



Deposition of:
September 7, 2021 2:00 Public Hearing

September 7, 2021

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

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ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT AND
REDISTRICTING PUBLIC HEARING

HELD ON
TUESDAY, SEPTEMBER 7TH, 2021
BEGINNING AT 2:00 P.M.

LOCATION:
JEFFERSON STATE COMMUNITY COLLEGE - HOOVER CAMPUS
4600 VALLEYDALE ROAD
HOOVER, ALABAMA 35242

AND
ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:
KATHLEEN F. CAVAZOS, RPR,
COURT REPORTER

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1 SENATOR MCCLENDON: Welcome, everybody. I'm Jim
2 McClendon. I'm a state senator living in St. Clair
3 County. I am also the Senate Chair of the Redistricting
4 Committee.

5 I would ask all of you that have called in and
6 that are online to please turn your cameras off except
7 for our court reporter. Turn your cameras off and mute
8 your phones at home. We get a bad echo when your phones
9 are not muted.

10 You'll have an opportunity later to speak, if
11 you wish to do so, and you can turn your cameras back on.
12 Let's see. We've got one more to turn the camera off so
13 it makes room on our screen so we know who's coming in.

14 On my right is Representative Chris Pringle.
15 Representative Pringle is the House chairman of
16 redistricting. And on my left is Dorman Walker. Dorman
17 is an attorney, and he is the hearing officer for today,
18 and Dorman is employed by the Redistricting Committee.

19 Every 10 years, we have a census, and the census
20 is done in order to not only count the people but to find
21 out where the people are as they move, migrate, change.
22 We need to know where they are in order to reconstruct
23 the districts to get the population back so that it's
24 approximately equal in each district. That is the one
25 person, one vote concept, and that's really the biggest

1 part of our job.

2 In House and Senate districts and state board of
3 education districts, we have a leeway of plus or minus
4 five percent in that population. However, in
5 Congressional districts, which we're also doing, it has
6 to be almost exactly the same number in each district.

7 An ideal -- The population in an ideal Senate
8 district is 143,551. To stay within our guidelines, we
9 can be plus or minus five percent. An ideal House
10 district, which is going to be about a third of that, is
11 47,850, plus or minus five percent.

12 I'll remind everybody again that's calling in
13 that's online to turn your cameras off and also mute your
14 microphones.

15 Let me give you some ideas about the sizes and
16 the changes in population -- Thank you for turning your
17 camera off -- that are in this area, this part of the
18 state where you are. I've got a list here of Senate
19 districts. There's three of them that apparently are
20 close by you. Stand by. Here we go. Senate 11
21 district, which by the way, is my district, has gained
22 about 2,500 people. Senate 14 has gained about 4,000
23 people. Senate 15 has gained about 11,900 people, and
24 Senate 16 has gone up by about 3,400.

25 Keep in mind -- Let's take for example Senate 15

1 that changed about 11,900. It's adjacent to 14, which
2 has gone up by 4,000, but that just puts it 2.8 percent
3 over, but it's going -- Although 14 is within our
4 deviation, since it's adjacent to 15, it's going to be
5 affected because 15 is going to have to come down in
6 geographic size to do something about being over
7 populated by almost 12,000 people.

8 So let's take a look at House districts in your
9 area. House 41 has gone up by 6,700. 43 has gone up by
10 244. 45 has gone up by a little over 3,000. And that
11 amount in change in a House district puts it well outside
12 the deviation of what's allowed. House 48 has gone up by
13 5,400. House district 50 has gone up by 5,067. I think
14 the last one I've got is 73. House district 73 has had
15 an increase of about 3,700.

16 So our task -- our task on the Redistricting
17 Committee is to adjust the size of these districts to get
18 them back to the one person, one vote ratio that we're
19 looking for. So I'm going to turn this over --

20 Oh, also with us today who I did not mention,
21 Senator Bobby Singleton, who is a member of this
22 committee, is here with us in the State House.

23 With that being said, Representative Pringle,
24 you're on.

25 REPRESENTATIVE PRINGLE: Thank you, Senator.

1 And also joining us today is Representative Kyle South
2 sitting to my right.

3 I am Representative Chris Pringle from Mobile.
4 I represent the 101st district in the Alabama House of
5 Representatives.

