

1 PERMANENT LEGISLATIVE COMMITTEE

2 ON REAPPORTIONMENT

3 PUBLIC HEARING

4  
5 DATE: SEPTEMBER 15TH, 2021

6 TIME: 9:00 AM CST

7 LOCATION: THOMASVILLE, ALABAMA

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10 Senator Jim McClendon, State Representative  
11 Chris Pringle, Attorney Dorman Walker are in  
12 attendance virtually.

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SENATOR MCCLENDON: I am Jim McClendon. I'm a state senator. My home is in St. Clair County, and I am Senate Chairman of the Committee on Redistricting and Reapportionment. We have on my right is Representative Chris Pringle. Chris is the House Chairman of Redistricting. And on my left is Mr. Dorman Walker. Mr. Walker is an attorney, and he is employed by the Redistricting Committee. He will be your hearing officer today. Every ten years a census is taken, and the purpose of the census is not only to count the number of people we have but locate them. And what we have seen happen for decades is people move, populations shift. And we are charged with the job of bringing the numbers for each district back into alignment so they are more or less equal. We are charged with redrawing the Alabama Senate districts, Alabama House of Representative districts, the Congressional districts, and the State Board of Education districts. And we're

1 here today to get your input, your comments  
2 and what suggestions you might have. Now,  
3 to give you an idea of the population, the  
4 way populations change, first I'll do the  
5 Senate districts that are in your area. An  
6 ideal size under the new census data for a  
7 Senate district is 143,551. So, we look at  
8 each of the existing Senate districts and  
9 see how they compare with that number. For  
10 example, Senate District 22 is down by  
11 12,000 -- no, up. Wait a minute. Here it  
12 is. 7,600. In other words, Senate District  
13 22 is 7,600 under the ideal size. Now, we  
14 do have a plus or minus 5% latitude with  
15 House, Senate and BOE districts. We do not  
16 have that latitude with Congressional  
17 districts. 23 is down by 24,000 people.  
18 Well, when you're that far under, we're  
19 going to have to extend those district lines  
20 to go out there and capture enough people to  
21 get them within plus or minus 5% of the  
22 ideal district size. 24, Senate 24 is down  
23 by 7,900. Senate 34 is over by 5,500. These  
24 are round numbers. Your House districts in  
25 your area, an ideal House size under the new

1 population data is 47,850. House District 64  
2 is over by 4,600. House District 65 is  
3 under by 7,200. 68 is under by 8,300. 69 is  
4 under by 5,500. I think I've got one more  
5 for you. House District 93 is under by  
6 5,200. So, you see, these districts that  
7 are under, they're going to have to change  
8 shapes. They're going to have to get bigger  
9 to capture the necessary number of people so  
10 we can honor the concept of one person, one  
11 vote. That's why we're doing this. Those  
12 districts that are overpopulated will have  
13 to shrink in size. And you can have a  
14 district that really is very close to the  
15 ideal size, but it can very well be affected  
16 by an adjacent district that has to go up or  
17 down in size. With that being said, let me  
18 introduce you to Representative Chris  
19 Pringle.

20 REPRESENTATIVE PRINGLE: Thank  
21 you, Senator. Again, my name is Chris  
22 Pringle. I'm the state representative from  
23 House District 101 in Mobile. I would like  
24 to welcome everybody this morning. Is there  
25 any elected officials in the room? Okay.

1 Well, this morning we will call people to  
2 speak in the order in which they signed up.  
3 You will be limited to three minutes. If we  
4 have time at the end, we'll let you come  
5 back up and finish. When called, please  
6 come to the microphone, state your name and  
7 community you represent, and the district  
8 you wish to speak about. Please state your  
9 name clearly and slowly and probably spell  
10 it for our court reporter so she can get it  
11 in the record. If you decide you want to  
12 speak but did not sign up, we'll ask at the  
13 end if anyone who hasn't spoken would like  
14 to. If you are participating remotely, send  
15 your questions, and we'll read them into the  
16 record for you. This hearing is being  
17 transcribed by a court reporter working  
18 remotely. If you have something you would  
19 like to introduce into the record as an  
20 exhibit, bring it to the microphone when you  
21 speak and give it to the hearing officer,  
22 and we'll have it attached to the permanent  
23 record of this committee. Today's hearing  
24 deals with the issue of redistricting only,  
25 and we're not here to discuss any other

1 issues pending before the Alabama  
2 Legislature. With that, I would like to say  
3 thank you again for coming and turn it over  
4 to our hearing officer, Dorman Walker.

