

1 PERMANENT LEGISLATIVE COMMITTEE

2 ON REAPPORTIONMENT

3 PUBLIC HEARING

4
5 DATE: SEPTEMBER 16TH, 2021

6 TIME: 11:00 AM CST

7 LOCATION: Livingston, 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: Welcome.
2 Thank you everyone for being with us today.
3 Not yours. Not your camera. We need your
4 camera. The college camera needs to be on.
5 There you go. Okay. We are back in
6 business. My name is Jim McClendon. I am the
7 Senate Chair of the Redistricting
8 Committee. On my right is State
9 Representative Chris Pringle, who is the
10 House chair. And on my left is Mr. Dorman
11 Walker, who is the attorney for the
12 Redistricting Committee. And Mr. Walker is
13 your hearing officer for today. Every ten
14 years the census is done, and it's taken in
15 order to not only count the people and
16 establish populations but to find out where
17 the people are. And over a ten year period,
18 folks move around. And when we had a
19 district that met our criteria ten years
20 ago, because of people shifting their
21 locations, sometimes they go -- you get
22 more people in a district or less people
23 than we need. So, our job in the
24 Redistricting Committee is to redraw the
25 maps for the Congressional districts, for

1 the State Board of Education districts, the
2 Alabama Senate districts, and the Alabama
3 House of Representatives districts. And our
4 purpose today is to allow you to make
5 comments and ideas, share your ideas and
6 suggestion with us. All of it will be taken
7 down by the court reporter, and it will all
8 be provided to the Committee members. I
9 will give you an idea of what is going on in
10 your part of the state as far as population
11 shifts. An ideal Senate district size with
12 the new numbers we got from the Census
13 Bureau is 143,551 people. An ideal House
14 size is 47,850. Now, we do have a latitude
15 of plus or minus 5%. It doesn't have to be
16 exactly the same amount. That same latitude
17 exists for the State Board of Education
18 districts. It does not exist for the
19 Congressional districts. So, let's look at
20 a couple of Senate districts. Senate
21 District 23 is in your area, and that
22 district is under-populated by about 24,000
23 people. Senate 24 is under-populated by
24 7,900. So, you see, those districts are
25 going to have to grow geographically. House

1 districts in your area, House 61 is
2 over-populated by, round numbers, 3,300. 65
3 is under-populated by 7,200. 68 is
4 under-populated by 8,300. 69 is
5 under-populated by 5,500. 70 is about 1,400
6 over-populated. 71, 3,300 under. And 72 is
7 about 7,300 under. So, you can see we have
8 to make adjustments to those districts.
9 Now, we encounter districts that the
10 population is within that plus or minus 5%
11 ideal range, but those district lines may
12 still change because of changes that are
13 necessary in adjacent districts when we
14 redraw them. So, let me turn this over now
15 to State Representative Chris Pringle.

16 REPRESENTATIVE PRINGLE: Thank
17 you, Senator McClendon. Again, I am Chris
18 Pringle. I am the State Representative from
19 House District 101 in Mobile. I am the
20 House Chairman of the Reapportionment
21 Committee. Today we will ask you to speak
22 in the order in which you signed up. You
23 will be limited to three minutes. If you
24 need additional time, at the end, then we'll
25 come back around to you. When called,

1 please come to the microphone, clearly state
2 your name, and spell it for the court
3 reporter, and then tell us which district or
4 districts you want to speak about. If you
5 decide you want to speak but did not sign
6 up, we'll ask at the end if anyone who
7 hasn't spoken would like to. If you are
8 participating remotely, send us your
9 questions, and we'll read them into the
10 record. This hearing is being transcribed
11 by a court reporter working remotely. If
12 you have something you would like to
13 introduce in the record, bring it with you
14 and leave it with the officer, the hearing
15 officer, and we'll receive it and have it
16 put into the permanent record of the
17 Committee and this hearing. Today's hearing
18 is on the purpose of redistricting only, and
19 we're not here to discuss any issue that is
20 pending before the Legislature outside of
21 the redistricting. With that, I'll turn it
22 over to Mr. Dorman Walker, who will be your
23 hearing officer. Thank you.