6 Today, we will call on you in the order in which
7 you signed up to speak. Please limit your remarks to
8 three minutes. When called on, please come to the
9 microphone, state your name and the community you
10 represent and the district or districts you wish to speak
11 about. If you decide you want to speak but did not sign
12 up, we'll ask at the end if anybody else would like to
13 speak.

14 If you are participating remotely, send us your
15 questions or comments and we'll read them into the record
16 and answer it.

17 This hearing is being transcribed by a court
18 reporter who is working remotely. If you have something
19 you would like to introduce into the record as an
20 exhibit, bring it to the microphone when you speak and
21 let the hearing officer know. We'll get a copy of it and
22 enter it into the permanent record of the committee.

23 Again, this is a public hearing on the issue of
24 legislative redistricting, and we're not here to discuss
25 any other legislative business or any other issues

1 pending before the Alabama legislature.

2 Thank you for attending and now is Dorman
3 Walker.

4 MR. WALKER: Hello, everyone. Thank you for
5 coming, and thank you to Jeff State for hosting this
6 event.

7 The purpose of this hearing is to receive public
8 comment on how (inaudible) --

9 Let me start over.

10 Welcome, everyone and thank you to Jeff State
11 for hosting this hearing. The purpose of this hearing is
12 to receive public comments on how districts should be
13 redrawn.

14 And before we open the floor for comments on
15 that, I want to cover the rules that govern how the
16 legislature redraws districts. They can't just draw them
17 in any manner that they wish. The overarching and most
18 important rules are that the new districts must comply
19 with federal and state constitutions and federal and
20 state law, principally, the Voting Rights Act. And there
21 are basically two manifestations of that.

22 One is that we have to comply with the principle
23 of one person, one vote, which means that all districts
24 must be equal or approximately equal in population
25 according to the amount of deviation that's allowed. And

1 the second is that the districts cannot discriminate on
2 the basis of race, ethnicity or membership in a language
3 minority. We don't have much of that here, but we cannot
4 discriminate on those basis in the drawing of districts.
5 The Reapportionment Committee will not approve a
6 districting plan that does not comply with one person,
7 one vote or that it perceives is discriminatory.

8 No district will be drawn in a manner that
9 subordinates race-neutral districting criteria, and I'll
10 go over what those are in a second, to consideration of
11 race, color or membership in a language minority group
12 except that race, color or membership in a language
13 minority group may predominate over race-neutral
14 districting criteria to comply with section two of the
15 Voting Rights Act, provided there is a strong basis of
16 evidence in support of such a race-based choice. A
17 strong basis of evidence exists when there's good reason
18 to believe that race must be used in order to comply with
19 the Voting Rights Act.

20 Now, the race-neutral redistricting criteria are
21 the following: One, districts must be reasonably
22 compact. Two, they should reflect the will of the
23 people. Three, they're drawn on the basis of total
24 population.

25 The census bureau gives us several different

1 types of population. Total population is all of the
2 people that are in the state on a given day, census day,
3 April 1, 2020, and it may include a lot of people who
4 can't vote such as children or people who are in the
5 state but not residents of the state, people who are not
6 citizens, or certain people who are incarcerated cannot
7 vote. Nonetheless, that has always traditionally been
8 used as the basis on which districts are drawn.

9 Under some circumstances, voting age population
10 may be considered principally in order to ensure we're
11 complying with the Voting Rights Act. Voting age
12 population is just that portion of a district's
13 population that's 18 and over. That doesn't necessarily
14 mean that those people are registered to vote or do vote,
15 but it's the number of people who are eligible to vote by
16 age.

17 Other race-neutral criteria: The plan has to
18 include 35 Senate seats and 105 House seats. The
19 Constitution would allow 106, but we only have 105. All
20 districts are single-member districts, which means only
21 one person is elected from each district, and in drawing
22 of districts, contests between incumbents is avoided, and
23 the legislature seeks to preserve the cores of existing
24 districts.