5 MR. WALKER: Hello. Hello to everyone  
6 there and thank you to Coastal Alabama,  
7 Thomasville for hosting this hearing. Hello  
8 also to all of you who are participating  
9 remotely. Before taking testimony, I would  
10 like to explain some of the concepts and  
11 procedures that are followed in  
12 redistricting which may be helpful to you.  
13 The ideal population that was referred to is  
14 simply the new population of the state,  
15 which is approximately five million people,  
16 divided by the number of districts at  
17 issue. So, in order to get the ideal  
18 population for the House of  
19 Representatives, divide five million by 105  
20 districts, and that is the ideal  
21 population. And then the Legislature has  
22 the discretion to vary that population by  
23 more than 5% or less than 5% for a total  
24 range of 10%. The advantage of having that  
25 discretion gives the Legislature the

1 opportunity to keep counties or  
2 municipalities or communities of interest  
3 whole. It gives the drawers a little leeway  
4 in how they draw lines if they don't have to  
5 be quite so mathematically precise. As  
6 Representative Pringle said, all of the  
7 hearings are being transcribed, and the  
8 transcriptions of these hearings with their  
9 exhibits will be posted on the  
10 Reapportionment Committee's website. To get  
11 to that, simply Google "Alabama  
12 Legislature," and there will be a drop-down  
13 tab for redistricting. Click on that, and  
14 you can follow that to the web page for  
15 where you can find the transcripts. And I  
16 would like to note that Senator Singleton  
17 has joined us today. He's coming in now.  
18 And he is off the screen, but I promise you  
19 he's here, as he has been on, I believe, all  
20 the other hearings, too. The committee will  
21 take consideration of the comments received  
22 in these hearings as it draws plans. And  
23 it's particularly helpful to hear -- for the  
24 committee to hear and for the record to  
25 include statements about what communities of

1 interests should be respected, where  
2 boundary lines should be drawn. And that  
3 sort of information is particularly helpful  
4 to the committee. The committee plan will  
5 be introduced as a bill, the redistricting  
6 plan introduced as a bill. Other  
7 legislators may also introduce plans. So,  
8 there could be a variety of plans that will  
9 be introduced into the Legislature. And  
10 those will be subject to public hearings.  
11 And I know the Legislature will -- will the  
12 hearings be live streamed, too?

13 MR. MCCLENDON: Yes.

14 MR. WALKER: So, the hearing before  
15 the Reapportionment Committee will be live  
16 streamed, as well as the expected special  
17 session that would be called to deal with  
18 redistricting. And it has to be a special  
19 session because the Legislature can't wait  
20 until next spring until the next legislative  
21 session to get these districts in place  
22 because we have got elections coming up.  
23 So, no one knows quite when the next --  
24 when the special session will be called  
25 except, I suppose, for the Governor and her



1 advisors. She gets to call it. But maybe  
2 sometime in the latter part of October. I  
3 would like also to review with you the rules  
4 that the Legislature has to follow when it  
5 draws districts. It can't just draw  
6 districts in any particular way it wants.  
7 It has to follow some rules. Some are  
8 requirements of the state or federal  
9 constitution or statutes and some are  
10 guidelines, race-neutral guidelines that the  
11 Legislature has adopted for itself. And  
12 this is pretty much the process with  
13 Legislatures or with redistricting  
14 committees across the country. First is the  
15 over-arching requirements of one person, one  
16 vote, which is just a fancy way of saying  
17 population among all the districts when we  
18 finish redistricting should be equal or  
19 approximately equal. And the second is that  
20 plans can't be discriminatory on the basis  
21 of race, color, or member in a language  
22 minority group. That language comes to us  
23 from the Voting Rights Act. So, following  
24 all of that -- and the Reapportionment  
25 Committee will not approve a plan, the