24 MR. WALKER: (Inaudible.) Let me
25 start over. Sorry for that. Thank you,

1 Representative Pringle, and thank you
2 University of West Alabama for hosting this
3 hearing. Thank you for those of you who are
4 in attendance at the University of West
5 Alabama and for those of you who are in
6 attendance virtually. Citizen participation
7 is very important in this process. Would
8 someone at the University of West Alabama
9 please email to us the sign-in sheet or
10 sheets so that we can see who is attending
11 and who wants to speak? Do they have it?

12 MS. OVERTON: They should.

13 MR. WALKER: If you need the
14 email, ask me, and I'll give it to you.
15 And, also, if there are media
16 representatives at the hearing, would they
17 please identify themselves so that we can
18 have some idea of what coverage the hearing
19 are receiving? Sir in the red shirt, are
20 there any media representatives there?

21 HEARING COORDINATOR: Yes, sir.

22 MR. ZIPPERT: I'm here in two
23 capacities, media and John Citizen.

24 HEARING COORDINATOR: The name is
25 John Zippert from Green County.

1 MR. WALKER: Green County? Is
2 that a newspaper?

3 HEARING COORDINATOR: Yes.

4 MR. ZIPPERT: Yes. I'm also here
5 in capacity as a person involved in the
6 community beyond the newspaper.

7 HEARING COORDINATOR: Could you
8 hear that?

9 MR. WALKER: Not really. I
10 can't.

11 HEARING COORDINATOR: He's here in
12 the capacity of a citizen and community
13 member.

14 MR. WALKER: All right. Thank
15 you. Before we start taking testimony
16 today, I would like to go over the process
17 of redistricting that we're undergoing, and
18 I would like to talk about some of the rules
19 that the Legislature has to follow as it
20 draws new districts. You heard Senator
21 McClendon speak of ideal populations, and
22 that is sort of the driving engine of
23 redistricting. The purpose, as he said, of
24 redistricting is to equalize populations
25 among districts. Congressional districts

1 have to be as perfectly equal as we can make
2 them. All other districts, the State Board
3 of Education and legislative districts, can
4 have a variance from the ideal population.
5 So, what is the ideal population? It's
6 simply the new state population of
7 approximately 5 million people -- that is
8 I'm rounding numbers off, obviously --
9 divided by the number of districts. So, to
10 get the ideal population for a House
11 district, we would divide 5 million by 105.
12 The ideal population for a Senate district,
13 we would divide 5 million by 35. And the
14 same for the seven Congressional districts
15 or the eight State Board of Education
16 districts. Once you have that ideal
17 population, that is the goal of how many
18 people you want to have in each district.
19 As I said, in Congressional, that has to be
20 almost perfect. But the Legislature is
21 allowed some variation in drawing the other
22 districts. It can vary from that ideal
23 population 5% above or below. And by doing
24 that, it gives the Legislature room to
25 accommodate traditional districting

1 objectives, such as preserving the integrity
2 of political subdivisions, maintaining
3 communities of interest, and creating
4 geographic compactness. This is the last day
5 of hearings that began on the 1st of
6 September. They have been conducted across
7 the state. There has never been a
8 redistricting that had nearly as many
9 hearings as we've had on this one. And I
10 think the use of video or remote attendance
11 for these has been very successful. But all
12 of these hearings will be reduced to a
13 transcript that will be posted online. We
14 expect to start receiving those transcripts
15 very soon from the court reporter. And if
16 you want to see the transcripts, you can go
17 to -- Google the "Alabama Legislature," and
18 when you go there, you'll see a tab for
19 redistricting. Click on that, and you can
20 maneuver from that to the transcripts.
21 There will be a transcript for each hearing,
22 and that will include the testimony that was
23 received at that hearing as well as any
24 exhibits that were put in at that hearing.
25 In addition, at the end of the transcript

