

1 PERMANENT LEGISLATIVE COMMITTEE

2 ON REAPPORTIONMENT

3 PUBLIC HEARING

4
5 DATE: SEPTEMBER 15TH, 2021

6 TIME: 2:00 pm CST

7 LOCATION: GADSDEN, ALABAMA

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9
10 Senator Jim McClendon, State Representative
11 Chris Pringle, Attorney Dorman Walker are in
12 attendance virtually.

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1 SENATOR MCCLENDON: Hello
2 everybody. Glad to have you. I am Jim
3 McClendon, state Senator. My home is in St.
4 Clair County. I am the Senate Chair of the
5 Redistricting and Reapportionment Committee.
6 To my right is State Representative Chris
7 Pringle. He is our House Chair. To my left
8 is Attorney Dorman Walker. He is employed
9 by the Redistricting Committee. And he will
10 be your hearing officer today. Every ten
11 years we get new census data, and when we
12 get the data, that tells us not only how
13 many people there are or there aren't, but
14 it also helps identify where they're
15 located. And as populations shift, which
16 they do, not only in Alabama but all across
17 our country, people move generally from
18 rural areas towards urban and suburban
19 areas, we have to redraw the districts in
20 order to try to reestablish the concept of
21 one person, one vote. Our job here deals
22 with the redistricting maps for the
23 Congressional district, for the State Board
24 of Education districts, for Alabama Senate
25 districts and Alabama House of

1 Representative districts. Certainly, we will
2 welcome your comments and suggestions on how
3 we need to go about doing that. And we have
4 been joined, by the way, by Senator Bobby
5 Singleton, who has been with us most of the
6 time. We have done twenty-something of these
7 hearings, and Senator Singleton has been
8 with us most of the time. Let me give you
9 some ideas in your area of the state where
10 population changes have occurred. First, an
11 ideal Senate district, based on the new data
12 from the Census Bureau, would be 143,551.
13 An ideal House district based on the new
14 information is 47,850. Now, in your
15 particular area, let's look at Senate
16 districts first. Senate District 8 is up.
17 You have a population increase of 1,082.
18 Senate District 9 has lost 458 people.
19 Senate District 10 has lost 7,200. And 12
20 has lost 9,237. Now, of course, what that
21 means, when a district has lost population,
22 we're going to have to change the boundaries
23 of that district and probably expand it out
24 in order to capture the necessary people to
25 get it back within plus or minus 5% of the

1 ideal district size. We're given that plus
2 or minus 5 -- they call that the
3 deviation -- for House and Senate districts
4 and Board of Education. We're not allowed
5 that with Congressional districts, by the
6 way. Now, some of your House districts,
7 I'll give you some numbers there. House
8 District 24 lost about 15-, 1,600 people.
9 House 26 lost 500. These are round numbers.
10 House 28 lost about 4,800. 29 lost about
11 1,900. And 30 lost 124. House District 34
12 lost 979. I've got two more for you. House
13 District 39 lost 3,300. House District 40
14 lost about 600 people. So, with that being
15 said, let me turn you over now to State
16 Representative Chris Pringle, the House
17 Chairman of Redistricting. Thank you.

18 REPRESENTATIVE PRINGLE: Thank
19 you, Senator. Again, my name is Chris
20 Pringle. I'm the Chairman of the House
21 Committee on Reapportionment, and I
22 represent House District 101 out of Mobile.
23 I'd like to welcome you all. Today we will
24 call you in the order in which you signed up
25 to speak. Each speaker will be limited to

1 three minutes. If you need more time, we
2 will come back around to you. When called,
3 please come to the microphone, clearly state
4 your name and spell it. And tell us which
5 community you represent and/or district or
6 districts you wish to speak about. If you
7 decide you want to speak but did not sign
8 up, we'll ask at the end if there is anyone
9 who hasn't spoken that would like to speak.
10 If you are participating remotely, send us
11 your questions, and we'll read them into the
12 record. The hearing is being transcribed by
13 a court reporter working remotely. If you
14 have something you would like to introduce
15 into the record as an exhibit, bring it to
16 the microphone when you speak and let the
17 hearing officer know. They'll get that
18 information to us, and we'll attach it and
19 make it a part of the permanent record of
20 these hearings. Today's hearings are to
21 deal with the issue of redistricting solely.
22 We are not here to discuss any issue pending
23 before the Legislature outside of
24 redistricting. With that, I'll turn it over
25 to Mr. Dorman Walker, who will be the

1 hearing officer. Thank you.