1 Legislature will not approve a plan that  
2 does not meet those two over-arching,  
3 non-negotiable requirements. In drawing  
4 districts, no district will be drawn in a  
5 manner that subordinates race-neutral  
6 districting criteria. And, again, I'll go  
7 over those with you in a second. To  
8 considerations of race, color or membership  
9 in a language minority group except that  
10 race, color or membership in a language  
11 minority group may predominate over  
12 race-neutral districting criteria as  
13 necessary to comply with Section 2 of the  
14 Voting Rights Act. Section 2 of the Voting  
15 Rights Act is the provision of the Voting  
16 Rights Act that forbids discrimination in  
17 matters affecting voting. Provided there is  
18 a strong basis in evidence in support of  
19 such a race-neutral choice. A strong basis  
20 in evidence exists when there is good reason  
21 to believe race must to be used to satisfy  
22 the Voting Rights Act. Excuse me please.  
23 Other rules are that districts must be  
24 reasonably compact. Compact is a relative  
25 term. Obviously, a House district is going

1 be more compact than a Congressional  
2 district. All districts must be drawn to  
3 reflect the democratic will of the people,  
4 which is one of the reasons for these  
5 hearings, so that the Legislature and  
6 committee can receive testimony about how  
7 the districts should be re-drawn. Districts  
8 are drawn on the basis of total population.  
9 The Census Bureau reports population in many  
10 different ways, but total population, that  
11 is everybody who was in the district on the  
12 census day, that is April 1 of 2020, is  
13 counted. And that will include a lot of  
14 people who can't vote: Children, people who  
15 no longer have the right to vote, people who  
16 were residing in the district but were not  
17 residents, people who were not citizens of  
18 the United States. Nevertheless, total  
19 population is how districts are drawn, and  
20 have been drawn traditionally, although at  
21 times we might look at a subset of total  
22 population called voting age population. And  
23 that is population that is eighteen and  
24 older. That is people entitled to vote.  
25 Voting age population doesn't tell us

1 anything about who is actually registered to  
2 vote or whether those people actually vote,  
3 but it just tells us the voting potential.  
4 And VAP may be -- VAP is voting age  
5 population. VAP may be considered as  
6 necessary to comply with Section 2 of the  
7 Voting Rights Act and with the Equal  
8 Protection Clause and other federal and  
9 state laws. The Legislature has to draw 35  
10 Senate districts, and it has to draw 105  
11 House districts, although the constitution  
12 would allow 106. All districts are  
13 single-member districts. In some places in  
14 the state -- well, in the country, there are  
15 multi-member legislative districts, for  
16 example, where one district may elect  
17 several people. In Alabama, all of the  
18 districts that we're drawing, Congressional,  
19 State Board of Education, the House and  
20 Senate, are single-member districts. Only  
21 one person is elected from them. When the  
22 Legislature draws districts, contests  
23 between incumbents are to be avoided and  
24 contiguity among districts is required.  
25 That means that every point on the boundary

1 of a district must be in touch with either  
2 another point on an opposing district or the  
3 boundary of the state. Contiguity across  
4 water is allowed. If you are looking at a  
5 district that is bisected by a river or a  
6 lake or by maybe even Mobile Bay, the water  
7 is okay. That doesn't destroy contiguity.  
8 Finally, districts shall respect communities  
9 of interest, neighborhoods, and political  
10 subdivisions to the extent practicable. A  
11 community of interest is defined as an area  
12 with recognized similarities of interest,  
13 including but not limited to ethnic, racial,  
14 economic, tribal, social, geographic, and  
15 historical identities. The term  
16 "communities of interest" may in certain  
17 circumstance include political subdivisions,  
18 such as counties, voting precincts,  
19 municipalities, tribal lands and  
20 reservations, or school districts. The  
21 discernment, weighing and balancing of the  
22 varied factors that contribute to the  
23 communities of interest is an intensely  
24 political process best carried out by  
25 elected representatives of the people.