1 files, there will be a file for comments
2 that were received not necessarily in
3 connection with a transcript but about the
4 redistricting process. And so you can see
5 everything that has been sent to the
6 Redistricting office regarding the
7 redistricting process. The comments received
8 through this process are considered by the
9 legislators as they think about how the maps
10 should be redrawn and by the map drawer with
11 whom they're working. At some point, a map
12 will emerge for each of the four plans that
13 the Committee is responsible for, and at
14 some point Governor Kay Ivey will call a
15 special session for redistricting. When she
16 does that, it's probable that legislators
17 who have a plan will start filing those.
18 And you can go to the legislative web site
19 to the various chambers, House or Senate,
20 and look for prefiled bills and see what
21 those plans are. They'll also maybe post,
22 depending upon how they're delivered to the
23 Reapportionment Committee, they may be
24 posted on the Reapportionment web site. But
25 any legislator can introduce her or his own

1 proposal. The only requirement is that they
2 have to be for the state as whole, not just
3 part of the state because the plans have to
4 fit together as a whole. So, there will be
5 the Committee plans that will be
6 introduced. There will also be, we're told,
7 a plan submitted by the League of Women
8 Voters that Senator Singleton I believe will
9 introduce that does not have -- it's
10 interesting. It's a Congressional plan that
11 is whole counties. It deviates from minimum
12 deviation. It has about a 2.44 deviation,
13 and it also does not have any majority black
14 districts. There may be other plans as well
15 introduced. I suspect based on past
16 redistricting cycles that there will be.
17 When the special session is called and
18 opens, there will be Committee hearings.
19 Those are public. My understanding, at
20 least as things stand now, is that if you're
21 vaccinated you can attend, and wearing a
22 mask is not mandatory. If you're not
23 vaccinated, wearing a mask is mandatory.
24 That may be subject to change. But at any
25 rate, those hearings will be publicly

1 streamed, as will the legislative session.
2 When the Committee and the Legislature draw
3 districts, they're not free to do just
4 anything they might want. They're bound by
5 constitutional and statutory requirements
6 and by race-neutral guidelines that the
7 Reapportionment Committee has adopted. So,
8 we will go over those. Overarching
9 everything are two non-negotiable
10 requirements. One is that population
11 equality in the instance of Congressional
12 districts or proximal population of equality
13 in the instance of everything else must be
14 achieved. That is non-negotiable. The other
15 non-negotiable is that a plan cannot be
16 passed that is perceived to be
17 discriminatory on the basis of race, color,
18 or membership in a language minority group.
19 In addition, no district will be drawn in a
20 manner that subordinates race-neutral
21 districting criteria -- and I'll go over
22 what those are in just a second -- to
23 considerations of race, color, or membership
24 in a language minority group. And that
25 language comes from the Voting Rights Act.

1 Except that considerations of race, color,
2 and membership in a language minority group
3 may take precedence over race-neutral
4 districting criteria provided it's necessary
5 to do so to comply with Section 2 of the
6 Voting Rights Act. And that requires that
7 there be a strong basis in evidence in
8 support of such race-based decision making.
9 A strong basis in evidence has been defined
10 by the Supreme Court as a good reason to
11 believe that race must be used in order to
12 satisfy the Voting Rights Act. Now, the
13 race-neutral districting criteria that the
14 Legislature has adopted are hardly unique to
15 the State of Alabama. These are generally
16 the same. You can find the same or almost
17 all of these in other states around the
18 country. But nevertheless, here they are:
19 Districts when drawn should be reasonably
20 compact. Of course, that varies by the type
21 of district. A Congressional district is
22 maybe compact but will certainly look much
23 larger than a House district that is also
24 compact. Districts should be drawn to
25 reflect a democratic will of the people as

1 to how the districts should look. So, that
2 is one of the reasons of these hearings, so
3 that the Legislature can receive the
4 testimony of the people about how districts
5 should be drawn. Districts shall be drawn
6 on the basis of total population. The
7 Census Bureau gives us population in many
8 different forms, but total population is
9 what has traditionally been used to draw
10 districts. Total population includes a
11 number of people who can't vote, such as
12 children or other people under eighteen,
13 people who have lost the right to vote,
14 people who are living in Alabama but are not
15 residents of Alabama, and people who are not
16 citizens of the United States.
17 Nevertheless, total population is the basis
18 on which districts are drawn, although, at
19 times, we may look at voting age population,
20 and particularly black voting age
21 population, in order to ensure compliance
22 with Section 2 of the Voting Rights Act.
23 The Legislature has to draw 35 Alabama
24 Senate districts and 105 Alabama House
25 districts, although the Constitution would