2 MR. WALKER: Thank you,
3 Representative Pringle. Welcome. Thank you
4 particularly to Gadsden State -- excuse me.
5 Thank you particularly to Gadsden State for
6 hosting this hearing. Thank you for those
7 who are in attendance at Gadsden State and
8 in attendance virtually. Your attendance is
9 very important, and we appreciate your
10 participation in the process. Before we
11 start taking testimony, I'd like to go over
12 some of the principles that relate to
13 redistricting and some of the rules that the
14 Legislature has to follow when it draws
15 districts. Senator McClendon discussed the
16 ideal population of the districts, and if
17 you're not familiar with that term, it's
18 simply the population of the state, the new
19 population of the state from the 2020
20 census, divided by the number of districts.
21 So, the new population of the state is
22 approximately 5 million and I think it was
23 one hundred
24 twenty-four-thousand-and-some-odd people.
25 I'm going to round that to 5 million. To get

1 the ideal population for a House district,
2 you would take 105 districts and divide that
3 into 5 million. For Senate, 35 Senate
4 districts, divide that into 5 million. And
5 the same for the eight State Board of
6 Education or the seven Congressional
7 districts. The job of the Legislature in
8 redistricting is to equalize, or
9 approximately equalize, depending upon the
10 type of district, the population among
11 districts because of demographic shifts that
12 have occurred over time. And generally in
13 Alabama, urban areas are growing and rural
14 areas are declining in population unless
15 they happen to be immediately adjacent to an
16 urban area. That is a long-term trend. I
17 forgot to ask. Before we get started, are
18 there any members of the media present in
19 the auditorium at Gadsden State? If you
20 are, would you mind standing and identifying
21 yourself? We just like to keep track of
22 media coverage, if there is any. Okay. I
23 don't see anyone. So, that is ideal
24 population. And as Senator McClendon said,
25 there is deviation allowed. That allows --

1 puts a little play in the system so that the
2 Legislature when it draws districts can try
3 to keep counties whole, try to keep
4 communities of interest whole, which it
5 might not be able to do if it had to draw to
6 narrower tolerances with regard to deviation
7 of population. This hearing, like all the
8 hearings we've had over the last two weeks,
9 is being transcribed. And the hearings will
10 shortly be posted on the Redistricting
11 office's -- Redistricting Committee's web
12 page. To get there, just Google "Alabama
13 Legislature." There will be
14 a tab for Redistricting. Click on that, and
15 that will lead you to the transcripts for
16 each of the hearings we're having. Our
17 hearings will close out tomorrow. You will
18 be able to see the transcripts as well as
19 any exhibits that were introduced, as well
20 as comments that were received throughout
21 this process, if you're interested in that.
22 The legislators and map drawers are also
23 here paying attention to these comments that
24 we receive. And legislators, Congressional
25 staffers, State Board of Education members

1 are meeting with the map drawer to start
2 talking about what changes they would like
3 to see or could agree with in their
4 districts. Some will be losing population;
5 some will be gaining population. Of course,
6 no individual legislator can act on her or
7 his own. They have to do it in conjunction
8 with their adjoining legislator. So, that
9 takes some coordination. But at some point a
10 new map will emerge with a new district plan
11 for Congress, for the State Board of
12 Education, for the House and Senate
13 Legislature. And those will be put forth as
14 Committee plans when a new -- excuse me --
15 when a special Legislative session is
16 called. We don't know, at least I don't
17 know, when that special Legislative session
18 will be called. Rumor is it will be sometime
19 at the end of October, but that is the
20 prerogative of the Governor, and she has not
21 announced that yet. As soon as the special
22 session is called, members can start
23 prefiling, if they wish to, their bills.
24 And districting plans will be introduced as
25 bills. And you would be able to go back

