



Deposition of:
September 7, 2021 4:00 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 4:00 P.M.

LOCATION:
WALLACE STATE COMMUNITY COLLEGE - SELMA CAMPUS
3000 EARL GODWIN PARKWAY
SELMA, ALABAMA 36703

AND
ONLINE VIA MICROSOFT TEAMS MEETING

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

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1 SENATOR MCCLENDON: I want to welcome everybody
2 to the public hearing for districting. My name is Jim
3 McClendon. I'm from St. Clair County, and I am the
4 Senate chair of the Redistricting Committee.

5 To my right is Chris Pringle -- Representative
6 Chris Pringle, who is the House chair. And to my left is
7 Dorman Walker, who is the hearing officer. He's an
8 attorney and works for -- is employed by the
9 Redistricting Committee here in Montgomery, and we are
10 all in Montgomery, and we're so pleased to see you.

11 You know, this is something that happens every
12 10 years. The census is taken. We use that data, not
13 only the number of people but where those people are to
14 redraw the maps, to get the maps back in balance again
15 from where they were 10 years ago to compensate for
16 shifts in population.

17 Now, we are concerned today with the
18 Congressional maps, with the state board of education
19 maps, with the state Senate maps and the state House of
20 Representatives, all four of those. Our job today is to
21 get your interest and comments and suggestions you have
22 on how this should be done.

23 I would ask you, if you are online, if you're
24 joining us virtually, to please mute the microphone on
25 your computer or on your handheld device and also turn

1 your camera off on your device. We leave the camera on
2 for the court reporter who is with us, but we ask you --
3 Now, if it comes time for you to -- If you have comments
4 you would like to make, we welcome you to turn your
5 camera back on at that time and turn your mic back on,
6 but in the meantime, please turn off your cameras on your
7 computers or your handheld devices as well as muting the
8 mic.

9 Now, each Senate district, when we redraw, we
10 have an ideal number to put in that Senate district which
11 is 143,551 people. Now, we're given a latitude of plus
12 or minus five percent, so it doesn't have to be that
13 exact number. For the House of Representatives, that
14 ideal number is 47,850, again, plus or minus five
15 percent. With the state board of education, we have that
16 same deviation we're allowed. With Congressional
17 districts, they have to be the same in each district.

18 Now, what I'm going to do is talk about some of
19 the districts in your area. For your Senate districts in
20 your area and to get an idea of what's going on with the
21 population -- Let's see. Wallace State, where are you?
22 Y'all hang on. I've got to get my paperwork straightened
23 out.

24 Here we are. So Senate district 23 is
25 underpopulated by 24,000 people. You think about what

1 that means. For us to bring it up to the new ideal
2 amount, that district is going to have to grow, and it's
3 going to have to expand geographically to pick up the
4 additional people. Another one in your area, Senate
5 district 30, is actually over by about 1,400 people. So
6 it's within our plus or minus five percent.

7 On the House districts in your area, House
8 district 68 actually lost 8,338 people. Sixty-nine lost
9 about 5,500 people. Seventy-two lost about 7,300, and I
10 believe that's it for your area. I didn't do 67. House
11 district 67 is down by 8,500. So a quick look at these
12 districts, you realize they're going to have to increase
13 geographically in order to capture the necessary number
14 of people to bring them up so that we're in the range of
15 one person, one vote.

16 With that being said, to give you an idea of our
17 task, let me turn the mic over to Representative Chris
18 Pringle to give you some idea of how we're going to carry
19 out today and the ideas about how to give your testimony.

20 Thank you.

21 MR. PRINGLE: Thank you, Senator. Again, my
22 name is Chris Pringle. I'm the state representative from
23 House district 101 from Mobile, and I'm the House
24 chairman of the Reapportionment Committee.

25 Today, we will call, in order for people to

1 speak, in the order which they signed up. Please limit
2 your remarks to three minutes. If you need to come back
3 at the end, we'll be glad to let you come back up and
4 speak. When called, please come to the microphone, state
5 your name and the community you represent and the
6 district or districts you want to speak about. If you
7 decide you want to speak but have not signed up, we'll
8 ask at the end if anyone hasn't spoken and wants to.

9 If you are participating remotely, send us your
10 questions, and we'll read them into the record and answer
11 your questions and comments. We'll read them.

12 This hearing is being transcribed by a court
13 reporter who is working remotely. If you have something
14 you would like to introduce into the record as an
15 exhibit, bring it to the microphone when you speak and
16 let the hearing officer know, and we'll have that
17 information attached and entered into the permanent
18 record of the committee.

19 Again, today's hearing is dealing with
20 legislative and Congressional, state school board
21 redistricting. No other issue before the legislature is
22 on the agenda for today, so please hold all your comments
23 and make them germane to the redistricting issue.

24 Thank you, and with that, I'd like to introduce
25 you to Dorman Walker, our attorney.

1 MR. WALKER: Hello. I'm the hearing officer.
2 Welcome, and thank you to Wallace State Selma for hosting
3 this hearing, and thank you to those of you who are in
4 the auditorium at Wallace State and appearing remotely.

5 We'd like to keep track of media coverage of the
6 hearings. If anyone from the media is present, would
7 they introduce themselves and let us know who they
8 represent. Is anyone from the media there?