1 allow for 106 House districts. All
2 districts are single-member districts. In
3 some places in the country, there are
4 multi-member districts where more than one
5 person is elected from a district. We don't
6 have that. Only one person is elected from
7 each of the districts for the plans that
8 will be drawn by the Alabama Legislature.
9 Contests between incumbents will be
10 avoided, and all districts shall be
11 reasonably compact and must be contiguous,
12 which means that every point on the
13 boundary of a district must either be
14 tangent with a point on an adjoining
15 district or the state boundary. If the
16 district is bisected by water, such as a
17 river or lake or Mobile Bay, that is okay.
18 Contiguity across water is allowed.
19 Districts shall respect communities of
20 interest, neighborhoods, and political
21 subdivisions to the extent practicable. A
22 community of interest is defined as an area
23 with recognized similarities of interest,
24 including but not limited to, ethnic,
25 racial, economic, tribal, social,

1 geographic, or historical identities. The
2 term "communities of interest" may under
3 certain circumstances include political
4 subdivisions, such as counties, voting
5 precincts, municipalities, tribal lands, and
6 reservations, and school districts. The
7 discernment, weighing and balancing of the
8 varied factors that contribute to
9 communities of interest is an intensely
10 political process best carried out by
11 elected representatives of the people. The
12 Legislature should try to minimize the
13 number of counties in each district. In
14 establishing legislative districts, the
15 Reapportionment Committee shall give due
16 consideration to all of these criteria.
17 However, priority is given, as I indicated,
18 to equality of population and
19 nondiscrimination. I may have skipped one.
20 I'm not sure if I said the Legislature when
21 it draws new districts will try to preserve
22 the cores of existing districts. With
23 regard to these race-neutral districting
24 criteria, they're not given in any order of
25 priority. There will be times when they

1 conflict, and when that happens, it's up to
2 the Legislature to determine which one will
3 take precedence. I show that there are nine
4 people who have signed up at the University
5 of Alabama auditorium -- University of West
6 Alabama, thank you, auditorium, but none of
7 them have indicated a desire to speak. Is
8 there anyone there who, even though you
9 didn't check, would like to speak to the
10 Committee?

11 HEARING COORDINATOR: Yes, we do
12 have a couple who would like to speak.

13 MR. WALKER: Okay. If you would
14 come up to the microphone and state your
15 name, please.

16 MR. BLACK: Good morning.

17 MR. WALKER: Good morning, sir.
18 Would you state your name?

19 MR. BLACK: Yes. My name is
20 Lucius Black, Jr.

21 MR. WALKER: Lucius Black, Jr.,
22 did you say?

23 MR. BLACK: Yes, sir.

24 MR. WALKER: Okay. Thank you.

25 MR. BLACK: I'm just concerned

1 about the -- you mentioned equality of
2 population, and I needed a little bit more
3 information on what that means. That is my
4 only question.

5 MR. WALKER: Okay. Well, I will
6 tell you what it means. Do you understand
7 the concept of the ideal population, which
8 is -- I mean, for example, if we have 35
9 Senate seats, we divide the new state
10 population by 35, and we come up with the
11 ideal population for the Senate, which is
12 143,551. So, as Senator McClendon explained,
13 some districts over the last ten years will
14 have lost population. Some districts will
15 have gained population. And, of course, all
16 of those districts were drawn to the ideal
17 population that existed after the 2010
18 census, which was a lower ideal population.
19 So, with regard to the Senate districts,
20 what the Legislature has to do is make sure
21 that every new Senate district is populated
22 at the ideal population or no more than 5%
23 above or below the ideal population. So,
24 there is a little variation allowed in
25 there. For example, some districts may be

1 under-populated because they have lost
2 population. In addition, they'll be
3 under-populated because the original ideal
4 population from 2010 is lower than the one
5 now. So, those districts will have to
6 expand their boundaries to take in
7 additional people. And on the other hand,
8 if a district has had population growth,
9 particularly a high rate of population
10 growth, then it will have to shed people
11 into adjoining districts, and it will become
12 a smaller district typically in order to get
13 down to the allowable range for ideal
14 population. And so one of the things that
15 we hope to hear today in this district is
16 what are the communities of interest that
17 should be protected that you would like for
18 the Legislature to pay attention to that
19 perhaps were not respected last time, and
20 how districts should change if you have an
21 opinion on that. Did I answer your
22 question?