1 into -- back to the Legislative web site and
2 within the House or the Senate go to
3 prefiled bills and see the plans that have
4 been submitted. In addition to the plan
5 being drawn by the Committee, other plans
6 will be submitted as well. There is a
7 Congressional plan that has whole counties
8 and no majority black districts but two what
9 are called opportunity black districts, one
10 at about 40.55% black voting age population,
11 and the other one at about 45. That plan by
12 the Women League of Voters has been
13 submitted and will be sponsored by Senator
14 Singleton and introduced into the
15 Legislature for consideration in that
16 manner. Other people have indicated that
17 they are drawing plans. If you want to draw
18 a plan, there are numerous resources that
19 you can use to do that. I think Dave's
20 Redistricting is a web site. That is called
21 Dave's Redistricting. Or you could use the
22 facilities at ASU or at any of the Southern
23 Regional Development Centers also have
24 Maptitude. But to have your plan considered
25 by the Legislature, it has to have a

1 legislative sponsor. Anyway, once the
2 Legislature convenes in a special session,
3 there will be hearings of the Committee, at
4 which plans will be discussed. And then they
5 will be sent or not sent, as the case may
6 be, to the Legislature for consideration by
7 the body as a whole. All of that, the
8 Committee meetings and the legislative
9 sessions themselves, will be live streamed
10 and -- are they open to the public given or
11 current corona status?

12 REPRESENTATIVE PRINGLE: We don't
13 know if we are going to have a virus problem
14 or not. (Inaudible.)

15 MR. WALKER: We don't know at this
16 time whether --

17 REPRESENTATIVE PRINGLE: They are
18 going to have them open and signs if you're
19 vaccinated.

20 MR. WALKER: Okay. Representative
21 Pringle says the announcement has been made
22 that the Committee meetings and session will
23 be open to the public. If you're vaccinated,
24 you don't have to wear a mask. If you're not
25 vaccinated, you do have to wear a mask. So

1 be aware of that if you want to come. But
2 you can also watch it live streamed. When
3 the Legislature draws districts, it can't
4 just draw them in any way it prefers. It has
5 to comply with State and Federal
6 Constitutional and statutory requirements,
7 as well as traditional districting criteria,
8 non discriminatory traditional districting
9 criteria that the Legislature has voted on
10 as rules for drawing districts. And let me
11 go over those with you. They sometimes
12 explain why things can and cannot be done.
13 Overarching everything are two
14 non-negotiable requirements. One is that as
15 a result of redistricting there must be
16 equal population or in some circumstances
17 approximately equal population among all the
18 districts, among all the House districts,
19 among all the Senate districts. Whatever
20 type district you have, they all have to be
21 about equally populated or equally
22 populated. The other non-negotiable is that
23 plans that are adopted can't be
24 discriminatory. The Legislature will not
25 and the Committee will not act upon, the

1 Legislature will not act upon a plan that it
2 perceives is discriminatory. Now, that
3 doesn't mean that there won't be lawsuits,
4 because there always are lawsuits. But it
5 does mean that no one has perceived it to be
6 discriminatory at the time of passage, at
7 least the majority has not. In addition, no
8 district is drawn in a manner that
9 subordinates race-neutral districting
10 criteria, which I will tell you about in a
11 second, to considerations of race, color, or
12 membership in a language minority group
13 except that race, color -- considerations of
14 race, color, or membership in a language
15 minority group may predominate over
16 traditional districting criteria in order to
17 comply with Section 2 of the Voting Rights
18 Act provided that the State has a strong
19 basis in evidence in support for such a
20 race-based choice. A strong basis in
21 evidence exists when there is good reason to
22 believe that race must be used in order to
23 satisfy the Voting Rights Act. In other
24 words, districts are drawn without regard to
25 race, and then after the map is drawn, if

1 certain circumstances are met, then race may
2 be considered to make final adjustments to
3 the districts. All districts must be --
4 these are the traditional districting
5 criteria: All districts must be
6 reasonably compact. That is a
7 relative term. Obviously, Congressional
8 Districts are going to be much larger than
9 House districts. Districts should reflect
10 the sovereignty of the people, which is one
11 of the reasons for these hearings, so that
12 the Legislature can have a sense of how
13 districts should be redrawn. Districts are
14 drawn on the basis of total population. The
15 census reports population in many different
16 forms, the Census Bureau. For example, we
17 could get the population of the state that
18 simply gives us people who have graduate
19 degrees or people who work in agriculture.
20 But those would not be very useful for
21 drawing districts. Instead we use total
22 population. And total population is,
23 perhaps, a bit of an anomaly itself because
24 it includes a great deal of people who can't
25 vote at all: Children, people under

