed. They move out; they move in. And
19 the whole idea of taking that census is to
20 find out not only how many people there are
21 but where they are so that we can try to
22 adjust the districts so that we get back
23 closer to the idea of One-person, One-vote.

24 Now, I'm going to give you some ideas on
25 what's going on in your area of the state as

1 far as changes that are going to have to be
2 made in house and senate districts. But be
3 warned, there may well be a house or a senate
4 district that has very little change in
5 population, but the adjacent district may have
6 a dramatic change and it will affect -- and it
7 has a ripple effect and it goes throughout the
8 state.

9 Let's start first with Senate District 4
10 which has lost population, actually lost 2,900
11 people in the last ten years. Now, the ideal
12 district size for a senate district is 143,551
13 people, plus or minus 5 percent. We have that
14 amount of deviation we can have on a senate
15 district. Same amount for a house district,
16 same amount for a state board district. But
17 the congressional districts have got to be
18 right on the money.

19 The next one we'll look at is Senate
20 District 5. That district has lost about
21 4,500 people so that district is going to have
22 to shrink. And then the next one is Senate
23 District 6 who has lost almost 6,000 people.
24 So you can see that those three senate
25 districts are going to have to shrink a little

1 bit in order to get matched up with the
2 population.

3 And then finally on the senate side I've
4 got Senate 21 which grew by 12,600 people. So
5 there's 12,600 people in Senate 21 in addition
6 to what was there ten years ago. So it's
7 grown. That one has really jumped outside
8 that plus or minus 5 percent. So you know
9 that district is going to be smaller. It's
10 going to shrink.

11 Let's see what else we've got. Okay.
12 Let's go to your house districts in your area.
13 The ideal size of a house district is 47,850
14 people. So House District 13 lost about 2,800
15 people. House District 14 lost about 4,400
16 people. That's a pretty substantial loss.
17 And House District 16 lost about 2,700 people.
18 So all of those are actually beyond that plus
19 or minus 5 percent deviation, and there are
20 going to have to be adjustments made. And
21 I'll jump down to House District 61 which
22 gained 3,300. And that gain puts it outside
23 the mark so that district is going to have to
24 shrink.

25 That gives you some idea of the

1 challenges we have in trying to get back to
2 the ideal One-man, One-vote ratio.

3 I'm going to turn you over now to
4 Representative Pringle to continue this
5 discussion.

6 STATE REPRESENTATIVE PRINGLE: My name
7 is Chris Pringle. I'm state representative
8 from House District 101 in Mobile. Let me go
9 over -- you'll be called to speak in the order
10 in which you signed up. You'll be given three
11 minutes. At the end of three minutes, we'll
12 go to the next speaker. But if you have more
13 to say, looks like we'll be able to get back
14 to you and you can finish your remarks. When
15 you're called, please come to the microphone,
16 state your name clearly, and tell us which
17 community or districts you represent and want
18 to speak about. If you are participating
19 remotely, send us your questions via e-mail,
20 and we'll read it into the record and answer
21 your question for you.

22 This hearing is being transcribed by a
23 court reporter who's working remotely. If you
24 have something you would like to introduce
25 into the record as an exhibit, bring it to the

1 microphone when you speak and let the hearing
2 officer know. Give it to them, and they'll
3 give it to us, and it will be attached to this
4 proceeding and become part of the permanent
5 record. Remember, this hearing deals solely
6 with the issue of redistricting and no other
7 state legislative matter.

8 Thank you.

9 Mr. Walker, it's your turn.

10 MR. WALKER: Hello and welcome to the
11 hearing. I'm Dorman Walker. I'm the hearing
12 officer for the hearing. Before we start
13 taking testimony, let me go over some of the
14 rules that the legislature itself is required
15 to follow because of state and federal
16 constitutions, laws such as the Voting Rights
17 Act, and the guidelines adopted by the
18 legislature for how it draws districts.

19 First and foremost of these, of course,
20 is that any bill passed by the legislature --
21 and redistricting plans are bills -- has to
22 comply with the federal and state
23 constitutions and, in this instance in
24 particular, with the One-person, One-vote
25 provisions and the Equal Protection Clause of

1 the Federal Constitution and with Section 2 of
2 the federal -- of the Voting Rights Act, which
3 is the workhorse section of the Voting Rights
4 Act that protects against discrimination and
5 dilution in voting rights.

6 The first thing that the legislature
7 does when it looks at districts is try to
8 equalize the districts all across the state
9 because of population shifts that inevitably
10 occur between decennial census. In order to
11 comply with One-person, One-vote, the
12 populations have to be re-equalized. If you
13 live in a district where 100 people can elect
14 a state legislator, and the district next to
15 yours, it takes 1,000 people to elect a state
16 legislator, you can see that those votes
17 aren't equal, that your vote counts for more
18 than the votes of the people in the district
19 next to yours. The principle of One-person,
20 One-vote says that everybody's vote should be
21 equal. And for that -- that's the reason why
22 we spend this time re-equalizing the
23 population of the districts. For
24 congressional districts, the population in
25 most circumstances, and I think in the

1 circumstances that apply in Alabama, have to
2 be essentially equal. For legislative and
3 State Board of Education districts, the
4 legislature has more room to maneuver. The
5 districts can be populated 5 percent above or
6 5 percent below the ideal population.