23 MR. BLACK: Well, I think you
24 might have confused me just a little bit
25 because you talked about ideal population,

1 but I'm not quite clear about the meaning of
2 ideal population unless you're talking --
3 unless that means a number category or
4 something. I'm not sure.

5 MR. WALKER: It means -- it
6 means -- it's simply the new population for
7 the state -- let's just say 5 million --
8 it's a little bit more than that -- divided
9 by the number of districts we're
10 considering. If it's the Senate, it's
11 divided by 35. So, that will give you an
12 ideal population of 143,551. And then
13 because we're allowed when we do State Board
14 of Education, Senate, and House districts to
15 have some variation that we're not allowed
16 to when we do Congressional districts, the
17 range of acceptable population for a Senate
18 district, the ideal population is 143,551.
19 But the Senate could populate that district
20 down to as low as 136,373 or as high as
21 150,729. In other words, 5% above or 5%
22 below. And that flexibility is allowed, as
23 I said earlier, in order to give the
24 Legislature room to do things like protect
25 the integrity of political subdivisions,

1 maintain communities of interest, and create
2 geographic compactness. Does that answer
3 your question?

4 MR. BLACK: That answers.

5 MR. WALKER: Okay.

6 MR. BLACK: Thank you so much.

7 MR. WALKER: Do you have any
8 testimony about how districts should be
9 drawn?

10 MR. BLACK: Not at this time.

11 MR. WALKER: Okay. Thank you, Mr.
12 Black. I appreciate you coming up. Is there
13 anyone else who would like to talk?

14 HEARING COORDINATOR: Yes.

15 MR. WALKER: Welcome.

16 MR. ZIPPERT: Good morning.

17 MR. WALKER: Good morning.

18 MR. ZIPPERT: My name is John
19 Zippert.

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

22 MR. ZIPPERT: Z-i-p-p-e-r-t.

23 MR. WALKER: Thank you, Mr.
24 Zippert.

25 MR. ZIPPERT: I'm the copublisher

1 and editor of the Green County Democrat,
2 which is a weekly newspaper. So, I am here
3 partially in a press capacity, but really my
4 comments are made as a citizen and a person
5 involved in the Alabama New South Coalition
6 and other efforts involving black and
7 progressive voters.

8 MR. WALKER: Yes, sir.

9 MR. ZIPPERT: I just wanted to
10 comment on the Congressional map and suggest
11 to you that you take a strong look at the
12 alternate proposals that you have been
13 presented by the League of Women Voters and
14 Senator Bobby Singleton because the maps
15 that they have drawn I think would enable us
16 based on the fact that about a quarter of
17 the population of the whole state is
18 composed of African-Americans would give us
19 a potential opportunity to elect two
20 African-American persons to Congress. And I
21 think you should take a look at that and
22 really analyze that and determine whether
23 those maps are really fairer and
24 proportional maps and would enable
25 potentially the people of Alabama to elect

1 more than one African-American
2 Congress-person. On the other maps that you
3 have to draw, particularly on the House of
4 Representatives map, in which in the last
5 version of this Green County, which is where
6 I live, was split between two districts, 71
7 and 72. And I would just urge you strongly
8 to consider if there is a way to include --
9 and I know there has been population loss
10 both in Greene and Sumter. If is there a way
11 to include both of those counties rather
12 than split a county like Greene County,
13 which is already a small county. I think it
14 was -- it really was not the best for us
15 to have it split in the past. So, I guess I
16 would just say to you and to the Committee,
17 I know sort of the way you have presented
18 this is that you plan perhaps to do some
19 small adjustments around the edges of these
20 districts to have the population equalized,
21 but I would just say to you to consider the
22 possibility of a whole new map, which would
23 give us a different potential configuration
24 of our Congressional delegation, and to
25 think about the problem of splitting

1 counties, especially small counties like
2 Greene County. Thank you for your time and
3 attention and for holding these hearings to
4 get community input.