1 eighteenth, people who have lost the right to
2 vote, people who are living in Alabama but
3 are not residents, or people who are not
4 citizens of the country. Those people don't
5 have the right to vote, but nevertheless,
6 they are counted in the total. And that is
7 the way it has been traditionally for a very
8 long time. Under certain circumstances,
9 voting age population, in particular black
10 voting age population, may be considered to
11 make final adjustments to districts. But
12 usually redistricting is done on the basis
13 of total population. The Legislature has to
14 draw 35 new Senate districts and 105 new
15 House districts, although the Constitution
16 would allow 106 House districts. All
17 districts have to be single-member
18 districts. There are places in the country
19 where there are multi-member districts where
20 multiple members are elected from the same
21 district. We don't have that here in
22 Alabama. All of these districts, only one
23 person is elected from each one of them.
24 When drawing districts, contests between
25 incumbents is to be avoided and contiguity

1 among districts is required. That means
2 that every point on the boundary of a
3 district must be tangent to a point of an
4 adjoining district or to the boundary of the
5 state. Contiguity across water is permitted.
6 So, if a district is bisected by a river or
7 by a lake or by the Gulf or the Bay, rather,
8 that counts. That doesn't destroy
9 contiguity. Districts shall respect
10 communities of interest to the extent
11 practicable, including neighborhoods,
12 political subdivisions. And a community of
13 interest is defined as an area with
14 recognized similarities of interests, such
15 as ethnic, racial, economic, tribal, social,
16 geographic, or historical identities. The
17 term "community of interest" can at times
18 also include political subdivisions, such as
19 counties, voting precincts, municipalities,
20 tribal lands, and reservations, and school
21 districts. The discernment, weighing, and
22 balancing of the very factors that
23 contribute to communities of interest is an
24 intensely political process best carried out
25 by the elected representatives of the

1 people. Districts should be reasonably
2 compact. The district shall try to minimize
3 the number of counties in each district --
4 the Legislature. The Legislature will try to
5 preserve the cores of existing districts. In
6 establishing legislative districts, the
7 Reapportionment Committee and the
8 Legislature try to give due consideration to
9 all of these criteria. However, priority is
10 given to the compelling State interest
11 requiring equality of population among
12 districts in compliance with the Voting
13 Rights Act of 1965 as amended should the
14 requirements of those criteria conflict with
15 any other criteria. With regard to the
16 race-neutral traditional districting
17 criteria that I mentioned, they are not
18 listed in order of precedence, and in each
19 instance when they conflict, the Legislature
20 shall at its discretion determine which
21 takes priority. An example of that would be
22 the City of Wetumpka. One of the guidelines
23 is that districts shall contain as few
24 counties possible, and on the other hand,
25 the City of Wetumpka is a community of

1 interest that straddles two counties. So, at
2 that point the Legislature has to decide
3 does it respect the community of interest
4 that is Wetumpka or does it split one of
5 those counties. Either way, it's going to
6 have a problem respecting both of these
7 criteria. So, that is an example of where
8 the Legislature has to make a decision as to
9 which one takes precedence. I'm going to
10 call now on speakers. I'll call first on
11 speakers that are in the auditorium at
12 Gadsden State main campus, and then I will
13 call for speakers who are attending the
14 hearing remotely. If you are attending the
15 hearing remotely and you wish to speak,
16 please either raise your hand or send a
17 comment via chat and we'll read it into the
18 record. The first person who has signed up
19 to speak is Fred Zachary. I think that is
20 the last name. Mr. Zachary, if you would
21 come up and speak, please, up to the
22 microphone.

23 HEARING COORDINATOR: He is no
24 longer present.

25 MR. WALKER: Oh, okay. Thank you. I

1 hope it's not something I said. Kent Black?

2 Is Mr. Black there?

3 HEARING COORDINATOR: Yes, he
4 is.

5 MR. WALKER: Welcome, Mr. Black.

6 MR. BACK: Thank you. My name is
7 Kent Back. It's K-e-n-t, last name is
8 B-a-c-k.

9 MR. WALKER: Sorry.

10 MR. BACK: That is okay. I get
11 that quite often. I am actually reading
12 this on behalf of a friend of mine that
13 could not be here today. This is in regard
14 to the Board of Education. I'm assuming
15 that is permissible to do that.

