

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

**REP. PRINGLE'S CORRECTED NOTICE OF EVIDENTIARY
SUBMISSION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

In addition to the evidentiary submission already made by the Defendant Alabama Secretary of State, Wes Allen, (*see* Doc. 164), Defendant Rep. Chris Pringle submits the following exhibits in support of his motion for summary judgment.

ECF No.	Exhibit No.	Document
1	23	Declaration of Rep. Chris Pringle
2	24	Declaration of Sen. Steve Livingston
3	25	Rep. Chris Pringle's Verified Objections and Responses to Plaintiff's First Interrogatories to Defendants
4	26	Plaintiff's Responses to Defendant Allen's Discovery Requests
5	27	Greater Birmingham Ministries' Supplemental Discovery Responses
6	28	Deposition of Alabama State Conference of the NAACP President, Bernard Simelton
7	29	Exhibits to Deposition of Alabama State Conference of the NAACP President, Bernard Simelton

8	30	Deposition of Greater Birmingham Ministries Executive Director, Scott Douglas, with exhibits
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Dated June 21, 2024.

/s/ Dorman Walker

Counsel for Rep. Chris Pringle

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify I electronically filed the foregoing notice with the clerk of the Court using the CM/ECF system on June 21, 2024, which will serve all counsel of record.

/s/ Dorman Walker

OF COUNSEL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 23

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 2:21-cv-1531-AMM
)	
WES ALLEN, in his official capacity)	
as Secretary of State of Alabama, <i>et al.</i>)	
)	
<i>Defendants.</i>)	

DECLARATION OF REP. CHRIS PRINGLE

1. My name is Chris Pringle. This declaration is based on my personal knowledge.
2. I represent Alabama House District 101 in the Alabama Legislature, where I also am the House Chair of the Legislature's Permanent Legislative Committee on Reapportionment (the "Reapportionment Committee").
3. Despite its name, the primary task of the Reapportionment Committee is redistricting.
4. The Reapportionment Committee is responsible for proposing new statewide redistricting plans for congressional, Alabama House of Representatives, Alabama Senate, and State Board of Education districts. Neither the Reapportionment Committee nor the House of Representatives

is required to accept such proposed plans, each of which can be amended, substituted, or rejected in favor another districting plan.

5. As the House Chair of the Reapportionment Committee, I take a leadership role in the development and design of proposed new districts for the House of Representatives.

6. As House Chair, I have no role in the development or design of Senate districts. My only involvement with passage of the Senate districts that became SB1 was in presenting them to the House of Representatives after they were passed by the Senate, and in voting on them as a member of the Legislature. In 2021, the House made no changes to the Senates districts after they were passed by the Senate.

7. I have reviewed the Prayer for Relief¹ in the Fourth Amended Complaint. I have no power to grant the relief requested, neither as House Chair of the Reapportionment Committee nor as a member of the Legislature.

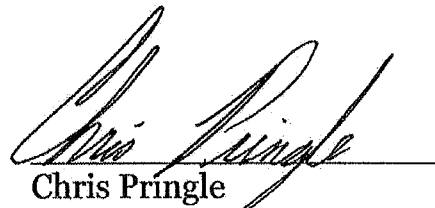
¹ “WHEREFORE, Plaintiffs respectfully request that the Court:

A. Declare the State Senate districting plan adopted in SB 1 a violation of Section 2 of the Voting Rights Act of 1965;
B. Enjoin the Defendants and their agents from holding elections in the challenged districts adopted in SB 1 and any adjoining districts necessary to remedy the Voting Rights Act violations, 42 U.S.C. § 1983; 52 U.S.C. § 10302(b);
C. Set a reasonable deadline for the State of Alabama to adopt and enact a districting plan for the State Senate that remedies the Voting Rights Act violations;
D. Award Plaintiffs their costs, expenses, disbursements, and reasonable attorneys’ fees incurred in bringing this action pursuant to and in accordance with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988(b);
E. Retain jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court;
F. Retain jurisdiction over this matter and require all Defendants to subject future State Senate redistricting plans for preclearance review from this court or the U.S. Attorney General under Section 3(c) of the VRA, 52 U.S.C. § 10302(c);
G. Grant such other and further relief as the Court may deem just and proper.” Doc. 126, Prayer for Relief.

8. Specifically, I cannot declare that SB 1 violates the Voting Rights Act; I have no authority to prevent the 2021 Senate districts from being used in elections; I have no authority to cause the adoption and enactment of a new redistricting plan for the Senate; I cannot exercise the Court's judicial power; and I cannot exercise or determine any preclearance requirements.

I declare under penalty of the perjury laws of the United States of America that the forgoing is true and correct.

Date: 12/20/23


Chris Pringle

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 24

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 2:21-cv-1531-AMM
)	
WES ALLEN, in his official capacity)	
as Secretary of State of Alabama, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

DECLARATION OF SEN. STEVE LIVINGSTON

1. My name is Steve Livingston. This declaration is based on my personal knowledge.
2. I represent Alabama Senate District 8 in the Alabama Legislature, where I also am the Senate Chair of the Legislature's Permanent Legislative Committee on Reapportionment (the "Reapportionment Committee").
3. Despite its name, the primary task of the Reapportionment Committee is redistricting.
4. The Reapportionment Committee is responsible for proposing new statewide redistricting plans for congressional, Alabama House of Representatives, Alabama Senate, and State Board of Education districts.
5. I was not the Senate Chair of the Reapportionment Committee in 2021 when the Senate's current districts were drawn and passed into law as SB1.

My only involvement in the development and design of the current Senate districts was voting on them as an individual member of the Legislature. Consequently, I know how my own district was drawn, but I have little information about how other Senate districts were drawn.

6. As the current Senate Chair of the Reapportionment Committee, I will have a leadership role in the development and design of any proposed new Senate districts. However, neither the Reapportionment Committee nor the Senate is required to accept any such proposed plan, which could be amended, substituted, or rejected in favor another districting plan.

7. I have reviewed the Prayer for Relief¹ in the Fourth Amended Complaint. I have no power to grant the relief requested, neither as Senate Chair of the Reapportionment Committee nor as a member of the Legislature.

8. Specifically, I cannot declare that SB1 violates the Voting Rights Act. I have no authority to prevent the 2021 Senate districts from being used in

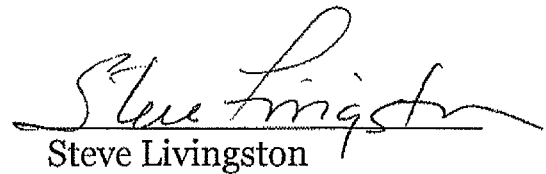
¹ "WHEREFORE, Plaintiffs respectfully request that the Court:

A. Declare the State Senate districting plan adopted in SB 1 a violation of Section 2 of the Voting Rights Act of 1965;
B. Enjoin the Defendants and their agents from holding elections in the challenged districts adopted in SB 1 and any adjoining districts necessary to remedy the Voting Rights Act violations, 42 U.S.C. § 1983; 52 U.S.C. § 10302(b);
C. Set a reasonable deadline for the State of Alabama to adopt and enact a districting plan for the State Senate that remedies the Voting Rights Act violations;
D. Award Plaintiffs their costs, expenses, disbursements, and reasonable attorneys' fees incurred in bringing this action pursuant to and in accordance with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988(b);
E. Retain jurisdiction over this matter until all Defendants have complied with all orders and mandates of this Court;
F. Retain jurisdiction over this matter and require all Defendants to subject future State Senate redistricting plans for preclearance review from this court or the U.S. Attorney General under Section 3(c) of the VRA, 52 U.S.C. § 10302(c);
G. Grant such other and further relief as the Court may deem just and proper." Doc. 126, Prayer for Relief.

elections. I have no authority to cause the adoption and enactment of a new Senate redistricting plan. I cannot exercise the Court's judicial power. And I cannot exercise of determine any preclearance requirements.

I declare under penalty of the perjury laws of the United States of America that the forgoing is true and correct.

Date: 12/19/23


Steve Livingston

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LAQUISHA CHANDLER, et al.,

Plaintiffs,

vs.

WES ALLEN, et al.,

Defendants.

Case No.: 2:21-cv-1531-AMM

**DEFENDANT REP. CHRIS PRINGLE'S
OBJECTIONS AND RESPONSES TO
"PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS"**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, defendant Rep. Chris Pringle, the House Chair of the Alabama Legislature's Reapportionment Committee, hereby objects and responds to "Plaintiffs' First Set of Interrogatories to Defendants," which were served on July 21, 2023.

General Statement

In providing these responses, Rep. Pringle has relied on the information presently available to him as House Chair of the Reapportionment Committee. Further or different information may be revealed during the discovery phase of this litigation. Rep. Pringle will amend his Objections and Responses to the extent required by Fed. R. Civ. P. 26 and the applicable local Rules of this Court, applicable orders of the Court, and/or related agreements. Rep. Pringle reserves the right to revise, correct, supplement, clarify, and amend his Objections and Responses set forth herein consistent with the Federal Rules of Civil Procedure.

Rep. Pringle's answers to each and every request regarding any person's actions or intent in drafting or considering any districting map are subject to the understanding (and do not waive the arguments) that: whatever the purpose of any person involved in preparing or considering a map, "[t]he 'cat's paw' theory has no application to legislative bodies," *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2350 (2021); "determining the intent of the legislature is a problematic and near-impossible challenge," *Greater Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d 1299, 1324 (11th Cir. 2021); and "the good faith of a state legislature must be presumed," *Miller v. Johnson*, 515 U.S. 900, 915 (1995).

By answering these interrogatories without objection to whether any individual interrogatory is properly counted as more than one interrogatory, Rep. Pringle does not waive his right to object—in response to further interrogatories, if any—to Plaintiffs surpassing the limit on the number of interrogatories that may be served in this proceeding. Rep. Pringle specifically reserves his right to lodge such an objection.

□

General Objections

Rep. Pringle objects to the Definitions and Instructions to the extent that they purport to impose any requirements or obligations different from those contained in the applicable Federal Rules of Civil Procedure, the applicable local Rules of this Court, applicable orders of the Court, and/or related agreements. Rep. Pringle will respond to Plaintiffs' interrogatories in accordance with the Federal Rules of Civil Procedure, the applicable local Rules of this Court, applicable orders of the Court, and/or related agreements. Rep. Pringle understands and interprets Plaintiffs' interrogatories in accordance with standard usage of the English language.

Rep. Pringle objects to each of the requests for production to the extent it seeks information or documents protected by the attorney-client privilege, the joint defense doctrine/attorney-client privilege, common interest doctrine/attorney-

client privilege, the work-product doctrine, deliberative process privilege, law enforcement privilege, legislative privilege, or any other applicable privilege, exemption, or immunity. Rep. Pringle's response to each request is made subject to all objections as to privilege, competence, relevance, materiality, propriety, and admissibility, as well as any and all other objections and grounds that would require the exclusion of evidence. Rep. Pringle reserves the right to make any and all such objections at the appropriate time.

Rep. Pringle further specifically objects to the Definition of "You", "Your", or "Defendant" to the extent that it can be read to suggest that any individual fills the multiple roles listed. Rep. Pringle will read these terms to refer to himself in his official capacity as House Chair of the Reapportionment Committee, and his responses are based on the knowledge of his office.

Rep. Pringle objects to the interrogatories to the extent they are directed to matters which are not no longer relevant to the subject matter at issue in this action, or to the extent Plaintiffs seeks information that is neither admissible nor reasonably calculated to lead the discovery of admissible evidence. In particular, Plaintiffs have propounded several interrogatories that either directly seek information about the House of Representatives 2021 district map or that would otherwise cover the House of Representatives 2021 district map even though Plaintiffs' claims no longer include challenges to any House of Representatives districts. Rep. Pringle objects to these interrogatories as overbroad, outside the scope of permissible discovery, and not proportional to the discovery needs of this case. By responding to any such interrogatories, Rep. Pringle does not waive, and expressly reserves, all such objections.

Rep. Pringle objects to the interrogatories to the extent they seek information that is obtainable from publicly available sources or other sources that are equally available to both parties.

Rep. Pringle incorporates each of these General Objections into his specific objections to each interrogatory below, whether or not each such General Objection is expressly referred to in his objections to a specific interrogatory. Any response provided by Rep. Pringle to the interrogatories shall in no way constitute or be construed as a waiver of the objections contained herein.

Rep. Pringle objects to the interrogatories to the extent they seek information about Alabama Senate districts. Rep. Pringle did not draw, evaluate, or approve the current Senate districts in 2021. Rep. Pringle had no role in the adoption of previous Senate districts.

Responses

INTERROGATORY NO. 1: Identify all consultants, experts, or other individuals whose input, feedback, or advice you sought in drawing, evaluating, or approving Alabama's 2021 state legislative maps, including whether those maps complied with the Voting Rights Act, the U.S. Constitution, and federal and state law.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Without waiving these objections, Rep. Pringle states that he consulted the following individuals as part of his efforts as House Chair of the Joint Legislative Committee on Reapportionment (the "Committee") during the 2021 redistricting cycle:

Rep. Pringle states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Reapportionment Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal -- limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle did not draw, evaluate or approve the Senate districts. Rep. Pringle's response to this interrogatory does not purport to cover all

“consultants, experts, or other individuals whose input, feedback, or advice” might have been “sought in drawing, evaluating, or approving” any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle’s knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs’ claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, as to the House districts, Rep. Pringle consulted with members of the House, Randy Hinaman, and counsel for the Reapportionment Committee. He may also have consulted with counsel from the Attorney General’s office.

INTERROGATORY NO. 2: Identify the criteria that the Committee and/or its agents, including Randy Hinaman, used as redistricting guidelines in creating Alabama’s state legislative districts during the 2021 redistricting cycle, including the weight or priority applied to each factor.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about criteria that “the Committee and/or its agents” used as beyond his knowledge, and responds as to himself. In particular, Rep. Pringle states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of the Redistricting Committee. As House Chair, Rep. Pringle’s involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle’s response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which are outside the scope of Rep. Pringle’s knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs’ claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle relied on and instructed Randy Hinaman to rely on the Reapportionment Committee Redistricting Guidelines (the “Guidelines”).

INTERROGATORY NO. 3: Identify and describe all guidance and instructions that were provided to Randy Hinaman by you or your agents, employees, or anyone assisting you concerning the process he should employ when drawing the 2021 state legislative districts, the relevant criteria to consider, and what evaluations of his districts should be conducted.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of the Reapportionment Committee. As House Chair, Rep. Pringle’s involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle’s response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle’s knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs’ claims do not challenge any House of Representatives districts, and therefore this information is

no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle instructed Randy Hinaman to rely on the Guidelines, and to consult with lawyers concerning case law, as needed. Rep. Pringle provided Randy Hinaman with no guidance or instruction concerning the state Senate district map.

INTERROGATORY NO. 4: Describe the 2021 redistricting cycle drafting timeline for Alabama's state legislative districts, including identifying all meetings between Drafters and the Committee and/or its agents.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of the Redistricting Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle met with members of the House of Representative who wanted to meet with him, Dorman Walker, possibly one or more attorney's from the Attorney General's office, Randy Hinaman, the Republican Caucus, and Committee staff during the 2021 redistricting cycle. Rep. Pringle participated in a series of public hearings held by the Reapportionment Committee to receive public comments on redrawing the Alabama's congressional, State Board of Education, Alabama Senate, and Alabama House of Representatives districts. The dates and locations of these meeting are available at https://www.legislature.state.al.us/pdf/2021-Reapportionment/Legislative%20Reapportionment%20Public%20Hearings_Aug%205%20.pdf. Rep. Pringle also participated in two meetings of the Reapportionment Committee in 2021. The dates and minutes of these meetings are available at <https://alison.legislature.state.al.us/reapportionment-meetings-notices-2021>. Except in a general sense, Rep. Pringle's involvement in any meetings concerned solely the 2021 district map for the Alabama House of Representatives. Except for the public hearings and Reapportionment Committee meetings, these meetings happened organically, without a set schedule. During the final week of the 2021 redistricting cycle, prior to introduction of the proposed House of Representatives redistricting map, Rep. Pringle scheduled time to meet with various individual members of the House of Representatives. Rep. Pringle cannot recall each of these meetings, but the schedule will be produced to Plaintiffs.

INTERROGATORY NO. 5: For each map drafted in the 2021 redistricting cycle, identify when it was created, who it was shared with, and when it was first made publicly available.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, any other information protected from disclosure by an applicable privilege or immunity, or maps drafted by Legislators using the State's mapping system and not released by those Legislators, as to which he has no certain knowledge. Rep. Pringle objects to this interrogatory to the extent it seeks information about maps released by other Legislators, as to which he lacks certain knowledge. Rep. Pringle objects to the extent this interrogatory seeks information about maps other than legislative maps, which are irrelevant.

Rep. Pringle further states that this response is provided in his capacity as an

individual member of the House or Representatives and as House Chair of the Reapportionment Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states that the 2021 House of Representatives district map was formed over time between the time that the House of Representatives first received 2020 census data from the U.S. Census Bureau in August 2021 and the time that the 2021 district maps were first introduced, the weekend before the Alabama Legislature's Special Legislative Session on redistricting. The Special Legislative Session began on or about October 28, 2021 and lasted five days. Rep. Pringle recalls that the proposed 2021 district maps were shared with legislators on or about October 23, 2021, and that they were first published by Rep. Chris England on or about October 25, 2021.

Rep. Pringle's responses concern only the Alabama House of Representatives district map, although a similar timeline may be applicable to the Alabama Senate district map. Rep. Pringle lacks sufficient knowledge or information concerning the creation, sharing, or publishing of the Alabama Senate district map(s) to provide a response, however.

INTERROGATORY NO. 6: Define the phrase “cores of existing districts,” from the Reapportionment Committee Redistricting Guidelines, as that factor was interpreted and applied by you or your agents, employees, or anyone assisting you, including Randy Hinaman, in creating Alabama's state legislative districts during the 2021 redistricting cycle.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about the “interpret[ation] and appli[cation]” or a phrase by “agents, employees, or anyone assisting you, including Randy Hinaman,” and responds as to himself.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House or Representatives and as House Chair of the Reapportionment Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states that he instructed Randy Hinaman to follow the Committee's Guidelines, which includes the guidance to “try to preserve the cores of existing districts.” Committee Guidelines at § II.j.(v). Rep. Pringle did not provide Randy Hinaman with additional guidance concerning this phrase. Rep. Pringle would understand the phrase “try to preserve the cores of existing districts,” to mean that it was one of the goals of the Legislature to alter pre-existing district lines only to the degree necessary to comply with the law, new census data, and the other criteria in the Guidelines. Rep. Pringle can only answer

for himself.

INTERROGATORY NO. 7: Identify all communities of interest that the Committee and/or its agents, including Randy Hinaman, identified and credited when drafting and approving Alabama's state legislative districts during the 2021 redistricting cycle.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to any the word "credited" as too vague to allow him to know how to respond, and interprets "credited" to refer to communities of interest considered by him when drafting legislative districts, and responds accordingly. Rep. Pringle objects to the extent this interrogatory seeks information about communities of interest that "the Committee and/or its agents" identified and credited as beyond his knowledge, and responds as to himself.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House or Representatives and as House Chair of the Reapportionment Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states that he is unaware of any "communities of interest" identified and affecting any 2021 state Senate district map. Rep. Pringle considered the Springhill community of his home district when the House districts were drawn.

INTERROGATORY NO. 8: For each Challenged District, identify all communities of interest considered or evaluated by you or your agents, employees, or anyone assisting you, including Randy Hinaman, in creating Alabama's state legislative districts during the 2021 redistricting cycle, including which communities of interest impacted the districts adopted.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about communities of interest that "the Committee and/or its agents" identified and credited as beyond his knowledge, and responds as to himself.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House or Representatives and as House Chair of Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal—limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states that he is unaware of any "communities of interest" identified and affecting any 2021 state Senate district

map.

INTERROGATORY NO. 9: For each Challenged District, identify when the district “core” was first drawn or otherwise identified and whether the Committee sought or received any input on the drawing or identification of the district—including the identity of each person who provided said input, when that input was provided, the content of the input, and whether any change was made to the district core as a result of that input during the 2021 redistricting cycle.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about what “the Committee sought or received” as beyond his knowledge, and responds as to himself.

Without waiving these objections, as Rep. Pringle has stated throughout, Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. All “Challenged Districts” are state Senate districts. As House Chair, Rep. Pringle’s involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. As such, Rep. Pringle has no knowledge of the information Plaintiffs’ Interrogatory no. 9 seeks.

INTERROGATORY NO. 10: For each Challenged District, identify each change made and/or feedback incorporated to a draft map from a legislator.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity.

Without waiving these objections, as Rep. Pringle has stated throughout, Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. All “Challenged Districts” are state Senate districts. As House Chair, Rep. Pringle’s involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. As such, Rep. Pringle has no knowledge of the information Plaintiffs’ Interrogatory no. 10 seeks.

INTERROGATORY NO. 11: Identify and describe how the Committee, and its agents and employees, defined, monitored, or reviewed its compliance with the VRA and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution when creating Alabama’s state legislative districts during the 2021 redistricting cycle.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about what “the Committee and its agents and employees defined, monitored, or reviewed,” as beyond his knowledge, and responds as to himself.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. As House Chair, Rep. Pringle’s involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle’s response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle’s knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory

to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states he instructed Randy Hinaman and Committee staff to follow the Committee Guidelines and consult with lawyers on case law, as needed. In his role as House Chair of the Committee, Rep. Pringle followed the Guidelines and consulted with lawyers on

INTERROGATORY NO. 12: Identify and describe how the Committee and its agents and employees selected districts to perform functionality examinations or effectiveness analysis, including those analyzed in document RC 44600, produced in *Milligan v. Allen*.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity. Rep. Pringle objects to the extent this interrogatory seeks information about "how the Committee and its agents and employees selected districts to perform functionality reexaminations of effectiveness analysis", as beyond his knowledge, and responds as to himself.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

At this time, Rep. Pringle is unaware of any information responsive to this Interrogatory no. 12 that is not subject to the attorney-client privilege and/or attorney-work product protection, and declines to respond on that basis.

INTERROGATORY NO. 13: Describe how and when racial data and awareness of racial composition were used in the drafting process of Alabama's state legislative districts during the 2021 redistricting cycle.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work-product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Rep. Pringle states that he is unaware of "racial data [or] awareness of racial composition [being] used in the drafting process of Alabama's" Senate legislative districts "during the 2021 redistricting cycle."

INTERROGATORY NO. 14: For the 1990, 2000, and 2010 redistricting

cycles, identify who drew, who directed the creation of, what criteria was relied upon, and who determined the criteria of each respective enacted map for State House of Representatives and State Senate.

RESPONSE: Rep. Pringle objects to this interrogatory to the extent it seeks attorney work product, attorney-client communications, information subject to the legislative privilege, or any other information protected from disclosure by an applicable privilege or immunity.

Rep. Pringle further states that this response is provided in his capacity as an individual member of the House of Representatives and as House Chair of Committee. As House Chair, Rep. Pringle's involvement in the 2021 redistricting process for Senate districts was very minimal – limited to introducing the 2021 Senate redistricting plan, SB 1, in the House of Representatives, and then voting on SB 1 as an individual member of the House of Representatives. Rep. Pringle's response to this interrogatory does not purport to cover activities concerning any 2021 Senate redistricting map, which is outside the scope of Rep. Pringle's knowledge or involvement. Additionally, Rep. Pringle objects to this interrogatory to the degree it seeks information concerning the Alabama House of Representatives 2021 district map(s). Plaintiffs' claims do not challenge any House of Representatives districts, and therefore this information is no longer relevant or reasonably calculated to lead to the discovery of admissible evidence.

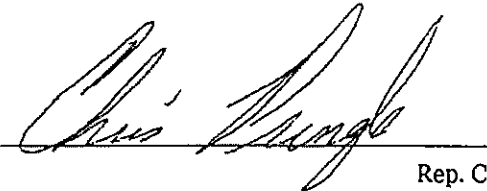
Without waiving these objections, Rep. Pringle is unaware of "who drew, who directed the creation of, what criteria was relied upon, and who determined the criteria of each respective enacted map for State House of Representatives and State Senate" for "the 1990, 2000, and 2010 redistricting cycles." Rep. Pringle believes that Ken Guin, House of Representatives Majority Leader from 1997-2010, and Marcel Black, member of the House of Representatives from 1990-2018, may have led efforts to draw prior district maps for the Alabama House of Representatives, or may have relevant information concerning who did.

VERIFICATION

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned notary public, personally appeared Chris Pringle, who, after being first duly sworn on oath, did depose and say as follows:

My name is Rep. Chris Pringle. I am House Chair of the Alabama Legislature's joint Permanent Legislative Committee on Reapportionment, commonly known as the "Redistricting Committee." My responses above includes information provided by others, as well as my personal knowledge, and the facts stated therein are true and correct according to my present information, knowledge, and belief. The answers set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily are limited by the records and information still in existence, presently recollected, Legislative and thus far discovered in the course of preparation of these answers and responses. Consequently, I reserve the right to make any changes in the answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

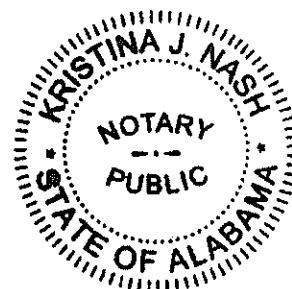


Rep. Chris Pringle

Sworn to and subscribed before me on this the 22 day of March, 2024.



Notary Public



8 | 17 | 2025

My Commission expires :

Done this 25th day of March, 2024.

/s/ Dorman Walker

Counsel for Rep. Chris Pringle



27th day

CERTIFICATE OF SERVICE

I hereby certify that on March ~~25~~ *27*, 2024, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Dorman Walker
OF COUNSEL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 26

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

KHADIDAH STONE, et al.,

Plaintiffs,

v.

WES ALLEN, et al.,

Defendants.

Case No. 2:21-CV-01531-AMM

**PLAINTIFFS' RESPONSES TO DEFENDANT ALLEN'S
DISCOVERY REQUESTS**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure, Plaintiffs Khadidah Stone, Evan Milligan, Greater Birmingham Ministries, and Alabama State Conference of the NAACP (collectively "Plaintiffs"), submit the following objections and responses to Defendant Secretary of State Wes Allen's Discovery Requests to the Plaintiffs ("Requests").

These responses are based on the information and documents currently available to Plaintiffs, and Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry and as appropriate under the Rules. These responses and objections are also based on Plaintiffs' understanding of each individual Request and not an admission or agreement with Defendant Allen's use or interpretation of terms. To the extent Defendant Allen asserts an interpretation of any Request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement its responses and objections.

Information contained in any responses and objections pursuant to these Requests are not an admission or acknowledgment by Plaintiffs that: (1) such information is relevant to any claim or defense in this action; (2) is without prejudice to Plaintiffs' right to contend at any trial or in any other proceeding,

in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and (3) is without prejudice to or waiver of any objection to any future use of such information.

In responding to the requests, whenever Plaintiffs agree to produce documents, such an agreement does not constitute a representation or concession that such documents are relevant or admissible as evidence. Further, Plaintiffs' responses to the requests shall not be construed in any way as an admission that any definition provided by Defendant Allen is either factually correct or legally binding.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: (Plaintiffs Stone and Milligan only): Identify your residential address, place of employment, and social media accounts.

OBJECTIONS TO INTERROGATORY NO. 1: Plaintiffs object that this Interrogatory is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs also object to the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373 (2021); *Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

RESPONSES TO INTERROGATORY NO. 1: Subject to and without waiving these objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone resides at 3037 Pinehaardt Drive, Montgomery, AL 36109. She is employed by Alabama Forward. She has social media accounts on Instagram, X.com [Twitter], TikTok, Facebook, LinkedIn, and Pinterest.

Evan Milligan: Mr. Milligan resides at 4601 Vanderbilt Drive, Montgomery, AL 36116. He is self-employed as an independent contractor. He has social media accounts on Instagram and LinkedIn.

INTERROGATORY NO. 2: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP only): State with specificity the facts supporting your assertion of standing to bring the claims you press in the Fourth Amended Complaint.

OBJECTIONS TO INTERROGATORY NO. 2: Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs also object to

the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

RESPONSES TO INTERROGATORY NO. 2: Without waiving these objections, Organizational Plaintiffs assert standing based "associational standing," that is, on behalf of impacted members.

Alabama NAACP: To support their claim of associational standing, Organizational Plaintiffs identify the following Black members who are registered to vote and reside in the Montgomery and Huntsville-Decatur areas, where Section 2 of the VRA requires the drawing of new Senate districts in which Black voters can elect candidates of choice, including the following:

- James E. Lovejoy, 9056 Black Cherry Trail, Pike Road, AL 36064
- Benard Simelton, 15376 Pepper Creek Rd., Harvest, AL 35749
- Jerry Burnet, 2405 Greenhill Drive, Huntsville, AL 35810
- Bobby Diggs, 227 Graves Blvd., Hillsboro, AL 35643
- Jo Ann Williams, 517 Southlawn Drive, Montgomery, AL 36198

Greater Birmingham Ministries: Greater Birmingham Ministries has individual members who live in the City of Huntsville and Montgomery County who identify as Black and are registered voters. GBM also has congregational members in the Ninth Episcopal District of the AME Church, which includes churches such as St. John AME Church (Huntsville), Grady - Madison AME Church (Madison), Wayman Chapel AME Church (Decatur), St. John, St. Paul, and St. Peter AME Churches (all in Montgomery), which have individual members who are Black registered voters who live in Madison County, Decatur, and Montgomery County. GBM reserves the right to amend this response to provide additional information about members who consent to having their identity disclosed.

INTERROGATORY NO. 3: Identify any Senate maps or districting plans known to you that contain one or more additional majority-BVAP Senate districts as compared to the 2021 Plan, which contains eight majority-BVAP Senate districts.

OBJECTIONS TO INTERROGATORY NO. 3: Plaintiffs object that this Interrogatory is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

RESPONSES TO INTERROGATORY NO. 3: Without waiving these objections, Plaintiffs respond that Anthony E. Fairfax’s expert report, served to counsel by email on February 2, 2024, includes a map that adheres to traditional redistricting criteria and contains two more majority-Black Senate districts than the 2021 Plan. Moreover, consistent with the scheduling order, Plaintiffs reserve the right to produce potentially responsive information in connection with the Plaintiffs’ rebuttal expert reports.

INTERROGATORY NO. 4: (Plaintiffs Stone and Milligan only): Describe your involvement, if any, in any national, State or local political party. Include any leadership role you served in, the responsibilities of the position, and the timeframe that you held/hold the position.

OBJECTIONS TO INTERROGATORY NO. 4: Plaintiffs object that this Interrogatory is vague and ambiguous in its use of the terms “involvement” and “leadership role.” Plaintiffs object to this Interrogatory because it is overly broad as it is untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory requests information protected by the associational rights of the First Amendment to the U.S. Constitution. *See Ams. for Prosperity Found.*, 141 S. Ct. at 2385-88; *id.* at 2390 (Thomas, J., concurring) (“The text and history of the Assembly Clause suggest that the right to assemble includes the right to associate anonymously.”); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429 (“There [is] a vital relationship between freedom to associate and privacy in one’s associations); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 (9th Cir. 2009) (The “right to associate with others to advance

one's shared political beliefs" entails "the right to exchange ideas and formulate strategy and messages, and to do so in private," as well as "to organize and direct them in the way that will make them most effective."); *see also NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

INTERROGATORY NO. 5: (Plaintiffs Stone and Milligan only): Identify whether you have been a candidate for any national, State or local office and the party, if any, that you ran under.

OBJECTIONS TO INTERROGATORY NO. 5: Plaintiffs object that this Interrogatory is vague and ambiguous in that it does not define the term "office." Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to the extent that this Interrogatory requests information protected by the associational privilege of the First Amendment to the U.S. Constitution. *See Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

RESPONSES TO INTERROGATORY NO. 5: Without waiving these objections, Ms. Stone and Mr. Milligan respond that they have not been candidates for any national, State or local office.

INTERROGATORY NO. 6: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010.

OBJECTIONS TO INTERROGATORY NO. 6: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case.

Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

RESPONSES TO INTERROGATORY NO. 6: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright denied in any attempt to register to vote in Alabama since 2010.

Evan Milligan: Mr. Milligan has not been outright denied in any attempt to register to vote in Alabama since 2010.

Greater Birmingham Ministries: GBM is not aware of whether its members have been prevented from registering to vote since 2010 but it has assisted dozens of individuals who had been denied the right to register to vote or erroneously dropped from the voting rolls successfully register to vote. Much of GBM's work and knowledge in this area involves formerly incarcerated populations. At least in part because of its involvement as a plaintiff in *Thompson v. Alabama*, No. 2:16-cv-783-ECM-SMD (M.D. Ala.), in 2017, the Alabama Legislature passed a bill to define what crimes involved "moral turpitude" for the purposes of determining which citizens can vote, which had the effect of 140,000 Alabama citizens who had previously been denied the right to vote eligible to register and vote. Even in the midst of this, however, the Alabama Secretary of State refused to provide outreach or education to these newly eligible individuals, so many of these Alabamians remain unregistered because the State never informed them

that their prior criminal convictions no longer prohibit them from voting. GBM has assisted hundreds of these people in understanding their rights and successfully registering to vote.

GBM has also assisted more than 100 individuals who were mistaken about their eligibility to register to vote, denied the right to register, and/or erroneously denied registration or dropped from the voter rolls erroneously. For example, several such individuals were erroneously denied registration as a result of a State database error that incorrectly codes eligible Alabamians as not ineligible to vote. A conviction for an attempted crime is not considered a crime of moral turpitude under Alabama law and does not take away a citizen's voting rights. GBM has assisted in many cases where county registrars denied a citizen's voter registration application because their database erroneously showed the applicant as having been convicted of a completed crime that does result in the loss of voting rights, rather than an attempted crime. GBM must address such matters on a case-by-case basis and is one of only a few organizations that do so. Accordingly, there are many Alabamians in similar situations who have lost their voting rights erroneously and that GBM has not yet been able to help or identify.

Many other types of database errors have resulted in erroneous denials of voting rights and registrations. GBM has assisted applicants for Certificates of Eligibility to Register to Vote ("CERV") who the Alabama Bureau of Pardons and Paroles ("ABPP") erroneously confused with other people. According to ABPP, they do not have unique identifiers to distinguish one applicant from another. In one case, GBM worked with an individual ("Alvin") who had spent decades in prison. Upon his release, Alvin became eligible to restore his voting rights and register to vote. Yet ABPP confused Alvin with his brother for more than six months, erroneously attributing his brother's convictions to Alvin. GBM was able to persuade ABPP that these were two different people and Alvin was CERV-eligible. Alvin was issued a CERV many months after state law required ABPP to issue it.

Based on further experience, GBM also responds that they are aware of other arbitrary actions by ABPP result in the erroneous denial of voting rights and registration. To provide one example, GBM

representatives had attended a “second chance job fair” and met about ten individuals who had lost their voting rights but were eligible to have them restored. GBM left the job fair and submitted applications on behalf of these individuals. However, ABPP later notified GBM that the agency would not accept or process these applications because ABPP had changed their application form without any notice or grace period. For several of these applications, GBM was unable to relocate the applicants to have them fill out the exact same information on a new ABPP form.

GBM is aware of another form arbitrary denial of voting rights and registration. When voter registration applicants have out-of-state convictions or federal convictions, county registrars or ABPP compare those out-of-state or federal convictions to Alabama’s list of disqualifying convictions. If there is a perceived “match,” the applicant must satisfy additional conditions (*e.g.*, repayment of legal financial obligations, sentence completion) to have their voting rights restored. However, Alabama does not have any published standards for making such a “matching” determination. This results in arbitrary applications of eligibility rules and erroneous denials. Further, if an applicant has very old convictions or out-of-state or federal convictions that are not easily or immediately retrievable, ABPP presumptively denies voting rights restoration until the applicant can retrieve all requested records and affirmatively prove their eligibility. ABPP’s arbitrary placement of the burden of proving eligibility on the applicant results in excruciating and extended delays in the restoration of voting rights of eligible applicants.

NAACP of Alabama: The NAACP of Alabama is not aware of whether its members have been prevented from registering to vote since 2010 but it through its work enforcing Section 7 of the National Voter Registration Act of 1993 (“NVRA”),¹ it is aware of serious deficiencies in the administration of voter registration by the Department of Human Resources and the Medicaid Agency that likely prevented many eligible Alabamians from receiving voter registration opportunities. Due to the NAACP of

¹ See Letter from NAACP of Alabama to Ms. Beth Chapman, June 12, 2013, <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0395.pdf>.

Alabama's work, the Governor, Secretary of State, Department of Human Resources, and the Medicaid Agency entered into settlement agreements to ensure NVRA compliance.²

In 2018, the NAACP of Alabama, along with the Brennan Center and the League of Women Voters of Alabama, sent a letter notifying the Secretary of State's Office that Alabama's policy of immediately removing voters from registration lists based on an interstate crosscheck program violated Section 8 of the NVRA, which establishes clear requirements that states must meet before removing voters from the rolls.³ This use of Crosscheck almost certainly resulted in the erroneously removal of qualified voters from the voter rolls.

Organizational Plaintiffs are also generally aware of other findings which may have affected its members' ability to participate in the political process, including the U.S. Department of Justice finding in 2015 that Alabama had "widespread noncompliance with the requirements of Section 5" of the National Voter Registration Act,⁴ and the D.C. Circuit's finding in 2016, that the mismatch between Alabama's voter registration form and practices at the time and the federal voter registration form "is very likely to confuse the public," which "will create a disincentive for citizens who would otherwise attempt to register to vote." *League of Women Voters v. Newby*, 838 F.3d 1, 13 (D.C. Cir. 2016).

INTERROGATORY NO. 7: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from voting in Alabama at any time since 2010.

OBJECTIONS TO INTERROGATORY NO. 7: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies

² See Settlement Agreement Regarding Department of Human Resources (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0396.pdf>; Settlement Agreement Regarding Medicaid Agency (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0397.pdf>.

³ See Letter regarding Alabama's Non-Compliance with Section 8, July 20, 2018.

⁴ U.S. Dept. of Justice, *State of Alabama Agrees to Resolve Claims of National Voter Registration Act Violations* (Nov. 13, 2015)

that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

RESPONSES TO INTERROGATORY NO. 7: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright prevented from casting a ballot in Alabama since 2010 but has had her right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Evan Milligan: Mr. Milligan has not been outright prevented from casting a ballot in Alabama since 2010 but has had his right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Greater Birmingham Ministries: GBM incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting GBM members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote, as found in *Greater Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

NAACP of Alabama: NAACP of Alabama incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting its members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote as found in *Greater Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

INTERROGATORY NO. 8: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support.

OBJECTIONS TO INTERROGATORY NO. 8: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented,” or explain what it sense it means “choosing a political party to support.” To the extent this Interrogatory implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to participate in party affairs. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 8: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

INTERROGATORY NO. 9: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the political party that you/your members choose to support.

RESPONSE TO INTERROGATORY NO. 9: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented” or the phrases “participating in the affairs.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 9: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

INTERROGATORY NO. 10: If you contend it to be true, detail when and in what manner black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party.

OBJECTIONS TO INTERROGATORY NO. 10: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “excluded.” Plaintiffs object to this Interrogatory because it is irrelevant, overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions.

RESPONSES TO INTERROGATORY NO. 10: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them are part of the leadership or inner workings of the Alabama Democratic Party so lack knowledge of the extent to which the Party has discriminated against Black candidates. Plaintiffs are generally aware that, from the 1960s through today, Black voters have sued the Alabama Democratic Party over a lack of equal access to the party’s electoral processes and the party’s failure to comply with the Voting Rights Act. *See, e.g., Hadnott v. Amos*, 394 U.S. 358 (1969); *Gilmore v. Greene Cnty. Democratic Party Exec. Comm.*, 435 F.2d 487 (5th Cir. 1970); *Foster v. Jones*, No. 03-0574, 2004 WL 7344991, at *1–2 (S.D. Ala. June 17, 2004); *Henderson v. Harris*, 804 F. Supp. 288 (M.D. Ala. 1992) (three-judge court); *Henderson v. Graddick*, 641 F. Supp. 1192 (M.D. Ala. 1986) (three-judge court); *Harris v. Graddick*, 615 F. Supp. 239 (M.D. Ala. 1985), 593 F. Supp. 128 (M.D. Ala. 1984); *MacGuire v. Amos*, 343 F. Supp. 119 (M.D. Ala. 1972) (three-judge court); *United States v. Democratic Exec. Comm. of Barbour Cnty., Ala.*, 288 F. Supp. 943 (M.D. Ala. 1968); *Smith v. Paris*, 257 F.Supp. 901 (M.D. Ala. 1966), *aff’d*, 386 F.2d 979 (5th Cir. 1967); *Gray v. Main*, 291 F. Supp. 998 (M.D.