5 MR. WALKER: Thank you, Mr.
6 Zippert. I have a question for you, if I
7 may ask you one.

8 MR. ZIPPERT: Yes.

9 MR. WALKER: The -- we have seven
10 Congressional districts, and we have about
11 25% black population of the state. So, as
12 you point out, there is an inequality there
13 between the percentage of black
14 representation I guess in Congress versus
15 the percentage of Alabamians who are black.
16 The League of Women Voters -- the existing
17 plan has one majority black district that
18 has a black voting age population that is
19 above 50%, and black candidates have been
20 able to be successful from that district
21 ever since it was created, including, of
22 course, the incumbent, Terry Sewell. The
23 plan proposed by the League of Women Voters
24 does not have a majority black district. It
25 has two what they call opportunity

1 districts, one of which has -- I'm just
2 going to round this off -- 40% black voting
3 age population, and the other which has 45%
4 black voting age population. Of course, if
5 40% of the black voting age population -- if
6 40% of the voting age population in one
7 district is black, then 60% is not black.
8 And if 45% is black, then the other
9 percentage is not black. So, it could be,
10 as you say, that both of those districts
11 could by the process of pull, haul, and
12 trade by coalition of black voters and maybe
13 white voters wind up creating or giving the
14 state two Congress-people who are the
15 candidate of choice of black electors in
16 those districts. But it seems to me that
17 you can't discount the possibility that the
18 opposite result could occur and that there
19 might be no black persons elected to
20 Congress. And I think that is -- certainly,
21 the plan is going to be considered by the
22 Legislature because Senator Singleton is
23 going to sponsor it and introduce it. But I
24 think that there will be a lot of people who
25 will be concerned about rolling the dice on

1 a plan that doesn't guarantee any black
2 representation and might result in the loss
3 of black Congressional representation,
4 although, it could, on a good day, give us
5 two black members of the Congressional
6 delegation. Do you have anything that you
7 would like to say to the Legislature to deal
8 with that concern?

9 MR. ZIPPERT: Well, I'm not here
10 today to endorse a specific map. I really
11 was here today to ask you to look at those,
12 look at that issue of getting the
13 Congressional representation closer to the
14 population as you draw it. You may draw --
15 you may have a better -- you may be able to
16 draw a better map than the League of Women
17 Voters has drawn so far. I'm just saying to
18 look at that potential and just look at it
19 from the standpoint of fairness. And
20 hopefully we could find two districts that
21 would have a 50% black voting majority out
22 of this map and out of these figures. And I
23 have not done a map, but I'm really saying
24 to you to think about such a map or the best
25 map you can come up with that would allow

1 the potential for the election of two
2 African-American Congress people.

3 MR. WALKER: Okay. Thank you, Mr.
4 Zippert. I didn't mean to put you on the
5 spot. I hope I didn't. But thank you for
6 your testimony.

7 MR. ZIPPERT: All right. Your
8 question is a fair question, and it enters
9 into all of this discussion. But I'm just
10 saying to you don't just tinker around the
11 edges. Take a whole fresh look before you
12 do anything else.

13 MR. WALKER: Thank you, sir. Is
14 there anyone else in the auditorium at the
15 University of West Alabama who wishes to
16 speak?

17 HEARING COORDINATOR: No, sir. I
18 believe that is it.

19 MR. WALKER: Okay. If you are
20 attending virtually and you wish to speak,
21 please raise your hand or submit a comment
22 via chat. Do we have any?

23 MS. OVERTON: Yes. The first one
24 comes from Hailey. It's just a correction on
25 the comments made earlier. "The tab on the

1 web site is 'Reapportionment.' not
2 'Redistricting.'" The second question comes
3 from Kendra. "Will you be filtering out
4 comments that are deemed out of the scope of
5 the redistricting process? If so, who will
6 be responsible for determining what is out
7 of scope?"