16 MR. WALKER: Yes. Totally. In
17 fact, if you would like, you can give your
18 written statement to the coordinator there
19 who will send it to us, and it will be
20 attached as an exhibit to the transcript for
21 this hearing.

22 MR. BACK: Okay. Do I --

23 MR. WALKER: Go ahead and read it,
24 too.

25 MR. BACK: Oh. Okay. All

1 right. All right. "Members of the
2 Legislature Redistricting Committee, first
3 let me express my gratitude for taking the
4 time to hear from the general public in
5 regard to redistricting in our state. Like
6 the majority of people in Alabama, I had
7 never looked at it closely until the 2020
8 data was released and I had a personal
9 interest in the matter. The district
10 drawing is complex, and in very ordinary
11 terms, just a mess. So much of it makes no
12 sense to me. Why would you split Limestone
13 County in such a way that Elkmont High
14 school and it's elementary school are in two
15 districts?" Can you still hear me?

16 MR. WALKER: No. No. You've
17 dropped out.

18 MR. BACK: Okay.

19 MR. WALKER: We lost you after
20 "Elkmont High School."

21 MR. BACK: All right. I think
22 we're working on that.

23 MR. WALKER: All right.

24 MR. BACK: Am I back?

25 MR. WALKER: Yes, you are.

1 MR. BACK: Okay. "Why would you
2 split Limestone County in such a way that
3 Elkmont High School and its elementary
4 school are in two different districts? Why
5 are some districts comprised of eleven
6 school systems while another district has
7 twenty-three? Why is it that the
8 administration and faculty in most schools
9 do not even know who represents their
10 district on the Alabama State Board of
11 Education? Why would you count the total
12 population of a county when only one-fourth
13 of it is served by the board member? From
14 just these questions, you can see why most
15 people think that redistricting is just a
16 political redrawing to benefit the party in
17 control. It is my opinion that every school
18 should be visited by their board member on a
19 regular basis. Their constituents should
20 know them and feel comfortable with them
21 showing up and taking a seat in the
22 classroom. This is the only way to truly
23 represent a district correctly. From my
24 viewpoint, the board members are only seen
25 at the monthly meetings and functions of

1 their political party. As it presently
2 operates, I cannot see where the students of
3 Alabama benefit at all from this board.
4 Some of them have never even been in the
5 classroom long enough to know how to teach a
6 student to read or diagnosis the orgin of
7 student difficulties. Being the
8 administrator of one of the highest
9 achieving elementary schools in Alabama for
10 sixteen years, Eura Brown Elementary, was
11 very gratifying. Under my leadership,
12 everyone was held accountable for the
13 students' achievement. Communication between
14 the parents and the school was constant,
15 therefore promoting parent engagement.
16 Intervention with lagging students really
17 did take place. It was not just put on
18 paper. I know because I was all over the
19 school, in the classrooms, talking to the
20 students about their studies and build
21 relationships, questioning teachers about
22 the specifics of their units of study. It's
23 my belief that if our state school board
24 members operated in a personal way with the
25 schools in their district, our overall

1 achievement would improve. Dr. Mitchell with
2 the Alabama Reading Initiative used to say,
3 'Don't expect what you don't personally
4 inspect.' This is absolutely true. I have
5 been planning for more than a year to run
6 for the District 8 position on the state
7 school board. Now I understand that Etowah
8 County will be moved to another district,
9 thus thwarting my plans to hopefully work
10 the district the way it should be worked:
11 For the benefit of the students, not for
12 recognition or personal ego. Every time I
13 speak about education in our state, people
14 look at me with concern and drawn faces.
15 Like me, they are weary of always coming in
16 on the tail-end of rankings when we know our
17 children and grandchildren are capable of
18 achieving at a much higher level. We need
19 greater accountability in academics at
20 every age should be our first priority.
21 Please consider my thoughts that are backed
22 up by 36 years of experience in education
23 and a passion for that is constant. Thank
24 you for listening. Sincerely, Priscilla
25 Yother, retired educator and life-long

1 learner." Thank you.

2 MR. WALKER: Thank you very much,
3 Mr. Back. If you want to give that written
4 statement to the coordinator, it will be
5 attached as an exhibit to the transcript. Is
6 there anyone else at Gadsden State who
7 wishes -- in the auditorium -- who wishes to
8 speak? Yes. Please come forward, sir.
9 Ma'am. There is a ma'am. Okay. There are
10 two of you. Come forward, ma'am. Welcome.