25 Contiguity is required for all districts. That

1 means every point on the boundary of a district must be
2 in contact with either another district or the exterior
3 boundaries of the state. Contiguity is allowed over
4 water. For example, if your district is split by a river
5 or lake or Mobile Bay, contiguity is considered to cross
6 that water.

7 Districts shall respect communities of interest,
8 neighborhoods and political subdivisions to the extent
9 practicable. Community of interest is defined as an area
10 with recognized similarities of interest, including, but
11 not limited to, ethnic, racial, economic, tribal, social,
12 geographic or historical identities. The term
13 "communities of interest" may, in certain circumstances,
14 include political subdivisions such as counties, voting
15 precincts, municipalities, tribal lands and reservations
16 or school districts.

17 The discernment, weighing and balancing of the
18 very factors that contribute to communities of interest
19 is an intensely political process best carried out by
20 elected representatives of the people. In other words,
21 sometimes, there will be conflicting considerations of
22 what is a community of interest, and the legislature
23 can't respect all of them, or in order to meet the
24 mandate for one person, one vote, it may have to
25 disregard a community of interest and split it.

1 In establishing legislative districts, the
2 Reapportionment Committee gives due consideration to its
3 race-neutral districting criteria. However, priority is
4 given to the compelling state interest of achieving
5 equality of population among districts in compliance with
6 the Voting Rights Act of 1965.

7 I'm now going to open up the hearing for
8 comments. First, I will go down the list of people who
9 signed up to speak. When I call your names, please come
10 up to the podium and speak. You have three minutes, and
11 if you run across that, I'll let you know. And after
12 I've finished that, I will call on people who are
13 participating virtually. Either raise your hand or send
14 a question in by chat, and we'll respond to it. And then
15 I'll go back and see if anyone wants to speak at the
16 auditorium, and then I'll close the hearing.

17 The first person we have is -- It looks like it
18 might be Brian Members from Eagle Point HOA. I'm not
19 sure if I'm reading this right.

20 MR. MYERS: I'm Bill Myers, and I thank you for
21 having this hearing today and taking into consideration
22 our concerns.

23 (Inaudible) is a bedroom community of about 700
24 homes. We are currently split in our House district
25 between 43 and 45. As you know, we went through a

1 serious tornado a few months ago. We're still recovering
2 from that. From that, we've learned the importance of
3 being under one House district or having one person that
4 we can rely on. I want to take the opportunity at this
5 point to put a special shout-out for Arnold Mooney for
6 his help during that time. He was on site within an hour
7 after the storm came through and worked diligently to
8 help us get back to where we needed to be.

9 With that being said, I currently serve on the
10 Eagle Point Homeowner's Association. I also serve on the
11 North Shelby fire district. From that, I know the
12 importance of having this community under one leadership
13 or under one representative, rather.

14 I would ask that this committee take into
15 consideration that we currently -- House district 45 is
16 represented in a district that represents both Shelby and
17 Jefferson County, but, more importantly, Eagle Point is
18 zoned for Oak Mountain schools. District 43 encompasses
19 those schools, and that's very important to our
20 neighborhood. We have a high, high percentage of
21 families with children in those schools, and we just feel
22 like we would get better representation being all under
23 one district, and we would prefer district 43.

24 Thank you.

25 MR. WALKER: Thank you. I appreciate that very

1 helpful testimony.

2 Our next speaker is Adrian Dudley from Lake
3 View.

4 MR. DUDLEY: Good afternoon. I'm Adrian Dudley,
5 the mayor of Lake View, and we're represented by House
6 district 62 and 15 and Senate district 21 and 19.

7 Part of our issue is similar to what the
8 gentleman just spoke about. First of all, compactness.
9 We'd like for -- because we live close together, being
10 represented by two separate House districts and two
11 separate Senate districts creates a problem when we're
12 trying to get things accomplished and move forward in our
13 city. Lake View is in Jefferson and Tuscaloosa County
14 and we try to get assistance from both counties, but
15 there are times when we have difficulties, especially
16 when it comes to fire and things of that nature. To me,
17 it just makes more sense for us to consolidate our
18 concerns so people know who they're voting for and who
19 represents people in the city. We have a quarter of the
20 people in the city represented by one representative, one
21 senator, and three quarters of the city represented by
22 someone else.