8 MR. WALKER: I'm not sure what
9 that question is. The court reporter is
10 taking down everything that is said, and
11 that will be the record of the hearing. The
12 court reporter has a duty to record
13 everything accurately. And she will attest
14 at the end of the transcript that is what
15 she has done.

16 MS. OVERTON: You also have a
17 question from Felicia Scalzitti. "Mr.
18 Walker stated earlier that this cycle had
19 the most reapportionment public hearings
20 that has ever been held. But to my count,
21 there were twenty-nine public hearings in
22 2011, of which ten of those hearings were
23 held after working hours. This cycle we
24 have had twenty-eight hearings, and only one
25 has been after working hours."

1 MR. WALKER: Thank you.

2 MS. OVERTON: The next question
3 from Hailey: "How will incarcerated people
4 be counted?"

5 MR. WALKER: Incarcerated people
6 are counted, or were counted, rather, just
7 like anyone else. Maybe your question is
8 are incarcerated people counted as where --
9 as in the location where they are
10 incarcerated or where they maintain a
11 residence, if they maintain a residence, in
12 the state of Alabama. For example, there is
13 a prison in Elmore County. Are the
14 prisoners there counted as part of the
15 population of Elmore County, or if there are
16 prisoners there that have residents in
17 Autauga or Etowah or whatever have you
18 county, are they repatriated to those for
19 Census Bureau purpose? There is a handful
20 of states that do that. I'm going to use
21 the term "repatriation." The majority of
22 the states do not, and Alabama does not.
23 There is a common belief that incarcerated
24 persons cannot vote, and that is not
25 accurate. Some incarcerated persons cannot

1 vote, but some can. I don't know what the
2 breakdown is, but I know that just because
3 you're incarcerated does not mean that you
4 lose the right to vote.

5 MS. OVERTON: We have another
6 question from Kendra. "Why did the
7 Committee elect to change the hearing
8 schedule this year if it's so different from
9 2011?"

10 MR. WALKER: We increased the
11 number of hearings at the request of the
12 Committee and wanted to take advantage of
13 the ability to have remote hearings to have
14 more hearings.

15 MS. OVERTON: There is another
16 question from Hailey, "How will people
17 submit public comments after these hearings,
18 especially if they don't live in
19 Montgomery?"

20 MR. WALKER: You can submit
21 comments, certainly, right now. You're
22 participating in this hearing, and now is
23 the time for you to submit a comment. If
24 you don't want to do that, you can email
25 something to the Reapportionment Committee,

1 and as I indicated earlier, that will be put
2 into a file at the end of the files that
3 contain the transcripts. And it will be
4 there for anybody to look at. The
5 earlier -- the best thing to do would be to
6 give your comments now because that is the
7 purpose of this hearing. But if you don't
8 want to do that and you want to send
9 something in, I would recommend that you
10 send it in earlier rather than later to give
11 people more time to look at it.

12 MS. OVERTON: Another question
13 from Kendra. "Why did you elect to only have
14 one after working hours if you had ten after
15 working hours in 2011?"

16 MR. WALKER: Kendra, the purpose
17 of this hearing is to solicit comments about
18 how districts should be redrawn. If you
19 want to make a comment about that, that
20 would be helpful.

21 MS. OVERTON: And another question
22 from Hailey. "It took over a year last time
23 to redistrict. Why are we rushing this
24 process before the final census data is out
25 on September 30th?"