11 MS. BACK: Thank you very much.
12 I'm Kirkland Back. K-i-r-k-l-a-n-d, last
13 name Back, B-a-c-k. That is my father who
14 you just heard from. So, making this a
15 family affair. I'm an attorney here in
16 Gadsden and life-long resident and certainly
17 concerned about this process. What I would
18 like to give y'all is perhaps a chance to
19 speak on this, or at least sort of a thought
20 nugget that you come back to later. Etowah
21 County is such a microcosm of what is going
22 on in our state. Gadsden, being an urban
23 area that grows, our rural area is
24 shrinking. And so my understanding is that
25 that really implicates Section 2 of the VRA.

1 And if you'll look at the procedures and
2 notes, they're from -- I've got July 27th of
3 2006, 120 staff 577 on Westlaw -- there are
4 a series of factors that are laid out by the
5 Legislature that evidence when
6 discriminatory behavior has occurred in
7 redrawing district lines. I would assume
8 that those are one of several sets of
9 factors that the courts are allowed to rely
10 on. How are y'all planning to comply with
11 Section 2 given those factors that have been
12 set out for you? And who in each individual
13 Congressional district and/or Senate
14 district, etcetera, will be responsible for
15 making sure that we're all held accountable
16 to those standards? I can see where Section
17 2 certainly serves its purpose for us
18 broadly as a state, but I can see where
19 communities like Gadsden and Etowah County
20 could get lost in the shuffle when it comes
21 to redistricting county commission and/or
22 city council lines. So, if y'all are able
23 to provide those answers now, I would
24 greatly appreciate it, or let us know where
25 we can look for resources where you perhaps

1 have already answered those questions. I
2 would appreciate it.

3 MR. WALKER: Ms. Back, are you
4 referring to the Senate factors, the twelve
5 Senate factors that were identified in the
6 legislative record, the Congressional
7 record --

8 MS. BACK: Correct.

9 MR. WALKER: -- relating to --
10 okay. Those come into play in a voting
11 rights case if a case is brought that
12 challenges a plan as vote dilutive or as
13 racially gerrymandered or as otherwise
14 discriminatory on the basis of race, color,
15 or membership in a language
16 minority group. There is an initial
17 threshold of three conditions known as the
18 Gingle conditions that have to be met, and
19 if they are met, the Court turns to an
20 examination of the twelve Senate factors,
21 which are not exclusive. But if we're
22 talking about the same circumstances there,
23 there are things such as whether or not race
24 has played a role in past political
25 contests, whether or not the minorities bear

1 the brunt of past historical discrimination,
2 that sort of thing. So, those are really
3 factors that are used more to evaluate the
4 effect of discrimination rather than up
5 front. Up front it's my job as the lawyer
6 for the Legislature to help make sure that
7 they pass laws, district plans, that comply
8 with whatever standards are in effect. And
9 so I work with them to look at the districts
10 and make sure that we're not drawing
11 districts on the basis of race improperly.
12 The same thing should be done by a city
13 lawyer or county lawyer at the city or
14 county level that you mentioned.

15 MS. BACK: Some of the -- to
16 probably clarify my question a bit -- and,
17 Representative, I saw you guys were chatting
18 a little bit. If you have anything y'all
19 would like to add in response, of course, we
20 would love to hear that. But to further
21 clarify my question, it seems to me that
22 some of the parameters that are laid out in
23 the comments from that section, it almost
24 suggests that there has to be litigation
25 brought on behalf of those suffering

1 parties, which would be a minority.

2 MR. WALKER That's correct.

3 MS. BACK: It is cost
4 prohibitive, is my concern, that it requires
5 them to be litigious in such a way that
6 they're not able to bring their concerns,
7 that the very parties in and of themselves
8 that are the ones that are the most
9 effective -- or affected by a bad line are
10 the ones themselves who are unable to bring
11 those challenges. And so what I'm hearing
12 is that probably the city attorney is who
13 those people have to rely on when it comes
14 to the county commission and city counsel
15 lines?