23 Thank you.

24 MR. WALKER: Thank you. Next up is Doug
25 Hoffman.

1 MR. HOFFMAN: Hi. I kind of -- My interest is
2 in overall Congressional districting but, also, I'm
3 concerned about gerrymandering in our state. You know,
4 we all know what gerrymandering is. When an overall
5 population of, say, Democrats or Republicans is
6 underrepresented significantly in a branch of government
7 due to the drawing of the map, that's gerrymandering, and
8 Alabama has a serious problem in that respect. Democrats
9 in 2018, Walt Maddox got 40 percent of the vote,
10 statewide vote. Doug Jones in 2020, 40 percent of the
11 vote. Joe Biden in 2020, 38 percent of the vote.
12 Generally speaking, Democrats comprise about 40 percent
13 of the vote in this state. However, when we look at the
14 number of U.S. Congressional seats that Democrats are
15 represented by, it's one out of seven. Only 14 percent
16 of representatives are Democrats compared to 40 percent
17 that consistently vote Democrat. In the Alabama State
18 legislature, there's 28 seats, which is only 27 percent,
19 well below the 40 percent. In the Senate, it's even
20 worse. Twenty-three percent are represented by Democrats
21 with statewide 40 percent.

22 So in your redistricting process, I'd really
23 like for you to take this into consideration. One fairly
24 simple fix for the U.S. Congressional seat is to use
25 Jefferson County as a primary base for one U.S.

1 Congressional seat and then use Montgomery County and
2 some of the counties surrounding it, especially to the
3 west, as a second U.S. Congressional seat. I think if
4 you did that, those two geographic areas would be a lot
5 more competitive, and it would give the Democrats a
6 chance to get closer to that 40 percent.

7 You know, the polarization in this country has
8 just gotten awful. I have lived here for 30 years. I
9 have neighbors for 30 years, and we can hardly talk to
10 each other anymore, and part of the reason for that is
11 everybody is so entrenched in opposite sides that there's
12 not any compromising. There's no moderation. And when
13 you draw --

14 MR. WALKER: You've used your three minutes.

15 MR. HOFFMAN: Okay. When you draw districts so
16 that they're polarized, you get a polarized community.

17 Thank you.

18 MR. WALKER: Thank you, sir. I appreciate your
19 speaking.

20 Next up is Pat --

21 MR. DEWEES: Dewees. My comments are similar to
22 the man who spoke before me. Can you hear me?

23 MR. WALKER: Yes, sir. What's your name,
24 please?

25 MR. DEWEES: Dewees, D-E-W-E-E-S.

1 MR. WALKER: Spell that more slowly for the
2 court reporter, please.

3 MR. DEWEES: D-E-W-E-E-S.

4 MR. WALKER: Okay. Thank you.

5 MR. DEWEES: I was not going to speak at first.
6 When I saw there was some state law makers that actually
7 draw these lines, I put my name on the list. I was at a
8 similar meeting a few days ago also in the Birmingham
9 area, and my concern is that the Birmingham area for 30
10 years is split between two Congressional districts.

11 (Inaudible) Birmingham is what you may have discussed
12 before, a community of interest. It has a unique
13 history. There are political differences between urban
14 and rural in this county and (inaudible) --

15 MR. WALKER: It's a little bit hard to
16 understand you. You're kind of coming in and out.

17 MR. DEWEES: (Inaudible) We're all aware of the
18 political difference between urban and rural, and I was
19 going to say that the Birmingham area has different
20 interests, values and cultures than more rural parts of
21 the state, but it's also different from other metro areas
22 in the state because of its unique history. Its economy
23 has been different historically, and I feel like
24 Jefferson County and maybe part of Shelby County needs to
25 have a unified voice. And one map that was slightly

1 different from mine for Shelby County that I saw at the
2 last meeting was by the League of Women Voters which had
3 all counties all in the county lines for district
4 drawing. (Inaudible.)

5 MR. WALKER: We have in the record the League of
6 Women Voters' plan, but you had other papers there. Was
7 there anything you wanted to put into the record as an
8 exhibit?