1 MR. WALKER: Actually, what
2 happened last time is that we had two bites
3 at the apple in redistricting. We had to
4 conduct Congressional and State Board of
5 Education redistricting in 2011 because they
6 had elections in the next year. But the
7 legislative elections were not in the next
8 year. So, we were able to do legislative
9 redistricting in 2012. And that is why it
10 was -- it stretched over a year. This time
11 Congressional, State Board of Education, and
12 legislative districts are all next year, and
13 that is why redistricting has to be done
14 now. The final release of the redistricting
15 data, as you point out, is due by the end of
16 September, but the same data was released on
17 August 12th. And it was just released in a
18 less user-friendly format. But if you have
19 Maptitude, then that is all you need to be
20 able to access and make use of all of that
21 information. So, there is nothing lost by
22 waiting until the end of September to do
23 redistricting. And waiting until the end of
24 September to do redistricting would, it's my
25 understanding from speaking with the other

1 state officials, would have put the people
2 who administer elections in an untenable
3 situation in order to prepare for the
4 primary and the elections next year.

5 MS. OVERTON: Hailey added to her
6 question. "How can we make these maps
7 without the full data? We do not have to
8 use the new maps for the next election, is
9 my understanding."

10 MR. WALKER: Hailey, we have all
11 of the information that the Census Bureau is
12 going to put out. They will just put it out
13 at the end of September in a different
14 form.

15 MS. OVERTON: From Kendra: "If the
16 purpose is to solicit comments from
17 Alabamians, the hearing has to be
18 accessible. My question is, Why did you give
19 a schedule that is inaccessible to most
20 working Alabamians?"

21 MR. WALKER: Kendra, it's clear
22 that you have a problem with the schedule,
23 and you've made your point on that. Thank
24 you.

25 MS. OVERTON: From Felicia: "To

1 follow up on the point I made about the
2 schedule, during a hearing yesterday, Mr.
3 Walker stated that complaints about the
4 scheduling of the hearings during working
5 hours and morning hours that the Committee
6 would look into having evening hearings in
7 ten years. However, we already had evening
8 hearings in 2011. There is no reason to
9 change in this cycle and then change it back
10 in 2030."

11 MR. WALKER: Thank you for your
12 comment. Don't read anymore comments about
13 the schedules. If people have comments that
14 are helpful and germane to the purpose of
15 the hearing, please read those.

16 MS. OVERTON: Hailey said her
17 understanding is some of the data is not
18 available, not only in a bad format,
19 including income data.

20 MR. WALKER: Hailey, we don't use
21 income data for redistricting. We look at
22 total population. And under some
23 circumstances, we look at BVAP and white
24 voting age population. But my understanding
25 from talking to Census Bureau officials is

1 that all of the data is there. It just may
2 not be available in as friendly a format as
3 it will be when ultimately released. There
4 is a great deal of income data on Alabama
5 already released on the Alabama page.

6 MS. OVERTON: Felicia said, "The
7 census data coming out on August the 12th
8 and the hearing started September 1st did
9 not give citizens enough time to come up
10 with their own maps and their own plans."
11 Hailey comments, "Citizens need the full
12 data to make their maps. How can we
13 participate in this process fully without
14 all the data available in a friendly
15 format?"

16 MR. WALKER: If you go to
17 Redistrictor or Dave's Redistricting, there
18 are redistricting -- you can draw maps using
19 either one of those two. You can also draw
20 maps at ASU or at some of the Regional
21 Development Centers. And those are
22 resources that are available to you. The
23 real purpose of this hearing, however, is to
24 receive comments on how citizens want maps
25 drawn, which does not require anything other

1 than the information about how districts
2 need to change their shape, i.e., get bigger
3 or smaller because of population shifts.

4 MS. OVERTON: There are no more.

5 MR. WALKER: Are there any other
6 questions or comments from people in the
7 auditorium at --

8 MS. OVERTON: Hailey had one more
9 comment. She said, "Thank you, but that
10 does not address my question. And I asked
11 you to give citizens more time to consider
12 how the maps will be drawn based on this
13 literally brand new information."

14 MR. WALKER: Is there anyone else
15 at the University of West Alabama that would
16 like to speak? One last chance? Anyone
17 else online who would like to speak? One
18 last chance. All right. This hearing is
19 closed. Thank you very much.

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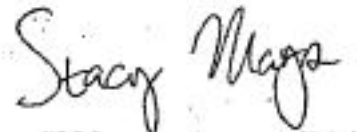
CERTIFICATE

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 8th day of October, 2021



Stacy Mays

Alabama CCR #229. Expires 9/30/2022

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