7 The ideal population is simply the
8 number of seats or districts that you have
9 divided into the state population. So, for
10 example, in the house, 105 house districts
11 divided into the state population of a little
12 more than 5 million gives you the ideal
13 population for each one of those seats. And
14 in the end, each house district will have a
15 population that is plus or minus 5 percent
16 above or below that ideal population. Having
17 that 10 percent flexibility means that we can
18 help keep counties whole. We can respect
19 communities of interest. We can do the things
20 that the legislature wants to do in its
21 guidelines. And those things are -- rather,
22 the other rules to which the legislature is
23 bound to follow are that at -- no district can
24 be drawn in a way that subordinates
25 race-neutral districting criteria to

1 consideration of race, color, or membership in
2 a language minority except if race, color, or
3 membership in a language minority may
4 predominate over race-neutral districting
5 criteria to comply with Section 2 of the
6 Voting Rights Act where the State believes
7 that it has a strong basis in evidence in
8 support of such a race-based choice.

9 A strong basis of evidence exists when
10 there's good reason to believe that race must
11 be used in order to satisfy the State's
12 obligations under the Voting Rights Act to
13 create majority and minority districts.

14 In addition to that rule, all districts
15 should be drawn to reflect the democratic will
16 of the people. Districts should be drawn on
17 the basis of total population, not citizenship
18 or anything else but total population, which
19 includes a number of people who don't actually
20 vote such as children, people who reside in a
21 district but are not residents of the
22 district. However, voting age population,
23 that is, the 18-plus population, may be taken
24 into consideration for Section 2 purposes at
25 certain times.

1 The number of Alabama state senate
2 districts is set at 35. The number of house
3 districts is set by statute at 105. The
4 constitution would allow us to have 106. All
5 districts are single-member districts which
6 means that only one official is elected from
7 each district. Contests between incumbents
8 are avoided when districts are drawn. And in
9 addition, the legislature tries to preserve
10 the core of existing districts. All districts
11 might be contiguous. That is, they must on
12 all points be in touch and contact with other
13 districts. Point-to-point and long lasso,
14 that is, contiguity down a highway, is not
15 allowed. However, contiguity across a water
16 such as river, lake, or Mobile Bay is allowed.

17 Districts shall respect communities of
18 interest, neighborhoods, 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.

25 The term "communities of interest" may

1 under certain circumstance include political
2 subdivisions such as counties, voting
3 precincts, municipalities, tribal lands,
4 reservations, and school districts. The
5 discernment weighing and balancing of the
6 various factors that contribute to communities
7 of interest is an intensely political process
8 best carried out by the elected
9 representatives of the people.

10 Districts shall be reasonably compact,
11 and the legislature shall try to minimize the
12 number of counties in each district.
13 Legislature shall try to preserve the cores of
14 existing districts. In establishing
15 legislative districts, or all districts, the
16 reapportionment committee shall give due
17 consideration to the criteria herein.
18 However, priority is to be given to compelling
19 State interest requiring equality of
20 population among districts and compliance with
21 the Voting Rights Act of 1965 as amended.

22 Before we start, let me request that if
23 there are any members of the media present,
24 they identify themselves. We like to keep
25 track of how much media coverage we have for

1 these hearings. So if there's a member of the
2 media present actually in the auditorium -- I
3 don't know if there may be some present
4 online -- and you want to identify yourself,
5 please do.

6 Okay. I have six people who signed up.
7 It looks like we have about six people in the
8 auditorium. None of you signed up to speak
9 however. Is there anyone in the auditorium
10 who wishes to speak?

11 Thank you, sir.

12 BEVILL ATTENDEE: Gentlemen, I want to
13 acknowledge the attendance at Bevill State
14 campus. We have Representative Estes and
15 Senator Allen and State board member Belinda
16 McRae.

17 Representative Estes, would you like
18 to -- Representative Estes would like to make
19 some comments.

20 MR. WALKER: Thank you. Welcome,
21 Representative.

22 REPRESENTATIVE ESTES: Hello,
23 colleagues, Senator McClendon, and
24 Representative Pringle. I just want to tell
25 you how much I appreciate the time and energy

1 you're putting into this. I'm really here
2 today just to listen and learn about the
3 process more. I know we'll have the
4 opportunity to speak publicly or privately in
5 the coming weeks as we pull all this
6 information together. I just want to tell you
7 how much I appreciate your time and let you
8 know I was in attendance today.

9 MR. WALKER: You, sir. There any --
10 have we been sent any comments from the people
11 watching virtually?

12 We have received no questions or
13 comments from the people who are watching
14 virtually. One last chance for anyone to
15 speak either virtually or present in the
16 auditorium. Anything?

17 Thank you very much. I declare this
18 hearing closed.

19 There will be a transcript of this
20 hearing posted with the transcripts of all
21 other hearings on the reapportionment
22 committee web site. Look for those in
23 approximately two weeks. Thank you very much
24 for coming.

25 (End of proceedings, 2:24 p.m.)

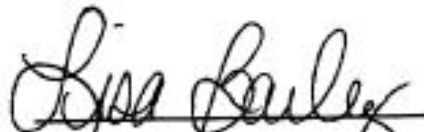
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C E R T I F I C A T E

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

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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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