9 MR. DEWEES: I just hope you will consider the
10 plan that they presented to me. I'm sure you can find
11 that information online. It's slightly different from
12 what I originally proposed, but it's something that --
13 Although I'm not affiliated at all with the League of
14 Women Voters, it's something I would consider.

15 MR. WALKER: And just to clarify Mr. Dewees'
16 comments, the League of Women Voters has proposed a plan
17 that is a whole-county plan; that is, no counties are
18 split. And that's what you're referring to, correct,
19 Mr. Dewees? Okay. Thank you very much.

20 Next is Mr. Kenneth Paschal, I think.
21 Representative Paschal. Excuse me.

22 SENATOR MCCLENDON: Glad to have you here.

23 REPRESENTATIVE PASCHAL: It's a blessing to be
24 here. I wanted to take a few minutes, Mr. Chairman,
25 Committee Members. I just want to take time to say thank

1 you. I'm a newly elected House representative for the
2 State of Alabama, and I'm just excited to be a part of
3 this process. I just wanted to highlight that.

4 I'm in district 73. We have different Shelby
5 County delegation members here representing (inaudible)
6 and we just appreciate the hard work you guys have
7 already put in. We're also excited to continue the
8 conversation as we look at the best way to continue to
9 properly represent each member of our state. I just
10 wanted to take this time to say thank you and appreciate
11 what y'all do.

12 I want to applaud the people that are here. I
13 think it's very important that the public be engaged. I
14 understand you started these hearings last week. I think
15 this is probably one of the bigger turnouts. I want to
16 applaud the public for being part of that, and I'm very
17 excited to be part of this process and look forward to
18 seeing you in Montgomery here pretty soon.

19 MR. WALKER: Thank you, sir.

20 Next is Felicia Scalzetti.

21 MS. SCALZETTI: Hi. My name is Felicia
22 Scalzetti. I'm a resident of Congressional district --

23 MR. WALKER: Would you spell your last name for
24 the court reporter, please?

25 MS. SCALZETTI: Sure. It's S-C-A-L-Z-E-T-T-I.

1 MR. WALKER: Thank you very much.

2 MS. SCALZETTI: I am a resident of Congressional
3 district seven Senate district 18, House district 55 and
4 board of education district four.

5 I will not spend much time on the Congressional
6 map because I think we all are very aware of the problems
7 with it. Congressional district seven is packed. We are
8 very geometrically separated. I live in Birmingham. I
9 am in that little finger sort of protruding up. I live
10 in district seven, but I get my groceries in
11 Congressional district six. As far as I can tell, most
12 of the Walmarts in the area and other such stores are
13 actually all in Congressional district six where
14 everybody in Birmingham actually goes to get their
15 groceries.

16 I live in Senate district 18. I shop in Senate
17 district 16. We have enough population in Jefferson
18 County for 4.7 Senate districts. So we would have to go
19 outside of Jefferson County to get enough population to
20 fill up.

21 Jefferson County is currently split to seven
22 different Senate seats, and four of those Senate seats go
23 outside of Jefferson County. I'm not going to get into
24 (inaudible) and why that's important for our committee,
25 but we should have representation that represents our

1 interests, that represents the people that actually live
2 in Jefferson County. That fifth district that goes
3 outside, I believe that it should be in Shelby. Hoover,
4 Alabama is split between Jefferson and Shelby County, and
5 I believe that that should be where the fifth district
6 comes from.

7 In the House, we have 14 House seats -- We
8 should have approximately 14 House seats in Jefferson
9 County, but we actually have 17 right now, and five of
10 those come from outside of Jefferson County.

11 I just want to leave you with that
12 gerrymandering has a snowballing effect. You cannot draw
13 a gerrymandered map in one corner and not have it affect
14 the rest of the state. The lines are the lines are the
15 lines. You can try to reduce the impact of certain
16 Alabamians, especially black Alabamians, but you mess up
17 your own district, you mess up your own constituents'
18 ability to hold y'all accountable. You're hurting your
19 own people. You're hurting the people of Alabama. So
20 please, please take that under consideration.

21 Thank you for allowing me to speak. I
22 appreciate the ability to come to this public hearing,
23 and I hope y'all will take that under consideration.