Ala. 1966); *United States v. Exec. Comm. of Democratic Party of Dallas Cnty.*, 254 F. Supp. 537 (S.D. Ala. 1966); *see also Hawthorne v. Baker*, 750 F. Supp. 1090, 1092 (M.D. Ala. 1990) (three-judge court), *vacated*, 499 U.S. 933 (1991); *Harper v. Vance*, 342 F. Supp. 136 (N.D. Ala. 1972) (three-judge court); *Gray v. Main*, 291 F. Supp. 998 (M.D. Ala. 1966). Plaintiffs are further aware that the U.S. Department of Justice objected to numerous racially discriminatory changes to the Alabama Democratic Party's election procedures under Section 5 of the Voting Rights Act in 1974, 1976, 1982, 1989, 1990, and 1991. *See* U.S. Dep't of Justice, Civil Rights Div., Voting Determination Letters for Alabama, <https://www.justice.gov/crt/voting-determination-letters-alabama>. The Alabama Democratic Party did not remove "white supremacy" from its logo until 1966 and, that as of 1989, the governing body of the Party "was largely controlled by White Democrats in numbers disproportionate to the racial makeup of the Alabama Democratic Party electorate" and that this exclusion led to a consent decree.⁵ Plaintiffs are also aware but lack knowledge of the veracity of the allegations in *Kelley v. Harrison*, No. 1:21-CV-56 and the statements made in 2023 by the Alabama Democratic Party Chair Kelley, which allege that some party officials were engaged in a "racist plot to divide, dilute, undermine and weaken the Black vote" on the State Democratic Executive Committee.

INTERROGATORY NO. 11: Detail any efforts you—or, in the case of the organizational Plaintiffs, your members—have made to join the Alabama Republican Party and explain how those efforts were met by the Alabama Republican Party.

OBJECTIONS TO INTERROGATORY NO. 11: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the phrase "join the Alabama Republican Party." Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and

⁵ *Kelley v. Harrison*, No. 1:21-CV-56-RAH-SMD, 2021 WL 3200989, at *1 (M.D. Ala. July 28, 2021).

burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or voting selections, or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 11: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has no efforts to report that she believes responds to this Interrogatory.

Evan Milligan: Mr. Milligan has no efforts to report that he believes responds to this Interrogatory.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the political affiliation of its individual members or of the individual members of its congregational members and therefore lacks sufficient knowledge to respond to this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the political affiliation of its members and therefore lacks sufficient knowledge to respond to this Interrogatory.

INTERROGATORY NO. 12: Identify the name, contact information, and race of each person you—or, in the case of the organizational Plaintiffs, your members—consider to be a leader of the Alabama Democratic Party.

OBJECTIONS TO INTERROGATORY NO. 12: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “leader.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not relevant to any party’s

claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

RESPONSES TO INTERROGATORY NO. 12: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: I know Tabitha Isner as a leader in the Alabama Democratic Party. She identifies as white. Her email address is tabitha@tabithaisner.com.

Evan Milligan: Tabitha Isner, a white woman, is the vice chair of the Alabama Democratic Party. Ms. Isner may be reached at tabitha@tabithaisner.com.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

OBJECTIONS & RESPONSES TO REQUESTS FOR PRODUCTION

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Production as follows:

REQUEST FOR PRODUCTION NO. 1: Produce any documents depicting or concerning "this illustrative map" referenced in Paragraph 88 of the Fourth Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Plaintiffs refer Defendant Allen to the illustrative map provided in Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 2: Produce any documents concerning any effort you undertook to draw an Alabama Senate districting plan containing one or more additional majority-BVAP districts as compared to the 2021 Plan.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 3: Produce any documents concerning any maps or analysis that provides the basis for your contention that additional majority-BVAP Senate districts can be drawn in Alabama and that any such district can be reasonably constructed consistent with traditional districting criteria.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax’s expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 4: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP) Produce any documents concerning how one becomes a “member” of your organization including, but not limited to, any process that is followed and any criterion that is applied.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 5: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP) Produce any documents concerning your standing to bring the claims you assert in the Fourth Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the production of membership lists—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs refer Defendants to their Answer to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 6: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Plaintiffs object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Plaintiffs also refer to documents referred to and equally available to Defendants concerning the settlement of NVRA claims and from litigation referred to in Responses to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 7: If you contend that Black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Plaintiffs object to the extent that this Requests call for information equally available to Defendants. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it

requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 8: If you contend that the Alabama Democratic Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 9: If you contend that the Alabama Republican Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First

Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents in their possession.

REQUEST FOR PRODUCTION NO. 10: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 11: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the

political party or parties that you/your members choose to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “participating.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 12: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted

membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 13: If you—or, in the case of the organizational Plaintiffs, your members—have made any effort to join the Alabama Republican Party, produce any documents you have concerning that effort, including any response from the Alabama Republican Party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 14: If you refuse to admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race, produce any documents you have supporting that refusal.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “nothing to do with race.” Plaintiffs

object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Request seeks information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents except to the extent such documents are relied upon in expert reports.

RESPONSES TO REQUESTS FOR ADMISSION

Without waiving or limiting in any manner any of the foregoing Continuing Objections, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Admission as follows:

REQUEST FOR ADMISSION NO. 1: Admit that since at least 2000, support of Black voters has been critical to the electoral success of Democratic candidates in Alabama elections.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Plaintiffs object to Request for Admission No. 1 as vague and ambiguous in that it does not define the term "critical." Subject to and without waiving the foregoing objections, Plaintiffs admit that Black voters have tended to support Democratic candidates in general, partisan elections in the elections analyzed in Alabama elections dating back to 2014, although the level of support has varied in some races depending on the race of the candidates and that Democratic candidates have only seen success when the relevant district has a majority BVAP or BCVAP or close to it, or in the rare instances when white voters support Black-preferred candidates in greater numbers than usual. As to general election races between 2000 and 2012, Plaintiffs have anecdotal and experiential information that Black voters have tended to support Democratic more than Republican candidates, but lack sufficient knowledge beyond that. For all years, Plaintiffs admit that whereas Black Democratic candidates only found success in majority-BVAP districts in state legislative races, white Democrats had success in some circumstances in majority-white districts or voter populations, strongly indicating that the race of the candidate matters above and beyond political affiliation.

REQUEST FOR ADMISSION NO. 2: Admit that the support of Black voters was critical to the success of Doug Jones when he was elected, as a Democrat, to the U.S. Senate from Alabama in 2017.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Plaintiffs object to Request for Admission No. 2 as vague and ambiguous in that it does not define the term "critical." Subject to and

without waiving the foregoing objections, Plaintiffs admit that a significant majority of Black voters voted for Doug Jones in the 2017 U.S. Senate race over his opponent, but deny the Request to the extent it overlooks the fact that his rare election as a statewide Democrat was made possible by far greater than usual white support of his candidacy as a white Democrat running against a controversial candidate.

REQUEST FOR ADMISSION NO. 3: Admit that, since at least 2000, Black candidates in Alabama have routinely run for elected offices in Democratic primaries and have routinely won Democratic primaries.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Plaintiffs object to Request for Admission No. 3 as vague and ambiguous in that it does not define the term “routinely.” Subject to and without waiving the foregoing objections, Plaintiffs admit that Black candidates for public office in Alabama have won Democratic primary races, though Plaintiffs lack sufficient knowledge of whether they tend to win or lose in greater percentages when they face a white Democrat in the primary or in majority-white electorates.

REQUEST FOR ADMISSION NO. 4: Admit that in 2024, Black candidates ran in the Alabama Republican Party primary, including for Alabama Congressional District 2.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Plaintiffs admit that four Black candidates and four white candidates sought the Republican Party nomination for Alabama’s Congressional District 2, and further admit that those four Black candidates finished fifth, sixth, seventh, and eighth, while the white candidates finished first through fourth, with the Black candidates totaling approximately 6% of the votes, and the white candidates garnering the remaining approximately 94% of the votes.

REQUEST FOR ADMISSION NO. 5: Admit that, in the State of Alabama, the Black preferred candidate is usually a Democrat.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Plaintiffs object to Request for

Admission No. 5 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over time, place, particular elections, and candidates in the past 50-60 years as Black Alabamians finally gained access to the franchise in meaningful numbers.

REQUEST FOR ADMISSION NO. 6: Admit that, nationally, the Black preferred candidate is usually a Democrat.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over the history of this country, with Black political support shifting to some degree in the last half-century due to a number of factors such as differences for political support for civil rights protections, the “Southern Strategy” which relied upon race-based appeals to drive the voting patterns of white voters in the South away from the Democratic Party, and other relevant factors.

REQUEST FOR ADMISSION NO. 7: Admit that, in the State of Alabama, the white preferred candidate is usually a Republican.

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as white support for candidates of the different political parties has varied over the history of the State and this country, with white political support shifting significantly even in the last twenty years between political parties and varying to some degree until the past decade or two between local, state, and national races.

REQUEST FOR ADMISSION NO. 8: Admit that white voters can prefer Republican candidates for reasons that have nothing to do with race.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Plaintiffs object to Request for

Admission No. 8 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical and requires isolating a political system infused by race in a way not reflected by reality, particularly considering recent overtly racist laws passed with support of most Republicans such as the recent ban on diversity, equity, and inclusion efforts.

REQUEST FOR ADMISSION NO. 9: Admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Plaintiffs object to Request for Admission No. 9 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical because it calls for isolating issues in a political system infused by race in a way not reflected by reality.

REQUEST FOR ADMISSION NO. 10: Admit that white voters can prefer Republican candidates for policy reasons, *i.e.*, abortion, gun rights, and immigration.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Plaintiffs object to Request for Admission No. 10 as vague and ambiguous as to the phrase and “policy reasons.” Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs deny any implication that any of these policy positions can be completely separated from race given the dominant role of race in Alabama’s political system.

REQUEST FOR ADMISSION NO. 11: Admit that Rep. Kenneth Paschal is a Black Republican elected to represent majority-white Alabama House District 73.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Plaintiffs admit this Request.

REQUEST FOR ADMISSION NO. 12: Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Senate seats up for election in 2022.

RESPONSE TO REQUEST FOR ADMISSION NO. 12: Plaintiffs object to Request for

Admission No. 12 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 13: Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Legislature seats up for election in 2022.

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Plaintiffs object to Request for Admission No. 13 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 14: Admit that citizen voting age population (“CVAP”) calculated by the Census Bureau is based on a collection of survey estimates, not a count of the population like the decennial Census.

RESPONSE TO REQUEST FOR ADMISSION NO. 14: Plaintiffs admit that the Census Bureau creates a “custom tabulation of the citizen voting age population” from five years of data from the American Community Survey (ACS), which means approximately 17.7 million households receive surveys in a typical five-year period nationwide, as do approximately 315,000 households in Alabama over the same period.

REQUEST FOR ADMISSION NO. 15: Admit that the 2020 Census did not ask respondents about whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 15: Plaintiffs admit that despite the U.S. Department of Commerce attempting to place such a question on the 2020 Decennial Census, the 2020 Decennial Census questionnaire did not ask about citizenship after the Supreme Court found that “the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived,” and thus affirmed the district court’s decision enjoining its addition on that ground. *Dep’t of*

Com. v. New York, 139 S. Ct. 2551, 2575 (2019).

REQUEST FOR ADMISSION NO. 16: Admit that the ACLU opposed including a question on the 2020 Census asking respondents whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 16: Plaintiffs admit that the ACLU not only opposed, but successfully litigated the issue before the U.S. Supreme Court, where the Court affirmed the district court’s injunction against adding the question, finding that “the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived,” and thus affirmed the district court’s decision enjoining its addition on that ground, *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019)—a decision which including finding that former DOJ official John Gore admitted “that CVAP data collected through the census questionnaire” as opposed to the ACS “is not necessary for [the U.S. Department of Justice’s] VRA enforcement efforts.” *New York v. U.S. Dep’t of Com.*, 351 F. Supp. 3d 502, 556–57 (S.D.N.Y.), *aff’d in part, rev’d in part and remanded sub nom. Dep’t of Com. v. New York*, 139 S. Ct. 2551 (2019).

REQUEST FOR ADMISSION NO. 17: Admit that the NAACP LDF opposed including a question on the 2020 Census asking respondents whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 17: Plaintiffs admit that LDF not only opposed adding a citizenship question to the 2020 Decennial Census, but also submitted an amicus brief in the Supreme Court explaining that, among other things, “[e]xisting data sources, including citizenship data obtained through” census surveys, “have proven more than sufficient” for litigating cases under Section 2 of the VRA.

REQUEST FOR ADMISSION NO. 18: Admit that Alabama has used single-member districts to elect Members of the Alabama Senate for more than 40 years.

RESPONSE TO REQUEST FOR ADMISSION NO. 18: Plaintiffs object to Request for Admission No. 18 to the extent it seeks information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 19: Admit that U.S. Senator Howell Heflin was elected from the State of Alabama in, *inter alia*, 1984, when he received more than 60% of the vote.

RESPONSE TO REQUEST FOR ADMISSION NO. 19: Plaintiffs object to Request for Admission No. 19 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 20: Admit that Joe Reed and the Alabama Democratic Conference endorsed Hillary Rodham Clinton over Barack Obama in 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 20: Plaintiffs object to Request for Admission No. 20 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs admit that Joe Reed and the ADC endorsed Hillary Clinton over Barack Obama in 2008 contrary to the preferences of Black voters, 84% of whom voted for then-Senator Obama in the primary, in contrast to the white primary voters, 72% of whom gave then-Senator Hillary Clinton their vote.

DATED this 27th day of March 2024.

/s/ Alison Mollman

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***Attorneys for Plaintiff Alabama State Conference
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*Admitted *pro hac vice*

VERIFICATION OF INTERROGATORY RESPONSES

I, Khadidah Stone, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read 'Khadidah Stone', written over a horizontal line.

Khadidah Stone

Dated: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Evan Milligan, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.




Evan Milligan

Date: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Scott Douglas, believe, based on reasonable inquiry, that the foregoing answers submitted on behalf of Greater Birmingham Ministries are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


A handwritten signature in black ink, appearing to read "Scott Douglas", is positioned above a horizontal line.

Scott Douglas

Dated: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Benard Simelton, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


Benard Simelton

Dated: *March 26, 2024*

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2024, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Davin Rosborough
Davin Rosborough

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 27

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

KHADIDAH STONE, et al.,

Plaintiffs,

v.

WES ALLEN, et al.,

Defendants.

Case No. 2:21-CV-01531-AMM

**PLAINTIFF GREATER BIRMINGHAM MINISTRIES' FIRST SUPPLEMENTAL
RESPONSE TO DEFENDANT ALLEN'S DISCOVERY REQUESTS**

Plaintiff Greater Birmingham Ministries ("GBM") submits the following supplemental response to Defendant Secretary of State Wes Allen's Interrogatory No. 2. This response is based on the information and documents currently available to GBM, and GBM reserves the right to alter, supplement, amend, or otherwise modify their responses in light of additional facts revealed through subsequent inquiry and as appropriate under the Rules. This response is also based on GBM's understanding of each individual Request and not an admission or agreement with Defendant Allen's use or interpretation of terms. To the extent Defendant Allen asserts an interpretation of any Request that is inconsistent with GBM's understanding, GBM reserves the right to supplement its responses and objections.

SUPPLEMENTAL OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 2: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP only): State with specificity the facts supporting your assertion of standing to bring the claims you press in the Fourth Amended Complaint.

OBJECTIONS TO INTERROGATORY NO. 2: Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs also object to the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2: GBM adopts by reference its prior response to this interrogatory. Greater Birmingham Ministries further identifies Presdelane Harris as an individual GBM member who is a Black registered voter and lives in Montgomery, Alabama. GBM also identifies also a congregational member the Christian Methodist Episcopal Church in Alabama, which includes: Conley Chapel CME, Bethel CME, and Pine Grove CME in Huntsville; New Jones Chapel CME and Garner Memorial CME in Decatur; and Hall Memorial CME in Montgomery, all of which have individual members who are Black registered voters.

DATED this 23rd day of April 2024.

/s/ Alison Mollman

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VERIFICATION OF INTERROGATORY RESPONSES

I, Scott Douglas, in my capacity as Executive Director of Greater Birmingham Ministries, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read "Scott Douglas", written over a horizontal line.

Scott Douglas

April 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2024, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Davin Rosborough
Davin Rosborough

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 28

KHADIDAH STONE, et al.

Vs.

WES ALLEN, et al.


BENARD SIMELTON

April 22, 2024



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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4 2:21-CV-1531-AMM</p> <p>5</p> <p>6 KHADIDAH STONE, et al.,</p> <p>7 Plaintiffs,</p> <p>8 Vs.</p> <p>9 WES ALLEN, et al.,</p> <p>10 Defendants.</p> <p>11</p> <p>12 </p> <p>13</p> <p>14 DEPOSITION TRANSCRIPT OF</p> <p>15 BENARD SIMELTON</p> <p>16 April 22, 2024</p> <p>17 10:02 a.m.</p> <p>18</p> <p>19</p> <p>20 The deposition of BENARD</p> <p>21 SIMELTON was taken before Wendy Rene Myhan, CCR,</p> <p>22 on the 22nd day of April, 2024, by the</p> <p>23 Plaintiffs, commencing at approximately 10:02</p> <p>ALABAMA COURT REPORTING, INC.</p>	<p style="text-align: right;">Page 3</p> <p>1 IT IS FURTHER STIPULATED AND AGREED that</p> <p>2 it shall not be necessary for any objections</p> <p>3 except as to form or leading questions, and that</p> <p>4 counsel for the parties may make objections and</p> <p>5 assign grounds at the time of the trial, or at</p> <p>6 the time said deposition is offered in evidence</p> <p>7 or prior thereto.</p> <p>8</p> <p>9 IT IS FURTHER STIPULATED AND AGREED that</p> <p>10 the notice of filing of the deposition by the</p> <p>11 Commissioner is waived.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 2</p> <p>1 a.m., at the offices of ALABAMA STATE CONFERENCE</p> <p>2 OF THE NAACP, 809 Highway 72 West, Suite D,</p> <p>3 Athens, Alabama 36104, pursuant to the</p> <p>4 stipulations set forth herein.</p> <p>5</p> <p>6 S T I P U L A T I O N S</p> <p>7</p> <p>8 IT IS STIPULATED AND AGREED, by and</p> <p>9 between the parties through their respective</p> <p>10 counsel, that the deposition of BENARD SIMELTON</p> <p>11 may be taken before Wendy Rene Myhan,</p> <p>12 Commissioner, at the offices of ALABAMA STATE</p> <p>13 CONFERENCE OF THE NAACP, 809 Highway 72 West,</p> <p>14 Suite D, Athens, Alabama 36104, on the 22nd day</p> <p>15 of April, 2024, at 10:02 a.m.</p> <p>16</p> <p>17 IT IS FURTHER STIPULATED AND AGREED that</p> <p>18 the signature to and reading of the deposition</p> <p>19 by the witness is NOT waived, the deposition to</p> <p>20 have the same force and effect as if full</p> <p>21 compliance had been had with all laws and rules</p> <p>22 of Court relating to the taking of depositions.</p> <p>23</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING ON BEHALF OF THE PLAINTIFFS:</p> <p>4 Stuart Naifeh, Esq.</p> <p>5 Brittany Carter, Esq.</p> <p>6 LEGAL DEFENSE FUND</p> <p>7 700 14th Street Northwest</p> <p>8 Suite 600</p> <p>9 Washington, DC 20005</p> <p>10</p> <p>11 Davin Rosborough, Esq.</p> <p>12 AMERICAN CIVIL LIBERTIES UNION</p> <p>13 125 Broad Street</p> <p>14 18th Floor</p> <p>15 New York, New York 10004</p> <p>16</p> <p>17 APPEARING ON BEHALF OF THE DEFENDANTS:</p> <p>18 Michael P. Taunton, Esq.</p> <p>19 BALCH & BINGHAM, LLP</p> <p>20 1901 Sixth Avenue North</p> <p>21 Suite 1500</p> <p>22 Birmingham, Alabama 35203</p> <p>23</p>

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Page 6

1 I N D E X
 2
 3 EXAMINATION INDEX
 4 BY MR. TAUNTON 10
 5
 6
 7 EXHIBIT INDEX
 8 DEFENDANT'S 1.26
 9 (Notice of Deposition)
 10 DEFENDANT'S 2.26
 11 (Notice of Rule 30(b)(6) Deposition)
 12 DEFENDANT'S 3.33
 13 (Map of Alabama counties)
 14 DEFENDANT'S 4.75
 15 (NAACP Bylaws)
 16 DEFENDANT'S 5.182
 17 (Livingston Congressional Plan
 18 3-2023 map)
 19 DEFENDANT'S 6.204
 20 (McClendon Senate Plan 1 map)
 21
 22
 23 REPORTER'S CERTIFICATE PAGE.215

Page 7

1 I, WENDY RENE MYHAN, a Court
 2 Reporter of Muscle Shoals, Alabama, acting as
 3 Commissioner, certify that on this date, as
 4 provided by Federal Rules of Civil Procedure and
 5 the foregoing stipulations of counsel, there
 6 came before me BENARD SIMELTON, witness in the
 7 above cause for oral examination, whereupon the
 8 following proceedings were had:
 9 * * * * *
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 19
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 23

Page 8

1 THE REPORTER: And before we get
 2 started, is there anything that you'd
 3 like to place on the record?
 4 MR. TAUNTON: This deposition, as
 5 I understand by agreement between the
 6 parties, is being taken in both the
 7 Stone and the Milligan cases. I think
 8 it's pretty --
 9 MR. NAIFEH: Agreed.
 10 MR. TAUNTON: Additionally, if
 11 you have any questions, we're happy to
 12 stipulate that only one of the
 13 Defendants will make objections.
 14 Wouldn't mind if it's to the degree
 15 possible y'all could agree to the same.
 16 MR. NAIFEH: Agreed. And then, I
 17 just want to put on the record we did
 18 send a letter on Friday with some
 19 objections to some of the topics. So
 20 subject to those objections, we're here
 21 today.
 22 MR. TAUNTON: We've had a chance
 23 to review that briefly. And we'll see

Page 9

1 if it's something we need to discuss.
 2 MR. NAIFEH: All right.
 3 MR. TAUNTON: But I have a
 4 feeling probably we'll -- I doubt we'll
 5 get into it too much.
 6 MR. NAIFEH: Okay. Sounds good.
 7 THE REPORTER: Okay. And with
 8 that, I'll get you --
 9 MS. MESSICK: On the objections,
 10 we had talked before we started. And
 11 the agreement that I was hoping for was
 12 that if one of us objected that that
 13 was sufficient for both of us. But in
 14 so agreeing, I don't mean to suggest
 15 that I'm not also able to speak up and
 16 object if I realize that something's
 17 objectionable before Mr. Taunton speaks
 18 up.
 19 MR. NAIFEH: Understood.
 20 MS. MESSICK: Thank you.
 21 MR. SIMELTON: Before who speaks
 22 up? Oh, okay.
 23 MR. TAUNTON: This will be later

Page 10

1 in the day. Yeah. So usual
 2 stipulations except for we would like
 3 to -- we'd like him to read and sign.
 4 THE REPORTER: Sure.
 5 MR. NAIFEH: We would like him to
 6 read and sign, too.
 7 THE REPORTER: I'll make that
 8 happen. Okay, sir. And with that,
 9 I'll get you sworn in. Would you raise
 10 your right hand for me, please.
 11
 12 BENARD SIMELTON,
 13 having first been duly sworn,
 14 was examined and testified as follows:
 15
 16 EXAMINATION
 17 BY MR. TAUNTON:
 18 **Q. Mr. Simelton, we've met before fairly**
 19 **recently. But, for the record, can you please**
 20 **state your name.**
 21 A. Sure. Benard Simelton.
 22 **Q. And I know the answer to this question,**
 23 **too. But have you ever given a deposition?**

Page 11

1 A. Yes.
 2 **Q. And I'll come back and ask you a little**
 3 **bit about that in a moment. But I know you have.**
 4 **But just for the record, I'll go through very**
 5 **briefly some of the instructions again.**
 6 I suspect you're an old hand at this. But
 7 please make sure that your answers to my questions
 8 are audible. Again, that's for the court
 9 reporter. She takes down verbal answers, not head
 10 nods or something like that.
 11 Let's try our best not to talk over each
 12 other. I get bad about this, too. At some point,
 13 you know, it's easy for us to get conversational
 14 and talk the way we do in a conversation. But
 15 let's do our best not to talk over one another.
 16 Is there any reason that you can't testify
 17 truthfully today?
 18 A. No.
 19 **Q. No medications or anything like that that**
 20 **would impair your ability to answer my questions?**
 21 A. No.
 22 **Q. And as we've just sort of noted, I may ask**
 23 **some obvious questions. I may even ask some**

Page 12

1 **questions I already know the answers to, you**
 2 **already know the answers to. But we're creating a**
 3 **record here. Right?**
 4 A. Okay.
 5 **Q. By the same token, I may ask some**
 6 **seemingly obscure questions. But this is my**
 7 **opportunity to ask. It's my opportunity to ask**
 8 **things that I believe are relevant to this case**
 9 **within the bounds of the topics that we've**
 10 **discussed.**
 11 I do not expect us to go all day. But I'm
 12 not as efficient as Mr. Walker is. And so bear
 13 with me. And if you need a break at any time, you
 14 know, I'm happy to accommodate that. I don't know
 15 if we'll go past lunch or not.
 16 A. Okay.
 17 **Q. And so we may need to break then. The**
 18 **only thing that I would ask is before we take a**
 19 **break that you answer any questions I have**
 20 **pending.**
 21 A. Okay.
 22 **Q. During the deposition, you may hear your**
 23 **lawyer object to the form of a question. You**

Page 13

1 know, his other -- his other objections have been
2 reserved for a later time. I think you know this.
3 But, again, that's a technical legal objection.
4 That doesn't mean you're not supposed to answer
5 the question.

6 A. Okay.

7 Q. That really is more for me him saying that
8 he has some issue with the way I've asked my
9 question. If -- and I don't suspect this will
10 happen. But if at some point I ask a question
11 that for some reason your lawyer believes you
12 should not answer, he will instruct you not to
13 answer.

14 So you've -- you said you've given a
15 deposition before. Real, real briefly, you gave a
16 deposition recently in the McClure case in
17 Jefferson County right.

18 A. That is correct.

19 Q. And other than the McClure case, what
20 other depositions have you given?

21 A. I've given depositions in the Milligan
22 versus Merrill case; deposition in the Shelby
23 County case Shelby versus Holder. And I've given

Page 14

1 some other depositions. I can't recall the exact
2 case. But those are. . .

3 Q. Were each of those cases -- McClure case,
4 Milligan case, Shelby County case -- were each of
5 those on behalf of the NAACP?

6 A. Yes.

7 Q. And, specifically, you're here today
8 testifying as the representative for the Alabama
9 State Conference of the NAACP; is that right?

10 A. That is correct.

11 Q. Do you mind if I just call it the State
12 Conference?

13 A. That's fine.

14 Q. Okay. To differentiate it from other
15 parts of the NAACP. When -- were you deposed in
16 the Milligan case -- so that's one of the cases
17 you're being deposed in today. Right?

18 A. Repeat that question.

19 Q. The Milligan case.

20 A. Now, which Milligan case now?

21 Q. So you said you were previously deposed in
22 the Milligan case. Was that leading up --

23 A. You talking Milligan versus Merrill?

Page 15

1 Q. Yes.

2 A. Yes.

3 Q. Was that leading up to the preliminary
4 injunction hearing earlier in this case?

5 A. Okay. You keep saying "this case." Which
6 case is. . .

7 Q. So do you understand that you're being
8 deposed today in two separate cases?

9 A. Yes.

10 Q. And one of those cases is Stone v. Allen.

11 A. Yes.

12 Q. The other case is Milligan v. Allen.

13 A. Yes.

14 Q. Yes. As the Milligan v. Allen case,
15 that's the successor name to the Milligan v.
16 Merrill case. Right? Or, or is it not?

17 A. Yes.

18 Q. Okay.

19 A. Milligan versus Merrill.

20 Q. Right. Okay. And so was that deposition
21 leading up to the preliminary injunction hearing
22 following the 2021 redistricting plan,
23 Congressional redistricting plan?

Page 16

1 A. Yes.

2 Q. Okay. Do you remember when that
3 deposition was? Like, a month.

4 A. No.

5 Q. No? That's fine. So you're familiar with
6 the claims in this case, though. Right?

7 A. Yes.

8 Q. Yeah. The Milligan case, I guess. We'll
9 try to keep distinguishing between those.

10 A. Okay.

11 Q. And you don't recall being deposed in any
12 other cases?

13 A. Well, I know I have. I just don't
14 remember the cases that there were.

15 Q. Were you involved in the Alabama
16 Legislative Black Caucus case, the LBC case?

17 A. What was it? I don't --

18 Q. It was challenging several of the plans
19 following the 2010 redistricting cycle. Were you
20 involved in any of those cases?

21 A. Yes, yes.

22 Q. Did you give a deposition in any of those
23 cases?

Page 17

1 A. I don't recall if I gave a deposition or
 2 not. I couldn't find it. But I'll double-check.
 3 **Q. So I'll circle back on that in a bit.**
 4 **What's your date of birth?**
 5 A. Date of birth?
 6 **Q. Yes, sir.**
 7 A. March the 20th, 1954.
 8 **Q. What's your current position with the**
 9 **NAACP?**
 10 A. I am the Alabama State Conference
 11 president.
 12 **Q. Is that a full-time position?**
 13 A. It's a volunteer full-time position.
 14 **Q. So you're not compensated for your role as**
 15 **president?**
 16 A. No, I'm not.
 17 **Q. What else do you do to support yourself?**
 18 A. What else do I do what now?
 19 **Q. How do you support yourself? What else do**
 20 **you do?**
 21 A. I mean, I -- that's an -- I don't
 22 understand the question because I do a lot of
 23 things. But, you know, deacon in the church.

Page 18

1 **Q. How do you get compensated? You know,**
 2 **what's the job that compensates you?**
 3 A. I'm retired military.
 4 **Q. You're retired. Okay. Great.**
 5 A. Yeah. Retired military.
 6 **Q. Okay. What branch in the military?**
 7 A. Air Force.
 8 **Q. How long were you in the Air Force?**
 9 A. Twenty-three years and one month.
 10 **Q. When did you retire?**
 11 A. Did you say when?
 12 **Q. Yeah. When did you retire?**
 13 A. 2000.
 14 **Q. Since 2000, what employment -- what's your**
 15 **employment history?**
 16 A. I worked 16 years for a company called
 17 COLSA Corporation.
 18 **Q. How do you spell that?**
 19 A. C-O-L-S-A.
 20 **Q. And where was that?**
 21 A. In Huntsville, Alabama.
 22 **Q. Okay. Was that -- did you take that**
 23 **position immediately after retiring from the Air**

Page 19

1 **Force?**
 2 A. I retired in April of 2000. And I went to
 3 work for COLSA in 2001. And in the interim, I
 4 worked -- it was about six or seven months for
 5 Keith High School in -- near Selma, Alabama.
 6 **Q. Okay.**
 7 A. As an ROTC instructor, a junior ROTC
 8 instructor.
 9 **Q. And so were you in Huntsville the entire**
 10 **time you worked for COLSA Corporation?**
 11 A. When I worked for COLSA. Yes.
 12 **Q. And you retired from there around 2016?**
 13 A. Yes.
 14 **Q. And have you been retired since then?**
 15 A. Yes.
 16 **Q. Okay. So have you held any other**
 17 **positions full time or part time other than**
 18 **volunteer positions other than president of the**
 19 **State Conference since 2016?**
 20 A. No.
 21 **Q. Okay. Where are you originally from?**
 22 **What's your hometown? What do you consider your**
 23 **hometown.**

Page 20

1 MR. NAIFEH: I'm going to object
 2 here that this is -- he's not here
 3 testifying in his personal capacity.
 4 MR. TAUNTON: I understand. I'm
 5 not going to ask too many questions
 6 about this. Just get some general
 7 background.
 8 A. I'm from Tiplersville, Mississippi;
 9 Tiplersville, Mississippi.
 10 **Q. (BY MR. TAUNTON:) Were you stationed in**
 11 **Huntsville prior to working with the COLSA**
 12 **Corporation?**
 13 A. No.
 14 **Q. Had you lived in Alabama prior to 2000?**
 15 **You lived -- well, you worked in Selma. So prior**
 16 **to 2000, had you lived in Alabama?**
 17 A. Did I live in Alabama?
 18 **Q. Yeah. Prior to 2000.**
 19 A. No.
 20 **Q. And you've lived in Huntsville since 2001?**
 21 A. Yes.
 22 **Q. Where in Huntsville do you live?**
 23 A. Actually, Harvest, Alabama.

Page 21

1 Q. What did you do to prepare for today's
2 deposition?

3 A. I read over the documents that were
4 provided. I looked at the districts that were
5 involved on the -- on the map that was provided to
6 us. And had meetings with my attorneys.

7 Q. Okay. Great. Let's -- without revealing
8 anything about what you talked about with your
9 attorneys, when did you meet with your attorneys?

10 A. I met with them briefly yesterday. We
11 met -- I think it was a Wednesday and Friday, I
12 think it was.

13 Q. Of last week?

14 A. Yes.

15 Q. When you say "your attorneys," who are you
16 referring to?

17 A. The two attorneys Stuart and Brittany.

18 Q. You said you met with them on Wednesday.
19 Did you meet with both of them?

20 A. Yes.

21 Q. Was anybody else present at that meeting?

22 A. I don't think so.

23 Q. How long did you meet?

Page 22

1 A. Hour and a half to two hours, somewhere in
2 there.

3 Q. Okay. And then you said you met again on
4 Friday?

5 A. Yes.

6 Q. Did you meet with the same attorneys?

7 A. Yes.

8 Q. Was anybody else present?

9 A. No.

10 Q. How long did you meet?

11 A. About an hour, hour and a half.

12 Q. And then you said you met yesterday on
13 Sunday?

14 A. Yes.

15 Q. And with the same attorneys?

16 A. Yes.

17 Q. Was anybody else present?

18 A. Not -- no.

19 Q. And how long did you meet?

20 A. About 30 minutes.

21 Q. Okay. You said that to prepare you looked
22 at district maps.

23 A. Yes.

Page 23

1 Q. And what -- for which districts, do you
2 recall?

3 A. Well, it was the map that was in the brief
4 that the -- that was provided to us, to me. And
5 it was District 25, 26, District 7, 2, and I think
6 6.

7 Q. And those are all State Senate districts.

8 A. Yes.

9 Q. Did you look at the Congressional maps at
10 all?

11 A. Not to -- I mean, no. I mean, I looked at
12 the Congressional map because I look at them all
13 the time. But not -- you're talking about the
14 US --

15 Q. The Congressional map.

16 A. Yeah. I, I may have glanced at them. But
17 not to -- in trying to determine which districts
18 those -- Congressional districts those State
19 Senate may be in or something like that. But not
20 in detail.

21 Q. Okay. And you've mentioned separately
22 that you reviewed other documents. What other
23 documents did you review to prepare for this

Page 24

1 deposition?

2 A. The -- I reviewed the -- my interrogatory
3 statements that I had made and looked at -- again,
4 those -- that's probably the, the most documents I
5 recall that I, I looked at.

6 Q. And that's the discovery responses, the
7 interrogatory responses submitted in the Stone
8 case?

9 A. Yes.

10 Q. Okay. And you don't recall looking at any
11 other documents?

12 A. I, I may have. I don't recall
13 specifically what they were at this time.

14 Q. Do you recall generally what they were?

15 A. Well, generally would have been any
16 document that had anything to do with the briefs
17 that were -- that was prepared for me to review,
18 again, in -- with the district maps in them and
19 the, you know, population of those districts. Not
20 specific population, but black voting age
21 population and stuff like that.

22 Q. You say briefs. Describe "briefs." What
23 do you mean by that?

Page 25

1 A. The brief that was the -- what do I
2 want -- the Complaint that was filed.
3 **Q. The Complaint. So you believe you**
4 **reviewed the Complaint?**
5 A. Yes.
6 **Q. And was that in the Stone case?**
7 A. Yes. Mm-hmm.
8 **Q. Did you review the Milligan Complaint?**
9 A. Not in preparation for this.
10 **Q. Okay. Other than reviewing districts**
11 **maps, your discovery responses, and the Stone**
12 **Complaint, do you recall reviewing any of the**
13 **documents?**
14 A. No, I do not. Not at this time.
15 **Q. Is there anything else you did to prepare**
16 **for today's deposition?**
17 A. Got a good night's sleep.
18 **Q. That's a good idea.**
19 A. Okay. No. I -- and, again, I think I
20 said this earlier. But looking at those maps,
21 who's in those Congressional -- I mean, not
22 Congressional, but State Senate seats, you know,
23 from -- on the State legislative maps.

Page 26

1 **Q. And when you say who's in those seats, you**
2 **mean the sitting Senators.**
3 A. Yes.
4 **Q. And so you looked at -- did you look at**
5 **that information online?**
6 A. Yes, yes.
7 **Q. I'm going to show you what I'm marking as**
8 **Exhibits 1 and 2.**
9 A. Okay.
10
11 (Whereupon Defendant's Exhibits 1
12 and 2 were marked for identification,
13 copies of the same are attached
14 thereto.)
15
16 **Q. Have you seen these documents before?**
17
18 (The witness looks at Defendant's
19 Exhibits 1 and 2.)
20
21 A. Yes. Now, that one at least. Let me see
22 what this is.
23 **Q. Exhibit 1 is your deposition notice --**

Page 27

1 A. Yeah.
2 **Q. -- in the Stone case for today. Exhibit 2**
3 **is your deposition in the Milligan case for today.**
4 **Deposition notice.**
5 A. Okay.
6 **Q. Did you review these?**
7 A. Yes.
8 **Q. And did you review these topics?**
9 A. Yes. In the Milligan -- wait. Yeah.
10 Milligan. And it looks like the ones I reviewed
11 in the Stone case.
12 **Q. Okay. We can do this a couple of ways.**
13 **But I'll ask you broadly. What did you do today**
14 **to prepare -- other than what we've discussed,**
15 **what did you do to prepare to discuss these**
16 **topics?**
17 **Did you search any records or anything?**
18 **Did you talk to anybody other than your attorneys**
19 **in preparation for discussing these topics?**
20 A. No.
21 **Q. When is the first time you saw these**
22 **deposition notices? Do you recall?**
23 A. Are you talking about these two here? Or

Page 28

1 which depositions?
2 **Q. Correct. Either one of them.**
3 A. Okay. I think I saw the Stone probably
4 about maybe, what, two weeks ago or something like
5 that. And around the same time for the Milligan
6 case, too.
7 **Q. Okay. And how did you come to see them?**
8 **Were they emailed to you?**
9 A. Yeah. Email.
10 **Q. Okay. And you said you were currently the**
11 **president of the State Conference for the NAACP in**
12 **Alabama. Right?**
13 A. That is correct.
14 **Q. Okay. What are your responsibilities as**
15 **president of the State Conference?**
16 A. Well, the duties involve everything from
17 ensuring that our units are meeting goals and
18 objectives off the NAACP to -- that include
19 membership; reviewing and responding to complaints
20 that our units may have or may have received;
21 giving depositions; speaking to the media; and
22 just ensuring that our State Conference is -- our
23 State Conference as well as our units are in

Page 29

1 compliance according to national compliance
2 requirements.
3 **Q. When you say "units," what is a unit?**
4 A. Units are subunits within the State
5 Conference. For instance, we have branches within
6 the State Conference. We have college chapters
7 within the State Conference. And we have youth
8 councils within the State Conference. And either
9 one of those are considered a unit.
10 **Q. Okay.**
11 A. And we -- at one time, we had a high
12 school chapter. So they're different divisions
13 within the State Conference.
14 **Q. What's the last one you mentioned? Youth?**
15 A. Youth high school chapter.
16 **Q. Okay. What does the State Conference have**
17 **to do to remain in compliance with the national**
18 **organization?**
19 A. We must have at least six adult units.
20 And what we call the unit, the branches. And at
21 least six youth and college units in compliance.
22 We must pay our annual assessment to the national
23 office.