1 Districts are supposed to be reasonably  
2 compact. The districts should preserve the  
3 cores of existing districts. The Legislature  
4 should try to minimize the number of  
5 counties in each district. And in  
6 establishing legislative districts, the  
7 Reapportionment Committee and the  
8 Legislature shall give due consideration to  
9 all of the criteria. However, priority is  
10 given to the compelling state interest  
11 requiring equality of population among  
12 districts and complying with the Voting  
13 Rights Act as amended, should the  
14 requirement of those criteria conflict with  
15 any other criteria. Finally, the  
16 criteria -- race-neutral criteria  
17 identified are not listed in order of  
18 precedence, and in each instance where they  
19 conflict, as inevitably they do, the  
20 Legislature shall at its discretion  
21 determine which one takes priority. I'm  
22 going to open the hearing for testimony now,  
23 and we have six people who have signed into  
24 the hearing. I see actually seven people on  
25 the screen. But no one indicated that they

1 want to speak. Is there anyone present in  
2 the hearing who would like to speak, who  
3 would like to -- oh, eight people -- who  
4 would like to give guidance to the  
5 Legislature about how the new boundaries  
6 should be drawn given the changes that your  
7 districts will have to undergo as described  
8 by Senator McClendon? Anyone there who  
9 would like to speak please come up to the  
10 podium or the microphone. Yes, sir.

11 Welcome.

12 MR. JACKSON: (Inaudible) Jackson.  
13 Can you hear me?

14 MR. WALKER: Yes, sir, Mr.  
15 Jackson. Would you state your name for the  
16 record?

17 MR. JACKSON: Chairman --  
18 (inaudible.) My concern is losing people in  
19 our districts down in the southwest corner.  
20 How much do we maintain, the wholeness of  
21 our county lines and our city boulders. I  
22 live in Thomasville, and my city is divided  
23 between (inaudible) and 65.

24 MR. WALKER: Is he breaking up?

25 MR. JACKSON: (Inaudible). My

1 concern is keeping (inaudible) as much  
2 maintained as we can. (Inaudible.)

3 MR. WALKER: Mr. Jackson, hang on  
4 just a second, please. Court Reporter, are  
5 you able to make out what he's saying?

6 THE COURT REPORTER: I'm  
7 struggling. There are parts that are not  
8 coming in clearly.

9 MR. WALKER: Okay. Mr. Jackson,  
10 would you mind starting over, stating your  
11 name clearly for the record, and maybe speak  
12 closely to the microphone? You were coming  
13 in and out. I apologize.

14 MR. JACKSON: I am Thomas  
15 Jackson. T-h-o-m-a-s J-a-c-k-s-o-n.

16 MR. WALKER: Thank you.

17 MR. JACKSON: And I represent  
18 District 68.

19 MR. WALKER: Yes, sir.

20 MR. JACKSON: Clark, Conecuh,  
21 Marengo, and Monroe counties. And as I  
22 listened to Chairman McClendon, it was the  
23 numbers of loss in District 68, 69, my  
24 concerns were how much community wholeness  
25 we maintain after the loss. Where do we go,



1 Senator, to pick up the loss? We can't go  
2 to the north because they loss on the north  
3 side. So, preparing this appropriation --  
4 the reapportionment, how do we go and what  
5 directions do we travel in to maintain that  
6 number that you have given us that we must  
7 maintain?

8 MR. WALKER: Well, Representative  
9 Jackson, you, I guess, have not yet met with  
10 Randy Heideman, but I'm sure you have got  
11 that meeting coming up. And that is exactly  
12 the type of thing that you should discuss  
13 with him. And I think he and you can work  
14 something out together on that.

15 MR. JACKSON: Thank you so much.  
16 And I was thinking, also, how are we going  
17 to implement the districts as it relates  
18 down past -- you put most of the black  
19 people in the same district. They get  
20 packed. How much leeway do we have that is  
21 going to spread people out to get the  
22 numbers that we really need to have one man,  
23 one vote?

24 MR. WALKER: Thank you for your  
25 comments Representative Jackson. Is there

1 anyone else there who wishes to speak?

2 MS. OVERTON: There are no  
3 comments or questions in the chat.

4 MR. WALKER: There are several  
5 people who are attending this meeting  
6 virtually. If you would like to ask a  
7 question or comment, raise your hand or  
8 submit a comment by chat. We will give you  
9 just a minute or two to do that if you want  
10 to. If there is anybody in the auditorium  
11 who wants to speak, now is your chance.  
12 Anybody?