9 Okay. The purpose of the hearing today is to
10 receive comments on how the districts should be redrawn,
11 and the legislature can't just redraw them in any way.
12 It has to comply with the federal and state constitutions
13 and laws. And principal among these are the equal
14 protection clause, the requirement of one person, one
15 vote, which basically means that all districts must be
16 equal or approximately equal in population according to
17 the amount of deviation that's allowed. We have, in the
18 context of state board of education and legislative
19 districts, some discretion, either five percent above or
20 five percent below the ideal population as to how we
21 populate districts. And the ideal population is simply
22 the state's population of about a little more than five
23 million divided by the number of districts. So, for
24 example, to get the ideal population for a Congressional
25 district, you would divide the state's new total

1 population by seven.

2 In addition to population equality, one person,
3 one vote, district plans must also be non-discriminatory,
4 and the Reapportionment Committee will not approve a
5 redistricting plan that either fails to equalize
6 population or which it perceives to be discriminatory.

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

19 Now, the race-neutral districting criteria are
20 rules that the legislature adopts to guide it in drawing
21 districts, and one of these is that districts must be
22 reasonably compact and contain as few counties as is
23 possible. Another is that districts should reflect the
24 will of the people, and that's one of the reasons for
25 these hearings is to hear what people say about how the

1 districts should be redrawn.

2 Another criteria is that, again, a district
3 should be drawn on the basis of total population. The
4 census bureau reports data and population in many
5 different forms, but districts are drawn on the basis of
6 total population even though that may include many people
7 who cannot vote such as children or people who were in
8 the state on the day the count was done but are not
9 residents of the state or are not citizens and, in
10 certain circumstances, people who are incarcerated.
11 Nevertheless, population -- total population is what has
12 always been used to draw districts, and that's what will
13 be used again this time.

14 On occasion, the legislature may look at voting
15 age population, that is, persons 18 and above in order to
16 comply with section two of the Voting Rights Act.

17 The number of Senate districts is 35. The
18 number of House districts, 105, although the Constitution
19 would allow 106. All districts have to be drawn as
20 single-member districts, meaning only one person is
21 elected from each district. And in drawing districts,
22 contests between incumbents are avoided whenever
23 possible, and districts are drawn to preserve the cores
24 of existing districts where possible.

25 Another criteria is that districts must be

1 contiguous, which means every part of every district must
2 touch another district or one of the boundaries of the
3 state. Contiguity across water is allowed.

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

14 The discernment, weighing and balancing of the
15 very factors that contribute to communities of interest
16 is an intensely political process best carried out by
17 elected representatives of the people.

18 I'll now call upon people who asked to speak.
19 I'll ask -- first call upon the people in the auditorium.
20 Then if anyone who is participating remotely wants to
21 speak, go ahead and raise your hand or send in a question
22 via chat, and we'll respond to that.

23 But first, Acquanetta Poole has signed in to
24 speak. Ms. Poole, if you'll please come up to the
25 microphone.

1 MS. POOLE: Thank you, kindly. My name is
2 Acquanetta Poole, and I represent all Black Belt
3 communities.

4 What I've seen is we definitely need to redraw
5 the lines so we can have better schools in our community.
6 After COVID-19 last year, we noticed that the broadband
7 was not sufficient to teach our children, and so we
8 definitely need to work on those things. I don't know if
9 we need to expand -- as a school system, expand the money
10 in those communities, and I know you have to do that by
11 your voter count.

12 In addition to that, we need more economic
13 growth here in this community. When it comes to our road
14 base, we need better roads in this community. This is a
15 historical place, and I'm speaking about all of the Black
16 Belt communities. We have a long history all over these
17 communities, and that's basically what I wanted to share
18 with this committee today.

19 And thank you for your time.

20 MR. WALKER: Thank you very much, Ms. Poole.

21 SENATOR MCCLENDON: Let me interject just a
22 minute. I just want you to know that, also, we have with
23 us in the committee meeting and a member of this
24 committee is Senator Bobby Singleton. He's sitting in
25 the room with us, and he's taking down what you're

1 saying.

2 Go ahead, Mr. Walker.

3 MR. WALKER: Do we have anybody?

4 Ms. Poole was the only person in the auditorium
5 who signed up to speak, and no one who is attending
6 remotely has raised their hand or sent in a question via
7 chat. So let me ask you one last time if anyone cares to
8 speak either at the auditorium, just come up to the
9 podium, or if you're attending remotely, raise your hand
10 or send in a question via chat. This is your opportunity
11 to tell the legislature how districts should be redrawn,
12 and we would welcome more input from anyone who cares to
13 give it.

14 Okay. No one has approached the microphone and
15 no one attending remotely has either raised their hand or
16 sent in a chat question. So I declare this hearing
17 closed.

18 Thank you again to Wallace State for hosting the
19 hearing, and thank you to those of you who have attended
20 today, and thank you particularly, Ms. Poole, for your
21 testimony. Have a good day.

22 (Exhibit 1 and 2 were marked.)

23

24

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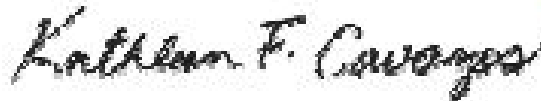
C E R T I F I C A T E

STATE OF ALABAMA)
COUNTY OF MOBILE)

I hereby certify that the above and foregoing was taken down remotely 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
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Alabama Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

(e) Submission to witness; changes; signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within thirty (30) days of its submission to the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the

court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(F) Certification and filing by officer; exhibits; copies; notice of filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. Unless otherwise ordered by the court, the officer shall then securely seal the deposition in an envelope indorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly file it with the court in which the action is pending or send it by registered or certified mail to the clerk thereof for filing.

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