Page 30

1 **Q. Anything else?**
2 A. Well, I mean, that's, that's generally
3 what's required. Yes.
4 **Q. Okay.**
5 A. And, of course, not have any adverse
6 action by the National against us.
7 **Q. Has the State Conference ever had an**
8 **adverse action from the national organization?**
9 A. Not since I've been president. I can't
10 speak for, you know, years before. But I know
11 since 20 -- I came here in 2000. So I know since
12 then or 2002 when I got involved. So it has not
13 since I've been involved.
14 **Q. So you've been involved with the State**
15 **Conference since 2002.**
16 A. Yes.
17 **Q. How long have you been the president?**
18 A. Since 2009.
19 **Q. Did you occupy any positions before that?**
20 A. You talking about with the State or just
21 in general?
22 **Q. Well, yeah. Did you occupy any position**
23 **with the State Conference before that?**

Page 31

1 A. Yes.
2 **Q. What were those positions?**
3 A. I was the first vice president at one time
4 and also the armed services/veteran affairs
5 chairperson.
6 **Q. How did you become the president of the**
7 **State Conference?**
8 A. I was elected.
9 **Q. Who elected you?**
10 A. The members.
11 **Q. Is that -- is that a vote of all members**
12 **in the state?**
13 A. Well, no. It's at our annual convention
14 and the registered delegates who attend that
15 convention.
16 **Q. Who makes up the delegates?**
17 A. It's the members from the different units
18 who are elected by their unit to be a delegate to
19 that convention.
20 **Q. You mentioned earlier one of the units is**
21 **branches. What territory do branches cover?**
22 A. Yeah. It's usually by county. You know,
23 like the Limestone County branch covers Limestone

Page 32

1 County.
2 **Q. Does the State Conference have branches in**
3 **every county in Alabama?**
4 A. No.
5 **Q. I'll ask it to you this way because I**
6 **suspect this will be the easier way to ask it.**
7 **What counties does the State Conference not have**
8 **branches in? Do you know?**
9 A. I mean, I don't know off the top of my
10 head. But it's -- I mean, I know some of the
11 counties. I mean, if you -- I mean, we certainly
12 know which counties our branches are in. But just
13 for me to rattle them off the top of my head, I
14 couldn't tell you all of them. But certainly some
15 of them.
16 **Q. Can you tell me some of them? Would it**
17 **help if you saw a map?**
18 A. Oh, sure. I mean, if you want to show me
19 a map, I'll do that.
20 **Q. Okay. I won't mark it yet.**
21
22 (Counsel hands the witness a document.)
23

Page 33

1 **Q. Do you think you could put an "X" next to**
 2 **the counties where --**
 3 A. Where we do not have one?
 4 **Q. Where you don't have --**
 5 A. And, and this is where we don't -- okay.
 6 This is where we do not have one.
 7 **Q. Yeah. Where you don't have a branch.**
 8
 9 (Witness marks on the document.)
 10
 11 A. I think that's.
 12 **Q. Great. And I'll mark that as Exhibit 3.**
 13
 14 (Whereupon Defendant's Exhibit 3
 15 was marked for identification, a copy
 16 of the same is attached thereto.)
 17
 18 **Q. Thank you, sir.**
 19 A. Beg your pardon?
 20 **Q. I said, "Thank you, sir."**
 21 A. Oh, okay.
 22 **Q. What does -- what does it take to form a**
 23 **branch?**

Page 34

1 A. If you're starting from scratch, you need
 2 a hundred members that have paid their membership
 3 dues. And the membership -- I mean, those hundred
 4 members have to form a organizing committee that
 5 will be responsible for collecting those dues and
 6 submitting those dues either directly to the
 7 national or through the State Conference to the
 8 national.
 9 And, of course, after that, they will need
 10 to have an election. And once they've held their
 11 elections and the National has the membership
 12 dues, they will issue -- well, they -- the
 13 National will issue them a charter. And after
 14 they have the charter, they will move forth and
 15 have their election.
 16 And once they have their election, they
 17 are officially a bona fide branch or unit. And
 18 that's for the branches. And for the college
 19 chapter, all the youth units, it's 25 members that
 20 you have to have. And they go basically through
 21 the same process. And it's approved by the
 22 national board of directors to issue a charter to
 23 that particular unit, that particular organization

Page 35

1 at that time.
 2 **Q. Once a branch has been organized, what**
 3 **does it take for them to maintain their status?**
 4 A. They have to pay their \$50 -- I mean, not
 5 \$50. They have to maintain 50 members each year
 6 active. They have to pay their assessment to the
 7 State and to the National and file their -- what
 8 we call the year-end financial report. Or it's
 9 called annual financial report. And I don't know
 10 if I mentioned that for the State Conference. But
 11 the State Conference also has to file an annual
 12 financial report as well.
 13 **Q. Real quick, I'm just not sure that I got**
 14 **this --**
 15 A. Okay.
 16 **Q. -- you know, fully. So you indicated**
 17 **earlier that you're not aware of any adverse**
 18 **proceedings between the State Conference and the**
 19 **national chapter since 2002 when you first got**
 20 **involved?**
 21 A. You said national chapter.
 22 **Q. I'm sorry. The national organization --**
 23 A. Okay.

Page 36

1 **Q. -- and the state chapter, you're not aware**
 2 **of any --**
 3 A. State Conference. But.
 4 **Q. I'm sorry. I'll get it eventually. The**
 5 **national organization and the State Conference,**
 6 **you're not aware of any adverse action between the**
 7 **two since 2002.**
 8 A. Right.
 9 **Q. Is that your testimony?**
 10 A. Right.
 11 **Q. So then back to, real quick, to the annual**
 12 **convention. The delegates are made up of**
 13 **branches. Do the branches elect their own**
 14 **delegates?**
 15 A. Yes. And, again, that's units because the
 16 youth and college units also participate. So.
 17 **Q. How many members does the State Conference**
 18 **currently have?**
 19 A. The exact number of current members, it
 20 fluctuates from day to day. So we use a rough
 21 figure of around 5,000 members.
 22 **Q. Does a member have to pay their dues**
 23 **annually?**

Page 37

1 A. Yes.
2 **Q. And what does that cost?**
3 A. Well, let me back up. If you have a
4 regular membership, you pay \$30 annually. If you
5 have a -- what we call a fully paid life member,
6 you don't have to pay anything annually.
7 If you are a subscribing life member, then
8 you pay depending on what level of subscribing
9 life you are. The minimum is \$75 dollars
10 annually. And you pay that for ten years or until
11 you pay \$750.
12 And then, the life membership go up from
13 there. You know, \$1500 for -- I think it's called
14 golden heritage. And then a diamond life is
15 \$2500. And once you've paid that, you know,
16 you're paid for life.
17 **Q. What is the -- just the standard life**
18 **membership? How much does that cost?**
19 A. Standard life?
20 **Q. Right.**
21 A. Okay. A minimum life is civil life. And
22 so that's \$750.
23 **Q. Okay.**

Page 38

1 A. For -- again, that's for branches. It's
2 different for youth units. So.
3 **Q. And so about \$750 people are donating.**
4 **Are people -- are people giving donations, then,**
5 **about \$750?**
6 A. What do you mean "donations"? Because
7 you're paying for a life membership. I'm not sure
8 what you mean by "donation."
9 **Q. Well, they're paying more than the life**
10 **membership. Right? Why would a person -- let me**
11 **ask it this way. Does a person receive anything**
12 **additional for a diamond life membership or a gold**
13 **life membership?**
14 A. Yes.
15 **Q. What do they receive?**
16 A. Well, you receive a plaque. And then you
17 receive a pennant on your -- to wear on your
18 lapel.
19 **Q. Is there anything else?**
20 A. No.
21 **Q. Okay. Now, you said you were first**
22 **elected president in 2009 at the annual meeting.**
23 **Are you elected annually? Or what's your term?**

Page 39

1 A. It's for two years.
2 **Q. So you've been elected several times since**
3 **2009.**
4 A. A few times.
5 **Q. When a person wants to join the State**
6 **Conference, are their dues paid to the State**
7 **Conference? Or who do they pay?**
8 THE WITNESS: Someone wants to be
9 admitted.
10 THE REPORTER: Okay. Can we go
11 off the record a second? Thank you.
12
13 (There was a short break in the deposition.)
14
15 THE REPORTER: Okay. Back on the
16 record.
17 **Q. (BY MR. TAUNTON:) When a person joins the**
18 **NAACP in Alabama, they pay their dues. Who are**
19 **they paying their dues to?**
20 A. There's -- well, first of all, I think you
21 asked about the State Conference. It's -- the
22 State Conference itself does not have members.
23 Every member that serves in the State Conference

Page 40

1 is a member of a branch or a college chapter
2 within the State Conference.
3 And they are elected to serve as a member
4 of the State Conference. But they're not -- you
5 know, you don't get a membership to the State
6 Conference. And they pay their dues to the unit
7 that they are wanting to associate with.
8 If you go online, you can pay them
9 directly to the national. And in turn, the
10 national sends your portion -- meaning the unit's
11 portion -- of those dues back to them. If I were
12 to join, if Stuart were to join the -- we're in
13 Limestone.
14 If you were to join the Limestone County
15 branch by filling out an application, the unit
16 Limestone County branch would send the national
17 their portion of those dues and just keep the
18 other portion in their treasury in the coffers.
19 **Q. So if a person paid the national**
20 **organization, they would remit a portion of those**
21 **dues back to the units?**
22 A. Yes.
23 MR. NAIFEH: Objection, form.

Page 41

1 **Q. (BY MR. TAUNTON:) So how is the State**
2 **Conference funded?**
3 A. Fundraising.
4 MR. NAIFEH: Object to the form
5 again. You can answer, though.
6 **Q. (BY MR. TAUNTON:) Any other way?**
7 A. I mean, fundraising, donations.
8 **Q. Are those -- but those are separate from**
9 **membership dues; is that correct?**
10 A. Yes. We don't --
11 **Q. Okay.**
12 A. -- get -- we're not part of the membership
13 dues. We don't get those. That's the unit.
14 **Q. Where is that fundraising primarily done?**
15 **Is that done in Alabama or elsewhere?**
16 A. There are organizations outside the state
17 that, you know, may send us funds to do civic
18 engagement work. So but our fundraising efforts
19 are primarily in the state of Alabama.
20 **Q. You've mentioned that members of the units**
21 **would then be elected to the State Conference. Is**
22 **that -- is that the same as being a delegate to**
23 **the state convention? Or is that separate?**

Page 42

1 A. It's separate.
2 **Q. Okay. So tell me about being elected to**
3 **the State Conference. How --**
4 A. Okay.
5 **Q. -- how is that handled?**
6 A. Each year during our annual state
7 convention, units -- including branches and the
8 youth and college units -- will elect their
9 delegates to the state convention. Prior to that
10 process taking place, the State Conference elect
11 a -- it's an election procedures committee that is
12 responsible for notifying all the members through
13 its units that they are accepting nominations for
14 positions for, you know, all the positions within
15 the State Conference from president down to, you
16 know, all our standing -- not standing committee
17 chair -- but all of our officers and executive
18 committee members at large.
19 If a person wants to run for one of those
20 offices, they submit a form to this committee.
21 The committee reviews it with the State secretary
22 to confirm that that person's membership is good
23 and will be valid throughout the election process.

Page 43

1 Once that is confirmed, that person named
2 goes on the ballot. And then at the state
3 convention, all delegates who are properly
4 registered, the State Conference secretary sends a
5 notification to the national saying these are the
6 delegates for, you know, our state convention,
7 registered -- properly registered delegates.
8 So that person has to be a member in good
9 standing. And, of course, when they're elected
10 from the unit, the unit's supposed to check that.
11 But just double-check with the State Conference
12 secretary who has access to the statewide, what we
13 call, membership portal.
14 Once the -- those names are verified and
15 that they are members in good standing, their
16 names will go on a ballot. We send those to the
17 national office. And they conduct the election
18 through a system called Election Buddy. And on
19 election day at the state convention, each
20 delegate that has a valid email address or a phone
21 will receive a ballot. And they cast a ballot.
22 And Election Buddy totals the, you know, the, the
23 votes.

Page 44

1 **Q. Great. Now, when your name goes on a**
2 **ballot, is that going on a ballot for a specific**
3 **position, then?**
4 A. Yes.
5 **Q. And so you mentioned an executive**
6 **committee. Is that one of the positions that a**
7 **person can run for?**
8 A. No. It's an executive committee at large.
9 And we can elect up to -- I think it's 21
10 members --
11 MR. WALKER: Come in.
12 A. -- 21 members at large or something like
13 that.
14 MR. TAUNTON: Dorman, you're not
15 on mute.
16 A. So we can look up to -- I think it's 21
17 members at large. And that does not include the
18 officers of the association.
19 **Q. (BY MR. TAUNTON:) Okay. And how many**
20 **officers does the State Conference have?**
21 A. Let's see. One, two, three, four, five,
22 six, seven -- eight.
23 **Q. Is there any other position that a**

Page 45

1 **delegate could run for?**

2 MR. NAIFEH: Objection to form.

3 A. No. I mean, those are the positions.

4 Those are the positions.

5 **Q. (BY MR. TAUNTON:) Does every unit send**
6 **delegates to the annual State Conference?**

7 A. No.

8 **Q. About how many people attend the State**
9 **Conference, annual State Conference if you can**
10 **say.**

11 A. Again, the question is how many generally
12 attend. We have probably around -- and it's not
13 difficult to answer. But I want to make sure I
14 answer the question. We have probably about 125
15 to 150 delegates.

16 But we have other people who come -- who
17 attend different functions or may come and attend
18 a workshop, something like that. So we roughly
19 estimate there's probably about 500 people who
20 attend at some point during the convention. And
21 if we add all of our banquets and things like
22 that, you know, we're looking probably around 700
23 or 800 people who would come at some point.

Page 46

1 **Q. Okay. So that, that indicates that you**
2 **don't have to be a delegate, I'm guessing, to**
3 **attend the annual --**

4 A. No, no. You do not.

5 **Q. -- annual.**

6 A. To attend what now?

7 **Q. To attend the annual conference.**

8 A. No, you do not. But if you're not a
9 delegate, there's limitations on what you can
10 participate in and what you can do.

11 **Q. Is that open to the public at large?**

12 A. Yes. And when I say it's open, you attend
13 as -- you can attend as an observer. And if you
14 attend as an observer, you're not a delegate, of
15 course. And but you're registered to -- we will
16 know that -- who is in attendance.

17 But you're not a delegate. You don't have
18 any voting power. And, of course, we do have some
19 alternate delegates register in case the primary
20 delegate for that unit cannot attend.

21 **Q. What's the racial breakdown of the NAACP's**
22 **membership at Alabama? Do you know?**

23 A. No, I do not.

Page 47

1 **Q. Well, do you have an estimate?**

2 A. Yes.

3 **Q. What would your estimate be?**

4 MR. NAIFEH: Objection. But go
5 ahead.

6 A. It's probably about 95 percent African
7 American and 5 percent other including white,
8 Latinx community, and others.

9 **Q. (BY MR. TAUNTON:) Do you have any idea**
10 **what the average income of the NAACP's membership**
11 **in Alabama is?**

12 A. No.

13 **Q. No estimate?**

14 MR. NAIFEH: Objection.

15 A. No. I'd be afraid to give an estimate on
16 that because I can just say most of our members
17 are retired.

18 **Q. (BY MR. TAUNTON:) Okay.**

19 A. If that gives you any indication. But.

20 **Q. So that raises an interesting question.**
21 **So do you have any idea -- any estimate or general**
22 **idea what the age breakdown of your membership is?**
23 **How many of your members -- what percentage of**

Page 48

1 **your members do you think are over 50?**

2 MR. NAIFEH: Objection to form.

3 A. I would say probably 80 to 85 percent are
4 over 50.

5 **Q. (BY MR. TAUNTON:) So you had discussed**
6 **earlier youth and college units.**

7 A. Yes.

8 **Q. How many youth and college units does the**
9 **NAACP have in Alabama?**

10 A. We have about -- and, again, this question
11 is a little difficult to answer because some of
12 the units are not in total compliance. But we
13 have about 12, 13 units that are in some form of
14 compliance. You know, their membership may not be
15 what it's supposed to be. Or they may not have
16 filed their year-end financial report or annual
17 financial report. So I'd say, you know,
18 somewhere, somewhere around 10 to 15 units.

19 **Q. So if a chapter -- a branch or a unit, if**
20 **a unit isn't in strict compliance with their**
21 **requirements at the end of the year, is there a**
22 **grace period for that?**

23 MR. NAIFEH: Objection to form.

Page 49

1 A. I mean, I mean, to answer your question,
2 there is national -- I mean, they give you -- if
3 your unit say -- for instance, if today the
4 Limestone branch, the adult branch where I am
5 where we are today, if today their membership
6 drops below the 50, you will not get a notice from
7 national saying, boop, your membership dropped
8 below 50. If on tomorrow or next week Limestone
9 County sends in, you know, say, 10 additional
10 members to bring their total number up above the
11 50, there was not a break in their membership.
12 The national has kind of two points in
13 which it looks at your membership and determine
14 for sure whether you have the members or if you're
15 in compliance. And that is when we getting ready
16 for our national convention they check the status
17 of the unit as of around April the 15th.
18 If your unit was in compliance as of April
19 the 15th, then you can send delegates to the
20 national convention. If your unit was not in
21 compliance as of April the 15th, you cannot send
22 members to the -- delegates to the national
23 convention.

Page 50

1 If your unit financial is not in financial
2 compliance as of April the 15th, you have up until
3 the national convention to pay your assessments to
4 be compliant, become compliant assuming your
5 membership stays above 50. You have up until the
6 national convention to pay your assessment and be
7 in compliance and send delegates to the national
8 convention.
9 If your unit has not paid your assessment
10 in over a year or if your numbers have not come
11 above that 50 in over a year, then you would
12 probably receive a letter from national saying
13 your unit is not in compliance because of
14 membership. So that's the best way I can explain
15 it.
16 **Q. (BY MR. TAUNTON:) Yeah. And when is --**
17 **so you say April 15th is sort of the initial**
18 **cutoff for that. When does the national**
19 **convention typically take place?**
20 A. July the 14th through the 18th, somewhere
21 around that time frame.
22 **Q. Do the unit also have to demonstrate**
23 **compliance to send delegates to the state**

Page 51

1 **convention?**
2 A. Yes.
3 **Q. When's -- what's the timing of the state**
4 **convention usually?**
5 A. Ninety days before the state convention.
6 **Q. The national convention?**
7 A. Oh, I thought you said to the state
8 convention.
9 **Q. Yeah. When, when -- what is the timing on**
10 **the state convention?**
11 A. Oh, state convention is September/October
12 time frame.
13 **Q. How many units right now -- how many units**
14 **in Alabama are not -- are in partial compliance**
15 **with the national organization or the state**
16 **organization?**
17 MR. NAIFEH: Objection to form.
18 A. Yeah. I do not have that information
19 available to me right now because I don't monitor
20 it on a daily basis.
21 **Q. (BY MR. TAUNTON:) Do you have a general**
22 **idea?**
23 A. General idea of how many units are not in

Page 52

1 compliance?
2 **Q. Yes, sir.**
3 A. Maybe out of the -- there may be five or
4 six. But, again, you know, they could have sent
5 memberships in and I don't know about it. Because
6 it don't come through the State Conference
7 necessarily. And, you know, so it fluctuates.
8 **Q. And you may have said this before. I'm**
9 **sorry if I'm asking again. But I don't recall**
10 **asking this question. How many units right now --**
11 **how many NAACP units are in the State of Alabama?**
12 A. Well, I just kind of marked them. There's
13 the ones that are and where we do not have units.
14 **Q. And that would be for the county branches.**
15 **And I would just add that number, then, to the 12**
16 **to 13 youth and college units?**
17 A. Oh.
18 **Q. Does that get me to a number?**
19 A. Yes. Mm-hmm. Well, the ones that don't
20 have X's. Yeah.
21 **Q. Right, right. We understand each other.**
22 A. Okay.
23 **Q. I don't know if I need to be clear on the**

Page 53

1 **record. But I know what you're saying. Okay.**
 2 **One last question. Well, never say that.**
 3 **We'll see. Moving sort of out of this.**
 4 **But how long does -- you said that you kind of**
 5 **walked through the process of how long it would**
 6 **take a unit to then get a -- essentially, I'll**
 7 **call it -- a letter of noncompliance from the**
 8 **national organization. How long, then, would a**
 9 **unit be given to come into compliance?**
 10 A. Well, I mean, there's no set time. It's
 11 just when they decide to -- or when the unit pays
 12 its assessments and gets their membership above
 13 50, it goes to the national office. And they will
 14 review it and then send it over to the board of
 15 directors for them to reinstate that particular
 16 unit.
 17 **Q. But they would have to receive a letter of**
 18 **reinstatement?**
 19 A. Yes.
 20 **Q. And before they receive that, they**
 21 **wouldn't be able to send -- that unit wouldn't be**
 22 **able to send delegates to the national or state**
 23 **conventions.**

Page 54

1 A. That is correct. They can attend. But
 2 they're not delegates. Yeah. Make sure of that.
 3 **Q. I understand. How does the NAACP -- how**
 4 **does the State Conference of the NAACP choose to**
 5 **participate in a lawsuit as a general matter?**
 6 A. Well, it has to be something that is
 7 initiated either by the State Conference or
 8 someone may come to us and say, well, you know,
 9 the NAACP, you may have an interest in this
 10 particular issue. And are you all interested in,
 11 you know, being a Plaintiff in this particular,
 12 you know, action. And, again, or we may seek out
 13 someone to represent the NAACP Alabama State
 14 Conference in a particular action.
 15 **Q. So once -- well, who is -- who is -- is**
 16 **there a formal process that that's filtered**
 17 **through? Who receives those outreaches?**
 18 MR. NAIFEH: Objection to form.
 19 A. It usually comes to the State Conference
 20 to my attention. And we look at it. I look at it
 21 personally. And then if it's something that I
 22 say, you know, this is something that, you know,
 23 we should participate in, we take it before our

Page 55

1 executive committee to get their, you know, buy
 2 in.
 3 And also since it's a legal action, we
 4 have to make sure our national office gives their
 5 stamp of approval on it.
 6 **Q. (BY MR. TAUNTON:) Okay.**
 7 A. Including our national president.
 8 **Q. Well, now the executive committee, you**
 9 **said that's 21 at-large members and the eight**
 10 **officers of the State Conference.**
 11 A. I said you can elect up to 21.
 12 **Q. Okay.**
 13 A. We barely -- we don't never have 21 that
 14 run at large. But you can elect up to 21. But
 15 the executive committee is also comprised of the
 16 chairpersons for our standing committees. Like
 17 membership, veteran affairs, legal redress,
 18 education, local action. All those are standing
 19 committees.
 20 So the chairperson of those committees who
 21 is appointed by the president and confirmed by the
 22 executive -- existing executive committee, they
 23 become part of the executive committee.

Page 56

1 **Q. How many standing committees are there?**
 2 A. Twenty-one.
 3 **Q. And you said the chairperson for those**
 4 **committees is appointed by you and confirmed by**
 5 **the executive committee?**
 6 A. Yes.
 7 **Q. So those aren't elected positions at the**
 8 **state convention.**
 9 A. No. I mean, I mean -- right. They are
 10 essentially elected when I appoint them and they
 11 are confirmed by the executive committee. But
 12 they are not -- you can't run for that position.
 13 **Q. Okay. So the executive committee, then,**
 14 **is made up of the 21 chairs of the standing**
 15 **committees, the eight officers, and then a certain**
 16 **number of at-large individuals. Anybody else on**
 17 **the executive committee?**
 18 A. No.
 19 **Q. What's the current size of the executive**
 20 **committee?**
 21 A. My committee?
 22 **Q. Oh, what's the current size of the**
 23 **executive committee?**

Page 57

1 A. We have 33 -- yeah, 33 members.
 2 **Q. So you would present to the executive**
 3 **committee to -- back up. Scratch that. To become**
 4 **involved in the lawsuit, you would present to the**
 5 **executive committee a proposal?**
 6 MR. NAIFEH: Objection to form.
 7 **Q. (BY MR. TAUNTON:) To become involved in**
 8 **the lawsuit.**
 9 A. Yes.
 10 **Q. Is there any other way that that would be**
 11 **presented to the executive committee?**
 12 MR. NAIFEH: Objection to form.
 13 A. What do you mean "any other way"?
 14 **Q. (BY MR. TAUNTON:) So one, one way of the**
 15 **State Conference becoming involved in a lawsuit**
 16 **would be for you to present it to the executive**
 17 **committee for the executive committee to approve**
 18 **it. Is there any other way? Other than you**
 19 **presenting it, is there some other way that would**
 20 **be presented to the executive committee?**
 21 A. I mean, I mean, it would -- it'd have to
 22 come from -- I mean, anyone can say "bring to the
 23 attention of the executive committee." Is there

Page 58

1 something, I mean, about something that we want to
 2 get involved in.
 3 But ultimately, you know, that is -- that
 4 becomes the action of the president, you know.
 5 And I guess theoretically if someone brought it up
 6 in an executive committee meeting and the
 7 executive committee voted on it, I mean,
 8 theoretically, it could, you know, could -- do
 9 happen that way.
 10 But, you know, we don't operate that way.
 11 You know, they respect the position of the chair
 12 and would bring it to him. Or in this case, him
 13 or her the same case.
 14 **Q. So theoretically, there is some way you**
 15 **would not be involved. But practically, you**
 16 **always have that.**
 17 A. Well, I mean, there's no way that I would
 18 not be involved because I'm the president. You --
 19 because it'll have to come up at an executive
 20 committee meeting. And I'm the chair of the
 21 executive committee.
 22 So, I mean, there's no way that I would
 23 unless I'm incapacitated. And then, I would not

Page 59

1 be the president. But there's no way that it
 2 could come up without the president's knowledge.
 3 **Q. And you have to sit here and answer my**
 4 **questions in 30(b)(6) deposition. And they don't.**
 5 **Right?**
 6 A. That's right.
 7 **Q. Yeah. Other than executive committee**
 8 **approval, is there some other way that the State**
 9 **Conference can become involved in a lawsuit as a**
 10 **Plaintiff?**
 11 A. No. There's no other way. I mean, it's,
 12 it's -- the executive committee is executive
 13 committee action. And so, you know, the national
 14 office theoretically could say, well, we want you
 15 to be involved in this lawsuit. But still, we
 16 would take that through the executive committee
 17 to, you know, get their approval.
 18 I mean, it's -- at that point, it's, you
 19 know, more or less a matter of formality. But,
 20 you know, we would take it to the executive
 21 committee and say national president wants us to
 22 be involved in this. Does anyone have any
 23 questions. You know, all in favor say "aye," et

Page 60

1 cetera, et cetera.
 2 **Q. So the national organization can't tell**
 3 **you to become involved in a lawsuit.**
 4 A. They have the authority to.
 5 **Q. Okay.**
 6 A. But, you know, they would not do that.
 7 But they can and do have the authority to say you
 8 will. But, you know, they, they would not do
 9 that.
 10 **Q. Are you aware of a time they have directed**
 11 **the State Conference to become involved in a**
 12 **lawsuit?**
 13 A. I'm trying to think. I think there was.
 14 But I can't remember. I'd have do a little
 15 thinking, you know. I don't remember off the top
 16 of my head. But it seemed like there was one that
 17 they asked us to be involved in. But I don't
 18 remember what specifically it was.
 19 **Q. Was that while you were president in the**
 20 **State Conference?**
 21 A. Yes.
 22 **Q. Was that in the last five years?**
 23 A. I couldn't recall the time frame whether

Page 61

1 it's five or ten years, you know. But just. . .

2 **Q. Do you remember what the issue was?**

3 A. No. I would -- no, I do not.

4 **Q. Do you remember who the Defendant was?**

5 A. No.

6 **Q. It wasn't this -- it wasn't the Stone**

7 **case, was it?**

8 A. No, no.

9 **Q. It wasn't the Milligan case, was it?**

10 A. No.

11 **Q. Okay. So with that background, did you**

12 **present to the executive committee a proposal that**

13 **the State Conference become involved in the Stone**

14 **case as a Plaintiff?**

15 A. In this -- did you say Stone and Milligan?

16 **Q. The Stone case. Well, I was going to ask**

17 **them separately.**

18 A. Okay, okay. Yes.

19 **Q. So you presented a proposal to become**

20 **involved with the Plaintiff in the Stone case.**

21 A. Yes.

22 **Q. And did you do the same thing for**

23 **Milligan?**

Page 62

1 A. Yes.

2 **Q. And the executive committee approved**

3 **those?**

4 A. Yes.

5 **Q. Do you remember what the votes were?**

6 A. No. Because once we -- no. I do not

7 remember what the votes were.

8 **Q. Were -- was anybody opposed? Do you**

9 **remember that?**

10 A. No, no.

11 **Q. Okay. Do you recall any discussion about**

12 **that? Let's, let's take the Stone case first. Do**

13 **you recall any discussion in the executive**

14 **committee regarding becoming involved in the Stone**

15 **case?**

16 A. I mean, there was discussion. Yes.

17 **Q. Do you recall any of the substance of that**

18 **discussion?**

19 MR. NAIFEH: Can I stop you there

20 for a second there? Is there -- I just

21 want to clarify. Are there legal -- is

22 there a legal counsel advising you in

23 those executive committee meetings?

Page 63

1 THE WITNESS: No.

2 MR. NAIFEH: Okay. Then go

3 ahead.

4 A. No. I mean, you just -- general

5 discussion. Basically, I think the discussion

6 was -- just like so many others, you know -- what

7 is the requirement of the members, what is this

8 case all about, and who's going to represent us.

9 And, of course, I tell them up front that -- you

10 know, who's going to be the legal counsel for us.

11 And but I don't -- I don't recall anyone opposing

12 our involvement in the Stone case.

13 **Q. (BY MR. TAUNTON:) What questions were**

14 **there about -- involving about what the case was**

15 **about? Do you recall any of those questions or**

16 **any of that discussion for the Stone case?**

17 A. Questions about, you know, what districts

18 are involved, what -- is there enough votes in

19 there to -- is there enough black voting age

20 population in those proposed -- well, at that

21 time, it was just is there enough black voting age

22 population to form a -- another majority of black,

23 you know, Senate district.

Page 64

1 And, of course, at that particular time, I

2 don't have those finite details where I could tell

3 them I would say yes. I think based on, you know,

4 initial review -- because this is -- it's -- I

5 don't want to say -- basically, the answer to your

6 question is there were questions about, you know,

7 if there was enough black voting age population to

8 draw a district that would not be gerrymandered

9 that could elect a black representative in the

10 Senate.

11 **Q. Do you recall what the -- any districts**

12 **that were specifically discussed?**

13 A. Well, I mean, not in detail. Just what

14 districts, you know, we'd be looking at. And I

15 think basically we said one in the north and one

16 in the Montgomery area, you know.

17 Now at that time, we didn't say it was

18 District 10, 15, or 20, you know. It's just, you

19 know, where would they be located.

20 **Q. Do you recall any other questions or**

21 **discussion at that time?**

22 A. No.

23 **Q. What about for the Milligan case? Do you**

Page 65

1 recall any discussion about that?

2 MR. NAIFEH: I'm going to object
3 here. This is getting beyond the scope
4 of the notice. I don't think there's
5 anything in there about how they became
6 involved in the litigation.

7 MR. TAUNTON: Yeah. I'm asking
8 if there's -- it's a Plaintiff. I'm
9 asking him as the conference as a party
10 about their participation in a lawsuit.

11 MR. NAIFEH: You can ask. I
12 think if -- you know, you could have
13 also put that in the notice if that was
14 something you wanted to ask about.

15 MR. TAUNTON: Well, I'm also
16 going to ask about the claims in the
17 lawsuit.

**18 Q. (BY MR. TAUNTON:) If, if you know. I
19 won't ding you if you didn't prep him.**

20 A. What was the question again?

**21 Q. Do you recall any discussion about the
22 Milligan case, becoming involved at the time the
23 executive committee was voting on this?**

Page 66

1 A. Are you talking about when we first were
2 notified that we were. . .

**3 Q. We talked earlier about you had presented
4 to the executive committee a proposal that the
5 State Conference become involved as a Plaintiff in
6 the Milligan lawsuit.**

7 A. Right, right.

**8 Q. I'm just asking do you recall any -- was
9 there any discussion with the executive committee
10 at that time about becoming involved in the
11 Milligan lawsuit.**

12 A. I mean, the question certainly who is
13 going to be the legal counsel for us. You know,
14 what -- where, what districts. I mean, yeah,
15 districts were going to be involved.

16 Same thing like, you know, is there
17 enough -- will there be enough black voting age
18 population in that area to, you know, elect a
19 Congressman, a Congressperson.

**20 Q. And you say in that area. What areas were
21 specifically discussed? Do you recall?**

22 MR. NAIFEH: Objection to form.

23 A. I don't think at that particular time it

Page 67

1 had been identified specifically what area. We
2 knew it was going to be in the Black Belt. But I
3 don't think we knew exactly which, which counties.
4 And, really, I know we didn't know what, you know,
5 specific districts, you know, would be involved in
6 that.

7 But they're just general questions about,
8 you know, our involvement as far as is it going to
9 cost us anything. Because that's a question that
10 members always ask. And, you know, who is going
11 to represent us. And would this give us -- give
12 blacks an opportunity to have another black, you
13 know, Congressional seat.

**14 Q. (BY MR. TAUNTON:) Do you recall any other
15 discussions at that time about the Milligan case?**

16 A. No, I do not.

**17 Q. Okay. How did these -- let's, let's start
18 with the Stone case. How did the Stone matter
19 come to your attention?**

20 MR. NAIFEH: Object to form. But
21 go ahead.

22 A. There had been discussion for several
23 years that it may be possible to create another

Page 68

1 district in North Alabama for an African American
2 to get elected to the Senate seat. And this is
3 probably three or four years ago. Just, you know,
4 casual conversation. And then specifically on
5 this case, these folks from LDF asked if we would
6 be willing to be a Plaintiff.

7 MR. NAIFEH: Don't say --

**8 Q. (BY MR. TAUNTON:) Don't tell me about
9 conversations --**

10 MR. NAIFEH: -- more about
11 conversations with LDF.

12 THE WITNESS: Okay, okay. Well.

13 MR. NAIFEH: I mean, you can say
14 that. But don't say anymore than that
15 conversation.

16 A. That was -- that was it.

**17 Q. (BY MR. TAUNTON:) Okay. And those
18 conversations -- don't tell me about your
19 conversation with counsel. But outside of that,
20 had the focus been particularly on North Alabama?**

21 A. Yes.

22 Q. Okay.

23 A. Again, this is old conversations.

Page 69

1 **Q. Right. What about the Milligan lawsuit?**
2 **How did -- how did it first come to your**
3 **attention? Why did you first decide it might be**
4 **worth getting involved in the Milligan lawsuit?**

5 MR. NAIFEH: Objection to form.

6 **Q. (BY MR. TAUNTON:) Again, without telling**
7 **me anything about your conversations with counsel.**

8 A. That's counsel, through counsel.

9 **Q. Were there any conversations without**
10 **counsel that suggested that?**

11 A. Was there any conversation without counsel
12 what now?

13 **Q. Did you have any conversations about**
14 **becoming involved in the Milligan lawsuit that**
15 **were not with counsel --**

16 MR. NAIFEH: Objection to form.

17 **Q. (BY MR. TAUNTON:) -- prior to presenting**
18 **that to the executive committee?**

19 A. No.

20 **Q. Okay.**

21 A. I don't recall.

22 **Q. We'll take a break here soon because I'm**
23 **about to shift gears. But I'll ask some questions**

Page 70

1 **in here, and then we'll kind of move on. What's**
2 **the State Conference's organizational purpose?**

3 A. You talking about our mission or what?

4 **Q. Yeah. A mission statement, a purpose**
5 **statement.**

6 A. I mean, that's spelled out in our website.
7 And, you know, it's -- I can provide you that
8 statement. I think it was provided to y'all in
9 the response that I had sent.

10 I mean, I don't know if you have a
11 specific question about that. But, I mean, I
12 think you have our mission statement. Is that
13 what you're asking or something different?

14 **Q. Well, I was just really asking for your**
15 **articulation of it. I mean, how would you**
16 **articulate it?**

17 MR. NAIFEH: Objection to form.

18 A. I mean.

19 **Q. (BY MR. TAUNTON:) If you were talking to**
20 **somebody and they asked you what does the State**
21 **Conference do.**

22 A. Well, I mean, and I don't mind answering
23 the question. But, I mean, we provide -- I

Page 71

1 provided that answer to -- I mean, if you want to
2 read it, I can expand on it, expound on it, or
3 something. But, I mean, you have our mission
4 statement. And, you know, I stick by our mission
5 statement.

6 **Q. Well, how do you -- well, again, I was**
7 **just really asking for kind of how you would**
8 **articulate it if you were just talking to**
9 **somebody. I understand I can find your mission**
10 **statement on the website.**

11 A. Right. I mean, is there a specific
12 question you have about that?

13 **Q. Well, I was going to have some follow-up**
14 **questions.**

15 A. Okay.

16 **Q. If somebody were you to ask you that**
17 **question, what would you do?**

18 MR. NAIFEH: Object to form.

19 **Q. (BY MR. TAUNTON:) Do you direct them to**
20 **your website? Or would you tell them something**
21 **else?**

22 MR. NAIFEH: Object to form.

23 A. If a person came up to me, I would tell

Page 72

1 them something different. But you know.

2 **Q. (BY MR. TAUNTON:) So I'm asking.**

3 A. Well, again -- and, again, I don't want to
4 get in a back and forth. But, you know, as a more
5 or less a legal proceeding, you know, we provided
6 you that. If you have a specific question about
7 that, I can answer that. But our mission
8 statement is what it is.

9 **Q. I was just looking for a general opening**
10 **statement. That's it. We'll get into the**
11 **specifics. Do you have a statement on that?**

12 MR. NAIFEH: Objection to form.

13 **Q. (BY MR. TAUNTON:) Again, let me ask the**
14 **question this way. Without me going and looking**
15 **at your website which I can do right now --**

16 A. Well, I mean, you don't have to look at
17 the website. You can look at the documents we
18 provided.

19 **Q. If I were a person on the street and I**
20 **asked you to articulate your mission, what do you**
21 **do? What would you say?**

22 MR. NAIFEH: Objection.

23 THE WITNESS: Do you want me to

Page 73

1 answer?

2 MR. NAIFEH: You can answer.

3 A. Okay. We --

4 MR. TAUNTON: It's not

5 privileged.

6 A. We, we ensure the political education and,

7 and financial empowerment of people of color, in

8 particular African Americans. And we fight for

9 equality of all Americans. And, again, in

10 particular African Americans.

11 We ensure their civil rights are

12 protected, their voting rights, and that they

13 are -- that they're treated fairly in their jobs

14 or in their whatever they may be involved in.

15 Schools.

16 **Q. (BY MR. TAUNTON:) Okay. Thank you. How**

17 **do you carry that out? You know, what, what --**

18 **how specifically does the State Conference --**

19 A. Yeah.

20 **Q. -- further its mission?**

21 A. We do that through, first of all, only

22 educating our memberships, our members on their

23 roles and responsibilities to ensure fair

Page 74

1 treatment not only of members but those who come

2 to us for assistance. And we do that through

3 education, educating them through protests,

4 marches, rallies, press conferences, and through

5 legal action as well as through people voting to

6 elect people who are going to represent the

7 interests of their communities.

8 **Q. Okay.**

9 THE WITNESS: Do you want to take

10 a break right here?

11 MR. NAIFEH: If you're ready.

12 THE WITNESS: Yeah.

13 MR. TAUNTON: We can just can

14 take, like, a five-minute break because

15 we'll transition here. So this is

16 probably a good place to do that.

17 MR. NAIFEH: Okay.

18

19 (There was a short break in the deposition.)

20

21 THE REPORTER: Back on the

22 record?

23 MR. TAUNTON: Yes. Let's go back

Page 75

1 on.

2 THE REPORTER: All righty.

3 **Q. (BY MR. TAUNTON:) Let me show you what**

4 **I've marked as Defendant's Exhibit 4.**

5

6 (Whereupon Defendant's Exhibit 4

7 was marked for identification, a copy

8 of the same is attached thereto.)

9

10 **Q. I believe this was produced to us in**

11 **discovery. Do you recognize this document?**

12 A. Yes.

13

14 (The witness looks at Defendant's Exhibit 4.)

15

16 **Q. And what is it?**

17 A. It's our bylaws for the NAACP units.

18 **Q. And what, what units?**

19 A. What units?

20 **Q. Yeah.**

21 A. All of our units.

22 **Q. All units?**

23 A. Mm-hmm.

Page 76

1 **Q. Is that something that's drafted by the**

2 **national organization?**

3 A. Yes.

4 **Q. And is that, then, I guess, given to**

5 **various units?**

6 A. Yes. Given to all the units. Well, I

7 mean, when I say "given," you're responsible for

8 having it. They don't necessarily send it to you.

9 But it's. . .

10 **Q. Is that then locally adopted? Or how does**

11 **that work?**

12 A. These?

13 **Q. Yeah.**

14 A. No.

15 **Q. Okay.**

16 A. And, I mean, this is your bible. I mean,

17 there's no adoption by the local units. I mean,

18 you don't have a choice.

19 **Q. So that's understood. It's just part of**

20 **what it means to join the national organization.**

21 A. Okay. Now, when you say "join," you

22 talking about a member? Or are you talking about

23 the branch or units?