13 MS. OVERTON: No, no one.

14 MR. WALKER: No one who is  
15 attending virtually has raised their hand or  
16 submitted a comment, and no one who is in  
17 the auditorium has indicated a desire to  
18 speak. So, thank you for coming. Thank you  
19 for --

20 SENATOR MCCLENDON: There is a  
21 lady walking up.

22 MS. OVERTON: There is a lady.

23 MR. WALKER: Is she coming up to  
24 speak? Okay. We have got a speaker. Yes,  
25 ma'am. Welcome. Would you state your name,

1 please?

2 MS. HUTSON: Yes. I'm Barbara  
3 Hutson. I'm a citizen of Thomasville,  
4 Alabama. I represent a number of civic  
5 organizations that encompass Representative  
6 Jackson's area, as well as other areas,  
7 including Wilcox County, Morengo County, and  
8 Clarke County. Lots of concerns in terms of  
9 infrastructure and other issues that will be  
10 impacted by your decision, but I would first  
11 like for you-all to respectfully answer  
12 Reverend -- Representative Jackson's,  
13 question, please, to the best of your  
14 ability.

15 MR. WALKER: What question?  
16 Could you repeat the question as you  
17 understood it? I'm not sure we understood  
18 there was a question.

19 MS. HUTSON: I think his question  
20 was how you were going to redistrict the  
21 areas that he represents and not, you know,  
22 kind of propose race and certain classes of  
23 people in certain districts. Is that  
24 correct? And I'm sure he will be happy to  
25 come up and redirect those questions if you

1 need him to.

2 MR. WALKER: Okay. Let me say  
3 that in the past, by which I mean in the  
4 2010 and 2000 and 1990 districting cycles  
5 that I participated in, it was the common  
6 understanding of the obligation under  
7 Section 2 of the Voting Rights Act and  
8 Section 5 of the Voting Rights Act, which is  
9 not applicable in this redistricting cycle  
10 because of a Supreme Court decision several  
11 years ago, that you would draw the districts  
12 that were going to be majority/minority  
13 districts first. That is, minority black  
14 districts first. And you would draw those  
15 to make sure that they had what was  
16 considered the appropriate level of black  
17 voting age population, maybe 65, maybe 55,  
18 maybe 52, depending upon what evidence you  
19 had, to ensure that the black members of  
20 that district had an equal opportunity to  
21 access and participate in the electoral  
22 process and elect their candidate of  
23 choice. Because of changes in the Supreme  
24 Court law in three major decisions since  
25 2010, it's pretty clear now that we can't

1 look at race when we draw districts, that  
2 districts have to be drawn -- the computer  
3 could display race, but we don't allow that  
4 to be turned on. We just look at total  
5 numbers of people. And once the map is  
6 drawn, we may step back and see if we need  
7 to look at race, as I indicated when I was  
8 talking about the race-neutral criteria, in  
9 order to comply with the requirements of  
10 Section 2 of the Voting Rights Act. And we  
11 would do that only after determining that  
12 the district has complied or can meet the  
13 certain requirements set forth in a case  
14 called Jingles and do a functional analysis  
15 of the district. And then at that point, we  
16 might make race-conscious decisions to add  
17 additional black citizens to a district in  
18 order to ensure that it has BVAP that allows  
19 the citizens of that district the ability to  
20 participate in the electoral process. So,  
21 that is the process that we're using now.  
22 We are drawing districts without regard to  
23 race, although I'll say that, obviously,  
24 there are places in the state where if you  
25 draw a district just on the basis of

1 geography you're going to wind up with a  
2 fairly high black population. It's not  
3 because blacks are packed into the district  
4 on intent, it's just that is where they  
5 live, and there will be high populations in  
6 the adjoining districts too because of  
7 demographics and geography. I'm not saying  
8 that packing doesn't exist. What I'm saying  
9 is sometimes you get naturally high black  
10 populations simply because of the housing  
11 patterns that exist. If that -- that is my  
12 best answer to the question as I understand  
13 it. If there is any follow-up, let me  
14 know. Okay. Anyone?