16 MR. WALKER: Well, this -- we've
17 gone a little bit beyond the scope of this
18 hearing. But let me just answer your
19 question that if a plaintiff brings a
20 lawsuit for violation of Section 2 of the
21 Voting Rights Act or the Equal Protection
22 Clause and they prevail, then they're
23 entitled to recovery of their attorney fees
24 and costs. So, that burden shifting
25 certainly help to encourage the development

1 of a plaintiff voting right bar in Alabama.
2 And we do have one. There will almost
3 certainly be, no matter what we do,
4 litigation challenging the redistricting
5 plans for the Legislature, because, frankly,
6 that litigation is just politics by another
7 name. So, there are, in fact, plaintiff
8 side voting rights litigators in Alabama who
9 are happy to take cases like that.

10 MS. BACK: Correct. So, just to
11 close, Representative, I sure hope you hear
12 me when I say we are concerned, we are
13 worried about our minority populations here
14 in northeast Alabama. We want to protect
15 their vote as much as we can. We want to
16 work with y'all to do that. And we are
17 certainly ready and willing to do so. We
18 want to protect tax payer dollars. We want
19 to protect them from ever having to bring a
20 suit, and we think we can do that by getting
21 that right the first time around. So, we're
22 counting on y'all to make that happen for
23 us. Thank you so much.

24 MR. WALKER: Thank you, Ms. Back.
25 There was a gentleman in the back who had

1 raised his hand earlier. Okay. There you
2 are.

3 MR. LIPSCOMB: Good afternoon,
4 gentlemen. I'm Representative Craig
5 Lipscomb. Representative Pringle, Senator
6 McClendon, good to see you guys. I just
7 wanted to echo what Mr. Back said just a
8 while ago, perhaps in a different
9 commentary. The reasoning for such is
10 primarily is my constituents have petitioned
11 me to ask you guys to respectfully retain
12 our existing stool board district as-is to
13 the greatest extent possible. So, I would
14 ask that you do your very best to keep
15 Etowah County in District 8. Thank you.

16 MR. WALKER: Thank you, sir. Is
17 there anybody else in the auditorium who
18 would like to speak?

19 MS. OVERTON: We do have one
20 question online from Kendra. "What criteria
21 will you use to determine when to split
22 counties and voting precincts?"

23 MR. WALKER: The counties and
24 voting precincts will be maintained to the
25 extent possible. They're most likely to

1 split when necessary to achieve population
2 equality.

3 MS. OVERTON: And Angelica has her
4 hand raised. I'm going to unmute you. Or
5 unmute yourself.

6 MS. MANANI: Oh. Thank you. I was
7 wondering --

8 MR. WALKER: I'm sorry. Would you
9 state your name, please?

10 MS. MANANI: Yes. I apologize.
11 My name is Angelica Manani. I'm a student.

12 MR. WALKER: Would you spell that
13 for the court reporter? I'm sorry.

14 MS. MANANI: That is
15 A-n-g-e-l-i-c-a, and then Manani, M-a-n-a-n,
16 as in Nancy, i. I'm a student at the
17 University of Alabama, and I live in North
18 Port. And I just recently became aware of
19 these meetings, so was looking -- and the
20 changes with the census, recent census data
21 was meant for our state. Looking at the
22 previous maps, as someone earlier expressed,
23 I believe, some of them I have a hard time
24 understanding the reasoning behind the way
25 the districts are currently drawn. And so

1 my question is, in an effort for
2 transparency, what efforts will be made to
3 explain the reasoning for the way the
4 district -- these district maps will be
5 drawn, and how can I and some of my friends
6 in the community here look and read up on
7 the reasoning for those decisions?

8 MR. WALKER: Let me answer your
9 question in a round about way that may help
10 you understand. The base unit, sort of the
11 brick if we were building a building, of
12 redistricting is what is called a census
13 block. A census block is invisible to all
14 of us. We don't know where they are. You
15 would have to get on a special computer to
16 see them. But they exist out there on the
17 ground. And a census block is composed with
18 no rhyme or reason. It can have zero people
19 in it. It can have ten people in it. It
20 can have one hundred people in it. It can
21 more than that. Each one is unique. And
22 their shape can be regular or irregular. A
23 lot of times you see a district and it will
24 have a weird shape to it, and you'll say,
25 oh, there is gerrymandering. Well, it's