Page 77

1 **Q. Well, the units. Right?**
 2 A. Yes, yes.
 3 **Q. So when does a unit then receive those**
 4 **bylaws?**
 5 A. Well, they receive it when they're
 6 organizing the unit so that they will understand
 7 what they're essentially agreeing to.
 8 **Q. Gotcha.**
 9 A. I mean, it's not a formal process. But as
 10 the State Conference, I provide them to all the
 11 units or either tell them where they can find them
 12 on the website.
 13 **Q. So are those then -- are those the bylaws,**
 14 **then, of the State Conference as well?**
 15 A. Yes.
 16 **Q. Okay.**
 17 A. I will say that some, some units,
 18 including the State Conference, some State
 19 Conferences may have some supplemental bylaws to
 20 these that they adopt internally. But they still
 21 have to be approved by the national.
 22 **Q. Has the State Conference adopted internal**
 23 **bylaws?**

Page 78

1 A. No.
 2 **Q. All right. Shifting gears here a little**
 3 **bit. You've mentioned several ways that the State**
 4 **Conference sort of goes about executing its**
 5 **mission. I heard you say educating its members,**
 6 **organizing protests, press conferences,**
 7 **participation in lawsuits, and then encouraging**
 8 **voting. Are there any other ways you would add to**
 9 **that?**
 10 A. No. Not at this time.
 11 **Q. Okay. You were talking about education of**
 12 **members. What -- how does the -- how does the**
 13 **State Conference do that? What types of -- is**
 14 **that hosting events? Or what does that look like?**
 15 MR. NAIFEH: Objection to form.
 16 A. Okay. We do it through, like you said,
 17 hosting events, Zoom meetings like that. We
 18 educate when we're doing canvassing, knocking on
 19 doors.
 20 And information package that we may send
 21 out from time to time about a particular issue.
 22 And either the National's position on an issue or
 23 the State Conference's position on the state

Page 79

1 issue. So we send that out to our units. And
 2 they, in turn, send it out to the community -- I
 3 mean, to their members.
 4 And who -- you know, when we hold public
 5 forums, we invite, you know, the general public to
 6 those to educate them about why it's important to
 7 get out and vote and rallies and things like that.
 8 **Q. (BY MR. TAUNTON:) Mentioning canvassing**
 9 **and going to door to door, is that then the State**
 10 **Conference engages in canvassing and going door to**
 11 **door?**
 12 MR. NAIFEH: Objection to form.
 13 **Q. (BY MR. TAUNTON:) Or does the State**
 14 **Conference educate people on how to do those**
 15 **things? Or both?**
 16 A. Both, both.
 17 **Q. Okay. Does the State Conference**
 18 **participate in efforts to register voters in**
 19 **Alabama?**
 20 A. Yes.
 21 **Q. Tell me a little bit about that.**
 22 A. Well, we have -- at most of our events if
 23 not all of our events, we encourage people to

Page 80

1 register to vote. And we have -- I say most of
 2 our events, we have a registration table either
 3 formally set up or someone will bring registration
 4 forms, voter registration forms to the event in
 5 the event that someone needs to register or in
 6 some cases re-register to vote.
 7 And so we just make it always accessible.
 8 We also go out and set up in the community, have
 9 registration drives, voter registration drives
 10 where people can come to a location and, you know,
 11 either fill out a paper application or, you know,
 12 register online. And so we have those. And we go
 13 into nursing homes to register people to vote.
 14 **Q. How does an event like that get -- I'm**
 15 **sorry. I cut you off.**
 16 MR. NAIFEH: Objection.
 17 A. I was going to say we, you know, do it at
 18 churches and register people to vote. And I guess
 19 on any event where we're gathered, we'll basically
 20 have registration information available.
 21 **Q. (BY MR. TAUNTON:) How does an event like**
 22 **that get organized?**
 23 MR. NAIFEH: Objection to form.

Page 81

1 A. Each branch -- unless it's a statewide
2 effort, each branch, you know, decides what
3 portion of the community they need to go into to
4 do -- if they're going to do door to door or if
5 they're going to do a church, they decide, okay,
6 at Church X we're going to have a voter
7 registration drive. We got it approved through
8 the pastor of the church. And we're going to have
9 a voter registration drive on this Sunday.

10 So if there's people there that may have
11 moved into the area and haven't, you know,
12 registered, you can do that. Or if you've been
13 there for a while and you don't know if you're
14 registered or not anymore, then, you know, you --
15 we can check that as well as do voter registration
16 while we're there.

17 **Q. (BY MR. TAUNTON:) How often does the**
18 **State Conference or its units organize or host**
19 **these events?**

20 MR. NAIFEH: Objection to form.

21 A. There is no, you know, like every other
22 month. It's whenever the unit feels that there's
23 an opportunity. Or if there's an event taking

Page 82

1 place, a public event, you know, that's taking
2 place, you call the event planner and say, hey,
3 you know, we'd like to set up a registration drive
4 at this event. You know, there's going to be a
5 lot of people there.

6 And so we go forth and set up the
7 registration drive. So it's not any -- it's just
8 whenever the opportunity presents itself.

9 You know, I mean, we have plans, you know,
10 with our planned events. But we, we -- I think
11 the most effective is the ones that we hear about
12 where there are a large gathering of people.

13 **Q. (BY MR. TAUNTON:) Are these events hosted**
14 **throughout the state?**

15 A. What, registration drives?

16 **Q. Mm-hmm.**

17 A. Yes, yes.

18 **Q. Okay. Do you know how many the State**
19 **Conference hosted or participated in last year?**

20 A. Again, when you're saying "State
21 Conference," are you talking about -- are we
22 talking about the whole State Conference and the
23 units and everything? Right?

Page 83

1 **Q. Sure. What we've been talking about.**

2 A. Okay. All right. You said last year?
3 Well, no. I mean, I don't -- certainly don't have
4 a definite number because some of them don't get
5 reported to me. You know, units just go out and
6 do it. That's not something they have to get
7 approval from the State Conference to do. They
8 just do it. So.

9 **Q. Do you know how many were reported to the**
10 **State Conference?**

11 A. Probably about -- well, let me before I
12 answer that question, are you talking about just
13 where we have, like, an event that we hear about
14 and we're a separate voter registration drive? Or
15 are you talking about where we specifically said
16 we're going to have a registration drive on this
17 Saturday at 10:00 at --

18 **Q. Well, let's -- let me ask you about both.**
19 **So a specifically-planned registration drive, do**
20 **you have an idea?**

21 A. Yeah. Probably about 30 or so because
22 each branch usually does one a year, you know.
23 And really probably closer to probably about 35 or

Page 84

1 36 because some of the units host multiple during
2 the year. So I'd say probably 36, 37, somewhere
3 in there.

4 And the others where we have opportunities
5 to take advantage of another event, I would say
6 that's probably 20, 25, somewhere in there.

7 **Q. Now, the 35, 36 that you initially**
8 **mentioned specifically-planned ones, you indicated**
9 **that each unit hosts a drive like that each year?**

10 A. Yes.

11 MR. NAIFEH: Objection to form.

12 **Q. (BY MR. TAUNTON:) Is that an expectation**
13 **of the units in the state of Alabama that they'll**
14 **host a drive like that each year?**

15 A. Yes.

16 **Q. And so then those drives would happen**
17 **throughout the state wherever the unit is located.**

18 A. Right. Again, it's not a requirement but
19 more of an expectation.

20 **Q. And you thought there were 20, 25**
21 **additional -- I'll call them -- ad hoc drives?**

22 A. Right.

23 **Q. And were those also scattered throughout**

Page 85

1 the state?
2 A. Right.
3 **Q. Would you say that's a fairly typical**
4 **count for a year?**
5 MR. NAIFEH: Objection to form.
6 A. For the -- of course, numbers increase as
7 we get into election year. And probably the year
8 after, you know, like a presidential election,
9 that number may, you know, dwindle a little bit
10 because everybody's kind of burnt out.
11 And so but it picks back up, you know.
12 And, of course, we -- what I tell people is you've
13 gotta always be -- you know, have voter
14 registration in your mind because that's the bread
15 and butter -- one of the bread and butters of the
16 NAACP nationwide that, you know, voter
17 registration and voter education.
18 **Q. (BY MR. TAUNTON:) Is that one of the**
19 **bread and butters of the State Conference?**
20 A. Yes.
21 **Q. How many voter registration drives would**
22 **you expect the State Conference to participate in**
23 **this year given that it's an election year?**

Page 86

1 A. Okay. Again, we're talking about the
2 units. Right?
3 **Q. Right.**
4 A. We'll probably increase that by about 15
5 or so per, you know, organized ones. And then --
6 no. Let me think back. Yeah. We'll probably
7 increase that by about 15 to 20 per event, you
8 know, whether it's a branch-sponsored voter
9 registration drive or either one that we take
10 advantage of.
11 **Q. Are you a registered voter in Alabama?**
12 MR. NAIFEH: Objection.
13 **Q. (BY MR. TAUNTON:) I won't go deep in**
14 **that.**
15 A. Is that a real question? Or is that. . .
16 **Q. It is. I mean, are you a registered voter**
17 **in Alabama?**
18 A. Yes.
19 **Q. Okay. Do you understand how to register**
20 **to vote?**
21 A. Yes.
22 **Q. Can you describe the process?**
23 A. Yes. Well, we have several voter

Page 87

1 registration forms that we will hand out to
2 people. And they can fill it out. And if we're
3 having a drive, we -- and, and some people don't
4 trust information going into the electronically.
5 So we will take their hard copy and take it down
6 to the local voter registration office at the
7 county and get them registered that way.
8 Or either, again, electronically, we can
9 fill it out over the computer or the telephone if
10 they -- if they feel comfortable doing that.
11 **Q. Do you consider that a difficult process?**
12 MR. NAIFEH: Objection.
13 A. The -- it depends on what you mean by
14 "difficult," I mean.
15 **Q. (BY MR. TAUNTON:) The process that you've**
16 **just --**
17 A. The NAACP's --
18 **Q. -- described.**
19 A. -- position is that it should be automatic
20 when you turn 18. That you should automatically
21 be registered to vote. And that would be a very
22 easy process.
23 **Q. I, I hear your position. Do you consider**

Page 88

1 **the process you described, though, do you consider**
2 **that a difficult process?**
3 MR. NAIFEH: Objection, form.
4 A. It's not a difficult process. But it's an
5 additional thing that people have to do in order
6 to do one of the fundamental things that you
7 should be able to do. Register to vote should be
8 automatic. So while I may consider it easy
9 because I can read, write, and, and -- but some --
10 for some others, it's a little more challenging.
11 **Q. (BY MR. TAUNTON:) Does the State**
12 **Conference order its units to keep track in any**
13 **way of how many people it's helped register to**
14 **vote?**
15 A. Some of our units attempt to do that. But
16 we don't in any formal way keep track of we
17 registered, you know, 30 voters today and had
18 registered, you know, a hundred voters in the last
19 three months or anything like that. We don't keep
20 track of that.
21 **Q. Do you keep track of how many postmarks?**
22 MR. NAIFEH: Objection.
23 A. No.

Page 89

1 **Q. (BY MR. TAUNTON:) Okay. Do you have a**
2 **general idea of or opinion of how low-attended**
3 **voter registration drives were in 2023?**

4 A. No. I mean, it's -- no, I do not.

5 **Q. Do you have any expectations for how**
6 **well-attended voter registration drives will be**
7 **this year?**

8 MR. NAIFEH: Objection.

9 A. We think that -- we know that we will have
10 more registration drives this year than we have
11 previously. And I think we will register probably
12 more voters. But, you know, we don't ask the
13 units to give us those numbers on a regular basis.

14 We may ask at the end of the year or say,
15 you know, in their reports or something how many
16 people did your unit register to vote or something
17 like that. But.

18 **Q. (BY MR. TAUNTON:) Has it received**
19 **responses to those questions, those requests?**

20 A. Did you say do --

21 MR. NAIFEH: Objection to form.

22 THE WITNESS: Okay.

23 MR. NAIFEH: Go ahead.

Page 90

1 A. You said do we receive any responses?

2 **Q. (BY MR. TAUNTON:) You said you might ask**
3 **at the end of the year.**

4 A. Yeah. Some of the units will say, well,
5 you know, I mean, we -- I think we registered, you
6 know, X number of voters. Or.

7 **Q. And how would you receive that**
8 **information? Would you get that just in an email?**
9 **Or is there a report that somebody'd fill out?**

10 A. It, it, it -- there may be a -- they
11 may -- the branch president or the unit president
12 may put it in their report. Or it may be reported
13 just verbally during the election, especially
14 prior to the election and after the election just
15 to kind of look at when we were doing kind of a
16 review of what worked, what did not work, you
17 know.

18 Someone may say, well, you know, we were
19 able to register, you know, X number of voters
20 because, you know, we attended this event or we
21 went to this area and set up. And it was very
22 productive.

23 **Q. Do you provide any of that information to**

Page 91

1 **the national organization?**

2 A. Yes.

3 **Q. And is that done in, like, a year-end**
4 **report? Or how, how is that done?**

5 A. They would request it.

6
7 (The laptop chimes.)

8
9 THE WITNESS: Someone wants to
10 get on.

11 THE REPORTER: Okay. Can we --
12 A. They would request it.

13 THE REPORTER: Hang on just a
14 second. Let me let them in. Let's go
15 off the record.

16
17 (There was a short break in the deposition.)

18
19 THE REPORTER: Okay. Back on the
20 record.

21 **Q. (BY MR. TAUNTON:) Do you recall the**
22 **question?**

23 A. Yes. I believe I do.

Page 92

1 **Q. Okay.**

2 A. We would provide that information to our
3 national office on different -- they may send out
4 a form, like, saying, hey, you know, how many
5 people did you register or how many people did you
6 engage with that were already registered. And so
7 they send out that kind of form for us to provide
8 that information to them.

9 **Q. When you provide that information, do**
10 **you -- do you just provide it in the aggregate for**
11 **the whole state? Or do you --**

12 A. Yes, yes.

13 **Q. -- break it down?**

14 A. Yes. For Alabama State Conference.

15 **Q. What would the State Conference consider a**
16 **successful voting drive event?**

17 MR. NAIFEH: Objection to form.

18 A. I think if we were to register 20 voters,
19 20, 25 voters, that would be a successful event.
20 And, again, that's not saying -- because we still
21 believe that if we register one person --

22 **Q. (BY MR. TAUNTON:) I understand.**

23 A. -- that's a successful event because

Page 93

1 that's one person that will have the opportunity
2 to vote.
3 **Q. I understand the distinction.**
4 A. Okay. All right.
5 **Q. Have you encountered -- has the State**
6 **Conference encountered issues with registering**
7 **people to vote?**
8 MR. NAIFEH: Objection to form.
9 A. We have encountered people who were
10 previously incarcerated and are not able to
11 register to vote. And some of them would say that
12 'I didn't know that I was not eligible to vote.'
13 And others will say, 'Well, because of my previous
14 history, I don't think I'm eligible to vote.'
15 And as we pull it up and look at
16 information in the system, we may find that
17 they're not registered to vote. And if we have
18 the right person at that particular event, we can
19 sort the process of trying to get their voting
20 rights restored.
21 And if not, then we can take their name
22 and either work with another organization that we
23 partner with from time to time that can help get

Page 94

1 their voting rights restored depending on, you
2 know, what they -- what they served for.
3 **Q. (BY MR. TAUNTON:) Is there a specific**
4 **organization you work with on that?**
5 A. I mean, there are.
6 **Q. Are there several? Or is there one?**
7 A. Yes.
8 **Q. Well, just tell me. I don't fully**
9 **understand that answer. So do you --**
10 MR. NAIFEH: Can I -- do you have
11 concerns about privilege with -- in
12 responding to that question?
13 A. Right. I don't want that organization to
14 be --
15 **Q. (BY MR. TAUNTON:) Without telling me**
16 **anything about any conversation with an attorney**
17 **or somebody like that.**
18 MR. NAIFEH: Well, I mean, there
19 may be associational privilege or
20 rather First Amendment privileges that
21 he's concerned about. So I just want
22 to make sure he's --
23 A. Well, I just don't want that organization

Page 95

1 to be brought into this unnecessarily. But.
2 **Q. (BY MR. TAUNTON:) I'm not asking about**
3 **specific people. I'm just --**
4 A. Oh, no. The organization.
5 **Q. The organization.**
6 A. Yeah.
7 **Q. I'll put a pin in that for now. I'll --**
8 A. Beg your pardon?
9 **Q. -- think about whether I want to come back**
10 **on that.**
11 A. Okay.
12 **Q. Right now, I'm not that concerned about**
13 **it. So for former inmates who've been**
14 **disenfranchised, is there -- is there a path for**
15 **some of them to being re-enfranchised?**
16 MR. NAIFEH: Objection to form.
17 A. Yes. But it's a very, very difficult,
18 intelligent path.
19 **Q. (BY MR. TAUNTON:) And does the State**
20 **Conference help them with that?**
21 MR. NAIFEH: Objection to form.
22 A. In the areas where we can. I mean, some
23 of the areas, we cannot help with paying fines and

Page 96

1 things like that. We cannot help. We don't have
2 funding to pay for it.
3 **Q. (BY MR. TAUNTON:) So what areas -- and**
4 **you just listed the one. So what areas could you**
5 **not help them?**
6 A. Well, of course, paying the fines and
7 restitution and any kind of monetary obligation
8 that they need to satisfy before they can get
9 their voting rights restored. And, you know, we,
10 we believe that our position is -- again, the
11 NAACP's position is that once you've served your
12 time, your voting rights should automatically be
13 restored. And that's what we fight for every day.
14 **Q. So other than fines, are there -- are**
15 **there any other areas where the State Conference**
16 **can't help or won't help, you know, someone in**
17 **that situation?**
18 MR. NAIFEH: Objection to form.
19 Go ahead.
20 A. Okay. It depends. You know, some of our
21 units -- and I would probably say most of our
22 units don't have the capability to look up and see
23 what kind of charges the person -- you know, what

Page 97

1 kind of -- quote, unquote, what the person did to
2 be incarcerated.

3 **Q. (BY MR. TAUNTON:) So there's some**
4 **convictions that a person cannot be**
5 **re-enfranchised for --**

6 A. Right.

7 **Q. -- and some that they can.**

8 A. That moral turpitude thing they call it.

9 **Q. And in the case where a person has not**
10 **bene convicted of a crime of moral turpitude and**
11 **does not have a fine they have to pay --**

12 A. Mm-hmm.

13 **Q. -- would the State Conference be in a**
14 **position to help them --**

15 MR. NAIFEH: Objection.

16 **Q. (BY MR. TAUNTON:) -- with that process?**

17 MR. NAIFEH: Objection to form.

18 A. Yes.

19 **Q. (BY MR. TAUNTON:) In the circumstances**
20 **where the State Conference has helped, do you have**
21 **a general sense for how often the person has been**
22 **re-enfranchised?**

23 MR. NAIFEH: Objection to form.

Page 98

1 A. No, I do not.

2 **Q. (BY MR. TAUNTON:) No general sense?**

3 A. No.

4 MR. NAIFEH: Objection.

5 **Q. (BY MR. TAUNTON:) More often than not?**

6 A. No. More not, probably, because we
7 don't -- again, if a person comes to us and
8 they've paid all their fines and done -- and not
9 on probation and ready to be restored, you know,
10 we can assist them.

11 But I would say the majority of the people
12 that we encounter, you know, probably do not fit
13 that category where they're just easily to be, you
14 know, re -- their voting rights restored because
15 most of them have fines. And, again, some of our
16 units don't have the capability to look up -- look
17 that person up to see what, you know, what they
18 were in for.

19 And so we cannot help that person right
20 there. We have to take that and maybe either talk
21 to one of our units or talk to one of our
22 partners.

23 **Q. All right. So I understand that. My**

Page 99

1 **question, I think, was specifically about the**
2 **category you were just talking about. You know,**
3 **if a person came to the State Conference and had**
4 **paid all their fines, wasn't convicted of a crime**
5 **of moral turpitude, you know, otherwise in good**
6 **standing with probation, do you have a sense for**
7 **how often -- how frequently the State Conference**
8 **has been able to help re-enfranchise that person?**

9 MR. NAIFEH: Objection to form.

10 A. No. It just -- it's, it's very difficult
11 to speculate on that.

12 **Q. (BY MR. TAUNTON:) Okay. Coming then --**
13 **so we've talked about that category of people's**
14 **prior convictions. Outside, outside of that**
15 **category, when is the last time you recall the**
16 **State Conference receiving a report of having**
17 **difficulty in registering a person who was not**
18 **convicted, did not have prior convictions?**

19 MR. NAIFEH: Objection to form.

20 A. I don't have an answer for that. But I
21 don't recall other than maybe going into the
22 nursing home and having access to some of the
23 individuals that are there and having to help them

Page 100

1 go through the process of, you know, filling out
2 the application and, you know, getting their
3 signature on it, you know, on the application.

4 **Q. (BY MR. TAUNTON:) You mentioned getting**
5 **access to a person in a nursing home. What kind**
6 **of barriers would you encounter?**

7 A. Well.

8 **Q. Was it a medical barrier?**

9 A. Well, no.

10 **Q. Was it during COVID?**

11 A. It certainly could be medical. But just
12 the -- you know, working with the staff there and
13 to get access to the person, you know, in there
14 and being able to have them -- again, get access
15 and then have the person fill out the application.

16 **Q. If the State Conference didn't have access**
17 **to a person, how would it -- how would it**
18 **otherwise know that they needed to be registered**
19 **to vote?**

20 A. Well, there are -- I mean, we don't always
21 know. We just ask the question if there are -- if
22 we're going to do a registration drive in a
23 nursing home, you know, we ask the person. I

Page 101

1 mean, ask the staff, you know, if we can ask if
2 people are registered.
3 And, you know, we've had -- some of our
4 branches have tried to go into jails to register
5 people who may be in there for a crime but have
6 not been convicted. And some sheriffs will say,
7 no, you can't come in to register -- just to
8 register people to vote.
9 **Q. In a nursing home, I presume that would --**
10 A. Okay.
11 **Q. -- that would involve the person who's,**
12 **you know, volunteering for the drive, I guess,**
13 **going to room to room?**
14 MR. NAIFEH: Objection to form.
15 A. Well, it may be in a common --
16 MR. NAIFEH: Go ahead.
17 A. It may be in a common area, you know,
18 where the residents are gathered.
19 **Q. (BY MR. TAUNTON:) Do you have an**
20 **understanding why staff might occasionally limit**
21 **access to certain residents of the nursing home?**
22 A. Oh, absolutely.
23 **Q. What would some of those be?**

Page 102

1 A. Well, I mean, it could be the family
2 limitation of that member. Or it could be a
3 health concern that the staff has that -- you
4 know, trying to protect the person from any kind
5 of, for lack of a better word, contamination of
6 the patient being diseased and stuff like that.
7 So.
8 **Q. You mentioned some of the units attempting**
9 **to do registration drives at local jails. Do you**
10 **have an example of where those might have**
11 **occurred? where that might have happened?**
12 A. Where they have not been able to get into
13 the jail?
14 **Q. Right.**
15 A. I want to say Randolph County. And I'm
16 going to say -- don't quote me on it. But it
17 seemed like Randolph. And, you know, they've had
18 some problems down there in maybe Morgan County.
19 And, well, no Anniston. Well, those two I can
20 think of off the top of my head.
21 **Q. Randolph County and Anniston?**
22 A. No, no. Randolph County -- and Anniston
23 is not a county. Is it -- is that in --

Page 103

1 MR. ROSBOROUGH: I believe you
2 had said Morgan County.
3 A. Yeah, Morgan County. I didn't say
4 Anniston.
5 **Q. (BY MR. TAUNTON:) I think Anniston is in**
6 **Calhoun County.**
7 A. Right. I didn't say Anniston.
8 **Q. Oh, you didn't say Anniston.**
9 A. Did not say it.
10 **Q. Sorry.**
11 A. I said Morgan and Randolph.
12 **Q. Do you have any understanding in those**
13 **circumstances why the sheriff or the police chief**
14 **would not permit a voting drive in the jail?**
15 A. Based on what I have been told is that the
16 sheriff says just, 'No, you're not going to come
17 in here to register.'
18 **Q. No additional explanation to your**
19 **knowledge?**
20 A. To my knowledge, no.
21 **Q. Okay. Does the State Conference educate**
22 **its members about how to vote?**
23 A. Yes. Oh, what -- okay. Let me back up.

Page 104

1 Now, when you say "how to vote," what do you mean
2 by that?
3 **Q. That's fair. Mechanically how to vote.**
4 A. Yeah.
5 **Q. Where to vote.**
6 A. Yes.
7 **Q. Yes. Not who to vote for.**
8 A. Okay, okay. I want to make sure that
9 you -- yeah.
10 **Q. So does the State Conference educate its**
11 **members about the process of voting?**
12 A. Yes.
13 **Q. Okay. And how does it do that?**
14 A. Again, through, through forums, through
15 information that we may send to the branch
16 about -- you know, that we get off the Secretary
17 of State's website, you know, about voting.
18 And just in some cases, it used to be we
19 could do that same thing with absentee voting.
20 But I guess we can't do that anymore because it's
21 a criminal activity to do that now. But, you
22 know, we used to spend some time educating people
23 to make sure they know how to complete the --

Page 105

1 their application for the absentee ballot as well
 2 as the, you know, ballot itself.
 3 **Q. So the State Conference no longer educates**
 4 **its members about the absentee process?**
 5 MR. NAIFEH: Objection to form.
 6 A. Well, with the --
 7 THE WITNESS: Go ahead.
 8 A. The process in a general sense, but not
 9 taking any affirmative action to help that person.
 10 And we -- yes. We educate members about what they
 11 can and can't do under the new Alabama law.
 12 **Q. (BY MR. TAUNTON:) What's your**
 13 **understanding of that of what they can and can't**
 14 **do under the new Alabama law?**
 15 MR. NAIFEH: Objection to form.
 16 A. Well, it's my understanding -- and you can
 17 correct me if I'm wrong -- is that if a person
 18 that's not their next of kin tries to assist a
 19 person with their absentee ballot, then they can
 20 be charged criminally for harvesting ballots.
 21 **Q. (BY MR. TAUNTON:) Is there any, any, as**
 22 **you understand, any other limitations? Anything**
 23 **else that people can and cannot do as it relates**

Page 106

1 **to absentee ballots?**
 2 MR. NAIFEH: Objection to form.
 3 A. Well, you certainly can't help them, you
 4 know, complete it. I mean, from what I
 5 understand, the process starts -- stops at you
 6 trying to assist that person with the application
 7 and, and certainly not with the ballot itself.
 8 **Q. (BY MR. TAUNTON:) Did the State**
 9 **Conference previously help people with their**
 10 **ballots?**
 11 A. Yes.
 12 **Q. Absentee ballots? And what would that**
 13 **entail? How would it have previously helped**
 14 **people with their ballots?**
 15 A. We would -- again, go into nursing homes
 16 to help people fill out their applications. And
 17 if they needed assistance with the ballot itself,
 18 to make sure that, you know, they receive it and
 19 make sure that they marked it and then that they,
 20 you know, put in the envelope correctly because
 21 you just can't fold it and put it in an envelope
 22 and mail it. You've gotta make sure that it's
 23 sealed properly. And so we would help them with

Page 107

1 that process.
 2 **Q. And would that be done by the various**
 3 **units?**
 4 A. Yes.
 5 **Q. And are they volunteers?**
 6 A. Yes. Oh, you say are they volunteers?
 7 **Q. Yeah.**
 8 A. Yes. All of us are volunteers.
 9 **Q. Back up just real quick. You had**
 10 **mentioned earlier that the State Conference would**
 11 **help people register to vote and that you would do**
 12 **that over the phone. How does that work?**
 13 A. What do you mean "over the phone"?
 14 MR. NAIFEH: Objection.
 15 **Q. (BY MR. TAUNTON:) I think you've said**
 16 **that you would -- you would help people over the**
 17 **phone with registering to vote.**
 18 MR. NAIFEH: Objection.
 19 **Q. (BY MR. TAUNTON:) Do you just mean that**
 20 **somebody would call and say, "I'm trying to figure**
 21 **out how to fill this out" and you would talk them**
 22 **through it on the phone? I just -- I just didn't**
 23 **understand that. That's all.**

Page 108

1 A. Okay. If I said that, I don't -- I don't
 2 recall saying that. If I said that, you know, we
 3 can go back to the record and check the record.
 4 Because we typically -- when I said "over the
 5 phone," I'm saying, you know, through the
 6 Internet. You talking to a person --
 7 **Q. Oh, okay.**
 8 A. -- and, you know, you put the data in just
 9 like you would with the computer, you know.
 10 **Q. So using a smartphone.**
 11 A. Right, right. Exactly.
 12 **Q. Understood. Thank you.**
 13 A. Yeah.
 14 **Q. That makes perfect sense. I just didn't**
 15 **understand.**
 16 A. Okay.
 17 **Q. Now, you talked about, again, educating**
 18 **your members about the process of voting. So**
 19 **you've got -- the State Conference also educates**
 20 **the public on the process of voting?**
 21 A. Yes.
 22 **Q. And how is that done? Is that through**
 23 **events? I mean, I'm sure you've talked about**

Page 109

1 canvassing and flyers and things like that. Is
2 that one of the ways you do it?

3 MR. NAIFEH: Objection to form.

4 Go ahead.

5 A. Yeah. I mean, any public event that we
6 have and even at, you know, formal dinners,
7 banquets, we tell those who are in attendance
8 everything from "If you're here and you're not
9 registered to vote, see this person." We tell
10 them "Don't forget to go and vote." If you're
11 having problem at the poles, you know, reach out
12 to a member of the NAACP or others.

13 And so that's a way that we educate the
14 general public on -- you know, that there's
15 someone there to assist and help them as well as,
16 you know, sending out inform -- flyers and stuff
17 like that to the general public about, you know,
18 upcoming elections and cutoff dates, the time that
19 you need to be registered to make sure you vote
20 for this -- in this election and things like that.

21 Q. (BY MR. TAUNTON:) Does the State
22 Conference also provide its members or the general
23 public with information about polling locations

Page 110

1 where to vote?

2 A. Yes. And we also -- if we are talking to
3 someone and we can look their information up, we
4 can do that, you know. If someone calls up and
5 says, "Well, I don't know where to vote," you
6 know, we can look it up for them and say, hey, you
7 know, you're supposed to go to this location and
8 vote.

9 Q. Does it do that before every election?

10 A. Yes. I mean, not only before election,
11 but we do it periodically because we tell people
12 check your registration, check and make sure your
13 polling location has not changed. Because
14 their -- it may have changed and you've not been
15 notified.

16 And we just try to express upon them it's
17 easy for you to check your voter registration
18 status if you have, you know, computer access to a
19 computer or a smartphone. And we put the -- in
20 some correspondence, we put the link to the
21 website where the only thing you have to put in is
22 your name and date of birth and stuff. So we try
23 to help them out as much as possible.

Page 111

1 Q. And it's probably an obvious question.

2 But, again, for the record, I'll ask it anyway.

3 We've talked about the State Conference's voting
4 drives and its units' voting drives which are for
5 the public. I presume that it provides the same
6 assistance to its own members.

7 MR. NAIFEH: Objection to form.

8 A. Right, right. You know.

9 Q. (BY MR. TAUNTON:) The units do.

10 A. Yes.

11 Q. Yeah. How long has the State Conference
12 been engaging in these efforts, roughly speaking?

13 A. Of course, I don't know the answer to that
14 because I've only been around -- I've been in
15 Alabama since 2001. So I don't know how long
16 before that. But I would venture to say it's been
17 part of the mission. And they've been executing
18 it since it was founded.

19 Q. How long has the State Conference been in
20 Alabama?

21 A. Since 1913.

22 Q. And you believe it probably has engaged in
23 similar efforts since its founding.

Page 112

1 A. Yes. And I think if you do a little

2 research you'll find some historical research on
3 that. So.

4 Q. Do you have a general sense of who the
5 NAACP in Alabama has successfully helped register
6 to vote? I'm talking demographics. Do you have
7 any demographic sense of who it's helped register
8 to vote?

9 MR. NAIFEH: Objection to form.

10 A. You're saying demographically?

11 Q. (BY MR. TAUNTON:) Yeah. Age, gender,
12 race. any sense of that?

13 MR. NAIFEH: Objection to form.

14 You can answer if you understand.

15 A. I would just say that most of the people
16 that we encounter on our voter registration drives
17 are African Americans.

18 Q. (BY MR. TAUNTON:) Do you have a sense by
19 percentage what percentage would be African
20 Americans?

21 MR. NAIFEH: Objection to form.

22 A. I would say probably 90 -- somewhere
23 between 90 and 95 percent of the people we help

Page 113

1 are African Americans. And then, you know,
2 somewhere between 5 and 10 percent of other race
3 with the Latinx community being the bulk share of
4 that 10 percent.
5 **Q. (BY MR. TAUNTON:) Have you noticed any --**
6 **you know, anything of note on the difference in**
7 **gender?**
8 MR. NAIFEH: Objection to form.
9 **Q. (BY MR. TAUNTON:) Do you tend to**
10 **encounter more women? Tend to encounter more men?**
11 A. No, I don't. I haven't noticed that.
12 Haven't paid any attention to it. So I don't.
13 **Q. What about age? Predominantly young?**
14 **Predominantly old?**
15 MR. NAIFEH: Objection to form.
16 A. Our drives typically will attract more
17 older folks unless -- you know, again, that's
18 overall. But some drives are particular -- are
19 specifically targeted at, you know, college
20 students and that 18 to, you know, 25, 30,
21 somewhere. Yeah. 18 to 25 years old, somewhere
22 in there. So.
23 **Q. (BY MR. TAUNTON:) Does the State**

Page 114

1 **Conference keep any type of breakdown of the**
2 **demographics of people it's helped register to**
3 **vote?**
4 A. No.
5 **Q. Have you noticed any shift in these**
6 **demographics over time?**
7 MR. NAIFEH: Objection to form.
8 A. Are you talking about registered to vote?
9 I think -- well, no. I have not.
10 **Q. (BY MR. TAUNTON:) Okay. So 90 to 95**
11 **percent black predominantly older with the**
12 **exception of the drives specifically aimed to**
13 **younger --**
14 A. With the exception of what now?
15 **Q. Of drives specifically aimed at younger --**
16 A. Right.
17 **Q. -- younger students. You say that's**
18 **pretty much the demographics you've observed at**
19 **voter registration drives 20 years ago.**
20 MR. NAIFEH: Objection to form.
21 A. You say 20 years ago?
22 **Q. (BY MR. TAUNTON:) Yeah.**
23 A. I would say certainly most of the people

Page 115

1 that we encounter even 20 years ago were, were
2 more seasoned older folks. So and we are
3 intentionally trying to go after the younger vote
4 now. But it's, it's more challenging.
5 **Q. Does the State Conference track the**
6 **registration of its members? Do you track who is**
7 **registered and who isn't?**
8 A. Not at the State Conference level.
9 **Q. Okay. Correct. Yeah. At the unit level,**
10 **do your units track the registration of their**
11 **members?**
12 A. I don't think -- no. Our units do not
13 track that. But they certainly could track that
14 if we requested that they do. But.
15 **Q. Do you have a general sense of the**
16 **percentage of unit -- local unit members who are**
17 **registered to vote?**
18 A. Yes.
19 **Q. And what would your estimate be?**
20 A. Well, I thought I answered that earlier in
21 the conversation. But.
22 **Q. If you did, I missed it. I'm sorry.**
23 A. Okay. Yeah. The -- I think our voter

Page 116

1 registration of our members in our units, you
2 know, it has to be around in the 90 percentage.
3 **Q. Ninety or more?**
4 A. Yeah. Well, yeah.
5 **Q. So just looking at your time, do you have**
6 **a sense for whether more or less of the NAACP's**
7 **members are registered today than in 2002?**
8 MR. NAIFEH: Objection to form.
9 A. Than in 2002 what?
10 **Q. (BY MR. TAUNTON:) 2002. I think that's**
11 **when you told me you become involved with the**
12 **NAACP.**
13 A. No. You're saying if more members are
14 registered today?
15 **Q. Yes, sir.**
16 A. I, I think I would say that they're
17 probably -- as far as our members -- let me -- as
18 far as our members, I think the percentage is
19 probably going to be about the same as far as our
20 members. Yeah.
21 **Q. Are you aware of any members of NAACP**
22 **units in Alabama who are not registered to vote?**
23 MR. NAIFEH: Objection to form.

Page 117

1 A. I am not aware of any specific member who
2 is not registered.
3 **Q. (BY MR. TAUNTON:) Okay.**
4 A. But I do know that we have members who are
5 previously incarcerated who are -- have joined the
6 NAACP --
7 **Q. Mm-hmm.**
8 A. -- based on what our units report. But I
9 don't know them personally. But there are
10 members.
11 **Q. Other than a person who was convicted of a**
12 **crime of moral turpitude, are you aware of any**
13 **other members?**
14 MR. NAIFEH: Objection to form.
15 A. No.
16 **Q. (BY MR. TAUNTON:) Do local units track**
17 **the number of nonregistered members in any way?**
18 A. No. They do not track it. You know, if a
19 member is not registered, then they certainly try
20 to help the person. But if they are, you know,
21 eligible.
22 And, again, you know, because we have
23 youth members who are not eligible to register

Page 118

1 because of age, you know. So those individuals
2 would not be eligible to register.
3 **Q. To your knowledge, if -- well, we'll skip**
4 **that. I think we've hit it enough in other areas.**
5 **Does the NAACP, the State Conference track the**
6 **number of percentage of black Alabamians who are**
7 **registered to vote?**
8 MR. NAIFEH: Objection to form.
9 A. When you say "track it," we don't track
10 it. We look at the percentages, you know, from
11 different websites or that we can find that data.
12 But we don't -- we don't personally track it. I
13 mean, we don't have a way of tracking it.
14 **Q. (BY MR. TAUNTON:) So you look at that**
15 **data on an informal basis.**
16 MR. NAIFEH: Objection to form.
17 **Q. (BY MR. TAUNTON:) Do you do anything to**
18 **record that data formally? Do you -- like even**
19 **from another source?**
20 A. To record it?
21 **Q. Yeah. Do you do anything with it**
22 **internally?**
23 MR. NAIFEH: Objection to form.

Page 119

1 A. Yes.
2 **Q. (BY MR. TAUNTON:) How so? How do you use**
3 **that information?**
4 A. We use that data to help target the areas
5 where we may want to concentrate our voter
6 registration drives.
7 **Q. Okay. Has the State Conference or its**
8 **local units focused its drive in any particular**
9 **areas of Alabama in the last five years because of**
10 **that data?**
11 A. Yes.
12 **Q. What areas has it concentrated in?**
13 A. We've concentrated in the new District 2.
14 We've concentrated it in areas of Madison County,
15 of areas of Montgomery, Jefferson County, and, you
16 know, various other counties across the state.
17 You know, I mean, at any given time,
18 someone may ask us -- I know Bullock County asked
19 the same thing. And, well, that's part of the new
20 District 2. But yes, yes. Those are some of the
21 counties.
22 **Q. Do you have a sense of whether more black**
23 **Alabamians are registered to vote today than in**

Page 120

1 **1980?**
2 MR. NAIFEH: Objection to form.
3 A. I would have to say that there probably
4 are more numberwise because the population of
5 Alabama is larger than it was in '80. So based on
6 that, I would surmise to say that, yes, there's
7 more people registered to vote in Alabama than
8 there were in '80.
9 **Q. (BY MR. TAUNTON:) Do you have any sense**
10 **of that as a percentage?**
11 A. No.
12 **Q. Are you aware of any eligible black**
13 **Alabamians who are not registered to vote?**
14 MR. NAIFEH: Objection to form.
15 A. Yes.
16 **Q. (BY MR. TAUNTON:) And are you aware of**
17 **that in the general sense we were just talking**
18 **about? Or do you have specific knowledge?**
19 MR. NAIFEH: Objection to form.
20 A. I know of some Alabamians, black
21 Alabamians who, who are not registered to vote.
22 **Q. (BY MR. TAUNTON:) Do you know why those**
23 **Alabamians might not be registered to vote?**

Page 121

1 A. Based on discussion, it's -- they don't
2 feel that their vote will be heard, that their
3 vote would make a difference in an election. And
4 they say --

5 **Q. Do you know why --**

6 A. -- why vote.

7 **Q. Do you know why they perceive that?**

8 MR. NAIFEH: Objection to form.

9 A. Well, all I can tell you is what they tell
10 me is that, you know, they just feel their vote
11 won't make a difference.

12 **Q. (BY MR. TAUNTON:) Without revealing their**
13 **identities, you know, where generally are they**
14 **located in the state?**

15 A. There's some in Madison County that I've
16 personally spoken to. Some in -- I think it's the
17 Jefferson County/Birmingham area.