15 MS. OVERTON: Yes. We have two  
16 questions in the chat.

17 MR. WALKER: Oh. Good. We have two  
18 questions in the chat.

19 MS. OVERTON: The first comes from  
20 Kathryn Davies. "Can someone please explain  
21 who was drawing the maps for the committee?  
22 Have you hired a professional cartographer?"

23 MR. WALKER: The maps are being  
24 drawn by the legislators in consultation  
25 with Randy Heideman, who is a map drawer who

1 has assisted the Legislature previously. In  
2 addition, individual legislators may be  
3 drawing their own maps. And whether they  
4 are or not is a matter that they can keep  
5 confidential to themselves until they decide  
6 to submit a plan. They may be working with  
7 a demographer. I suspect that anyone who is  
8 working on a plan is working with a  
9 demographer. That is just kind of the  
10 nature of the beast. We know that there is  
11 an outside plan, I'll call it, proposed by  
12 the League of Women Voters that suggests  
13 that there should be no majority black  
14 districts in Congress but instead should be  
15 two opportunity districts in which, I  
16 believe, Representative Sewell's district  
17 would be about 40.44% black voting age  
18 population and the other -- there would be  
19 two districts. The other opportunity  
20 district is I think at about  
21 forty-five-point-something percent black  
22 voting age population. And I'm sure that  
23 they worked with a demographer, too, on  
24 that. So, there probably will be other  
25 plans introduced as well as the one that

1 will be introduced by the Committee. What  
2 the Legislature will do in the end, of  
3 course, only the Legislature knows.

4 MS. OVERTON: The second question  
5 comes from Felicia Petty. "If you can't  
6 look at race when you're drawing the maps,  
7 then how would you know where black citizens  
8 are and need to have a majority/minority  
9 districts drawn?"

10 MR. WALKER: Well, you don't. You  
11 don't address that issue until you have  
12 completed drawing the map. And then you may  
13 step back and see if any adjustments need to  
14 be made to comply with Section 2.

15 MS. OVERTON: There are no other  
16 questions.

17 MR. WALKER: Okay. Last call.  
18 There being no further questions, thank you  
19 very much for your participation today.  
20 It's important. And thank you for Coast  
21 Alabama, Thomasville campus for hosting  
22 this. Have a good day. This hearing is  
23 closed.

24

25 (Hearing concluded.)



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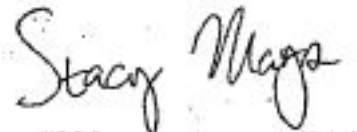
CERTIFICATE

STATE OF ALABAMA  
LAUDERDALE COUNTY

I hereby certify that the above and foregoing proceedings were 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 testimony 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.

Signed the 28th day of September, 2021



Stacy Mays

Alabama CCR #229. Expires 9/30/2021

<b>1</b>	<b>6</b>	25:3,22	<b>believe</b> 7:19 10:21 23:16
<b>1</b> 11:12	<b>64</b> 4:1	<b>alignment</b> 2:20	<b>best</b> 13:24 19:13 22:12
<b>10</b> 6:24	<b>65</b> 4:2 15:23 20:17	<b>allow</b> 12:12 21:3	<b>bigger</b> 4:8
<b>101</b> 4:23	<b>68</b> 4:3 16:18,23	<b>allowed</b> 13:4	<b>bill</b> 8:5,6
<b>105</b> 6:19 12:10	<b>69</b> 4:3 16:23	<b>allows</b> 21:18	<b>bisected</b> 13:5
<b>106</b> 12:12	<b>7</b>	<b>amended</b> 14:13	<b>black</b> 17:18 20:13 20:16,19 21:17 22:2,9 23:13,17,21 24:7
<b>12,000</b> 3:11	<b>7,200</b> 4:3	<b>analysis</b> 21:14	<b>blacks</b> 22:3
<b>143,551</b> 3:7	<b>7,600</b> 3:12,13	<b>answer</b> 19:11 22:12	<b>board</b> 2:25 12:19
<b>15th</b> 1:5	<b>7,900</b> 3:23	<b>answers</b> 25:8	<b>boe</b> 3:15
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