1 not. A lot of times it is just that is the
2 shape of the census block, and it causes
3 these weird protrusions from a district.
4 But census blocks are totalled up into what
5 are called VTDs or voting precincts. And
6 voting precincts, there will be typically
7 several of those in a district. And the
8 Legislature does its best not to split
9 voting precincts and not to split counties.
10 Sometimes it has to do that in order to
11 achieve population equality. When it does
12 that, it will typically do it following
13 lines between voting precincts. Those lines
14 may make no sense whatsoever. There is no
15 reason that they have to follow a major road
16 or river or something like that. So, that
17 may be why you have a high school on one
18 side and an elementary school on the other
19 side, because the voting precincts are blind
20 to that sort of a difference. And the
21 Legislature when it draws has to use the
22 voting precincts that it's given. There is
23 not really a process that I'm aware of by
24 which someone can sit down and explain to
25 each person who has a question why this line

1 goes this way or why it goes that way. It
2 would be nice if we could that, but it would
3 be a Herculean task. The best that I can
4 say is pay attention to the plans when
5 they're introduced into the Legislature. And
6 if you have a question specifically about
7 something, email your legislator and ask
8 them, you know, why is this this way, why is
9 that that way. Pay attention to the
10 Committee hearings and pay attention to the
11 debate in the Legislature. That's probably
12 the best answer that I can give you. Could
13 you hear me?

14 MS. MANANI: Yes. Thank you.

15 MR. WALKER: Okay. Thank you for
16 your question. Anybody else?

17 MS. OVERTON: Yes. We have another
18 question from Robin and Vance. "Why are all
19 the public hearings scheduled at times and
20 dates when the vast majority of citizens
21 cannot attend due to work commitments?"

22 MR. WALKER: That is probably a
23 fair criticism. I say that because it's
24 come up several times. We did have one at
25 6:00. I think we'll put that in the

1 notebook and maybe have some next time, ten
2 years from now, in the evening. Well, there
3 was. There was a time constraint because of
4 how late we got the data. And we made a
5 huge effort to distribute these all over the
6 state and make them as open and transparent
7 as possible. I wish we had a few more later
8 on, but we don't.

9 MS. OVERTON: Kendra would like to
10 ask, "Is tomorrow the deadline to submit
11 testimony? Also, is there a deadline time?"

12 MR. WALKER: There is not really a
13 deadline to submit comments. Testimony is
14 given in these hearings. If you want to
15 send a message to the Reapportionment
16 Committee by expressing your thoughts about
17 how plans should be drawn or parts of plans
18 should be drawn, you can do that, and they
19 will be as they come in put in a folder that
20 will be posted on the Internet with the
21 transcripts. So, if you go to the -- not
22 now, but shortly, if you go to the
23 Legislature's web site and click on
24 "Redistricting," that will lead you to
25 another tab for the transcripts. Each

1 transcript will be in its on folder. And if
2 you open that up, you can see the transcript
3 and the exhibits that were introduced at the
4 time of that transcript. Following all of
5 those will be a folder that has comments
6 that were received not necessarily in
7 connection with any hearing, although they
8 may reference a particular hearing. So, if
9 you want to send in some comments, you don't
10 have to do it by the 16th. Obviously, the
11 sooner you send them in, the more likely
12 that someone will look at them, I suppose,
13 over a certain range. But go ahead and send
14 them in, and they'll be put in that folder.

15 MS. OVERTON: There are currently
16 no other comments or questions.

17 MR. WALKER: Okay. Anyone else?
18 Last call for people online or in the
19 auditorium at Gadsden State to speak. If
20 you are in the auditorium and you want to
21 speak, raise your hand, please, and if
22 you're online, raise your hand.

23 MS. OVERTON: No.

24 MR. WALKER: It appears that no
25 one else wants to speak. Thank you to those

1 of you who did speak. Your participation is
2 very important to the process. Thank you to
3 those of you who attended. That is also
4 very important. Thank you to Gadsden State
5 for hosting this. Have a good evening. This
6 hearing is closed.

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(Hearing concluded.)

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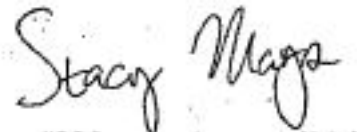
CERTIFICATE

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 1st day of October, 2021



Stacy Mays

Alabama CCR #229. Expires 9/30/2021

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