18 **Q. How many black Alabamians have you spoken**
19 **to in Madison County who tell you that?**

20 MR. NAIFEH: Objection to form.

21 A. Probably in the last since I've been State
22 Conference president in -- maybe 15 to 20 over the
23 years.

Page 122

1 **Q. (BY MR. TAUNTON:) How many of those**
2 **conversations were in the last five years?**

3 MR. NAIFEH: Objection to form.

4 A. Maybe, what, four, five, something like
5 that.

6 **Q. (BY MR. TAUNTON:) To your knowledge,**
7 **could those individuals register to vote if they**
8 **desired to?**

9 A. Well --

10 MR. NAIFEH: Objection to form.

11 THE WITNESS: Okay.

12 A. Based on what they tell me, they didn't
13 say they, you know, had any kind of criminal
14 history or anything, you know.

15 **Q. (BY MR. TAUNTON:) Would the State**
16 **Conference or a local branch help them register to**
17 **vote if they asked?**

18 A. Oh, absolutely.

19 MR. TAUNTON: At some point,
20 we're probably going to want to break
21 for lunch. Doesn't have to be a long
22 lunch. Now might be an okay time to do
23 that.

Page 123

1 MR. NAIFEH: How much longer do
2 you think you have?

3 THE REPORTER: Are we still on
4 the record?

5 MR. TAUNTON: Well, let's go off
6 the record for this. Yeah.

7

8 (There was a short break in the deposition.)

9

10 THE REPORTER: And just a gentle
11 reminder that even though we've left
12 and taken a lunch break you're still
13 considered to be under oath.

14 THE WITNESS: Okay.

15 **Q. (BY MR. TAUNTON:) Mr. Simelton, I just**
16 **want to come back real briefly and clarify**
17 **something we were talking about earlier because I**
18 **think maybe we weren't very precise. We were**
19 **talking about the disenfranchisement of certain**
20 **felons. Do you remember us talking about that?**

21 A. Mm-hmm.

22 **Q. Now, that only happens in Alabama when a**
23 **person has been convicted of a crime of moral**

Page 124

1 **turpitude. Right?**

2 A. What do you mean it only happens in
3 Alabama?

4 **Q. They only -- they only lose their right to**
5 **vote. If they had their right to vote, they only**
6 **lose the right to vote if they were convicted of a**
7 **crime of moral turpitude; is that your**
8 **understanding?**

9 MR. NAIFEH: Objection. Calls
10 for a legal conclusion.

11 A. Okay. Now, you said only in Alabama. You
12 mean we're the only state that does it?

13 **Q. (BY MR. TAUNTON:) No, no, no, no.**

14 A. Okay.

15 **Q. And just in general, is it your**
16 **understanding -- let me ask you the question this**
17 **way. If a person was -- had -- was a registered**
18 **voter and they were convicted of a felony that was**
19 **not a crime of moral turpitude, would they retain**
20 **the right to vote in Alabama? Do you know?**

21 A. If it's not a crime of moral turpitude,
22 then, yes, they would.

23 **Q. Okay. And if they were not previously**

Page 125

1 registered to vote and they were convicted of a
2 felony but it was not a crime of moral turpitude,
3 could they register to vote?
4 A. Right.
5 MR. NAIFEH: Objection to form.
6 A. That's my understanding.
7 Q. (BY MR. TAUNTON:) All right. That's good
8 enough.
9 A. Okay.
10 Q. I think we discussed before lunch the
11 NAACP encourages its members to vote. Right?
12 A. Yes.
13 Q. To your knowledge, do NAACP members vote
14 in elections?
15 A. Yes.
16 Q. Do you have any general sense or estimate
17 of what percentage of NAACP members vote in
18 elections?
19 A. We don't keep track of that. But I would
20 estimate that our members -- probably 75 to 80
21 percent of the members vote.
22 Q. Okay.
23 A. Eligible -- well, yeah. Registered and

Page 126

1 eligible members. We're not including the young
2 folks who were not eligible. Yeah.
3 Q. I think we talked -- we may have discussed
4 this before. But was it your testimony earlier
5 that the NAACP looks at the racial demographics of
6 votes cast in Alabama elections?
7 MR. NAIFEH: Objection.
8 A. We try to find that information out. Yes.
9 Q. (BY MR. TAUNTON:) By percentage, do you
10 have any sense of whether more black Alabamians
11 vote and have voted in recent elections than voted
12 in elections in, say, in 1960?
13 MR. NAIFEH: Objection.
14 A. Yes. There's more people voting today
15 than in '60.
16 Q. (BY MR. TAUNTON:) I could show it to you
17 and introduce this as an exhibit if you like. But
18 in the Stone Complaint, paragraph 153, the
19 Complaint states that there are significant racial
20 disparities in voter turnout and voter
21 registration rates in Alabama still. Do you know
22 what the basis for that would be?
23 A. Well, part of it is some of our -- some

Page 127

1 people -- particular people of color -- again, as
2 I stated earlier -- do not believe their vote
3 count or has the impact that it should. And,
4 therefore, they don't believe that, you know, they
5 should go out and vote.
6 Q. And you're renaissance referencing your
7 testimony earlier about conversations with people
8 in Madison County and Jefferson County?
9 MR. NAIFEH: Objection.
10 A. As well as conversations with our
11 leadership in the state of Alabama who we have
12 discussions about voter turnout.
13 Q. (BY MR. TAUNTON:) Are you aware of any
14 members of the NAACP who are registered voters but
15 have not voted in recent elections?
16 A. I am personally not aware of any members
17 that are registered -- any NAACP members that are
18 registered to vote and have not voted.
19 Q. Does the State Conference or any of the
20 units in Alabama do anything to track that number?
21 A. No.
22 Q. If they were registered to vote, to your
23 knowledge could they vote if they wanted to?

Page 128

1 MR. NAIFEH: Objection.
2 A. Yes.
3 Q. (BY MR. TAUNTON:) Are you aware of any
4 black Alabamians who are registered to vote and
5 have not voted in recent elections other than
6 members?
7 A. Any black Alabamians who are registered to
8 vote --
9 Q. But have not voted in recent elections.
10 A. -- but who have not voted. Black
11 Alabamians. Now, you talking about as the State
12 Conference? If the State Conference -- yeah,
13 there are people who throughout discussions that
14 we know that they are registered voters and
15 members of the NAACP but have not voted.
16 Q. Okay. Just looking at statistics, you
17 mean.
18 A. Looking at the individual through the VAN
19 system.
20 Q. Okay. And you could tell that because
21 they hadn't checked in to vote at their precinct.
22 MR. NAIFEH: Objection.
23 A. Well, they have not voted. I mean, in the

Page 129

1 VAN system, it has the last time they voted, I
2 mean, if the data in the VAN system is accurate.
3 I mean, that's. . .
4 **Q. (BY MR. TAUNTON:) Does the State**
5 **Conference or any of the Alabama units do anything**
6 **to track that number?**
7 A. No.
8 **Q. Okay. To your knowledge, could they have**
9 **voted if they wanted to?**
10 MR. NAIFEH: Objection.
11 A. Yes. To my knowledge, they could have
12 voted if they had wanted to.
13 **Q. (BY MR. TAUNTON:) We may have already**
14 **covered this. But just in case, you spoke just a**
15 **minute ago about being aware of some black**
16 **Alabamians who perhaps either don't vote because**
17 **they feel like their vote doesn't count. Right?**
18 A. Right.
19 **Q. Do you know why they feel like their vote**
20 **doesn't count?**
21 MR. NAIFEH: Objection.
22 A. Well, basically, based on what they're
23 saying is that their vote won't make a difference.

Page 130

1 They don't feel that their vote will make a
2 difference. And my assumption is based upon, you
3 know, one responding to their calls for help or
4 with a specific issue they may have or something
5 like that.
6 But that's kind of speculation. I mean, I
7 don't know a specific reason other than, you know,
8 them saying, well, you know, I don't feel that my
9 vote would count.
10 **Q. (BY MR. TAUNTON:) But they haven't given**
11 **you specific reasons.**
12 A. Not a specific other than, you know,
13 nothing's getting changed or nothing's being done.
14 **Q. Any indication that they're feeling like**
15 **I'm one vote in five million. You know, like,**
16 **what is one vote.**
17 MR. NAIFEH: Objection.
18 A. Well, there may be some of that. I don't
19 know.
20 **Q. (BY MR. TAUNTON:) Let's talk just a**
21 **little bit about political involvement. Have you**
22 **ever run for office?**
23 A. No.

Page 131

1 **Q. The NAACP provides help with registration**
2 **and provides information about the voting process.**
3 **Does the NAACP provide any information about**
4 **specific elections? Any kind of voter guide,**
5 **who's running for office, what offices are up for**
6 **election?**
7 A. Oh, yes, yes.
8 **Q. And how does it do that?**
9 A. Through sending out information through,
10 through our emails that says, you know, these are
11 the people that are running for office. Also, you
12 know, the -- we pass out the voter's guide that
13 tells about how to, you know, register to vote and
14 all that.
15 But specifically, we do send out
16 information who's on the ballots or who's running
17 for office in the different districts and
18 whatever.
19 **Q. Does it do that for every election?**
20 A. I mean, not for -- we don't do that
21 necessarily for every election. You know, some
22 local races we may not do that for.
23 **Q. Is that done by the State as -- that we**

Page 132

1 **were just talking about? Or is that done by the**
2 **State Conference? Is that done by the local**
3 **units?**
4 MR. NAIFEH: Objection.
5 A. Combination of both. If the State has
6 something for a statewide election that's coming
7 up, you know, we would share that. But then, of
8 course, units on their individual units that find
9 out who is running for office, we'll share that
10 with our members and the general community.
11 **Q. (BY MR. TAUNTON:) So then, would the**
12 **State Conference do that, then, for all statewide**
13 **races?**
14 A. I won't say all. But, you know, you know,
15 it, it -- we do it for -- I'll just say some.
16 Yeah.
17 **Q. Do local units ever do it for local races**
18 **on the their own?**
19 MR. NAIFEH: Objection.
20 A. Yes. That's, like I said, they would do
21 their own.
22 **Q. (BY MR. TAUNTON:) Do you have any sense**
23 **for how often they do that?**

Page 133

1 A. It somewhat depends on the race. If
2 there's an opponent, you know, in a race, they may
3 send it out to make sure that voters know who's
4 running.
5 **Q. Does the NAACP provide information or**
6 **education on the process for registering as a**
7 **candidate?**
8 MR. NAIFEH: Objection.
9 A. We have provided that information. I
10 mean, it's not something that we do routinely.
11 But, occasionally, we do send information that --
12 about a registered candidate.
13 **Q. (BY MR. TAUNTON:) Are you aware of any**
14 **NAACP -- I'm sorry. Are you aware of any NAACP**
15 **members who have registered as candidates in the**
16 **past?**
17 MR. NAIFEH: Objection.
18 A. Yes.
19 **Q. (BY MR. TAUNTON:) In the last ten years?**
20 A. Yes.
21 **Q. Are you aware of any issues they had with**
22 **registering to -- as far as a candidate?**
23 A. No. I'm not aware of any issues they've

Page 134

1 had with registering as candidates.
2 **Q. Does the NAACP in any kind of formal way**
3 **track which of its members have declared --**
4 **registered as candidate for a political race?**
5 A. No, no, no.
6
7 (Landscapers outside the front
8 door begin to use their equipment.)
9
10 A. Sorry about the noise.
11 **Q. Are you aware of any members of the State**
12 **Conference ever running for office?**
13 MR. NAIFEH: Objection to form.
14 A. Yes.
15 THE REPORTER: I think I heard
16 you say "yes"?
17 THE WITNESS: Yes.
18 **Q. (BY MR. TAUNTON:) What office did they**
19 **run for or district?**
20 A. We had -- one of our members ran for the
21 Second Congressional District. And before and
22 after the new district was drawn, we had some
23 members elected to City Council, members elected

Page 135

1 to County Commissioners, you know, State reps
2 across the board.
3 **Q. Is it the same person who ran for**
4 **Congressional District 2 before and after the new**
5 **districts were drawn?**
6 MR. NAIFEH: Objection.
7 A. Repeat that question again, now.
8 **Q. (BY MR. TAUNTON:) Let me -- let me just**
9 **break it down. How about that. Let's do that.**
10 **So you mentioned somebody from the State**
11 **Conference running for Congressional District 2.**
12 A. Right.
13 **Q. When was that the first time?**
14 A. The first time was 2022.
15 **Q. And who was it?**
16 MR. NAIFEH: Objection. I
17 don't -- I'm going to instruct him not
18 to answer that because associations
19 with the NAACP are protected. You
20 asked about a candidate who is
21 associated with the NAACP. I don't see
22 how the association is relevant. But
23 it's also --

Page 136

1 MR. TAUNTON: Public.
2 MR. NAIFEH: Association with the
3 NAACP may not be public. The person's
4 candidacy may be public.
5 MR. TAUNTON: I'll ask that.
6 **Q. (BY MR. TAUNTON:) Do you know if that**
7 **person was publicly associated with the NAACP?**
8 A. I don't understand what you mean "publicly
9 associated."
10 **Q. Did they publicize their association with**
11 **the NAACP?**
12 A. No. Are you talking about when they were
13 running for office?
14 **Q. Yeah.**
15 A. Not to my knowledge.
16 **Q. Okay. What about the second time? You**
17 **mentioned after the new districts were drawn.**
18 A. Mm-hmm.
19 **Q. So that would be just recently.**
20 A. Right.
21 **Q. Did that individual publicize their**
22 **relationship with the State Conference of the**
23 **NAACP?**

Page 137

1 MR. NAIFEH: Objection.
2 A. Not that I'm aware of.
3 **Q. (BY MR. TAUNTON:) Do you intend to**
4 **testify at trial concerning that person's**
5 **candidacy for public office?**
6 MR. NAIFEH: Objection.
7 A. I mean, at trial, I would testify kind of
8 based on what the questions are asked. I don't
9 know if that issue will come up.
10 **Q. (BY MR. TAUNTON:) Well, I need you to**
11 **answer some additional questions about this, or it**
12 **shouldn't come up at trial.**
13 MR. NAIFEH: Well, I mean, I
14 don't know that he's obliged at this
15 point to know what his testimony at
16 trial is gonna be other than very
17 general subject matters. And even
18 that, you know, we've already disclosed
19 general subject matters in our -- in
20 the disclosures.
21 MR. ROSBOROUGH: Do you want to
22 go off the record for a second? Maybe
23 we can confer.

Page 138

1
2 (There was a short break in the deposition.)
3
4 THE REPORTER: Back on the
5 record?
6 MR. TAUNTON: Yes. Back on the
7 record.
8 **Q. (BY MR. TAUNTON:) Do you intend to**
9 **testify regarding this individual's -- unnamed**
10 **individual's candidacy at trial?**
11 MR. NAIFEH: So I think we can
12 represent that he will not be
13 testifying about anyone's candidacy. I
14 mean, at least not -- certainly not
15 about members about any candidate's
16 association with the NAACP.
17 MR. TAUNTON: Okay. All right.
18 That's fair enough. That gets me far
19 enough.
20 **Q. (BY MR. TAUNTON:) Are you aware of**
21 **any -- you know, going back to our -- originally,**
22 **we were talking about members of the State**
23 **Conference who have run for office. Are you aware**

Page 139

1 **of any of those members winning office?**
2 MR. NAIFEH: Objection.
3 A. Yes.
4 **Q. (BY MR. TAUNTON:) Are you aware of any**
5 **who have won statewide office?**
6 A. Statewide? I'd say I'm not aware of
7 anyone that won a statewide race.
8 **Q. How about State Senate?**
9 A. Yes.
10 **Q. How about State House of Representatives?**
11 A. Yes.
12 **Q. How about Congressional House of**
13 **Representatives?**
14 A. Yes.
15 **Q. Are you aware of any Alabama members of**
16 **the NAACP local units attempting to register to**
17 **run for office as a Republican?**
18 A. Okay. Repeat that question again, now.
19 **Q. Are you aware of any members of the NAACP**
20 **in the state of Alabama who have registered or**
21 **attempted to register to run for office as a**
22 **Republican.**
23 MR. NAIFEH: Objection.

Page 140

1 A. Are you talking about local or statewide?
2 **Q. (BY MR. TAUNTON:) Either. And any**
3 **office.**
4 A. Yes.
5 **Q. Yes. Were they able to register for the**
6 **candidacy?**
7 MR. NAIFEH: Objection.
8 A. Yes.
9 **Q. (BY MR. TAUNTON:) Did you communicate**
10 **with them about their experience?**
11 A. The particular individual that I know
12 served before I became State president. But based
13 on conversation I've had with members of that
14 unit, it didn't -- the issue of difficulty
15 registering did not -- never came up. So I don't
16 know.
17 **Q. Are you aware of any members of the NAACP**
18 **in Alabama who have registered to run for office**
19 **as a Democrat?**
20 MR. NAIFEH: Objection.
21 A. Yes.
22 **Q. (BY MR. TAUNTON:) Were they able to**
23 **register?**

Page 141

1 A. Yes.
2 **Q. Are your members politically active?**
3 MR. NAIFEH: Objection.
4 A. Again, if I could ask you to define
5 "politically active" because I want to make sure I
6 don't answer that incorrectly.
7 **Q. (BY MR. TAUNTON:) Well, so let me -- let**
8 **me ask it this way. What does engagement in the**
9 **political process mean to the State Conference?**
10 A. That means we are educating our members to
11 get involved in the political process and
12 educating them how to get involved and how to
13 remain nonpartisan in their involvement in the
14 political process. Not trying to push one
15 candidate over the other, but educating members
16 and the community about the need to get out and
17 exercise your right to vote.
18 **Q. Gotcha. When you say "nonpartisan," you**
19 **mean that the education and training provided by**
20 **the State Conference is nonpartisan?**
21 A. And their actions as a member of the NAACP
22 is nonpartisan.
23 **Q. Your members' actions as a member.**

Page 142

1 A. Right. And I want to make sure that
2 people understand this. Individual members still
3 have a right to express their views. If they are
4 doing it at an NAACP forum or a -- if they're out
5 doing an NAACP event, they must remain
6 nonpartisan.
7 **Q. Do you believe that the Alabama NAACP**
8 **members are engaged in the political process?**
9 MR. NAIFEH: Object to the form.
10 A. Yes.
11 **Q. (BY MR. TAUNTON:) Are you aware of**
12 **individual members having involvement with any**
13 **campaigns?**
14 A. Again, I'm not aware of any members as
15 NAACP during their -- if they have, quote,
16 unquote, NAACP hat on, then it's not. But, again,
17 members of NAACP or individuals, they can seek
18 office, they can run for office and still be a
19 member of the NAACP. They cannot use the NAACP's
20 name and that -- NAACP as an endorsement or
21 anything like that.
22 **Q. Yeah. I -- yeah. I understand. And**
23 **there's a difference you're making. And we can**

Page 143

1 **agree that we're talking right now about these in**
2 **their individual -- you know, in their individual**
3 **capacity, not under the banner of the NAACP.**
4 A. Okay.
5 **Q. But, again, the NAACP does encourage them**
6 **to be engaged in the political process. Right?**
7 MR. NAIFEH: Objection.
8 A. Again, what do you mean by that? Again,
9 you keep going around. We encourage them to do
10 their due diligence in getting people out to vote
11 and educating people about the issues that are at
12 hand and ensuring that people are registered to
13 vote.
14 I mean, I don't know if that's what you
15 mean by the political process. But we encourage
16 them not to be partisan in their efforts.
17 **Q. (BY MR. TAUNTON:) While working with the**
18 **NAACP.**
19 A. While working with the NAACP.
20 **Q. But they may be.**
21 A. Yes. I mean, you can't control what they
22 do individually.
23 **Q. So in their individual capacity, are you**

Page 144

1 **aware of members in their personal capacity**
2 **getting public support to campaigns, political**
3 **campaigns?**
4 MR. NAIFEH: Objection.
5 A. Yes.
6 **Q. (BY MR. TAUNTON:) Does the State**
7 **Conference track that in any way?**
8 A. Oh, no, no.
9 **Q. Okay. Is any part of the NAACP's purpose**
10 **to get individuals friendly to its agenda elected?**
11 A. We inform people about the issues that are
12 of importance to the NAACP's mission and inform
13 individuals -- I mean, inform our members about
14 the candidate's position on those issues.
15 **Q. Do you have any sense for what makes a**
16 **candidate competitive in a political race?**
17 MR. NAIFEH: Objection.
18 A. I mean, there's various things that makes
19 a candidate competitive. It could be, you know,
20 everything from color of skin to their gender
21 to -- you know, because people vote for candidates
22 based on various reasons. And.
23 **Q. (BY MR. TAUNTON:) Could a candidate's**

Page 145

1 background then be a part of that?
2 MR. NAIFEH: Objection.
3 A. Oh, yes.
4 **Q. (BY MR. TAUNTON:) Could a candidate's**
5 **policy positions be a part of that?**
6 A. It could be. Yes.
7 **Q. Could prior experience be a part of that?**
8 A. Yes.
9 **Q. Do funding and campaigning play a role in**
10 **that?**
11 MR. NAIFEH: Objection.
12 A. Well, the funding provides opportunity for
13 the person to get exposure, visibility. And if
14 you get exposure and visibility, you know, people
15 be -- you become known. And if you know you -- if
16 people know you, then, you know, they may decide
17 to vote for you because I heard that name before.
18 **Q. (BY MR. TAUNTON:) Do you have any kind of**
19 **sense of what campaign methods might be effective?**
20 MR. NAIFEH: Objection.
21 **Q. (BY MR. TAUNTON:) Print ads, media ads,**
22 **social media, door to door.**
23 MR. NAIFEH: Objection.

Page 146

1 A. All those are effective in certain
2 demographics, you know. Some methods are -- like,
3 social media are more effective for the younger
4 generation than, say, people my age. And, and
5 the person can get their message out better
6 through social media than going, say, door to door
7 or just standing up before -- on a, quote,
8 unquote, stump, you know.
9 **Q. (BY MR. TAUNTON:) Does it often take,**
10 **again, funding and infrastructure to run an**
11 **effective campaign?**
12 A. Yes.
13 MR. NAIFEH: Objection.
14 **Q. (BY MR. TAUNTON:) Is it enough -- where**
15 **does that funding and infrastructure typically**
16 **come from? Do you know?**
17 A. Various places.
18 **Q. One of those places sometimes one of the**
19 **State political parties?**
20 MR. NAIFEH: Objection.
21 A. Yes. State political parties, if they
22 have funding, they may contribute to a campaign of
23 a person.

Page 147

1 **Q. (BY MR. TAUNTON:) If a person simply**
2 **announces their candidacy and qualifies but then**
3 **doesn't, you know, have any funding or doesn't**
4 **have any infrastructure, is that generally going**
5 **to be an effective political campaign?**
6 MR. NAIFEH: Objection.
7 A. I mean, there's so many variables there
8 because it depends on, you know, if the person is
9 being opposed, what position they're running for,
10 you know, how much funding does -- what does the
11 other candidate have. So, I mean, it's a lot of
12 variables.
13 You just gotta -- I don't think I could
14 just say "yes." I couldn't say just "yes." But
15 it's, you know, it's possible, you know.
16 **Q. (BY MR. TAUNTON:) It's possible that**
17 **simply announcing candidacy and qualifying would**
18 **be sufficient.**
19 MR. NAIFEH: Objection.
20 A. Yes. If the person is not being, you
21 know, opposed or if, you know, the person is well
22 known, you know, that could be -- could be
23 sufficient for that person to win.

Page 148

1 **Q. (BY MR. TAUNTON:) In a race with multiple**
2 **candidates, is that typically sufficient? Do you**
3 **know?**
4 MR. NAIFEH: Objection.
5 A. Typically, it's not.
6 **Q. (BY MR. TAUNTON:) In the last five years,**
7 **have you had any communications with any members**
8 **of the NAACP that said they wanted to be more**
9 **politically engaged but could not be because they**
10 **couldn't engage with the Democratic party?**
11 MR. NAIFEH: Objection.
12 A. No.
13 **Q. (BY MR. TAUNTON:) Is it generally true**
14 **that in Alabama today the preferred candidate is**
15 **usually a Democrat?**
16 MR. NAIFEH: Objection.
17 **Q. (BY MR. TAUNTON:) The preferred black**
18 **candidate is usually a Democrat?**
19 MR. NAIFEH: Objection.
20 A. Yes. Generally speaking, I would say
21 that's a true statement.
22 **Q. (BY MR. TAUNTON:) Again, in the last five**
23 **years, have you had any communications that you**

Page 149

1 can think of with a member of the NAACP in the
2 state who said they desire to be more politically
3 active but couldn't be because they couldn't
4 engage with the Republican party?
5 MR. NAIFEH: Objection.
6 A. No. You said member of the NAACP. Right?
7 Q. (BY MR. TAUNTON:) Yeah.
8 A. Yeah. No.
9 Q. Does the State Conference ever have an
10 opinion about where a precinct polling location
11 should be?
12 A. Yes.
13 Q. How does it express that opinion?
14 A. Well, through speaking to the probate
15 judge or his or her staff of what locations that,
16 you know, are -- we think are ideal for a polling
17 location in different communities. And then,
18 where they certainly should not be located.
19 Q. Other than speaking with the probate
20 judge, what does it take to change a polling
21 location?
22 MR. NAIFEH: Objection.
23 A. The local board of registrars have to

Page 150

1 agree or vote on changing a polling location. And
2 it used to be that, you know, particularly the
3 State of Alabama had to get that approved through
4 the Department of Justice. But that's no longer
5 required.
6 Q. (BY MR. TAUNTON:) And that's after the
7 Shelby County decision?
8 A. Yes.
9 Q. Which counties -- let's see. Since Shelby
10 County -- which is a 2013 decision. So since
11 2013 -- what counties has the State Conference
12 contacted either the board of registrars or the
13 probate just about a polling location?
14 A. The ones that I'm aware of, Shelby County
15 is one. I'm pretty sure Madison County. I mean,
16 I think Madison County, Limestone County. Let's
17 see. Going through -- I mean, there have been
18 several others. I just can't think of which ones
19 there are. But there have been several counties
20 that help reach out to us and reached out to -- we
21 tell them, you know, kind of the process of what
22 they needed to do.
23 Q. Reached out to you, is that the units --

Page 151

1 A. Yes.
2 Q. -- have reached out to you? Or the --
3 A. Yeah, units.
4 Q. -- probate judges have reached out?
5 A. No. Units.
6 Q. Okay.
7 A. Yeah.
8 Q. And they reach out to you about the
9 process for getting --
10 A. Well, it comes in kind of as a complaint
11 that -- you know, through us that, you know, this
12 particular polling location has been changed. No
13 one knew about it. And, you know, is that -- can
14 they do that.
15 And we tell them, you know, what, what,
16 what should have happened somewhere along the
17 process of how the -- that was notified and that
18 they should have received a notification that
19 their polling location had changed.
20 Q. Do you know if a notice was sent in those
21 instances?
22 A. I couldn't tell you if it was sent. I
23 don't send them out. We don't send them out.

Page 152

1 Q. Was any kind of investigation done to see
2 if a notification was sent?
3 A. Well, yeah, the, the -- yeah. They say --
4 the County said they, you know, sent them out.
5 But, you know, people said they did not receive
6 them.
7 Q. What was the resolution of those
8 complaints? Do you know?
9 MR. NAIFEH: Objection.
10 A. No resolution. I mean, well, the
11 resolution was that, you know, the polling place
12 stayed where it was wherever they had changed to.
13 Q. (BY MR. TAUNTON:) Has any polling place
14 changed in the last ten years prompted by an input
15 from the NAACP?
16 MR. NAIFEH: Objection.
17 A. I'd had to do more research on that. I
18 just can't recall.
19 Q. (BY MR. TAUNTON:) In circumstances where
20 there was a complaint about a change in a polling
21 location, how responsive were local officials to
22 that complaint?
23 A. The ones that I am aware of, they listened

Page 153

1 and told the members that, you know, basically
2 they changed it because trying to balance out the
3 number of people at each polling location, you
4 know.

5 **Q. Would doing that reduce waiting lines?**

6 A. If that was the reason, I mean, possibly
7 could. But, you know, I mean, there's no
8 guarantee that that would happen. But, you know,
9 if that was the reason, you know.

10 **Q. And you said that was the reason provided?**

11 A. I said that was, you know, certainly some
12 of the reason that was provided to -- in some
13 cases, the old place said, no, you're not coming
14 here. Just like in Limestone County, Creekside
15 Elementary School where I used to vote, they say
16 you're not coming here anymore. So they had to
17 find a different location. So.

18 **Q. Does the NAACP monitor polling locations**
19 **during elections?**

20 A. Yes.

21 **Q. And what's the process for that? Is**
22 **that -- does the NAACP just supply members? Do**
23 **polling locations ask for volunteers? What's the**

Page 154

1 **process by which the NAACP is involved?**

2 MR. NAIFEH: Objection.

3 A. Well, what we do is during -- before the
4 election, we ask each unit or each branch to
5 identify people in their jurisdiction that would
6 go around and visit the different polling places
7 to monitor. Not to be positioned or stay there,
8 but just to go out -- to go to those polling
9 locations to look at kind of how things are going
10 and to also look at individuals that if they are
11 seeming to be frustrated when they come out and
12 maybe you ask that person, you know, what's
13 happened, how did it go or, you know, were you
14 able to vote.

15 And, of course, if they -- depending on
16 that sit -- circumstances, they may -- we may
17 direct them to report it to the 1-866-OUR-VOTE.
18 And we also try to capture that so that we would
19 have a record of that.

20 **Q. (BY MR. TAUNTON:) Okay. So do you have**
21 **any idea how many volunteers from the NAACP?**
22 **Volunteers poll numbers?**

23 A. Now, are you talking about specific on

Page 155

1 election day?

2 **Q. Yes.**

3 A. I would say we have probably 60 or more
4 because we try to have at least a couple at each
5 of the units.

6 **Q. And does the NAACP provide education and**
7 **training to them before they do that?**

8 A. Yes.

9 **Q. And what does that -- what does that**
10 **training entail? What's the education?**

11 A. Basically, we tell them to -- what to look
12 for and make sure that they don't interfere with
13 anything that's going on in the -- around where
14 the election is taking place, you know. And make
15 sure that they understand what we're asking for in
16 the form that we have we send to them. And give
17 them the information about the 1-866-OUR-VOTE as
18 well as the number here to our office where people
19 can call or where they can call to report, you
20 know, a potential voting violation and so we can
21 make sure to get it resolved as soon as
22 opportunity before -- hopefully before the
23 election is over.

Page 156

1 **Q. And what are they monitoring for**
2 **specifically? Lines? Check-in? What are they**
3 **looking for?**

4 A. Well, they're looking for, you know, is
5 the basic -- overall, is voting going smoothly.
6 We look for if the people are being turned away at
7 a seemingly high number of people.

8 See if people are able to -- you know, if
9 they're at the right polling place or did their
10 polling place change and they were not notified.
11 Or, you know, how long did they have to stand in
12 line to vote, you know.

13 And, occasionally, we'll ask them, well,
14 you know, what could have been done to make it
15 easier for you to, you know, vote. But that's not
16 a standard question that we ask.

17 **Q. What issues have been encountered by NAACP**
18 **poll monitors in the last ten years?**

19 A. Yeah. Mostly people showing up at the
20 wrong location and did not know their polling
21 place had changed. And their name either had been
22 completely removed from the, the poll roster or
23 that, again, their place of voting has been

Page 157

1 changed to a new location. And so you've gotta
2 run down to that location.
3 And we run into a couple where -- well, I
4 mentioned the location. But it's kind of those
5 types of things. Situations that a poll monitor,
6 you know, run into. Or poll workers -- I mean,
7 not poll workers but voters that are going in to
8 cast their vote.
9 I mean, occasionally, in the maybe
10 Montgomery or Birmingham areas, you know, people
11 may complain about long lines. But and I know
12 we've had complaints about voting machines not
13 operating properly. Ballots -- not enough ballots
14 or people run -- the polling location has run out
15 of ballots.
16 Because in this particular case, they
17 were -- voter turnout seemed to have been lower
18 than they anticipated. But, you know, I don't
19 know that for a fact. But those kinds of things.
20 **Q. Now, those last three you mentioned -- the**
21 **machines, lack of ballots, and lines -- were those**
22 **all in the Birmingham and Montgomery areas?**
23 A. Yeah. I think the machines and the -- I

Page 158

1 know the machines were in Birmingham. Oh, well,
2 and Montgomery, also. Yeah.
3 **Q. Outside of those areas, if you -- have you**
4 **heard other issues encountered by monitors other**
5 **than people showing up at the wrong location?**
6 A. You said have I or if I?
7 **Q. Have you, have you.**
8 A. I don't think so. I don't remember.
9 **Q. How were those issues resolved? Let's**
10 **start with how was the voting machine issue**
11 **resolved. Do you recall?**
12 A. Well, they eventually got someone out
13 there to -- well, they eventually got someone out
14 there to look -- take a look at the machine. And
15 it, it -- I guess it resolved itself. I mean, for
16 people were able to -- you know, eventually able
17 to, you know, get a chance to vote, you know.
18 **Q. Were people able to fill out ballots while**
19 **the machine was being fixed?**
20 MR. NAIFEH: Objection.
21 A. I don't think -- let's see. Did they fill
22 out ballots? I don't really recall. I'm trying
23 to remember did they fill out the ballots. I just

Page 159

1 don't recall whether they were able to complete
2 the ballot or not.
3 **Q. (BY MR. TAUNTON:) How about the precinct**
4 **that didn't have sufficient ballots? When was**
5 **that?**
6 MR. NAIFEH: Objection.
7 A. That was in, in Birmingham in 2022, I
8 think, where they ran out of ballots.
9 **Q. (BY MR. TAUNTON:) How was that issue**
10 **resolved?**
11 A. Beg your pardon?
12 **Q. How was that issue resolved?**
13 A. Oh, they were able to get more ballots
14 there.
15 **Q. How long did they not have ballots?**
16 A. I don't know because, you know, from the
17 time it was reported to us until they got it
18 resolved it may have been an hour and a half, two
19 hours.
20 **Q. Has the NAACP found local officials**
21 **cooperative in resolving polling issues, polling**
22 **place issues like this?**
23 A. Well, on those type issues. But for a

Page 160

1 voter does not appear on the ballot, I mean, you
2 know, I know they try to call probate judges to
3 work it out. But, you know, some cases, it's
4 just, you know, your name just doesn't appear.
5 And in some cases, it didn't appear anywhere in
6 the state, you know. And so.
7 **Q. So this is an individual who would show up**
8 **to vote and their name is not on the voter rolls?**
9 A. Right. And they cannot find them
10 anywhere.
11 **Q. Where are you aware of that happening?**
12 A. That happened in Birmingham, I think it
13 was. Birmingham or Montgomery one.
14 **Q. When did it happen in Birmingham?**
15 A. Let me see. It was either '20 or '22
16 election.
17 **Q. And are you thinking of a --**
18 A. Now, let me go back because, I mean, it
19 happens -- if the name does not appear on the --
20 just the name not appearing on the ballot at a
21 specific location, that happens frequently. But
22 where they cannot find that person, you know, in
23 the system at all --

Page 161

1 THE WITNESS: I'm sorry.
2 MR. NAIFEH: It just muted you by
3 mistake.
4 THE WITNESS: Oh, okay.
5 MR. NAIFEH: Go ahead.
6 THE WITNESS: Okay.
7 A. Where they can't find a person at all, you
8 know, that's, that's certainly a rare occasion.
9 **Q. (BY MR. TAUNTON:) How often would you say**
10 **you're aware of that happening where a person**
11 **shows up at a precinct to vote and their name is**
12 **not on the rolls anywhere in the state?**
13 A. Yeah. I'd say that's, you know,
14 occasionally, you know, and maybe every -- maybe
15 every other election or something like that, you
16 know.
17 **Q. It pops up one time every other election?**
18 A. Yeah. I don't -- I would say probably
19 something like that. Yeah.
20 **Q. And those occasions where it has come up,**
21 **do you know what the resolution has been --**
22 A. No.
23 **Q. -- or the explanation?**

Page 162

1 A. Well, the only explanation they can give
2 "you're not registered." Or and they begin to
3 look to see if the person was ever -- begin to try
4 to look to see if the person was ever registered,
5 you know. And were they purged or the name -- you
6 know, because they had not voted in, you know, a
7 couple of elections.
8 But, usually -- and, again, in that rare
9 instance. But usually just like our -- one of
10 our, our branch presidents, he and his wife's name
11 all of a sudden disappeared, you know. And this
12 was prior to the election. So they caught it
13 before the election. But their name just
14 disappeared. And they were able to get it
15 restored before the election.
16 **Q. We won't go there. But I remember a big**
17 **instance of that in a Republican primary election**
18 **about two years ago.**
19 A. Yeah.
20 **Q. Primary election decided by one vote.**
21 **That person, I believe, was out of state. Is**
22 **State Conference of the NAACP generally aware of**
23 **these precinct polling locations?**

Page 163

1 A. Okay. Now, you're saying the State
2 Conference meaning the State Conference, not our
3 units.
4 **Q. Either to the degree you can answer.**
5 A. Well, our units are aware of -- in their
6 location, jurisdictions kind of where they are.
7 Yes.
8 **Q. And how do they receive that information?**
9 MR. NAIFEH: Objection.
10 A. They receive it, you know, from the
11 probate judge's office. Or, you know, it comes
12 out in the local newspaper or something. But,
13 generally speaking, you know, for accurate, they,
14 you know, go to the probate judge's office.
15 **Q. (BY MR. TAUNTON:) To your knowledge, do**
16 **they have any difficulty getting that information?**
17 A. No. I mean, it's. . .
18 **Q. Does the State Conference or the local**
19 **units of the NAACP help transport voters to their**
20 **polling locations during elections?**
21 A. Yes.
22 **Q. How does it do that? How is that**
23 **organized?**

Page 164

1 A. Well, it's organized if, if -- depending
2 on if we receive funding to support branches being
3 able to rent vehicles. That's one way. They rent
4 a vehicle and transport people.
5 If we do not receive funding, then we ask
6 each unit to, you know, designate someone that's
7 willing to donate their vehicle or work with the
8 church that has a van that will transport people
9 to the polling location on that particular day.
10 **Q. Are there specific parts of the state**
11 **where the NAACP is, is particularly active in**
12 **transporting voters?**
13 A. No. I mean, we do that at all of our
14 units.
15 **Q. Does it do that only for general**
16 **elections? Or does it do that for primary**
17 **elections as well?**
18 A. Yes. Primary and general elections.
19 **Q. Does it generally do that for all major**
20 **elections?**
21 MR. NAIFEH: Objection.
22 A. Well, I think that's the same question,
23 isn't it? Primary and general elections. What do

Page 165

1 you mean by --
2 **Q. (BY MR. TAUNTON:) I mean, they are --**
3 **they are technically different questions. So.**
4 A. Okay. Well, what do you mean by --
5 **Q. In other words --**
6 A. -- major elections?
7 **Q. -- every, every two years it would plan on**
8 **doing it.**
9 A. Oh, yeah, yeah.
10 **Q. Statewide elections?**
11 A. Yes, yes.
12 **Q. Do you have any idea how long the NAACP in**
13 **Alabama has been doing that?**
14 MR. NAIFEH: Objection.
15 A. I know we've been doing it since 2002, '3
16 time frame since I've been here.
17 **Q. (BY MR. TAUNTON:) Do you believe it was**
18 **doing it before that?**
19 A. Yes.
20 **Q. And let's say 2022. Do you know how many**
21 **cars or vans were active in the state for the**
22 **transporting?**
23 A. No. No, I do not.