24 MR. WALKER: Thank you. Thank you to everyone
25 there in the auditorium who has spoken.

1 We don't have anyone else signed up to speak in
2 the auditorium. I'll come back in a little bit and see
3 if there's anyone else who want to speak.

4 Do we have anybody -- We don't have anybody who
5 is remotely present asked to speak. So one last time,
6 anybody in the auditorium or anybody remotely who wants
7 to speak, please let me know.

8 We have somebody coming up. Thank you.

9 MR. MILLER: Good afternoon. My name is Michael
10 Miller, and I live in Congressional district seven, state
11 Senate district 20, and House district 59.

12 I stand before you just so say that African-
13 Americans, we make up 27.2 percent of the state
14 population. We make up 25.9 percent of the voting age
15 population in the State of Alabama, but, currently, we
16 only occupy one or 14 percent of the Congressional seats
17 in the State of Alabama. In order for us to be on
18 equitable or equal footing in the state with our
19 population, we should at least have two of those
20 Congressional seats allocated toward the African-American
21 interest, meaning that we have one seat now, district
22 seven. There is another possibility with using the
23 Mobile and Black Belt area that we could pick up a
24 seventh majority minority district, and if the members of
25 the legislature would take into consideration, we could

1 seek equity (inaudible) of the state between African-
2 American population as well as our voting age population,
3 we have the ability to pick up that seat. But our total
4 population in one of our districts that we're looking at,
5 we could have a population of 55 percent black with a
6 total voting age population of 52.8 percent, we could
7 have a second district, like I mentioned, that could give
8 us 48.3 percent of blacks in the district and a 42.2
9 percent voting age population of blacks in that district.

10 And the last thing I would point out is that I
11 understand the ability to do whole counties, and in this
12 case, using Jefferson County as a whole county would
13 disenfranchise blacks in that district because, as we
14 know, blacks in Jefferson County only make up
15 41-and-a-half percent. So if we went outside of that and
16 get over to Tuscaloosa, we still have to go through areas
17 that are predominantly white, which would further take
18 away from that. So what are gonna we do in that
19 scenario? That would wind up being the second district
20 that would be up for grabs in the State of Alabama. So
21 we're asking to keep district seven the way it is in
22 terms of letting that be the primary black district and
23 then giving us another district.

24 Yes, sir? Oh, I thought you were gonna tell me
25 my time was up, but thank you very much.

1 MR. WALKER: You're good. You've got another 45
2 seconds if you want to keep talking.

3 MR. MILLER: Okay. Let me just say that I would
4 hope that this time around, when it comes to cutting our
5 state Senate districts in Jefferson County, that you
6 consider the fact that we have three African-American
7 Senate districts drawn completely within Jefferson
8 County. We have another district drawn within Jefferson
9 County that is not (inaudible), and then you have one
10 district more that could be drawn almost completely in
11 Jefferson County with going out to Shelby County where
12 Birmingham and Hoover both make up Shelby County, and we
13 could pick up that other population that we need in order
14 to complete the fifth district in the state -- in
15 Jefferson County for us to have our state Senate district
16 represented by five instead of drawing in individuals
17 from outside of Jefferson County, being allowed to come
18 in and control Jefferson County, which is not good for
19 African-Americans or blacks.

20 Thank you.

21 MR. WALKER: Thank you, Mr. Miller. Thank you
22 very much.

23 Anyone else who would like to speak either in
24 the auditorium or remotely?

25 All right. Seeing no one and no one has raised

1 their hand or sent in a chat, thank you all very much for
2 coming today. Thank you for your valuable testimony.

3 This hearing is closed.

4 (Exhibits 1, 2 and 3 were marked.)

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C E R T I F I C A T E


STATE OF ALABAMA)

COUNTY OF MOBILE)

I hereby certify that the above and foregoing was taken down by me in stenotype and transcribed by means of computer-aided transcription, and that the foregoing is a true and correct transcript to the best of my ability.

I further certify that I am neither of counsel nor of kin to any of the parties, nor am I in anywise interested in the result of said cause.

I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.



KATHLEEN F. CAVAZOS, RPR, ACCR302

NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/16/23

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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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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