Page 166

1 **Q. Do local units track that kind of**
2 **information?**
3 A. They don't track it. But they just, just
4 do it. I mean, if they're -- you know, if they --
5 again, if we don't have funding, then they look to
6 get a volunteer.
7 **Q. Other than what we've discussed the past**
8 **several hours here, are there any other efforts**
9 **that the State Conference has undertaken to ensure**
10 **the political, educational, social, and economic**
11 **equality of African Americans and all other**
12 **Americans in the state of Alabama?**
13 MR. NAIFEH: Objection.
14 A. I think we've covered, you know, the
15 majority of things that we, we do in that regard.
16 There may be something that, you know, I'm not
17 thinking of or overlook. But.
18 **Q. (BY MR. TAUNTON:) And we'll discuss the**
19 **lawsuits. You know, we have -- we've discussed**
20 **those a little bit. But we haven't discussed them**
21 **in depth.**
22 **So accepting that, other than what we've**
23 **discussed, are there any other efforts the State**

Page 167

1 **Conference has undertaken to eliminate racial**
2 **discrimination in the democratic process in**
3 **Alabama?**
4 MR. NAIFEH: Objection.
5 A. I'm not for sure what all we covered or
6 what all we discussed. But there may be something
7 that I -- I'm not thinking of right now. And so I
8 just --
9 **Q. (BY MR. TAUNTON:) Can you think of**
10 **anything we're missing?**
11 A. I can't think of anything right now.
12 **Q. Now, we discussed -- I'm going to turn.**
13 **We're going to talk a little bit about the Stone**
14 **lawsuit. We already talked a little bit about the**
15 **decision to get involved. When did the State**
16 **Conference decide to get involved in the Stone**
17 **lawsuit? When was that decision made?**
18 A. It was either sometime -- I know it was
19 last year. But I don't remember, you know, what
20 month or what exact date, you know. But I'm
21 pretty sure it was towards the end of last year
22 when we. . .
23 **Q. And what did you --**

Page 168

1 A. Sometime during last quarter of last year.
2 **Q. Last year meaning --**
3 A. Twenty-three.
4 **Q. -- in '23? So when did the State**
5 **Conference become concerned about the 2021 Senate,**
6 **the State Senate districts?**
7 A. When did we become concerned about it?
8 The 2021 State Senate seat?
9 **Q. Right.**
10 A. I don't understand.
11 **Q. So the Stone lawsuit is about the 2021**
12 **Senate districts: one in Huntsville and one in**
13 **Montgomery.**
14 A. Right.
15 **Q. Right?**
16 A. Mm-hmm.
17 **Q. Okay. So when did the State Conference**
18 **become concerned about those districts?**
19 MR. NAIFEH: Objection to form.
20 A. Well, as I stated earlier, this has been
21 something that, you know, was brought to our
22 attention long before now, long before last year.
23 And so it's been something on our radar, I would

Page 169

1 say, for at least a couple of years.
2 And so when it was first mentioned to us,
3 you know, it was something that, you know, was on
4 our radar but not actively.
5 **Q. (BY MR. TAUNTON:) So you say, you know,**
6 **several years before. Again, do you have any**
7 **time --**
8 A. Yeah. I think --
9 **Q. -- frame on that?**
10 A. -- I said a couple of years. Yeah.
11 **Q. And what put it on your radar?**
12 A. There was information that was provided to
13 us in a discussion -- I shouldn't say information.
14 But a discussion about there's a possibility that
15 we could have another majority black Senate seat
16 in the Huntsville area.
17 And, I mean, again, it just -- kind of
18 discussions back and forth with nothing -- any
19 definite, "yes, we think we should go forward with
20 some kind of legal action" or see if the
21 legislature would be amenable to, you know, a new
22 map. So it was after the 2020 census. So, you
23 know, sometime after that.

Page 170

1 **Q. Was there anything else that put it on**
2 **your radar other than discussions that a second**
3 **majority black Senate district could potentially**
4 **be drawn?**
5 MR. NAIFEH: Objection.
6 A. Not that I recall.
7 **Q. (BY MR. TAUNTON:) Was there anything else**
8 **that concerned you about District 7 in the**
9 **Huntsville area?**
10 MR. NAIFEH: Objection.
11 A. Was there anything that concerned me about
12 District 7?
13 **Q. (BY MR. TAUNTON:) Yes, sir.**
14 A. No.
15 **Q. When did the State Conference first become**
16 **concerned about District 25 in the Montgomery**
17 **area?**
18 MR. NAIFEH: Objection to form.
19 A. This was certainly after the one in
20 Huntsville. Our initial discussion, some years
21 ago. So I would say, I don't know, maybe last
22 year.
23 **Q. (BY MR. TAUNTON:) And what, what**

Page 171

1 **concerned you about District 25? Why did it come**
2 **to your attention?**
3 A. Well, basically, the same reason that
4 there's -- population was sufficient that we could
5 have another majority black Senate district there.
6 **Q. Do you know if there had been sufficient**
7 **population to draw another majority black district**
8 **in the Montgomery area before that?**
9 MR. NAIFEH: Objection.
10 A. Well, I don't know if anyone had done the
11 analysis to see how that would look on paper. But
12 so I can't testify or speak to that.
13 **Q. (BY MR. TAUNTON:) Was there anything else**
14 **at that time that concerned you about District 25?**
15 MR. NAIFEH: Objection.
16 A. No.
17 **Q. (BY MR. TAUNTON:) What is your**
18 **understanding of the claims of the Stone lawsuit?**
19 MR. NAIFEH: Objection.
20 A. Well, my understanding is that the lawsuit
21 is about how blacks are -- black voters are --
22 black voters and black citizens are packed into a
23 particular district where they -- well, let me

Page 172

1 correct that. They are unpacked into districts in
2 Montgomery and Huntsville.
3 But, there are sufficient numbers where
4 they could be combined together to form new
5 districts in both of those areas -- new majority
6 black districts in both of those areas.
7 **Q. (BY MR. TAUNTON:) So how do you allege**
8 **that the 2021 Senate -- State Senate districting**
9 **plan reduces the ability of black Alabamians to**
10 **participate in the political process today?**
11 MR. NAIFEH: Objection. Calls
12 for a legal conclusion.
13 MR. TAUNTON: Just asking for his
14 understanding.
15 A. Well, again, if you -- you're not able to
16 elect a person that would represent your interests
17 if your votes are spread out among several
18 districts, whereas if you were to bring those
19 together, you could form enough people to --
20 enough -- you could bring together enough people
21 to elect a person that will represent your
22 interests or in that particular area.
23 **Q. (BY MR. TAUNTON:) Is it your**

Page 173

1 understanding new districts were drawn after the
2 2010 census?
3 MR. NAIFEH: Objection.
4 A. When you say "new" --
5 Q. (BY MR. TAUNTON:) New Senate districts
6 were drawn after the 2010 census.
7 A. You mean 2010?
8 Q. Yeah.
9 A. I mean, whether they were -- actually how
10 they were redrawn and I'm not sure. But I'm quite
11 sure they were reapportioned to ensure that equal
12 number of voters are in each of the areas.
13 Q. Well, sure. Let me -- let me ask this --
14 let me ask a broader question first. So is it
15 your understanding that the redistricting and
16 reapportionment process is conducted every ten
17 years?
18 A. Yes.
19 Q. And that's after the ten-year census.
20 A. Yes.
21 Q. Were you involved in any way in the
22 Alabama Legislative Black Caucus case after the
23 2010 census?

Page 174

1 MR. NAIFEH: Objection.
2 A. Yes.
3 Q. (BY MR. TAUNTON:) What was your
4 involvement?
5 A. I provided a testimony in that case. I
6 believe I did just a few years ago. But I think I
7 provided testimony in that case.
8 Q. Was that --
9 A. Not in that case, but after and during the
10 reapportionment hearings.
11 Q. So you testified during the hearings.
12 A. I think I did. I'm not a hundred percent
13 sure. But I think I did. I think that's when it
14 was I testified.
15 Q. Did you have any involvement in the court
16 case?
17 A. I don't think the -- I don't think the
18 NAACP was involved in that court case. But.
19 Q. Well, do you know whether that lawsuit led
20 to certain districts being redrawn in 2017?
21 A. No, I do not.
22 Q. Now, the districts would again be drawn
23 after the 2020 census. Right?

Page 175

1 A. Right.
2 Q. Do you know how the districts that were
3 drawn in 2017 were changed in 2021?
4 MR. NAIFEH: Objection.
5 A. No.
6 Q. (BY MR. TAUNTON:) Let's shift gears
7 briefly to the Milligan lawsuit.
8 A. Okay.
9 Q. We talked briefly about the -- again, the
10 executive committee's decision to get involved in
11 the Milligan lawsuit. When -- do you recall when
12 you decided to become involved in the Milligan
13 lawsuit? I don't think we talked about timing.
14 A. No, I do not. I mean, I don't know. I
15 mean, I'm not for sure. We've gone over this. I
16 don't know why we're having to go back over the
17 exact time I became involved in the Milligan
18 lawsuit. I mean, that was certainly before --
19 sometime after the 2020 census.
20 Q. And I don't think we went over that
21 specifically. We went over some related stuff. I
22 don't think we went over that.
23 A. Okay.

Page 176

1 Q. Do you recall when you became concerned
2 about the 2021 Congressional district?
3 MR. NAIFEH: Objection.
4 A. You talking about the new map that they --
5 Q. (BY MR. TAUNTON:) The maps that were
6 drawn after the 2020 census, the Congressional
7 maps that were drawn after the 2020 census.
8 A. Yeah, I guess, generally speaking. But,
9 you know, whether it was in -- it was in 2020. It
10 was certainly after the, the census data was
11 released in -- I think that was released in '21,
12 late '21. So it was sometime after that into '22.
13 So.
14 Q. What specifically concerned you about the
15 2021 districts?
16 A. Well, the concern was that the voters in
17 District 2, the old District 2 were -- there was
18 sufficient numbers in that area in the Black Belt
19 area that we could create a new Congressional
20 representative, US Congressional representative
21 seat in that area if we were able to, you know,
22 redraw the map and put the voters into a cohesive
23 group that could, could form a new Congressional

Page 177

1 district.

2 **Q. Did anything else concern you about the**

3 **2021 district map, the Congressional district map?**

4 MR. NAIFEH: Objection.

5 A. You talking about across the state or just

6 in --

7 **Q. (BY MR. TAUNTON:) Across the state. The**

8 **Congressional map, anything else concern you with**

9 **that?**

10 A. Well, the -- Congresswoman Sewell's

11 district --

12 THE REPORTER: I'm sorry. What

13 did you just say?

14 THE WITNESS: Congresswoman

15 Sewell.

16 MR. TAUNTON: Congresswoman

17 Sewell.

18 THE REPORTER: Okay. Okay.

19 Thank you. I'm sorry.

20 THE WITNESS: I'm sorry. My

21 Southern twang.

22 A. Congresswoman Sewell, the 7th

23 Congressional District, you know, the numbers that

Page 178

1 were there. And so that was a concern of ours as

2 well. I mean, when I say "concerns," it was a

3 discussion point, you know, among the -- within

4 the State Conference.

5 **Q. (BY MR. TAUNTON:) Were there any other**

6 **concerns?**

7 A. Well, we are always concerned that, you

8 know, can we have -- is there room for another

9 black Congressional district. You know, the

10 population of Alabama is 27 -- at least 27 percent

11 African American.

12 And so, you know, that certainly says

13 that, you know, based on that percentage there

14 should be an opportunity for -- to have two

15 districts where blacks would have opportunity to

16 elect the candidate of their choice.

17 **Q. Anything else?**

18 A. I don't know --

19 **Q. Okay.**

20 A. -- if there's anything else.

21 **Q. Now, do you understand that the 2021**

22 **district plan after the Supreme Court ruled**

23 **against it, it was replaced by the 2023 remedial**

Page 179

1 **plan?**

2 MR. NAIFEH: Objection.

3 A. Yes.

4 **Q. (BY MR. TAUNTON:) And --**

5 MR. ROSBOROUGH: I'm sorry. Can

6 you clarify when you say "2023 remedial

7 plan" which plan you're talking about,

8 the one that --

9 MR. TAUNTON: The one that was

10 passed by the legislature in July of

11 2023.

12 **Q. (BY MR. TAUNTON:) The NAACP is still a**

13 **Plaintiff in this lawsuit.**

14 MR. NAIFEH: Objection.

15 **Q. (BY MR. TAUNTON:) So what concerns you**

16 **about the 2023 remedial plan?**

17 MR. NAIFEH: Objection.

18 A. What concerns me about the remedial plan?

19 **Q. (BY MR. TAUNTON:) Yes, sir.**

20 A. Well, my concern is just making sure that

21 we turn out the vote.

22 **Q. Let me ask this. If the -- if the**

23 **legislature had passed a remedial plan in summer**

Page 180

1 **of 2023 that you didn't have any objection to,**

2 **would the State Conference and the NAACP have**

3 **withdrawn from the Milligan lawsuit?**

4 MR. NAIFEH: Objection.

5 A. Repeat that question again.

6 **Q. (BY MR. TAUNTON:) If the Alabama state**

7 **legislature had passed a Congressional district**

8 **remedial plan in the summer of 2023 --**

9 A. Right.

10 **Q. -- that didn't concern you, would the**

11 **State Conference have withdrawn as a Plaintiff in**

12 **the Milligan lawsuit?**

13 MR. NAIFEH: Objection.

14 A. I, I can't -- I can't speak to that for

15 sure because, I mean, that's a lot of speculation

16 on, you know, what the plan looked like. Would

17 they be going back into court? Or is this the

18 final final?

19 Or, you know, if the State had dropped all

20 Its objection to it, you know. So, I mean,

21 there's a lot of speculation and what ifs.

22 **Q. (BY MR. TAUNTON:) Well, what I guess I**

23 **was trying to get at is is it fair to assume that**

Page 181

1 since the NAACP is -- remains a Plaintiff in the
2 Milligan lawsuit that, It continues to have issues
3 with the Congressional district remedial plan.
 4 MR. NAIFEH: Objection. The term
 5 "remedial plan" is, is ambiguous and
 6 confusing here. So I think the
 7 questions are not -- you're not -- he'
 8 not understanding what you're asking
 9 because I think you're using a term
 10 that he's -- he doesn't recognize that
 11 plan.
12 Q. (BY MR. TAUNTON:) The 2023 districting
13 plan.
 14 MR. NAIFEH: And you're referring
 15 to the one enacted by the legislature.
 16 MR. TAUNTON: Correct. Right.
 17 MR. ROSBOROUGH: And enjoined.
 18 A. Yes. The one that was drawn by the
 19 three-judge panel.
 20 MR. NAIFEH: No.
21 Q. (BY MR. TAUNTON:) No. Not that one.
 22 A. Now, which one?
23 Q. (BY MR. TAUNTON:) Well, let me show you.

Page 182

1 I'm marking Defendant's Exhibit 5 here. This --
2 okay.
 3
 4 (Whereupon Defendant's Exhibit 5
 5 was marked for identification, a copy
 6 of the same is attached thereto.)
 7
8 Q. Are you aware that the US Supreme Court
9 upheld the injunction of the 2021, the original
10 redistricting plan, Congressional redistricting
11 plan passed by the legislature?
 12 A. The -- you say am I what now?
13 Q. Are you aware of that?
 14 A. Am I aware of what? That the Supreme
 15 Court --
16 Q. Are you aware that the district court
17 enjoined the, the use of the 2021 Congressional
18 district plan passed by the legislature and that
19 that injunction was upheld by the Supreme Court?
 20 A. Yes.
21 Q. Okay. Following that, are you aware that
22 the Alabama legislature redrew --
 23 A. Yes.

Page 183

1 Q. -- its districts?
 2 A. Yes.
3 Q. And passed what I've called a remedial
4 plan. It's not to remedy the problem. Passed a
5 new Congressional districting plan in the summer
6 of 2023.
 7 A. Yes. Again, you're not talking about the
 8 one that the three-judge panel drew. You talking
 9 about before that.
10 Q. Yes.
 11 A. Okay. Right. Yes.
12 Q. Are you aware that that plan, the remedial
13 plan drawn and passed by the legislature was then
14 enjoined as well?
 15 A. Yes.
16 Q. And then the Court drew Its own.
 17 A. Right.
18 Q. Are you aware that the current
19 Complaint -- I'll go ahead mark it. Well, it's
20 huge. I'll put it here. I will if I need to.
 21 A. Okay.
22 Q. But are you aware that the current
23 Complaint, the Milligan Complaint which the NAACP

Page 184

1 State Conference is a Plaintiff --
 2 A. Right.
3 Q. -- challenges only this plan.
 4 MR. NAIFEH: Objection.
 5 A. Yes. Well, I mean.
6 Q. (BY MR. TAUNTON:) Let me ask this. Have
7 you seen what I've marked as Defendant's Exhibit 5
8 before? Have you seen this Congressional
9 districting plan before?
 10 A. Yes.
11 Q. When did you see it?
 12 A. Sometime last year during the -- when all
 13 these plans were being passed around. I think
 14 this one was included in there.
15 Q. Did you know that this one was passed by
16 the legislature?
 17 A. Yes. I think this -- I think so. Yeah.
 18 I think that's the one that was passed by the
 19 legislature.
20 Q. And did, did you spend any time examining
21 this plan after it was passed by the legislature?
 22 A. Examine it? No.
23 Q. You didn't see whether the legislature's

Page 185

1 newly-passed plan addressed any of your concerns
2 with the 2021 plan.
3 MR. NAIFEH: Objection.
4 A. Okay. You're conflict -- well, at least
5 in my opinion, you're really conflating the
6 issues. And you're not -- you're bringing all
7 these maps in and overlaying them.
8 If you want to talk about, you know, a
9 particular map, talk about the, the, the plan that
10 the legislature passed that we objected to and
11 that they implemented and we objected to.
12 **Q. (BY MR. TAUNTON:) Those -- I'm talking**
13 about two plans to be clear. There was the plan
14 that was passed.
15 A. You're talking about three plans because
16 you're talking about the Plaintiff's plan. Right?
17 **Q. I'm not.**
18 A. Well, how can you talk --
19 **Q. I'm talking about two plans.**
20 A. Okay.
21 **Q. I'm talking about the two plans that were**
22 passed by the legislature. The one that was
23 passed in 2021 which we've discussed briefly --

Page 186

1 A. Right.
2 **Q. -- and then I was asking you about the one**
3 that was passed by the legislature in 2023 which I
4 have marked as Defendant's Exhibit 5.
5 A. Okay. And we disagree with both of those
6 plans.
7 **Q. That was my question.**
8 A. Okay.
9 **Q. That's, that's what I was trying to get**
10 to. So what -- did you examine the 2023?
11 A. We disagree with both plans.
12 **Q. Okay. What are your disagreements with**
13 the 2023 plan?
14 MR. NAIFEH: Objection.
15 **Q. (BY MR. TAUNTON:) What was your concerns**
16 with the 2023 plan.
17 A. This plan, again, does not give a
18 majority -- well, I don't know what the numbers
19 are in here that, you know -- I don't know what
20 the numbers are in 7. If you could provide those
21 to me, you know. But generally speaking, the
22 plans that the State presented did not provide a
23 new district where African Americans could select

Page 187

1 the candidate of their choice.
2 **Q. And how did you determine that this plan**
3 didn't --
4 A. Looking at the number of the black voting
5 age population in those areas.
6 **Q. And how did you see the black voting age**
7 population of those? Do you recall?
8 MR. NAIFEH: Objection.
9 A. I mean, the same way we saw them with the
10 plan that the three-judge panel implemented, you
11 know.
12 **Q. (BY MR. TAUNTON:) And that's how? Don't**
13 tell me about a conversation with counsel. Would
14 it have been a conversation with counsel or some
15 other way?
16 A. Well, we look at the -- again, I don't
17 know what these numbers are. But we look at the
18 numbers that are in those districts and see if it
19 meets the test of the Voting Rights Act of '65.
20 And it could give blacks an opportunity to select
21 the candidate of their choice. And I can say that
22 both the maps that the State legislature passed
23 does not do that.

Page 188

1 Q. Did you examine anything other than the
2 black voting age population with respect to
3 the 2023 map passed by the legislature?
4 MR. NAIFEH: Objection.
5 A. "Anything" meaning?
6 **Q. (BY MR. TAUNTON:) Anything. Did you --**
7 did you look at anything other than black voting
8 age population? Were you concerned about anything
9 else?
10 A. Well, we're concerned about, you know,
11 does this also reflect a community of interest in,
12 in that area, you know. And, and you also look at
13 the, the turnout of voters, you know. Because
14 some, some areas you have -- maybe have a large
15 black population but the turnout is, is low and
16 see what kind of work you have to do to increase
17 voter turnout.
18 **Q. What communities of interest were you**
19 concerned with in examining the 2023 map?
20 A. Well, does it represent, you know, the,
21 the ability for counties like Monroe, you know,
22 down into Mobile. For them to have representation
23 that's going to represent their interests from

Page 189

1 education to environmental issues to, you know,
 2 economic empowerment issues. Are they going to be
 3 able to have a representative that will ensure
 4 that funding is provided to those areas the way it
 5 should be.
 6 **Q. So you mentioned the black community in**
 7 **Mobile. Are there any other communities of**
 8 **interest you considered when looking at**
 9 **the 2023 --**
 10 A. Well, now, I just said that all those are
 11 communities of interest with, you know, bringing
 12 jobs, you know, economic growth to those
 13 communities.
 14 **Q. Sure. Are there any others you looked at?**
 15 MR. NAIFEH: Objection.
 16 A. Any other what?
 17 **Q. (BY MR. TAUNTON:) Communities of interest**
 18 **other than those, mentioning those.**
 19 MR. NAIFEH: Objection.
 20 A. There probably were. But, you know, I
 21 don't remember what they are. I mean.
 22 **Q. (BY MR. TAUNTON:) How do you allege that**
 23 **the 2023 plan that was passed by the legislature,**

Page 190

1 **Exhibit 5, reduces the ability of black Alabamians**
 2 **to participate in the political process today?**
 3 MR. NAIFEH: Objection.
 4 A. If you look at those counties, you ask
 5 yourself would they be able to -- again, I
 6 don't -- I need to look at the statistics of how
 7 many -- what's the black voting age population is
 8 in this newly-drawn map.
 9 And but you look at that to see if there
 10 is an opportunity for voters to -- black voters to
 11 elect a candidate of their choice from this drawn
 12 map. And that, you know, that just was not the
 13 map that we had preferred. And apparently was not
 14 the same map -- was not the same map that the
 15 three-judge panel preferred, either.
 16 **Q. (BY MR. TAUNTON:) How do you allege that**
 17 **the 2023 plan discriminates against black**
 18 **Alabamians?**
 19 MR. NAIFEH: Objection.
 20 **Q. (BY MR. TAUNTON:) That Exhibit 5.**
 21 A. Well, I mean, I just told you that they
 22 don't give you an opportunity -- blacks to have a
 23 community of interest where they can elect a

Page 191

1 candidate of their choice to represent their
 2 interests.
 3 **Q. So your answer, then, is the same for**
 4 **that.**
 5 A. Yes. Mm-hmm.
 6 **Q. Okay. And, you know, you've mentioned**
 7 **black voting age population. Is there anything**
 8 **else you would point to as support for that**
 9 **belief?**
 10 MR. NAIFEH: Objection.
 11 A. I don't under -- quite understand that
 12 question. Can you ask it a different way?
 13 **Q. (BY MR. TAUNTON:) We've talked about, you**
 14 **know, your testimony about how the 2023 plan in**
 15 **your view interferes with the ability of black**
 16 **Alabamians to participate fully in the political**
 17 **process. And you mentioned in that answer black**
 18 **voting age population. Is there anything else you**
 19 **would point to as support for that?**
 20 MR. NAIFEH: Objection to form.
 21 A. I mean, maybe I don't understand the
 22 question. But the other part of that is when you
 23 are able to help someone that's just going to

Page 192

1 elect, you know, you have a certain interest that
 2 you want to bring more industry and jobs and
 3 everything to your community. So that becomes a
 4 community, you know, an issue of community of
 5 interest.
 6 And so, again, based on that particular,
 7 you know, issue -- I mean, I just -- again, I
 8 don't know if I -- I know I'm not -- I must not
 9 understand the question because it seemed like I
 10 answered that. But.
 11 **Q. (BY MR. TAUNTON:) Well, and you may have.**
 12 **I'm just asking if there's anything else.**
 13 A. Okay. Nothing else, then.
 14 **Q. Okay. And we talked a little bit**
 15 **redistricting occurred after the census. Right?**
 16 A. Right.
 17 **Q. Do you know why that is? Why does**
 18 **redistricting occur after --**
 19 A. The population shifts.
 20 MR. NAIFEH: Objection.
 21 A. The population shifts. And, you know,
 22 people move here and move there. And so you have
 23 to have reapportionment. And with that comes

Page 193

1 redistricting to ensure that, you know, each
2 district is, is balanced.
3 **Q. (BY MR. TAUNTON:) Each district --**
4 A. And you can draw --
5 **Q. You said "balanced." Each district**
6 **meaning each district has roughly the same number**
7 **of people.**
8 A. Right.
9 **Q. Do you agree that it's fair for districts**
10 **to have about the same number of people?**
11 A. Well, yes. Sure.
12 MR. NAIFEH: Objection.
13 **Q. (BY MR. TAUNTON:) Does that help ensure**
14 **the people have an equal vote?**
15 MR. NAIFEH: Objection.
16 A. It ensures equal number of voters. But it
17 does not necessarily mean that those voters have
18 the same voting -- it doesn't mean those voters'
19 votes are count -- I mean, you have one vote, one
20 person.
21 But beyond that, again, as I tried to
22 explain earlier, if you hack people -- I mean,
23 scatter people throughout the -- or crack people

Page 194

1 throughout a district, you know, you don't have
2 the voting power to ensure that particular group
3 of people are able to influence who their
4 representatives are going to be.
5 **Q. (BY MR. TAUNTON:) You mentioned one**
6 **person, one vote. The concept of one person, one**
7 **vote. Is that what equal districts are designed**
8 **to help protect?**
9 MR. NAIFEH: Objection.
10 A. The answer in a general sense is yes.
11 **Q. (BY MR. TAUNTON:) Thank you. Have you**
12 **seen the reapportionment committee's 2021**
13 **guidelines for the 2020 redistricting cycle?**
14 MR. NAIFEH: Objection to form.
15 A. I don't recall seeing that.
16 **Q. (BY MR. TAUNTON:) Do you have any opinion**
17 **on those --**
18 A. On what?
19 **Q. -- guidelines? I said do you have any**
20 **opinion on those guidelines.**
21 MR. NAIFEH: Objection to form.
22 A. I said I don't recall even seeing those.
23 **Q. (BY MR. TAUNTON:) Okay. What criteria**

Page 195

1 **does the State Conference believe should be used**
2 **when drawing districts?**
3 MR. NAIFEH: Objection.
4 A. Again, the district should be redrawn,
5 first of all, with a number of voters, people. It
6 should also take into consideration, you know,
7 communities of interest. And if there's an
8 opportunity to where you can have a majority of
9 black district without the area being
10 gerrymandered, then I think the Voting Rights Act
11 of '62 allows that to be drawn to create a
12 majority of black district.
13 **Q. (BY MR. TAUNTON:) Is it the State**
14 **Conference's view that if a majority of black**
15 **district can be created it should be created?**
16 MR. NAIFEH: Objection.
17 A. Yes.
18 **Q. (BY MR. TAUNTON:) Do you know what other**
19 **criteria the committee considers when drawing**
20 **districts?**
21 MR. NAIFEH: Objection.
22 A. You talking about the reapportionment
23 committee or the legislature itself or who?

Page 196

1 **Q. (BY MR. TAUNTON:) Let's stick with the**
2 **reapportionment committee which -- do you**
3 **understand that the reapportionment committee**
4 **takes initial responsibility for drawing maps**
5 **after the census?**
6 A. Right.
7 **Q. But then it's passed by the legislature.**
8 A. Legislature.
9 **Q. So do you know what else the**
10 **reapportionment committee considers when drawing**
11 **maps?**
12 A. I don't know what -- no, I don't.
13 **Q. Okay. Do you have any other opinion about**
14 **what they should consider when drawing maps?**
15 MR. NAIFEH: Objection.
16 A. Well, certainly race should be something
17 taken into consideration.
18 **Q. (BY MR. TAUNTON:) How should it be taken**
19 **into consideration?**
20 MR. NAIFEH: Objection.
21 A. As I stated earlier, if you can draw a
22 district that includes a majority black voting age
23 population, then the reapportionment committee

Page 197

1 should take that into consideration and draw a map
2 that reflects that.

3 **Q. (BY MR. TAUNTON:) Okay. Do you know what**
4 **the 2020 census showed about the shifts in the**
5 **population in the Huntsville area?**

6 A. I know it says that -- and I'm not sure
7 what you mean by "shifts" because there's -- but
8 there's an increase in black folks in Madison
9 County.

10 **Q. In Madison County as a whole?**

11 A. Yes.

12 **Q. Do you know what parts of Madison County?**

13 A. What parts?

14 **Q. Yeah.**

15 A. No.

16 **Q. Do you know which Senate districts near**
17 **Huntsville had the most people before --**

18 A. No, no.

19 **Q. -- the reapportionment process began?**

20 A. No.

21 **Q. Do you know which Senate districts near**
22 **Huntsville had the least number of people before**
23 **the reapportionment process began?**

Page 198

1 A. No.

2 **Q. Do you know the ethnic makeup of North**
3 **Alabama around Huntsville?**

4 A. No.

5 **Q. Do you know what the 2020 census showed**
6 **about changes in population in the Montgomery**
7 **area?**

8 A. All I know is that, you know, it's -- you
9 know, I don't know percentages. But I know that
10 there have been a population shift since the 2010
11 census.

12 **Q. And how did the population shift? Do you**
13 **know?**

14 A. There are more people moving out of the
15 city of Montgomery.

16 **Q. Do you know which Senate districts near**
17 **Montgomery have the most people after the 2020**
18 **census?**

19 A. No, no.

20 **Q. Do you know which had the least?**

21 A. No.

22 MR. ROSBOROUGH: Just going to
23 object to this whole line of

Page 199

1 questioning. It's outside the scope of
2 the notice topics. But you can answer.

3 MR. TAUNTON: I hear that. It's
4 well within inside the topics, the
5 Complaint itself, I think. But.

6 MR. ROSBOROUGH: Which notice
7 topics do these concern?

8 MR. TAUNTON: Well, I think they
9 go towards claim for relief if nothing
10 else?

11 MR. ROSBOROUGH: Request for
12 relief. We can look at that section of
13 the Complaint. I don't see anything
14 about population changes in that
15 section.

16 MR. TAUNTON: Well, the request
17 is for redrawing of the districts.

18 **Q. (BY MR. TAUNTON:) Do you know the ethnic**
19 **makeup of the Montgomery area and the County**
20 **surrounding?**

21 A. No.

22 **Q. Okay. Did any of that impact your**
23 **decisions to participate in this lawsuit? The**

Page 200

1 **Stone lawsuit.**

2 A. Okay. I thought you were back on the
3 Milligan case. Are we shifting back to Stone?

4 **Q. Well, I mean, it could, I suppose, be**
5 **relevant to both.**

6 A. Well, I just want to make sure I'm
7 answering the question for the right lawsuit
8 because --

9 **Q. I'm asking -- this is a lawsuit specific**
10 **question. Did anything we just talked about**
11 **impact your decision to participate in the Stone**
12 **lawsuit?**

13 MR. NAIFEH: Objection.

14 A. Okay. You talking about anything we
15 talked about in the Milligan.

16 **Q. (BY MR. TAUNTON:) No. With the**
17 **population shift, did anything in the population**
18 **shift in Huntsville or the population shift in**
19 **Montgomery have an impact on your decision to**
20 **participate in the Stone lawsuit?**

21 A. Yes.

22 **Q. How so?**

23 A. Again, in the Madison County, there's been

Page 201

1 an increase in black voters and a reduction in
2 white voters in Madison County.
3 **Q. And how did that impact the State**
4 **Conference's decision to participate in the Stone**
5 **lawsuit?**
6 MR. NAIFEH: Objection.
7 A. Well, if there is a shift in population,
8 one thing you look at is is there a way to create
9 a majority of black district.
10 **Q. (BY MR. TAUNTON:) Do you know if a**
11 **majority of black district could have been drawn**
12 **before the 2020 census?**
13 MR. NAIFEH: Objection to form.
14 A. Could? Yes. But it would not have met
15 any criteria. It wouldn't have been probably a
16 legal map. But you could have drawn a, a district
17 that, you know, reaching over here in Limestone
18 County, Morgan County, and then probably going all
19 the way to Florence. And, yes, you could have
20 drawn that district. But it would not have. . .
21 MR. ROSBOROUGH: Can we take a
22 break, please.
23 MR. TAUNTON: Sure.

Page 202

1 MR. ROSBOROUGH: Thank you.
2
3 (There was a short break in the deposition.)
4
5 THE REPORTER: Back on the
6 record?
7 MR. TAUNTON: Yes.
8 A. And, for the record, I do want to correct
9 one thing. Kathryn Sadasivan was on one of the
10 prep calls. I forgot which one it was. But she
11 was on one of the prep calls. So just to make
12 sure.
13 **Q. (BY MR. TAUNTON:) Okay. All right. I'll**
14 **leave that one. All right. So we're shifting to**
15 **discuss the Congressional case, the Milligan case**
16 **and the Congressional districts. Do you know what**
17 **the 2020 census showed about changes in population**
18 **in the Congressional districts after the 2020**
19 **census?**
20 A. No.
21 **Q. Do you know what the 2020 census showed**
22 **about changes in population in the Black Belt?**
23 A. No.

Page 203

1 **Q. Do you know which Congressional districts**
2 **had the most people before -- after the 2020**
3 **census but before the redistricting process was**
4 **complete?**
5 A. Do I know which Congressional district had
6 the most people?
7 **Q. Right.**
8 A. Just pure numbers.
9 **Q. Right.**
10 A. No, I do not.
11 **Q. Do you know which ones had the least?**
12 A. No.
13 **Q. Before the -- well, I think I asked this**
14 **question generally. But maybe I didn't ask it**
15 **specifically. So just so the record is clear, do**
16 **you know how the district lines, the Senate**
17 **district lines, State Senate district lines**
18 **changed from 2017 to the 2021 legislative plan?**
19 MR. NAIFEH: Objection.
20 A. No. I don't know specifically how they
21 changed.
22 **Q. (BY MR. TAUNTON:) Well, I'll go ahead and**
23 **introduce this as Defendant's Exhibit 6.**

Page 204

1
2 (Whereupon Defendant's Exhibit 6
3 was marked for identification, a copy
4 of the same is attached thereto.)
5
6 **Q. And I'll just say that these are the --**
7 **this is the current State Senate plan --**
8 A. Okay.
9 **Q. -- as adopted by the legislature in 2021.**
10 **Do you -- have you seen that before?**
11
12 (The witness looks at Defendant's Exhibit 6.)
13
14 A. No, I don't think so. I don't recall
15 seeing this.
16 **Q. Do you have any idea what the State Senate**
17 **districts looked like around the Huntsville area**
18 **before the adoption of this plan?**
19 MR. NAIFEH: Objection.
20 A. No.
21 **Q. (BY MR. TAUNTON:) Do you know how the**
22 **district line changed in the Montgomery area from**
23 **the 2017 plan to this plan Defendant's Exhibit 6?**

Page 205

1 A. No.
2 MR. NAIFEH: Objection.
3 **Q. (BY MR. TAUNTON:) Do you know how the**
4 **Congressional district lines -- well, actually,**
5 **I'm not going to ask you about that map. So**
6 **forget that I just pointed to that.**
7 A. Okay.
8 **Q. Scratch that and start over. Do you know**
9 **how the Congressional district lines changed from**
10 **2010 to 2021? Do you know what changes were made**
11 **in the 2021 Congressional map?**
12 A. From -- okay. You talking about the one
13 that the legislature initially adopted? Or which
14 one?
15 **Q. Yes, sir. Which is not this one.**
16 A. Well, I'll say -- I would say no.
17 **Q. Did you or anyone from the NAACP State**
18 **Conference attend any of the public hearings for**
19 **the reapportionment committee concerning the 2021**
20 **Senate district map?**
21 A. I think our -- yeah. I think we had our
22 political action chair to attend a couple of those
23 hearings.

Page 206

1 **Q. And who was that? Do you recall?**
2 A. His name?
3 **Q. Yeah.**
4 A. I mean.
5 **Q. Who was attending the public meeting on**
6 **behalf of the NAACP? Do you recall who went?**
7 A. Yeah. I know who it was. But I don't
8 understand what --
9 THE WITNESS: Do I need to give
10 him his name? I mean, I don't mind.
11 MR. NAIFEH: Is he -- he's not an
12 employee?
13 THE WITNESS: No.
14 MR. NAIFEH: Was he there
15 speaking --
16 THE WITNESS: He didn't speak.
17 He just listened.
18 MR. NAIFEH: Okay. Then, I think
19 I would instruct you not to answer.
20 THE WITNESS: Okay.
21 **Q. (BY MR. TAUNTON:) And so I'll ask you**
22 **that on the record then. Did anybody from the**
23 **NAACP State Conference speak at any of the public**

Page 207

1 **hearings on the 2021 Senate districting process?**
2 A. No.
3 **Q. How many meetings do you think --**
4 A. Probably one, maybe two at the most.
5 **Q. Do you remember which ones?**
6 A. No, no. Definitely not.
7 **Q. Did anybody from the NAACP State**
8 **Conference examine the 2021 Senate district map**
9 **before it was passed and provide any comments?**
10 A. You say and provided comments? No.
11 **Q. What do you want the Court to do in the**
12 **Stone lawsuit?**
13 MR. NAIFEH: Objection.
14 A. Basically, the same as what we've done in
15 the -- well, to ask the State to come up with a
16 new map that would create a new Senate seat, State
17 Senate seat in the Huntsville area as well as the
18 Montgomery area. But, basically, just to -- yeah.
19 To, to create a district.
20 **Q. (BY MR. TAUNTON:) When you say a "new**
21 **Senate seat" --**
22 A. Mm-hmm.
23 **Q. -- what do you mean by a new Senate seat?**

Page 208

1 MR. NAIFEH: Objection.
2 A. To put enough African Americans in a
3 Senate seat where they could elect their person of
4 choice.
5 **Q. (BY MR. TAUNTON:) With the NAACP deciding**
6 **to participate in this lawsuit, there would be**
7 **another Democratic Senator elected in the**
8 **Huntsville area?**
9 MR. NAIFEH: Objection.
10 A. If would be enough for blacks to, you
11 know, elect the person of their choice.
12 **Q. (BY MR. TAUNTON:) Well, same answer in**
13 **the Montgomery area?**
14 A. Yes.
15 **Q. What is it that you'd like the Court to do**
16 **in the Milligan lawsuit?**
17 MR. NAIFEH: Objection.
18 A. Basically, to uphold the map of the
19 three-judge panel as final.
20 **Q. (BY MR. TAUNTON:) Anything else?**
21 MR. NAIFEH: Objection.
22 A. Well, I mean, we would like for their
23 ruling to be that when drawing maps you can

<p style="text-align: right;">Page 209</p> <p>1 consider race as a -- as a factor. You know, 2 consider black voters as a factor. 3 Q. (BY MR. TAUNTON:) What public statements 4 has the State Conference made concerning the 2021 5 State Senate map Defendant's Exhibit 6? 6 7 (The witness looks at Defendant's Exhibit 6.) 8 9 A. State Senate map? I'm not for sure if we 10 made any public statements. I think -- I don't 11 think we made any public statements. 12 Q. What public statements has the State 13 Conference made concerning the 2023 Congressional 14 district map Defendant's Exhibit 5? 15 A. Yeah. Again, you talking about 16 specifically? Okay. 17 Q. Specifically, Defendant's Exhibit 5. 18 A. That the map does not -- it's in violation 19 of the Voting Rights Act of '65 and that the State 20 of Alabama should draw another map that -- draw 21 and approve another map that shows another 22 majority black Congressional district and that the 23 State did not take into consideration the race</p>	<p style="text-align: right;">Page 211</p> <p>1 right now. I'm going to ask you about specific 2 individuals that you identified in your 3 interrogatory responses. 4 A. Okay. Yes. 5 Q. How long has he been a member of the 6 NAACP? 7 A. And, certainly, I can't speak for how long 8 he's been a member. But I know he's been in 9 Alabama -- at least I've known him for about two, 10 maybe three years. And so I would say for that 11 length of time for sure. But I don't know what's 12 the date of his membership. 13 Q. What local unit is he a part of? 14 A. Montgomery. 15 Q. And, again, that would be the county. 16 A. Well, it's, it's, it's -- we changed the 17 name. It's Metro Montgomery County. So it's -- 18 but, yes, I think it's the county. 19 Q. Does he have any position with the State 20 Conference? 21 A. Yes. 22 Q. What is his position? 23 A. He's Armed Services/Veterans Affairs</p>
<p style="text-align: right;">Page 210</p> <p>1 when they drew their map. 2 Q. Are you aware of any other public 3 statements made regarding that map? 4 A. I mean, there may have been. But I'm 5 not -- just not aware of any right now. 6 Q. How about concerning the Stone lawsuit? 7 What public statements have been made concerning 8 the Stone lawsuit? 9 A. I don't think we made any public 10 statements concerning that lawsuit. 11 Q. Other than the one you just mentioned, 12 what other public statements has the State 13 Conference made concerning the Milligan lawsuit? 14 MR. NAIFEH: Objection. 15 A. I don't -- I don't recall. 16 Q. (BY MR. TAUNTON:) How long has the NAACP 17 State Conference had the same political action 18 chair? 19 A. He was appointed in -- what's -- 20 election 2023. So since about -- I think I would 21 say a little over a year. 22 Q. Okay. Is James Lovejoy currently an 23 active member of the NAACP? I'll just tell you</p>	<p style="text-align: right;">Page 212</p> <p>1 Chair. 2 Q. Is Jerry Burnett currently a member of the 3 NAACP? 4 A. Yes. 5 Q. And where is he located? 6 A. In the Huntsville Madison County branch. 7 Q. Okay. And that's his local unit? 8 A. Yes. 9 Q. Does he have any position in the State 10 Conference? 11 A. Not currently. 12 Q. How about Bobby Diggs? Is he currently a 13 member of the NAACP? 14 A. Yes. 15 Q. And what is his local unit? 16 A. The Lawrence County branch. He's the 17 acting president now of that branch. Well, he -- 18 well, yeah. He's acting -- the president has a 19 medical condition. So he is acting now. 20 Q. Okay. And does he have any position with 21 the State Conference? 22 A. No. 23 Q. How about JoAnne Williams? Is she a</p>

Page 213

1 member in good standing with the NAACP in Alabama?

2 A. Yes.

3 Q. And is she also part of the Montgomery

4 Metro?

5 A. Yes.

6 Q. How long has she been a member?

7 A. I don't know that.

8 Q. Does she have a position with the State

9 Conference?

10 A. No.

11 Q. Let's take just a very brief break. I

12 think I'm more or less done. But let me verify.

13

14 (There was a short break in the deposition.)

15

16 MR. TAUNTON: Back on the record.

17 I don't have any further questions.

18 MR. NAIFEH: No questions.

19 MR. TAUNTON: Misty, are you

20 there?

21 MS. MESSICK: I am. I don't have

22 any questions. Thank you.

23 THE REPORTER: All right. Thank

Page 214

1 you so much.

2

3 (Deposition of BENARD SIMELTON

4 ended on April 22, 2024, at 3:55 p.m.)

5

6 FURTHER, DEPONENT SAYETH NOT.

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Page 215

1 CERTIFICATE

2

3 STATE OF ALABAMA

4 AT LARGE

5

6 I hereby certify that the above and

7 foregoing deposition of BENARD SIMELTON was

8 taken down by me in stenotype and the questions

9 and answers thereto were transcribed by means of

10 computer-aided transcription and that the

11 foregoing represents a true and correct

12 transcript of the testimony given by said

13 witness upon said hearing.

14

15 I further certify that I am neither of

16 counsel nor of kin to the parties to the action,

17 nor am I in anywise interested in the result of

18 said cause.

19

20 I further certify that I am duly

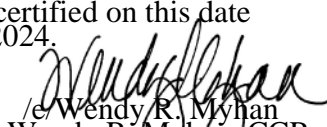
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22 as a Certified Court Reporter as evidenced by

23 the ACCR number following my name found below.

So certified on this date

April 22, 2024.



Wendy R. Myhan, CCR

ACCR #69, Expires 9/30/24

Commissioner for the State

Of Alabama at Large

My commission expires 9/10/24

<hr/> Exhibits <hr/> <p>Simelton DX-1 26:8,11, 19,23</p> <p>Simelton DX-2 26:8,12, 19 27:2</p> <p>Simelton DX-3 33:12,14</p> <p>Simelton DX-4 75:4,6, 14</p> <p>Simelton DX-5 182:1,4 184:7 186:4 190:1,20 209:14,17</p> <p>Simelton DX-6 203:23 204:2,12,23 209:5,7</p> <hr/> # <hr/> <p>#69 215:21</p> <hr/> \$ <hr/> <p>\$1500 37:13</p> <p>\$2500 37:15</p> <p>\$30 37:4</p> <p>\$50 35:4,5</p> <p>\$75 37:9</p> <p>\$750 37:11,22 38:3,5</p> <hr/> 1 <hr/> <p>1 6:8,20 26:8,11,19,23</p> <p>1-866-OUR-VOTE 154:17 155:17</p> <p>10 6:4 48:18 49:9 64:18 113:2,4</p> <p>10004 4:15</p> <p>10:00 83:17</p> <p>10:02 1:17,23 2:15</p> <p>12 48:13 52:15</p> <p>125 4:13 45:14</p> <p>13 48:13 52:16</p> <p>14th 4:7 5:19 50:20</p> <p>15 48:18 64:18 86:4,7 121:22</p>	<p>150 45:15</p> <p>1500 4:21</p> <p>153 126:18</p> <p>15th 49:17,19,21 50:2,17</p> <p>16 18:16</p> <p>18 87:20 113:20,21</p> <p>182 6:16</p> <p>18th 4:14 50:20</p> <p>1901 4:20</p> <p>1913 111:21</p> <p>1954 17:7</p> <p>1960 126:12</p> <p>1980 120:1</p> <hr/> 2 <hr/> <p>2 6:10 23:5 26:8,12,19 27:2 119:13,20 135:4,11 176:17</p> <p>20 30:11 64:18 84:6,20 86:7 92:18,19 114:19,21 115:1 121:22 160:15</p> <p>2000 18:13,14 19:2 20:14,16,18 30:11</p> <p>20005 4:9 5:21</p> <p>2001 19:3 20:20 111:15</p> <p>2002 30:12,15 35:19 36:7 116:7,9,10 165:15</p> <p>2009 30:18 38:22 39:3</p> <p>2010 16:19 173:2,6,7,23 198:10 205:10</p> <p>2013 150:10,11</p> <p>2016 19:12,19</p> <p>2017 174:20 175:3 203:18 204:23</p> <p>2020 169:22 174:23 175:19 176:6,7,9 194:13 197:4 198:5,17 201:12 202:17,18,21 203:2</p> <p>2021 15:22 168:5,8,11 172:8 175:3 176:2,15 177:3 178:21 182:9,17 185:2,23 194:12 203:18 204:9 205:10,11,19</p>	<p>207:1,8 209:4</p> <p>2022 135:14 159:7 165:20</p> <p>2023 89:3 178:23 179:6, 11,16 180:1,8 181:12 183:6 186:3,10,13,16 188:3,19 189:9,23 190:17 191:14 209:13 210:20</p> <p>2024 1:16,22 2:15 214:4 215:17</p> <p>204 6:19</p> <p>20th 17:7</p> <p>21 44:9,12,16 55:9,11,13, 14 56:14 176:11,12</p> <p>215 6:23</p> <p>22 1:16 160:15 176:12 214:4 215:17</p> <p>22nd 1:22 2:14</p> <p>23 168:4</p> <p>25 23:5 34:19 84:6,20 92:19 113:20,21 170:16 171:1,14</p> <p>26 6:8,10 23:5</p> <p>27 178:10</p> <p>2:21-CV-1531-AMM 1:4</p> <hr/> 3 <hr/> <p>3 6:12 33:12,14 165:15</p> <p>3-2023 6:18</p> <p>30 22:20 83:21 88:17 113:20</p> <p>30(b)(6) 6:11 59:4</p> <p>33 6:12 57:1</p> <p>35 83:23 84:7</p> <p>35203 4:22</p> <p>36 84:1,2,7</p> <p>36104 2:3,14 5:7</p> <p>36130 5:13</p> <p>37 84:2</p> <p>3:55 214:4</p>	<hr/> 4 <hr/> <p>4 6:14 75:4,6,14</p> <p>445 5:5</p> <hr/> 5 <hr/> <p>5 6:16 47:7 113:2 182:1,4 184:7 186:4 190:1,20 209:14,17</p> <p>5,000 36:21</p> <p>50 35:5 48:1,4 49:6,8,11 50:5,11 53:13</p> <p>500 45:19</p> <p>501 5:12</p> <hr/> 6 <hr/> <p>6 6:19 23:6 203:23 204:2, 12,23 209:5,7</p> <p>60 126:15 155:3</p> <p>600 4:8 5:20</p> <p>62 195:11</p> <p>65 187:19 209:19</p> <hr/> 7 <hr/> <p>7 23:5 170:8,12 186:20</p> <p>700 4:7 5:19 45:22</p> <p>72 2:2,13</p> <p>75 6:14 125:20</p> <p>7th 177:22</p> <hr/> 8 <hr/> <p>80 48:3 120:5,8 125:20</p> <p>800 45:23</p> <p>8000 5:6</p> <p>809 2:2,13</p> <p>85 48:3</p> <hr/> 9 <hr/> <p>9/10/24 215:22</p>
--	---	--	---

9/30/24 215:21**90** 112:22,23 114:10
116:2**95** 47:6 112:23 114:10

A

a.m. 1:17 2:1,15**ability** 11:20 172:9
188:21 190:1 191:15**absentee** 104:19 105:1,
4,19 106:1,12**absolutely** 101:22
122:18**accepting** 42:13 166:22**access** 43:12 99:22
100:5,13,14,16 101:21
110:18**accessible** 80:7**accommodate** 12:14**ACCR** 215:15,21**accurate** 129:2 163:13**Act** 187:19 195:10
209:19**acting** 7:2 212:17,18,19**action** 30:6,8 36:6 54:12,
14 55:3,18 58:4 59:13
74:5 105:9 169:20
205:22 210:17 215:11**actions** 141:21,23**active** 35:6 141:2,5
149:3 164:11 165:21
210:23**actively** 169:4**activity** 104:21**ad** 84:21**add** 45:21 52:15 78:8**additional** 38:12 49:9
84:21 88:5 103:18
137:11**Additionally** 8:10**address** 43:20**addressed** 185:1**admitted** 39:9**adopt** 77:20**adopted** 76:10 77:22
204:9 205:13**adoption** 76:17 204:18**ads** 145:21**adult** 29:19 49:4**advantage** 84:5 86:10**adverse** 30:5,8 35:17
36:6**advising** 62:22**affairs** 31:4 55:17 211:23**affirmative** 105:9**afraid** 47:15**African** 47:6 68:1 73:8,
10 112:17,19 113:1
166:11 178:11 186:23
208:2**age** 24:20 47:22 63:19,21
64:7 66:17 112:11
113:13 118:1 146:4
187:5,6 188:2,8 190:7
191:7,18 196:22**agenda** 144:10**aggregate** 92:10**agree** 8:15 143:1 150:1
193:9**Agreed** 2:8,17 3:1,9 8:9,
16**agreeing** 9:14 77:7**agreement** 8:5 9:11**ahead** 47:5 63:3 67:21
89:23 96:19 101:16
105:7 109:4 161:5
183:19 203:22**aimed** 114:12,15**Air** 18:7,8,23**Alabama** 1:2,23 2:1,3,
12,14 4:22 5:7,11,13
6:13 7:2 14:8 16:15
17:10 18:21 19:5 20:14,
16,17,23 28:12 32:3
39:18 41:15,19 46:22
47:11 48:9 51:14 52:11
54:13 68:1,20 79:1984:13 86:11,17 92:14
105:11,14 111:15,20
112:5 116:22 119:9
120:5,7 123:22 124:3,11,
20 126:6,21 127:11,20
129:5 139:15,20 140:18
142:7 148:14 150:3
165:13 166:12 167:3
173:22 178:10 180:6
182:22 198:3 209:20
211:9 213:1 215:3,14,22**Alabamians** 118:6
119:23 120:13,20,21,23
121:18 126:10 128:4,7,
11 129:16 172:9 190:1,
18 191:16**allege** 172:7 189:22
190:16**Allen** 1:9 15:10,12,14**alternate** 46:19**ambiguous** 181:5**amenable** 169:21**Amendment** 94:20**American** 4:12 47:7
68:1 178:11**Americans** 73:8,9,10
112:17,20 113:1 166:11,
12 186:23 208:2**analysis** 171:11**Anniston** 102:19,21,22
103:4,5,7,8**announces** 147:2**announcing** 147:17**annual** 29:22 31:13 35:9,
11 36:11 38:22 42:6
45:6,9 46:3,5,7 48:16**annually** 36:23 37:4,6,
10 38:23**answering** 70:22 200:7**answers** 11:7,9 12:1,2
215:7**anticipated** 157:18**anymore** 68:14 81:14
104:20 153:16**anyone's** 138:13**anywise** 215:12**apparently** 190:13**appearing** 4:3,17 5:1,15
160:20**application** 40:15 80:11
100:2,3,15 105:1 106:6**applications** 106:16**appoint** 56:10**appointed** 55:21 56:4
210:19**approval** 55:5 59:8,17
83:7**approve** 57:17 209:21**approved** 34:21 62:2
77:21 81:7 150:3**approximately** 1:23**April** 1:16,22 2:15 19:2
49:17,18,21 50:2,17
214:4 215:17**area** 64:16 66:18,20 67:1
81:11 90:21 101:17
121:17 169:16 170:9,17
171:8 172:22 176:18,19,
21 188:12 195:9 197:5
198:7 199:19 204:17,22
207:17,18 208:8,13**areas** 66:20 95:22,23
96:3,4,15 118:4 119:4,9,
12,14,15 157:10,22
158:3 172:5,6 173:12
187:5 188:14 189:4**armed** 31:4 211:23**articulate** 70:16 71:8
72:20**articulation** 70:15**assessment** 29:22 35:6
50:6,9**assessments** 50:3
53:12**assign** 3:5**assist** 98:10 105:18
106:6 109:15**assistance** 74:2 106:17
111:6**associate** 40:7**association** 44:18
135:22 136:2,10 138:16

associational 94:19
associations 135:18
assume 180:23
assuming 50:4
assumption 130:2
at-large 55:9 56:16
Athens 2:3,14
attached 26:13 33:16
75:8 182:6 204:4
attempt 88:15
attempted 139:21
attempting 102:8
139:16
attend 31:14 45:8,12,17,
20 46:3,6,7,12,13,14,20
54:1 205:18,22
attendance 46:16 109:7
attended 90:20
attending 206:5
attention 54:20 57:23
67:19 69:3 113:12
168:22 171:2
attorney 5:10 94:16
attorneys 21:6,9,15,17
22:6,15 27:18
attract 113:16
audible 11:8
authority 60:4,7
automatic 87:19 88:8
automatically 87:20
96:12
Avenue 4:20 5:5,12
average 47:10
aware 35:17 36:1,6
60:10 116:21 117:1,12
120:12,16 127:13,16
128:3 129:15 133:13,14,
21,23 134:11 137:2
138:20,23 139:4,6,15,19
140:17 142:11,14 144:1
150:14 152:23 160:11
161:10 162:22 163:5
182:8,13,14,16,21
183:12,18,22 210:2,5

aye 59:23

B

back 11:2 17:3 36:11
37:3 39:15 40:11,21 57:3
72:4 74:21,23 85:11 86:6
91:19 95:9 103:23 107:9
108:3 123:16 138:4,6,21
160:18 169:18 175:16
180:17 200:2,3 202:5
213:16
background 20:7 61:11
145:1
bad 11:12
balance 153:2
balanced 193:2,5
BALCH 4:19 5:4
ballot 43:2,16,21 44:2
105:1,2,19 106:7,17
159:2 160:1,20
ballots 105:20 106:1,10,
12,14 131:16 157:13,15,
21 158:18,22,23 159:4,8,
13,15
banner 143:3
banquets 45:21 109:7
barely 55:13
barrier 100:8
barriers 100:6
based 64:3 103:15 117:8
120:5 121:1 122:12
129:22 130:2 137:8
140:12 144:22 178:13
192:6
basic 156:5
basically 34:20 63:5
64:5,15 80:19 129:22
153:1 155:11 171:3
207:14,18 208:18
basis 51:20 89:13
118:15 126:22
bear 12:12
Beg 33:19 95:8 159:11
began 197:19,23
begin 134:8 162:2,3

behalf 4:3,17 14:5 206:6
belief 191:9
believes 13:11
Belt 67:2 176:18 202:22
Benard 1:15,20 2:10 7:6
10:12,21 214:3 215:6
bene 97:10
bible 76:16
big 162:16
BINGHAM 4:19 5:4
Birmingham 4:22
157:10,22 158:1 159:7
160:12,13,14
birth 17:4,5 110:22
bit 11:3 17:3 78:3 79:21
85:9 130:21 166:20
167:13,14 192:14
black 16:16 24:20 63:19,
21,22 64:7,9 66:17 67:2,
12 114:11 118:6 119:22
120:12,20 121:18 126:10
128:4,7,10 129:15
148:17 169:15 170:3
171:5,7,21,22 172:6,9
173:22 176:18 178:9
187:4,6 188:2,7,15 189:6
190:1,7,10,17 191:7,15,
17 195:9,12,14 196:22
197:8 201:1,9,11 202:22
209:2,22
blacks 67:12 171:21
178:15 187:20 190:22
208:10
board 34:22 53:14 135:2
149:23 150:12 215:14
Bobby 212:12
bona 34:17
boop 49:7
bounds 12:9
branch 18:6 31:23 33:7,
23 34:17 35:2 40:1,15,16
48:19 49:4 76:23 81:1,2
83:22 90:11 104:15
122:16 154:4 162:10
212:6,16,17
branch-sponsored
86:8

branches 29:5,20 31:21
32:2,8,12 34:18 36:13
38:1 42:7 52:14 101:4
164:2
bread 85:14,15,19
break 12:13,17,19 39:13
49:11 69:22 74:10,14,19
91:17 92:13 122:20
123:8,12 135:9 138:2
201:22 202:3 213:11,14
breakdown 46:21 47:22
114:1
briefly 8:23 11:5 13:15
21:10 123:16 175:7,9
185:23
briefs 24:16,22
bring 49:10 57:22 58:12
80:3 172:18,20 192:2
bringing 185:6 189:11
Brittany 4:5 21:17
Broad 4:13
broader 173:14
broadly 27:13
brought 58:5 95:1
168:21
Buddy 43:18,22
bulk 113:3
Bullock 119:18
Burnett 212:2
burnt 85:10
butter 85:15
butters 85:15,19
buy 55:1
bylaws 6:15 75:17 77:4,
13,19,23

C

C-O-L-S-A 18:19
Calhoun 103:6
call 14:11 29:20 35:8
37:5 43:13 53:7 82:2
84:21 97:8 107:20
155:19 160:2

called 18:16 35:9 37:13
43:18 183:3

calls 110:4 124:9 130:3
172:11 202:10,11

campaign 145:19
146:11,22 147:5

campaigning 145:9

campaigns 142:13
144:2,3

candidacy 136:4 137:5
138:10,13 140:6 147:2,
17

candidate 133:7,12,22
134:4 135:20 141:15
144:16,19 147:11
148:14,18 178:16 187:1,
21 190:11 191:1

candidate's 138:15
144:14,23 145:4

candidates 133:15
134:1 144:21 148:2

canvassing 78:18 79:8,
10 109:1

capability 96:22 98:16

capacity 20:3 143:3,23
144:1

capture 154:18

carry 73:17

cars 165:21

Carter 4:5

case 12:8 13:16,19,22,23
14:2,3,4,16,19,20,22
15:4,5,6,12,14,16 16:6,8,
16 24:8 25:6 27:2,3,11
28:6 46:19 58:12,13
61:7,9,14,16,20 62:12,15
63:8,12,14,16 64:23
65:22 67:15,18 68:5 97:9
129:14 157:16 173:22
174:5,7,9,16,18 200:3
202:15

cases 8:7 14:3,16 15:8,
10 16:12,14,20,23 80:6
104:18 153:13 160:3,5

cast 43:21 126:6 157:8

casual 68:4

category 98:13 99:2,13,

15

Caucus 16:16 173:22

caught 162:12

CCR 1:21 215:20

census 169:22 173:2,6,
19,23 174:23 175:19
176:6,7,10 192:15 196:5
197:4 198:5,11,18
201:12 202:17,19,21
203:3

CERTIFICATE 6:23

certified 215:15,17

certify 7:3 215:6,11,14

cetera 60:1

chair 42:17 58:11,20
205:22 210:18 212:1

chairperson 31:5 55:20
56:3

chairpersons 55:16

chairs 56:14

challenges 184:3

challenging 16:18
88:10 115:4

chance 8:22 158:17

change 149:20 152:20
156:10

changed 110:13,14
130:13 151:12,19
152:12,14 153:2 156:21
157:1 175:3 203:18,21
204:22 205:9 211:16

changing 150:1

chapter 29:12,15 34:19
35:19,21 36:1 40:1 48:19

chapters 29:6

charged 105:20

charges 96:23

charter 34:13,14,22

check 43:10 49:16 81:15
108:3 110:12,17

Check-in 156:2

checked 128:21

chief 103:13

chimes 91:7

choice 76:18 178:16
187:1,21 190:11 191:1
208:4,11

choose 54:4

church 17:23 81:5,6,8
164:8

churches 80:18

circle 17:3

circumstances 97:19
103:13 152:19 154:16

citizens 171:22

city 134:23 198:15

civic 41:17

civil 4:12 7:4 37:21 73:11

claim 199:9

claims 16:6 65:16
171:18

clarify 62:21 123:16
179:6

clear 52:23 185:13
203:15

closer 83:23

coffers 40:18

cohesive 176:22

collecting 34:5

college 29:6,21 34:18
36:16 40:1 42:8 48:6,8
52:16 113:19

color 73:7 127:1 144:20

COLSA 18:17 19:3,10,11
20:11

Combination 132:5

combined 172:4

comfortable 87:10

commencing 1:23

comments 207:9,10

commission 215:22

Commissioner 2:12
3:11 7:3 215:21

Commissioners 135:1

committee 34:4 42:11,
16,18,20,21 44:6,8 55:1,
8,15,22,23 56:5,11,13,
17,20,21,23 57:3,5,11,
17,20,23 58:6,7,20,21
59:7,12,13,16,21 61:12
62:2,14,23 65:23 66:4,9
69:18 195:19,23 196:2,3,
10,23 205:19

committee's 175:10
194:12

committees 55:16,19,
20 56:1,4,15

common 101:15,17

communicate 140:9

communications
148:7,23

communities 74:7
149:17 188:18 189:7,11,
13,17 195:7

community 47:8 79:2
80:8 81:3 113:3 132:10
141:16 188:11 189:6
190:23 192:3,4

company 18:16

compensated 17:14
18:1

compensates 18:2

competitive 144:16,19

complain 157:11

complaint 25:2,3,4,8,12
126:18,19 151:10
152:20,22 183:19,23
199:5,13

complaints 28:19 152:8
157:12

complete 104:23 106:4
159:1 203:4

completely 156:22

compliance 2:21 29:1,
17,21 48:12,14,20 49:15,
18,21 50:2,7,13,23 51:14
52:1 53:9

compliant 50:4

comprised 55:15

computer 87:9 108:9
110:18,19

computer-aided 215:8
concentrate 119:5
concentrated 119:12, 13,14
concept 194:6
concern 102:3 176:16 177:2,8 178:1 179:20 180:10 199:7
concerned 94:21 95:12 168:5,7,18 170:8,11,16 171:1,14 176:1,14 178:7 188:8,10,19
concerns 94:11 178:2,6 179:15,18 185:1 186:15
conclusion 124:10 172:12
condition 212:19
conduct 43:17
conducted 173:16
confer 137:23
conference 2:1,13 14:9, 12 17:10 19:19 28:11,15, 22,23 29:5,6,7,8,13,16 30:7,15,23 31:7 32:2,7 34:7 35:10,11,18 36:3,5, 17 39:6,7,21,22,23 40:2, 4,6 41:2,21 42:3,10,15 43:4,11 44:20 45:6,9 46:7 52:6 54:4,7,14,19 55:10 57:15 59:9 60:11, 20 61:13 65:9 66:5 70:21 73:18 77:10,14,18,22 78:4,13 79:10,14,17 81:18 82:19,21,22 83:7, 10 85:19,22 88:12 92:14, 15 93:6 95:20 96:15 97:13,20 99:3,7,16 100:16 103:21 104:10 105:3 106:9 107:10 108:19 109:22 111:11,19 114:1 115:5,8 118:5 119:7 121:22 122:16 127:19 128:12 129:5 132:2,12 134:12 135:11 136:22 138:23 141:9,20 144:7 149:9 150:11 162:22 163:2,18 166:9 167:1,16 168:5,17 170:15 178:4 180:2,11 184:1 195:1 205:18 206:23 207:8 209:4,13

210:13,17 211:20 212:10,21 213:9
Conference's 70:2 78:23 111:3 195:14 201:4
conferences 74:4 77:19 78:6
confirm 42:22
confirmed 43:1 55:21 56:4,11
conflating 185:5
conflict 185:4
confusing 181:6
Congressional 6:17 15:23 23:9,12,15,18 25:21,22 67:13 134:21 135:4,11 139:12 176:2,6, 19,20,23 177:3,8,23 178:9 180:7 181:3 182:10,17 183:5 184:8 202:15,16,18 203:1,5 205:4,9,11 209:13,22
Congressman 66:19
Congressperson 66:19
Congresswoman 177:10,14,16,22
consideration 195:6 196:17,19 197:1 209:23
considered 29:9 123:13 189:8
considers 195:19 196:10
contacted 150:12
contamination 102:5
continues 181:2
contribute 146:22
control 143:21
convention 31:13,15,19 36:12 41:23 42:7,9 43:3, 6,19 45:20 49:16,20,23 50:3,6,8,19 51:1,4,5,6,8, 10,11 56:8
conventions 53:23
conversation 11:14 68:4,15,19 69:11 94:16 115:21 140:13 187:13,14

conversational 11:13
conversations 68:9,11, 18,23 69:7,9,13 122:2 127:7,10
convicted 97:10 99:4,18 101:6 117:11 123:23 124:6,18 125:1
convictions 97:4 99:14, 18
cooperative 159:21
copies 26:13
copy 33:15 75:7 87:5 182:5 204:3
Corporation 18:17 19:10 20:12
correct 13:18 14:10 28:2,13 41:9 54:1 105:17 115:9 172:1 181:16 202:8 215:8
correctly 106:20
correspondence 110:20
cost 37:2,18 67:9
Council 134:23
councils 29:8
counsel 2:10 3:4 7:5 32:22 62:22 63:10 66:13 68:19 69:7,8,10,11,15 187:13,14 215:11
count 85:4 127:3 129:17, 20 130:9 193:19
counties 6:13 32:7,11, 12 33:2 67:3 119:16,21 150:9,11,19 188:21 190:4
county 13:17,23 14:4 31:22,23 32:1,3 40:14,16 49:9 52:14 87:7 102:15, 18,21,22,23 103:2,3,6 119:14,15,18 121:15,19 127:8 135:1 150:7,10,14, 15,16 152:4 153:14 197:9,10,12 199:19 200:23 201:2,18 211:15, 17,18 212:6,16
County/birmingham 121:17

couple 27:12 155:4 157:3 162:7 169:1,10 205:22
court 1:1,23 2:22 7:1 11:8 174:15,18 178:22 180:17 182:8,15,16,19 183:16 207:11 208:15 215:14,15
cover 31:21
covered 129:14 166:14 167:5
covers 31:23
COVID 100:10
crack 193:23
create 67:23 176:19 195:11 201:8 207:16,19
created 195:15
creating 12:2
Creekside 153:14
crime 97:10 99:4 101:5 117:12 123:23 124:7,19, 21 125:2
criminal 104:21 122:13
criminally 105:20
criteria 194:23 195:19 201:15
current 17:8 36:19 56:19,22 183:18,22 204:7
cut 80:15
cutoff 50:18 109:18
cycle 16:19 194:13

D

daily 51:20
data 108:8 118:11,15,18 119:4,10 129:2 176:10
date 7:3 17:4,5 110:22 167:20 211:12 215:17
dates 109:18
Davin 4:11
day 1:22 2:14 10:1 12:11 36:20 43:19 96:13 155:1 164:9

days 51:5	Department 150:4	direct 71:19 154:17	207:8,19 209:14,22
DC 4:9 5:21	depending 37:8 94:1 154:15 164:1	directed 60:10	districting 172:8 181:12 183:5 184:9 207:1
deacon 17:23	depends 87:13 96:20 133:1 147:8	directly 34:6 40:9	districts 21:4 23:1,7,17, 18 24:19 25:10 63:17 64:11,14 66:14,15 67:5 131:17 135:5 136:17 168:6,12,18 172:1,5,6,18 173:1,5 174:20,22 175:2 176:15 178:15 183:1 187:18 193:9 194:7 195:2,20 197:16,21 198:16 199:17 202:16,18 203:1 204:17
decide 53:11 69:3 81:5 145:16 167:16	DEPONENT 214:6	disagree 186:5,11	DIVISION 1:3
decided 162:20 175:12	deposed 14:15,17,21 15:8 16:11	disagreements 186:12	divisions 29:12
decides 81:2	deposition 1:14,20 2:10,18,19 3:6,10 6:9,11 8:4 10:23 12:22 13:15, 16,22 15:20 16:3,22 17:1 21:2 24:1 25:16 26:23 27:3,4,22 39:13 59:4 74:19 91:17 123:8 138:2 202:3 213:14 214:3 215:6	disappeared 162:11,14	document 24:16 32:22 33:9 75:11
deciding 208:5	depositions 2:22 13:20, 21 14:1 28:1,21	disclosed 137:18	documents 21:3 23:22, 23 24:4,11 25:13 26:16 72:17
decision 150:7,10 167:15,17 175:10 200:11,19 201:4	depth 166:21	disclosures 137:20	dollars 37:9
decisions 199:23	describe 24:22 86:22	discovery 24:6 25:11 75:11	donate 164:7
declared 134:3	designate 164:6	discriminates 190:17	donating 38:3
deep 86:13	designed 194:7	discrimination 167:2	donation 38:8
Defendant 61:4	desire 149:2	discuss 9:1 27:15 166:18 202:15	donations 38:4,6 41:7
Defendant's 6:8,10,12, 14,16,19 26:11,18 33:14 75:4,6,14 182:1,4 184:7 186:4 203:23 204:2,12, 23 209:5,7,14,17	desired 122:8	discussed 12:10 27:14 48:5 64:12 66:21 125:10 126:3 166:7,19,20,23 167:6,12 185:23	door 79:9,10,11 81:4 134:8 145:22 146:6
Defendants 1:10 4:17 5:2 8:13	detail 23:20 64:13	discussing 27:19	doors 78:19
DEFENSE 4:6 5:18	details 64:2	discussion 62:11,13,16, 18 63:5,16 64:21 65:1,21 66:9 67:22 121:1 169:13, 14 170:20 178:3	Dorman 5:3 44:14
define 141:4	determine 23:17 49:13 187:2	discussions 67:15 127:12 128:13 169:18 170:2	double-check 17:2 43:11
definite 83:4 169:19	Dexter 5:5	diseased 102:6	doubt 9:4
degree 8:14 163:4	diamond 37:14 38:12	disenfranchised 95:14	drafted 76:1
delegate 31:18 41:22 43:20 45:1 46:2,9,14,17, 20	difference 113:6 121:3, 11 129:23 130:2 142:23	disenfranchisement 123:19	draw 64:8 171:7 193:4 196:21 197:1 209:20
delegates 31:14,16 36:12,14 42:9 43:3,6,7 45:6,15 46:19 49:19,22 50:7,23 53:22 54:2	differentiate 14:14	disparities 126:20	drawing 195:2,19 196:4, 10,14 208:23
Democrat 140:19 148:15,18	difficult 45:13 48:11 87:11,14 88:2,4 95:17 99:10	distinction 93:3	drawn 134:22 135:5 136:17 170:4 173:1,6 174:22 175:3 176:6,7 181:18 183:13 190:11 195:11 201:11,16,20
democratic 148:10 167:2 208:7	difficulty 99:17 140:14 163:16	distinguishing 16:9	drew 183:8,16 210:1
demographic 112:7	Diggs 212:12	district 1:1,2 22:22 23:5 24:18 63:23 64:8,18 68:1 119:13,20 134:19,21,22 135:4,11 170:3,8,12,16 171:1,5,7,14,23 176:2,17 177:1,3,11,23 178:9,22 180:7 181:3 182:16,18 186:23 193:2,3,5,6 194:1 195:4,9,12,15 196:22 201:9,11,16,20 203:5,16, 17 204:22 205:4,9,20	drive 81:7,9 82:3,7 83:14,16,19 84:9,14 86:9
demographically 112:10	diligence 143:10		
demographics 112:6 114:2,6,18 126:5 146:2	ding 65:19		
demonstrate 50:22	dinners 109:6		

87:3 92:16 100:22
101:12 103:14 119:8

drives 80:9 82:15 84:16,
21 85:21 89:3,6,10 102:9
111:4 112:16 113:16,18
114:12,15,19 119:6

dropped 49:7 180:19

drops 49:6

due 143:10

dues 34:3,5,6,12 36:22
39:6,18,19 40:6,11,17,21
41:9,13

duly 10:13 215:14

duties 28:16

dwindle 85:9

E

e/wendy 215:20

earlier 15:4 25:20 31:20
35:17 48:6 66:3 107:10
115:20 123:17 126:4
127:2,7 168:20 193:22
196:21

easier 32:6 156:15

easily 98:13

easy 11:13 87:22 88:8
110:17

economic 166:10 189:2,
12

educate 78:18 79:6,14
103:21 104:10 105:10
109:13

educates 105:3 108:19

educating 73:22 74:3
78:5 104:22 108:17
141:10,12,15 143:11

education 55:18 73:6
74:3 78:11 85:17 133:6
141:19 155:6,10 189:1

educational 166:10

effect 2:20

effective 82:11 145:19
146:1,3,11 147:5

efficient 12:12

effort 81:2

efforts 41:18 79:18
111:12,23 143:16 166:8,
23

elect 36:13 42:8,10 44:9
55:11,14 64:9 66:18 74:6
172:16,21 178:16
190:11,23 192:1 208:3,
11

elected 31:8,9,18 38:22,
23 39:2 40:3 41:21 42:2
43:9 56:7,10 68:2 134:23
144:10 208:7

election 34:10,15,16
42:11,23 43:17,18,19,22
85:7,8,23 90:13,14
109:20 110:9,10 121:3
131:6,19,21 132:6 154:4
155:1,14,23 160:16
161:15,17 162:12,13,15,
17,20 210:20

elections 34:11 109:18
125:14,18 126:6,11,12
127:15 128:5,9 131:4
153:19 162:7 163:20
164:16,17,18,20,23
165:6,10

electronically 87:4,8

Elementary 153:15

eligible 93:12,14 117:21,
23 118:2 120:12 125:23
126:1,2

eliminate 167:1

email 28:9 43:20 90:8

emailed 28:8

emails 131:10

employee 206:12

employment 18:14,15

empowerment 73:7
189:2

enacted 181:15

encounter 98:12 100:6
112:16 113:10 115:1

encountered 93:5,6,9
156:17 158:4

encourage 79:23 143:5,
9,15

encourages 125:11

encouraging 78:7

end 48:21 89:14 90:3
167:21

ended 214:4

endorsement 142:20

engage 92:6 148:10
149:4

engaged 111:22 142:8
143:6 148:9

engagement 41:18
141:8

engages 79:10

engaging 111:12

enjoined 181:17 182:17
183:14

ensure 73:6,11,23 166:9
173:11 189:3 193:1,13
194:2

ensures 193:16

ensuring 28:17,22
143:12

entail 106:13 155:10

entire 19:9

envelope 106:20,21

environmental 189:1

equal 173:11 193:14,16
194:7

equality 73:9 166:11

equipment 134:8

Esq 4:4,5,11,18 5:3,9,17

essentially 53:6 56:10
77:7

estimate 45:19 47:1,3,
13,15,21 115:19 125:16,
20

et al 1:6,9

ethnic 198:2 199:18

event 80:4,5,14,19,21
81:23 82:1,2,4 83:13
84:5 86:7 90:20 92:16,
19,23 93:18 109:5 142:5

events 78:14,17 79:22,

23 80:2 81:19 82:10,13
108:23

eventually 36:4 158:12,
13,16

everybody's 85:10

evidence 3:6

evidenced 215:15

exact 14:1 36:19 167:20
175:17

examination 6:3 7:7
10:16

examine 184:22 186:10
188:1 207:8

examined 10:14

examining 184:20
188:19

exception 114:12,14

executing 78:4 111:17

executive 42:17 44:5,8
55:1,8,15,22,23 56:5,11,
13,17,19,23 57:2,5,11,
16,17,20,23 58:6,7,19,21
59:7,12,16,20 61:12
62:2,13,23 65:23 66:4,9
69:18 175:10

exercise 141:17

exhibit 6:7 26:23 27:2
33:12,14 75:4,6,14
126:17 182:1,4 184:7
186:4 190:1,20 203:23
204:2,12,23 209:5,7,14,
17

Exhibits 26:8,11,19

existing 55:22

expand 71:2

expect 12:11 85:22

expectation 84:12,19

expectations 89:5

experience 140:10
145:7

expires 215:21,22

explain 50:14 193:22

explanation 103:18
161:23 162:1

exposure 145:13,14
expound 71:2
express 110:16 142:3
 149:13

F

fact 157:19
factor 209:1,2
fair 73:23 104:3 138:18
 180:23 193:9
fairly 10:18 73:13 85:3
familiar 16:5
family 102:1
favor 59:23
Federal 7:4
feel 87:10 121:2,10
 129:17,19 130:1,8
feeling 9:4 130:14
feels 81:22
felons 123:20
felony 124:18 125:2
fide 34:17
fight 73:8 96:13
figure 36:21 107:20
file 35:7,11
filed 25:2 48:16
filing 3:10
fill 80:11 87:2,9 90:9
 100:15 106:16 107:21
 158:18,21,23
filling 40:15 100:1
filtered 54:16
final 180:18 208:19
financial 35:8,9,12
 48:16,17 50:1 73:7
find 17:2 71:9 77:11
 93:16 112:2 118:11
 126:8 132:8 153:17
 160:9,22 161:7
fine 14:13 16:5 97:11
fines 95:23 96:6,14 98:8,

15 99:4
finite 64:2
fit 98:12
five-minute 74:14
fixed 158:19
Floor 4:14
Florence 201:19
fluctuates 36:20 52:7
flyers 109:1,16
focus 68:20
focused 119:8
fold 106:21
folks 68:5 113:17 115:2
 126:2 197:8
follow-up 71:13
force 2:20 18:7,8 19:1
foregoing 7:5 215:6,8
forget 109:10 205:6
forgot 202:10
form 3:3 12:23 33:22
 34:4 40:23 41:4 42:20
 45:2 48:2,13,23 51:17
 54:18 57:6,12 63:22
 66:22 67:20 69:5,16
 70:17 71:18,22 72:12
 78:15 79:12 80:23 81:20
 84:11 85:5 88:3 89:21
 92:4,7,17 93:8 95:16,21
 96:18 97:17,23 99:9,19
 101:14 105:5,15 106:2
 109:3 111:7 112:9,13,21
 113:8,15 114:7,20 116:8,
 23 117:14 118:8,16,23
 120:2,14,19 121:8,20
 122:3,10 125:5 134:13
 142:9 155:16 168:19
 170:18 172:4,19 176:23
 191:20 194:14,21 201:13
formal 54:16 77:9 88:16
 109:6 134:2
formality 59:19
formally 80:3 118:18
forms 80:4 87:1
forum 142:4

forums 79:5 104:14
forward 169:19
found 159:20 215:15
founded 111:18
founding 111:23
frame 50:21 51:12 60:23
 165:16 169:9
frequently 99:7 160:21
Friday 8:18 21:11 22:4
friendly 144:10
front 63:9 134:7
frustrated 154:11
full 2:20 19:17
full-time 17:12,13
fully 35:16 37:5 94:8
 191:16
functions 45:17
FUND 4:6 5:18
fundamental 88:6
funded 41:2
funding 96:2 145:9,12
 146:10,15,22 147:3,10
 164:2,5 166:5 189:4
fundraising 41:3,7,14,
 18
funds 41:17

G

gathered 80:19 101:18
gathering 82:12
gave 13:15 17:1
gears 69:23 78:2 175:6
gender 112:11 113:7
 144:20
general 5:10 20:6 30:21
 47:21 51:21,23 54:5 63:4
 67:7 72:9 79:5 89:2
 97:21 98:2 105:8 109:14,
 17,22 112:4 115:15
 120:17 124:15 125:16
 132:10 137:17,19
 164:15,18,23 194:10

generally 24:14,15 30:2
 45:11 121:13 147:4
 148:13,20 162:22 163:13
 164:19 176:8 186:21
 203:14
generation 146:4
gentle 123:10
gerrymandered 64:8
 195:10
give 16:22 47:15 49:2
 67:11 89:13 155:16
 162:1 186:17 187:20
 190:22 206:9
giving 28:21 38:4
glanced 23:16
goals 28:17
gold 38:12
golden 37:14
good 9:6 25:17,18 42:22
 43:8,15 74:16 99:5 125:7
 213:1
Gotcha 77:8 141:18
gotta 85:13 106:22
 147:13 157:1
grace 48:22
Great 18:4 21:7 33:12
 44:1
grounds 3:5
group 176:23 194:2
growth 189:12
guarantee 153:8
guess 16:8 58:5 76:4
 80:18 101:12 104:20
 158:15 176:8 180:22
guessing 46:2
guide 131:4,12
guidelines 194:13,19,20

H

hack 193:22
half 22:1,11 159:18
hand 10:10 11:6 87:1
 143:12

handled 42:5
hands 32:22
Hang 91:13
happen 10:8 13:10 58:9
84:16 153:8 160:14
happened 102:11
151:16 154:13 160:12
happening 160:11
161:10
happy 8:11 12:14
hard 87:5
Harvest 20:23
harvesting 105:20
hat 142:16
he' 181:7
head 11:9 32:10,13
60:16 102:20
health 102:3
hear 12:22 82:11 83:13
87:23 199:3
heard 78:5 121:2 134:15
145:17 158:4
hearing 15:4,21 215:9
hearings 174:10,11
205:18,23 207:1
held 19:16 34:10
helped 88:13 97:20
106:13 112:5,7 114:2
heritage 37:14
hey 82:2 92:4 110:6
high 19:5 29:11,15 156:7
Highway 2:2,13
historical 112:2
history 18:15 93:14
122:14
hit 118:4
hoc 84:21
hold 79:4
Holder 13:23
home 99:22 100:5,23
101:9,21

homes 80:13 106:15
hometown 19:22,23
hoping 9:11
host 81:18 84:1,14
hosted 82:13,19
hosting 78:14,17
hosts 84:9
hour 22:1,11 159:18
hours 22:1 159:19 166:8
House 139:10,12
huge 183:20
hundred 34:2,3 88:18
174:12
Huntsville 18:21 19:9
20:11,20,22 168:12
169:16 170:9,20 172:2
197:5,17,22 198:3
200:18 204:17 207:17
208:8 212:6

I

idea 25:18 47:9,21,22
51:22,23 83:20 89:2
154:21 165:12 204:16
ideal 149:16
identification 26:12
33:15 75:7 182:5 204:3
identified 67:1 211:2
identify 154:5
identities 121:13
ifs 180:21
immediately 18:23
impact 127:3 199:22
200:11,19 201:3
impair 11:20
implemented 185:11
187:10
importance 144:12
important 79:6
incapacitated 58:23
incarcerated 93:10 97:2
117:5

include 28:18 44:17
included 184:14
includes 196:22
including 42:7 47:7 55:7
77:18 126:1
income 47:10
incorrectly 141:6
increase 85:6 86:4,7
188:16 197:8 201:1
INDEX 6:3,7
indication 47:19 130:14
individual 128:18 132:8
136:21 140:11 142:2,12
143:2,23 160:7
individual's 138:9,10
individually 143:22
individuals 56:16 99:23
118:1 122:7 142:17
144:10,13 154:10 211:2
industry 192:2
influence 194:3
inform 109:16 144:11,
12,13
informal 118:15
information 26:5 51:18
78:20 80:20 87:4 90:8,23
92:2,8,9 93:16 104:15
109:23 110:3 119:3
126:8 131:2,3,9,16
133:5,9,11 155:17 163:8,
16 166:2 169:12,13
infrastructure 146:10,
15 147:4
initial 50:17 64:4 170:20
196:4
initially 84:7 205:13
initiated 54:7
injunction 15:4,21
182:9,19
inmates 95:13
input 152:14
inside 199:4
instance 29:5 49:3
162:9,17

instances 151:21
instruct 13:12 135:17
206:19
instructions 11:5
instructor 19:7,8
intelligent 95:18
intend 137:3 138:8
intentionally 115:3
interest 54:9 188:11,18
189:8,11,17 190:23
192:1,5 195:7
interested 54:10 215:12
interesting 47:20
interests 74:7 172:16,22
188:23 191:2
interfere 155:12
interferes 191:15
interim 19:3
internal 77:22
internally 77:20 118:22
Internet 108:6
interrogatory 24:2,7
211:3
introduce 126:17
203:23
investigation 152:1
invite 79:5
involve 28:16 101:11
involved 16:15,20 21:5
30:12,13,14 35:20 57:4,
7,15 58:2,15,18 59:9,15,
22 60:3,11,17 61:13,20
62:14 63:18 65:6,22
66:5,10,15 67:5 69:4,14
73:14 116:11 141:11,12
154:1 167:15,16 173:21
174:18 175:10,12,17
involvement 63:12 67:8
130:21 141:13 142:12
174:4,15
involving 63:14
issue 13:8 34:12,13,22
54:10 61:2 78:21,22 79:1
130:4 137:9 140:14

158:10 159:9,12 192:4,7
issues 93:6 133:21,23
143:11 144:11,14 156:17
158:4,9 159:21,22,23
181:2 185:6 189:1,2

J

jail 102:13 103:14
jails 101:4 102:9
James 210:22
Jefferson 13:17 119:15
121:17 127:8
Jerry 212:2
Joanne 212:23
job 18:2
jobs 73:13 189:12 192:2
join 39:5 40:12,14 76:20,
21
joined 117:5
joins 39:17
judge 149:15,20
judge's 163:11,14
judges 151:4 160:2
July 50:20 179:10
junior 19:7
jurisdiction 154:5
jurisdictions 163:6
Justice 150:4

K

Kathryn 5:17 202:9
Keith 19:5
KHADIDAH 1:6
kin 105:18 215:11
kind 49:12 52:12 53:4
70:1 71:7 85:10 90:15
92:7 96:7,23 97:1 100:5
102:4 122:13 130:6
131:4 134:2 137:7
145:18 150:21 151:10
152:1 154:9 157:4 163:6
166:1 169:17,20 188:16

kinds 157:19
knew 67:2,3 151:13
knocking 78:18
knowledge 59:2 103:19,
20 118:3 120:18 122:6
125:13 127:23 129:8,11
136:15 163:15

L

lack 102:5 157:21
landscapers 134:7
lapel 38:18
laptop 91:7
large 42:18 44:8,12,17
46:11 55:14 82:12
188:14 215:4,22
larger 120:5
late 176:12
Latinx 47:8 113:3
law 105:11,14
Lawrence 212:16
laws 2:21
lawsuit 54:5 57:4,8,15
59:9,15 60:3,12 65:10,17
66:6,11 69:1,4,14
167:14,17 168:11
171:18,20 174:19 175:7,
11,13,18 179:13 180:3,
12 181:2 199:23 200:1,7,
9,12,20 201:5 207:12
208:6,16 210:6,8,10,13
lawsuits 78:7 166:19
lawyer 12:23 13:11
LBC 16:16
LDF 68:5,11
leadership 127:11
leading 3:3 14:22 15:3,
21
leave 202:14
led 174:19
left 123:11
legal 4:6 5:18 13:3 55:3,
17 62:21,22 63:10 66:13

72:5 74:5 124:10 169:20
172:12 201:16

legislative 16:16 25:23
173:22 203:18

legislature 169:21
179:10,23 180:7 181:15
182:11,18,22 183:13
184:16,19,21 185:10,22
186:3 187:22 188:3
189:23 195:23 196:7,8
204:9 205:13

legislature's 184:23

length 211:11

letter 8:18 50:12 53:7,17

level 37:8 115:8,9

LIBERTIES 4:12

licensed 215:14

life 37:5,7,9,12,14,16,17,
19,21 38:7,9,12,13

Limestone 31:23 40:13,
14,16 49:4,8 150:16
153:14 201:17

limit 101:20

limitation 102:2

limitations 46:9 105:22

lines 153:5 156:2 157:11,
21 203:16,17 205:4,9

link 110:20

listed 96:4

listened 152:23 206:17

litigation 65:6

live 20:17,22

lived 20:14,15,16,20

livingston 6:17

LLP 4:19 5:4

local 55:18 76:17 87:6
102:9 115:16 117:16
119:8 122:16 131:22
132:2,17 139:16 140:1
149:23 152:21 159:20
163:12,18 166:1 211:13
212:7,15

locally 76:10

located 64:19 84:17

121:14 149:18 212:5

location 80:10 110:7,13
149:10,17,21 150:1,13
151:12,19 152:21 153:3,
17 156:20 157:1,2,4,14
158:5 160:21 163:6
164:9

locations 109:23 149:15
153:18,23 154:9 162:23
163:20

long 18:8 21:23 22:10,19
30:17 53:4,5,8 111:11,
15,19 122:21 156:11
157:11 159:15 165:12
168:22 210:16 211:5,7
213:6

longer 105:3 123:1
150:4

looked 21:4 22:21 23:11
24:3,5 26:4 180:16
189:14 204:17

lose 124:4,6

lot 17:22 82:5 147:11
180:15,21

Lovejoy 210:22

low 188:15

low-attended 89:2

lower 157:17

lunch 12:15 122:21,22
123:12 125:10

M

machine 158:10,14,19

machines 157:12,21,23
158:1

made 24:3 36:12 56:14
167:17 205:10 209:4,10,
11,13 210:3,7,9,13

Madison 119:14 121:15,
19 127:8 150:15,16
197:8,10,12 200:23
201:2 212:6

mail 106:22

maintain 35:3,5

major 164:19 165:6

majority 63:22 98:11
166:15 169:15 170:3
171:5,7 172:5 186:18
195:8,12,14 196:22
201:9,11 209:22

make 3:4 8:13 10:7 11:7
45:13 54:2 55:4 80:7
94:22 104:8,23 106:18,
19,22 109:19 110:12
121:3,11 129:23 130:1
133:3 141:5 142:1
155:12,14,21 156:14
200:6 202:11

makes 31:16 108:14
144:15,18

makeup 198:2 199:19

making 142:23 179:20

map 6:13,18,20 21:5
23:3,12,15 32:17,19
169:22 176:4,22 177:3,8
185:9 188:3,19 190:8,12,
13,14 197:1 201:16
205:5,11,20 207:8,16
208:18 209:5,9,14,18,20,
21 210:1,3

maps 22:22 23:9 24:18
25:11,20,23 176:5,7
185:7 187:22 196:4,11,
14 208:23

March 17:7

marches 74:4

mark 32:20 33:12 183:19

marked 26:12 33:15
52:12 75:4,7 106:19
182:5 184:7 186:4 204:3

marking 26:7 182:1

marks 33:9

matter 54:5 59:19 67:18

matters 137:17,19

mcclendon 6:20

Mcclure 13:16,19 14:3

meaning 40:10 163:2
168:2 188:5 193:6

means 76:20 141:10
215:7

Mechanically 104:3

media 28:21 145:21,22

146:3,6

medical 100:8,11 212:19

medications 11:19

meet 21:9,19,23 22:6,10,
19

meeting 21:21 28:17
38:22 58:6,20 206:5

meetings 21:6 62:23
78:17 207:3

meets 187:19

member 36:22 37:5,7
39:23 40:1,3 43:8 76:22
102:2 109:12 117:1,19
141:21,23 142:19 149:1,
6 210:23 211:5,8 212:2,
13 213:1,6

members 31:10,11,17
34:2,4,19 35:5 36:17,19,
21 39:22 41:20 42:12,18
43:15 44:10,12,17 47:16,
23 48:1 49:10,14,22 55:9
57:1 63:7 67:10 73:22
74:1 78:5,12 79:3 103:22
104:11 105:4,10 108:18
109:22 111:6 115:6,11,
16 116:1,7,13,17,18,20,
21 117:4,10,13,17,23
125:11,13,17,20,21
126:1 127:14,16,17
128:6,15 132:10 133:15
134:3,11,20,23 138:15,
22 139:1,15,19 140:13,
17 141:2,10,15 142:2,8,
12,14,17 144:1,13 148:7
153:1,22

members' 141:23

membership 28:19
34:2,3,11 37:4,12,18
38:7,10,12,13 40:5 41:9,
12 42:22 43:13 46:22
47:10,22 48:14 49:5,7,
11,13 50:5,14 53:12
55:17 211:12

memberships 52:5
73:22

men 113:10

mentioned 23:21 29:14
31:20 35:10 41:20 44:5
78:3 84:8 100:4 102:8
107:10 135:10 136:17
157:4,20 169:2 189:6

191:6,17 194:5 210:11

mentioning 79:8 189:18

Merrill 13:22 14:23
15:16,19

message 146:5

Messick 5:9 9:9,20
213:21

met 10:18 21:10,11,18
22:3,12 201:14

methods 145:19 146:2

Metro 211:17 213:4

Michael 4:18

military 18:3,5,6

Milligan 8:7 13:21 14:4,
16,19,20,22,23 15:12,14,
15,19 16:8 25:8 27:3,9,
10 28:5 61:9,15,23 64:23
65:22 66:6,11 67:15
69:1,4,14 175:7,11,12,17
180:3,12 181:2 183:23
200:3,15 202:15 208:16
210:13

million 130:15

mind 8:14 14:11 70:22
85:14 206:10

minimum 37:9,21

minute 129:15

minutes 22:20

missed 115:22

missing 167:10

mission 70:3,4,12 71:3,
4,9 72:7,20 73:20 78:5
111:17 144:12

Mississippi 20:8,9

mistake 161:3

Misty 5:9 213:19

Mm-hmm 25:7 52:19
75:23 82:16 97:12 117:7
123:21 136:18 168:16
191:5 207:22

Mobile 188:22 189:7

moment 11:3

monetary 96:7

monitor 51:19 153:18
154:7 157:5

monitoring 156:1

monitors 156:18 158:4

Monroe 188:21

Montgomery 5:7,13
64:16 119:15 157:10,22
158:2 160:13 168:13
170:16 171:8 172:2
198:6,15,17 199:19
200:19 204:22 207:18
208:13 211:14,17 213:3

month 16:3 18:9 81:22
167:20

months 19:4 88:19

moral 97:8,10 99:5
117:12 123:23 124:7,19,
21 125:2

Morgan 102:18 103:2,3,
11 201:18

move 34:14 70:1 192:22

moved 81:11

moving 53:3 198:14

multiple 84:1 148:1

Muscle 7:2

mute 44:15

muted 161:2

Myhan 1:21 2:11 7:1
215:20

N

NAACP 2:2,13 6:15
14:5,9,15 17:9 28:11,18
39:18 48:9 52:11 54:3,4,
9,13 75:17 85:16 109:12
112:5 116:12,21 117:6
118:5 125:11,13,17
126:5 127:14,17 128:15
131:1,3 133:5,14 134:2
135:19,21 136:3,7,11,23
138:16 139:16,19 140:17
141:21 142:4,5,7,15,16,
17,19,20 143:3,5,18,19
148:8 149:1,6 152:15
153:18,22 154:1,21
155:6 156:17 159:20
162:22 163:19 164:11

165:12 174:18 179:12
180:2 181:1 183:23
205:17 206:6,23 207:7
208:5 210:16,23 211:6
212:3,13 213:1

NAACP's 46:21 47:10
87:17 96:11 116:6
142:19 144:9,12

Naifeh 4:4 8:9,16 9:2,6,
19 10:5 20:1 40:23 41:4
45:2 47:4,14 48:2,23
51:17 54:18 57:6,12
62:19 63:2 65:2,11 66:22
67:20 68:7,10,13 69:5,16
70:17 71:18,22 72:12,22
73:2 74:11,17 78:15
79:12 80:16,23 81:20
84:11 85:5 86:12 87:12
88:3,22 89:8,21,23 92:17
93:8 94:10,18 95:16,21
96:18 97:15,17,23 98:4
99:9,19 101:14,16 105:5,
15 106:2 107:14,18
109:3 111:7 112:9,13,21
113:8,15 114:7,20 116:8,
23 117:14 118:8,16,23
120:2,14,19 121:8,20
122:3,10 123:1 124:9
125:5 126:7,13 127:9
128:1,22 129:10,21
130:17 132:4,19 133:8,
17 134:13 135:6,16
136:2 137:1,6,13 138:11
139:2,23 140:7,20 141:3
142:9 143:7 144:4,17
145:2,11,20,23 146:13,
20 147:6,19 148:4,11,16,
19 149:5,22 152:9,16
154:2 158:20 159:6
161:2,5 163:9 164:21
165:14 166:13 167:4
168:19 170:5,10,18
171:9,15,19 172:11
173:3 174:1 175:4 176:3
177:4 179:2,14,17 180:4,
13 181:4,14,20 184:4
185:3 186:14 187:8
188:4 189:15,19 190:3,
19 191:10,20 192:20
193:12,15 194:9,14,21
195:3,16,21 196:15,20
200:13 201:6,13 203:19
204:19 205:2 206:11,14,
18 207:13 208:1,9,17,21
210:14 213:18

named 43:1

names 43:14,16

national 29:1,17,22
30:6,8 34:7,8,11,13,22
35:7,19,21,22 36:5 40:9,
10,16,19 43:5,17 49:2,7,
12,16,20,22 50:3,6,7,12,
18 51:6,15 53:8,13,22
55:4,7 59:13,21 60:2
76:2,20 77:21 91:1 92:3

National's 78:22

nationwide 85:16

necessarily 52:7 76:8
131:21 193:17

needed 100:18 106:17
150:22

newly-drawn 190:8

newly-passed 185:1

newspaper 163:12

night's 25:17

Ninety 51:5 116:3

nods 11:10

noise 134:10

nominations 42:13

noncompliance 53:7

nonpartisan 141:13,18,
20,22 142:6

nonregistered 117:17

north 4:20 64:15 68:1,20
198:2

NORTHERN 1:2

Northwest 4:7 5:19

note 113:6

noted 11:22

nothing's 130:13

notice 3:10 6:9,11 26:23
27:4 49:6 65:4,13 151:20
199:2,6

noticed 113:5,11 114:5

notices 27:22

notification 43:5 151:18
152:2

notified 66:2 110:15
151:17 156:10

notifying 42:12

number 36:19 49:10
52:15,18 56:16 83:4 85:9
90:6,19 117:17 118:6
127:20 129:6 153:3
155:18 156:7 173:12
187:4 193:6,10,16 195:5
197:22 215:15

numbers 50:10 85:6
89:13 154:22 172:3
176:18 177:23 186:18,20
187:17,18 203:8

numberwise 120:4

nursing 80:13 99:22
100:5,23 101:9,21
106:15

O

oath 123:13

object 9:16 12:23 20:1
41:4 65:2 67:20 71:18,22
142:9 198:23

objected 9:12 185:10,11

objection 13:3 40:23
45:2 47:4,14 48:2,23
51:17 54:18 57:6,12
66:22 69:5,16 70:17
72:12,22 78:15 79:12
80:16,23 81:20 84:11
85:5 86:12 87:12 88:3,22
89:8,21 92:17 93:8
95:16,21 96:18 97:15,17,
23 98:4 99:9,19 101:14
105:5,15 106:2 107:14,
18 109:3 111:7 112:9,13,
21 113:8,15 114:7,20
116:8,23 117:14 118:8,
16,23 120:2,14,19 121:8,
20 122:3,10 124:9 125:5
126:7,13 127:9 128:1,22
129:10,21 130:17 132:4,
19 133:8,17 134:13
135:6,16 137:1,6 139:2,
23 140:7,20 141:3 143:7
144:4,17 145:2,11,20,23
146:13,20 147:6,19
148:4,11,16,19 149:5,22
152:9,16 154:2 158:20
159:6 163:9 164:21
165:14 166:13 167:4

168:19 170:5,10,18
171:9,15,19 172:11
173:3 174:1 175:4 176:3
177:4 179:2,14,17 180:1,
4,13,20 181:4 184:4
185:3 186:14 187:8
188:4 189:15,19 190:3,
19 191:10,20 192:20
193:12,15 194:9,14,21
195:3,16,21 196:15,20
200:13 201:6,13 203:19
204:19 205:2 207:13
208:1,9,17,21 210:14

objectionable 9:17

objections 3:2,4 8:13,
19,20 9:9 13:1

objectives 28:18

obligation 96:7

obliged 137:14

obscure 12:6

observed 114:18

observer 46:13,14

obvious 11:23 111:1

occasion 161:8

occasionally 101:20
133:11 156:13 157:9
161:14

occasions 161:20

occupy 30:19,22

occur 192:18

occurred 102:11 192:15

offered 3:6

office 5:10 29:23 43:17
53:13 55:4 59:14 87:6
92:3 130:22 131:5,11,17
132:9 134:12,18 136:13
137:5 138:23 139:1,5,17,
21 140:3,18 142:18
155:18 163:11,14

officers 42:17 44:18,20
55:10 56:15

offices 2:1,12 42:20
131:5

officially 34:17

officials 152:21 159:20

older 113:17 114:11

115:2
online 26:5 40:8 80:12
open 46:11,12
opening 72:9
operate 58:10
operating 157:13
opinion 89:2 149:10,13
185:5 194:16,20 196:13
opponent 133:2
opportunities 84:4
opportunity 12:7 67:12
81:23 82:8 93:1 145:12
155:22 178:14,15 187:20
190:10,22 195:8
opposed 62:8 147:9,21
opposing 63:11
oral 7:7
order 88:5,12
organization 29:18 30:8
34:23 35:22 36:5 40:20
51:15,16 53:8 60:2 76:2,
20 91:1 93:22 94:4,13,23
95:4,5
organizational 70:2
organizations 41:16
organize 81:18
organized 35:2 80:22
86:5 163:23 164:1
organizing 34:4 77:6
78:6
original 182:9
originally 19:21 138:21
outreaches 54:17
overlying 185:7
overlook 166:17

P

p.m. 214:4
package 78:20
packed 171:22
paid 34:2 37:5,15,16
39:6 40:19 50:9 98:8

99:4 113:12
panel 181:19 183:8
187:10 190:15 208:19
paper 80:11 171:11
paragraph 126:18
pardon 33:19 95:8
159:11
part 19:17 41:12 55:23
76:19 111:17 119:19
126:23 144:9 145:1,5,7
191:22 211:13 213:3
partial 51:14
participate 36:16 46:10
54:5,23 79:18 85:22
172:10 190:2 191:16
199:23 200:11,20 201:4
208:6
participated 82:19
participation 65:10 78:7
parties 2:9 3:4 8:6
146:19,21 215:11
partisan 143:16
partner 93:23
partners 98:22
parts 14:15 164:10
197:12,13
party 65:9 148:10 149:4
pass 131:12
passed 179:10,23 180:7
182:11,18 183:3,4,13
184:13,15,18,21 185:10,
14,22,23 186:3 187:22
188:3 189:23 196:7
207:9

past 12:15 133:16 166:7
pastor 81:8
path 95:14,18
patient 102:6
pay 29:22 35:4,6 36:22
37:4,6,8,10,11 39:7,18
40:6,8 50:3,6 96:2 97:11
paying 38:7,9 39:19
95:23 96:6
pays 53:11

pending 12:20
pennant 38:17
people 38:3,4 45:8,16,
19,23 73:7 74:5,6 79:14,
23 80:10,13,18 81:10
82:5,12 85:12 87:2,3
88:5,13 89:16 92:5 93:7,
9 95:3 98:11 101:2,5,8
104:22 105:23 106:9,14,
16 107:11,16 110:11
112:15,23 114:2,23
120:7 126:14 127:1,7
128:13 131:11 142:2
143:10,11,12 144:11,21
145:14,16 146:4 152:5
153:3 154:5 155:18
156:6,7,8,19 157:10,14
158:5,16,18 164:4,8
172:19,20 192:22 193:7,
10,14,22,23 194:3 195:5
197:17,22 198:14,17
203:2,6
people's 99:13
perceive 121:7
percent 47:6,7 48:3
112:23 113:2,4 114:11
125:21 174:12 178:10
percentage 47:23
112:19 115:16 116:2,18
118:6 120:10 125:17
126:9 178:13
percentages 118:10
198:9
perfect 108:14
period 48:22
periodically 110:11
permit 103:14
person 38:10,11 39:5,17
40:19 42:19 43:1,8 44:7
71:23 72:19 92:21 93:1,
18 96:23 97:1,4,9,21
98:7,17,19 99:3,8,17
100:5,13,15,17,23
101:11 102:4 105:9,17,
19 106:6 108:6 109:9
117:11,20 123:23 124:17
135:3 136:7 145:13
146:5,23 147:1,8,20,21,
23 154:12 160:22 161:7,
10 162:3,4,21 172:16,21
193:20 194:6 208:3,11

person's 42:22 136:3
137:4
personal 20:3 144:1
personally 54:21 117:9
118:12 121:16 127:16
phone 43:20 107:12,13,
17,22 108:5
picks 85:11
pin 95:7
place 8:3 42:10 50:19
74:16 82:1,2 152:11,13
153:13 155:14 156:9,10,
21,23 159:22
places 146:17,18 154:6
Plaintiff 54:11 59:10
61:14,20 65:8 66:5 68:6
179:13 180:11 181:1
184:1
Plaintiff's 185:16
Plaintiffs 1:7,23 4:3 5:16
plan 6:17,20 15:22,23
165:7 172:9 178:22
179:1,7,16,18,23 180:8,
16 181:3,5,11,13 182:10,
11,18 183:4,5,12,13
184:3,9,21 185:1,2,9,13,
16 186:13,16,17 187:2,
10 189:23 190:17 191:14
203:18 204:7,18,23
planned 82:10
planner 82:2
plans 16:18 82:9 184:13
185:13,15,19,21 186:6,
11,22
plaque 38:16
play 145:9
point 11:12 13:10 45:20,
23 59:18 122:19 137:15
178:3 191:8,19
pointed 205:6
points 49:12
poles 109:11
police 103:13
policy 145:5
political 73:6 130:21

134:4 141:9,11,14 142:8
143:6,15 144:2,16
146:19,21 147:5 166:10
172:10 190:2 191:16
205:22 210:17

politically 141:2,5 148:9
149:2

poll 154:22 156:18,22
157:5,6,7

polling 109:23 110:13
149:10,16,20 150:1,13
151:12,19 152:11,13,20
153:3,18,23 154:6,8
156:9,10,20 157:14
159:21 162:23 163:20
164:9

pops 161:17

population 24:19,20,21
63:20,22 64:7 66:18
120:4 171:4,7 178:10
187:5,7 188:2,8,15 190:7
191:7,18 192:19,21
196:23 197:5 198:6,10,
12 199:14 200:17,18
201:7 202:17,22

portal 43:13

portion 40:10,11,17,18,
20 81:3

position 17:8,12,13
18:23 30:22 44:3,23
56:12 58:11 78:22,23
87:19,23 96:10,11 97:14
144:14 147:9 211:19,22
212:9,20 213:8

positioned 154:7

positions 19:17,18
30:19 31:2 42:14 44:6
45:3,4 56:7 145:5

possibility 169:14

possibly 153:6

postmarks 88:21

potential 155:20

potentially 170:3

power 46:18 194:2

practically 58:15

precinct 128:21 149:10
159:3 161:11 162:23

precise 123:18

predominantly 113:13,
14 114:11

preferred 148:14,17
190:13,15

preliminary 15:3,21

prep 65:19 202:10,11

preparation 25:9 27:19

prepare 21:1 22:21
23:23 25:15 27:14,15

prepared 24:17

present 21:21 22:8,17
57:2,4,16 61:12

presented 57:11,20
61:19 66:3 186:22

presenting 57:19 69:17

presents 82:8

president 17:11,15
19:18 28:11,15 30:9,17
31:3,6 38:22 42:15 55:7,
21 58:4,18 59:1,21 60:19
90:11 121:22 140:12
212:17,18

president's 59:2

presidential 85:8

presidents 162:10

press 74:4 78:6

presume 101:9 111:5

pretty 8:8 114:18 150:15
167:21

previous 93:13

previously 14:21 89:11
93:10 106:9,13 117:5
124:23

primarily 41:14,19

primary 46:19 162:17,20
164:16,18,23

Print 145:21

prior 3:7 20:11,14,15,18
42:9 69:17 90:14 99:14,
18 145:7 162:12

privilege 94:11,19

privileged 73:5

privileges 94:20

probate 149:14,19
150:13 151:4 160:2
163:11,14

probation 98:9 99:6

problem 109:11 183:4

problems 102:18

Procedure 7:4

procedures 42:11

proceeding 72:5

proceedings 7:8 35:18
process 34:21 42:10,23
53:5 54:16 77:9 86:22
87:11,15,22 88:1,2,4
93:19 97:16 100:1
104:11 105:4,8 106:5
107:1 108:18,20 131:2
133:6 141:9,11,14 142:8
143:6,15 150:21 151:9,
17 153:21 154:1 167:2
172:10 173:16 190:2
191:17 197:19,23 203:3
207:1

produced 75:10

productive 90:22

prompted 152:14

promptly 152:14

properly 43:3,7 106:23
157:13

proposal 57:5 61:12,19
66:4

proposed 63:20

protect 102:4 194:8

protected 73:12 135:19

protests 74:3 78:6

provide 70:7,23 77:10
90:23 92:2,7,9,10 109:22
131:3 133:5 155:6
186:20,22 207:9

provided 7:4 21:4,5 23:4
70:8 71:1 72:5,18 133:9
141:19 153:10,12 169:12
174:5,7 189:4 207:10

public 46:11 79:4,5 82:1
108:20 109:5,14,17,23
111:5 136:1,3,4 137:5
144:2 205:18 206:5,23
209:3,10,11,12 210:2,7,

9,12

publicize 136:10,21

publicly 136:7,8

pull 93:15

pure 203:8

purged 162:5

purpose 70:2,4 144:9

pursuant 2:3

push 141:14

put 8:17 33:1 65:13
90:12 95:7 106:20,21
108:8 110:19,20,21
169:11 170:1 176:22
183:20 208:2

Q

qualifies 147:2

qualifying 147:17

quarter 168:1

question 10:22 12:23
13:5,9,10 14:18 17:22
45:11,14 47:20 48:10
49:1 52:10 53:2 64:6
65:20 66:12 67:9 70:11,
23 71:12,17 72:6,14
83:12 86:15 91:22 94:12
99:1 100:21 111:1
124:16 135:7 139:18
156:16 164:22 173:14
180:5 186:7 191:12,22
192:9 200:7,10 203:14

questioning 199:1

questions 3:3 8:11 11:7,
20,23 12:1,6,19 20:5
59:4,23 63:13,15,17
64:6,20 67:7 69:23 71:14
89:19 137:8,11 165:3
181:7 213:17,18,22
215:7

quick 35:13 36:11 107:9

quote 97:1 102:16
142:15 146:7

R

race 112:12 113:2 133:1,
2 134:4 139:7 144:16

148:1 196:16 209:1,23
races 131:22 132:13,17
racial 46:21 126:5,19
167:1
radar 168:23 169:4,11
170:2
raise 10:9
raises 47:20
rallies 74:4 79:7
ran 134:20 135:3 159:8
Randolph 102:15,17,21,
22 103:11
rare 161:8 162:8
rates 126:21
rattle 32:13
re-enfranchise 99:8
re-enfranchised 95:15
97:5,22
re-register 80:6
reach 109:11 150:20
151:8
reached 150:20,23
151:2,4
reaching 201:17
read 10:3,6 21:3 71:2
88:9
reading 2:18
ready 49:15 74:11 98:9
real 13:15 35:13 36:11
86:15 107:9 123:16
realize 9:16
reapportioned 173:11
reapportionment
173:16 174:10 192:23
194:12 195:22 196:2,3,
10,23 197:19,23 205:19
reason 11:16 13:11
130:7 153:6,9,10,12
171:3
reasons 130:11 144:22
recall 14:1 16:11 17:1
23:2 24:5,10,12,14 25:12
27:22 52:9 60:23 62:11,

13,17 63:11,15 64:11,20
65:1,21 66:8,21 67:14
69:21 91:21 99:15,21
108:2 152:18 158:11,22
159:1 170:6 175:11
176:1 187:7 194:15,22
204:14 206:1,6 210:15
receive 38:11,15,16,17
43:21 50:12 53:17,20
77:3,5 90:1,7 106:18
152:5 163:8,10 164:2,5
received 28:20 89:18
151:18
receives 54:17
receiving 99:16
recent 126:11 127:15
128:5,9
recently 10:19 13:16
136:19
recognize 75:11 181:10
record 8:3,17 10:19 11:4
12:3 39:11,16 53:1 74:22
91:15,20 108:3 111:2
118:18,20 123:4,6
137:22 138:5,7 154:19
202:6,8 203:15 206:22
213:16
records 27:17
redistricting 15:22,23
16:19 173:15 182:10
192:15,18 193:1 194:13
203:3
redraw 176:22
redrawing 199:17
redrawn 173:10 174:20
195:4
redress 55:17
redrew 182:22
reduce 153:5
reduces 172:9 190:1
reduction 201:1
referencing 127:6
referring 21:16 181:14
reflect 188:11
reflects 197:2

regard 166:15
register 46:19 79:18
80:1,5,12,13,18 86:19
88:7,13 89:11,16 90:19
92:5,18,21 93:11 101:4,
7,8 107:11 112:5,7 114:2
117:23 118:2 122:7,16
125:3 131:13 139:16,21
140:5,23
register.' 103:17
registered 31:14 43:4,7
46:15 81:12,14 86:11,16
87:7,21 88:17,18 90:5
92:6 93:17 100:18 101:2
109:9,19 114:8 115:7,17
116:7,14,22 117:2,19
118:7 119:23 120:7,13,
21,23 124:17 125:1,23
127:14,17,18,22 128:4,7,
14 133:12,15 134:4
139:20 140:18 143:12
162:2,4
registering 93:6 99:17
107:17 133:6,22 134:1
140:15
registrars 149:23
150:12
registration 80:2,3,4,9,
20 81:7,9,15 82:3,7,15
83:14,16,19 85:14,17,21
86:9 87:1,6 89:3,6,10
100:22 102:9 110:12,17
112:16 114:19 115:6,10
116:1 119:6 126:21
131:1
regular 37:4 89:13
reinstate 53:15
reinstatement 53:18
related 175:21
relates 105:23
relating 2:22
relationship 136:22
released 176:11
relevant 12:8 135:22
200:5
relief 199:9,12
remain 29:17 141:13
142:5

remains 181:1
remedial 178:23 179:6,
16,18,23 180:8 181:3,5
183:3,12
remedy 183:4
remember 16:2,14
60:14,15,18 61:2,4 62:5,
7,9 123:20 158:8,23
162:16 167:19 189:21
207:5
reminder 123:11
remit 40:20
removed 156:22
renaissance 127:6
Rene 1:21 2:11 7:1
rent 164:3
Repeat 14:18 135:7
139:18 180:5
replaced 178:23
report 35:8,9,12 48:16,
17 90:9,12 91:4 99:16
117:8 154:17 155:19
reported 83:5,9 90:12
159:17
reporter 7:2 8:1 9:7
10:4,7 11:9 39:10,15
74:21 75:2 91:11,13,19
123:3,10 134:15 138:4
177:12,18 202:5 213:23
215:15
REPORTER'S 6:23
Reporting 1:23 215:14
reports 89:15
represent 54:13 63:8
67:11 74:6 138:12
172:16,21 188:20,23
191:1
representation 188:22
representative 14:8
64:9 176:20 189:3
representatives
139:10,13 194:4
represents 215:8
reps 135:1

Republican 139:17,22
149:4 162:17
request 91:5,12 199:11,
16
requested 115:14
requests 89:19
required 30:3 150:5
requirement 63:7 84:18
requirements 29:2
48:21
research 112:2 152:17
reserved 13:2
residents 101:18,21
resolution 152:7,10,11
161:21
resolved 155:21 158:9,
11,15 159:10,12,18
resolving 159:21
respect 58:11 188:2
respective 2:9
responding 28:19 94:12
130:3
response 70:9
responses 24:6,7 25:11
89:19 90:1 211:3
responsibilities 28:14
73:23
responsibility 196:4
responsible 34:5 42:12
76:7
responsive 152:21
restitution 96:7
restored 93:20 94:1
96:9,13 98:9,14 162:15
result 215:12
retain 124:19
retire 18:10,12
retired 18:3,4,5 19:2,12,
14 47:17
retiring 18:23
revealing 21:7 121:12

review 8:23 23:23 24:17
25:8 27:6,8 53:14 64:4
90:16
reviewed 23:22 24:2
25:4 27:10
reviewing 25:10,12
28:19
reviews 42:21
rights 73:11,12 93:20
94:1 96:9,12 98:14
187:19 195:10 209:19
righty 75:2
role 17:14 145:9
roles 73:23
rolls 160:8 161:12
room 101:13 178:8
Rosborough 4:11 103:1
137:21 179:5 181:17
198:22 199:6,11 201:21
202:1
roster 156:22
ROTC 19:7
rough 36:20
roughly 45:18 111:12
193:6
routinely 133:10
Rule 6:11
ruled 178:22
rules 2:21 7:4
ruling 208:23
run 42:19 44:7 45:1
55:14 56:12 130:22
134:19 138:23 139:17,21
140:18 142:18 146:10
157:2,3,6,14
running 131:5,11,16
132:9 133:4 134:12
135:11 136:13 147:9

S

Sadasivan 5:17 202:9
satisfy 96:8
Saturday 83:17

SAYETH 214:6
scatter 193:23
scattered 84:23
school 19:5 29:12,15
153:15
Schools 73:15
scope 65:3 199:1
scratch 34:1 57:3 205:8
sealed 106:23
search 27:17
seasoned 115:2
seat 67:13 68:2 168:8
169:15 176:21 207:16,
17,21,23 208:3
seats 25:22 26:1
secretary 42:21 43:4,12
104:16
section 199:12,15
seek 54:12 142:17
seemingly 12:6 156:7
select 186:23 187:20
Selma 19:5 20:15
Senate 6:20 23:7,19
25:22 63:23 64:10 68:2
139:8 168:5,6,8,12
169:15 170:3 171:5
172:8 173:5 197:16,21
198:16 203:16,17 204:7,
16 205:20 207:1,8,16,17,
21,23 208:3 209:5,9
Senator 208:7
Senators 26:2
send 8:18 40:16 41:17
43:16 45:5 49:19,21
50:7,23 53:14,21,22 76:8
78:20 79:1,2 92:3,7
104:15 131:15 133:3,11
151:23 155:16
sending 109:16 131:9
sends 40:10 43:4 49:9
sense 97:21 98:2 99:6
105:8 108:14 112:4,7,12,
18 115:15 116:6 119:22
120:9,17 125:16 126:10
132:22 144:15 145:19

194:10
separate 15:8 41:8,23
42:1 83:14
separately 23:21 61:17
September/october
51:11
serve 40:3
served 94:2 96:11
140:12
serves 39:23
services/veteran 31:4
Services/veterans
211:23
set 2:4 53:10 80:3,8 82:3,
6 90:21
Sewell 177:15,17,22
Sewell's 177:10
share 113:3 132:7,9
Shelby 13:22,23 14:4
150:7,9,14
sheriff 103:13,16
sheriffs 101:6
shift 69:23 114:5 175:6
198:10,12 200:17,18
201:7
shifting 78:2 200:3
202:14
shifts 192:19,21 197:4,7
Shoals 7:2
short 39:13 74:19 91:17
123:8 138:2 202:3
213:14
show 26:7 32:18 75:3
126:16 160:7 181:23
showed 197:4 198:5
202:17,21
showing 156:19 158:5
shows 161:11 209:21
sign 10:3,6
signature 2:18 100:3
significant 126:19
Simelton 1:15,21 2:10
7:6 9:21 10:12,18,21

123:15 214:3 215:6

similar 111:23

simply 147:1,17

sir 10:8 17:6 33:18,20
52:2 116:15 170:13
179:19 205:15

sit 59:3 154:16

sitting 26:2

situation 96:17

Situations 157:5

Sixth 4:20

size 56:19,22

skin 144:20

skip 118:3

sleep 25:17

smartphone 108:10
110:19

smoothly 156:5

social 145:22 146:3,6
166:10

somebody'd 90:9

something's 9:16

sort 11:22 50:17 53:3
78:4 93:19

Sounds 9:6

source 118:19

Southern 1:3 177:21

speak 9:15 30:10 171:12
180:14 206:16,23 211:7

speaking 28:21 111:12
148:20 149:14,19 163:13
176:8 186:21 206:15

speaks 9:17,21

specific 24:20 44:2 67:5
70:11 71:11 72:6 94:3
95:3 117:1 120:18 130:4,
7,11,12 131:4 154:23
160:21 164:10 200:9
211:1

specifically 14:7 24:13
60:18 64:12 66:21 67:1
68:4 73:18 83:15 99:1
113:19 114:12,15 131:15
156:2 175:21 176:14

203:15,20 209:16,17

specifically-planned
83:19 84:8

specifics 72:11

speculate 99:11

speculation 130:6
180:15,21

spell 18:18

spelled 70:6

spend 104:22 184:20

spoke 129:14

spoken 121:16,18

spread 172:17

staff 100:12 101:1,20
102:3 149:15

stamp 55:5

stand 156:11

standard 37:17,19
156:16

standing 42:16 43:9,15
55:16,18 56:1,14 99:6
146:7 213:1

start 67:17 158:10 205:8

started 8:2 9:10

starting 34:1

starts 106:5

state 2:1,12 5:11 10:20
14:9,11 17:10 19:19
23:7,18 25:22,23 28:11,
15,22,23 29:4,6,7,8,13,
16 30:7,14,20,23 31:7,12
32:2,7 34:7 35:7,10,11,
18 36:1,3,5,17 39:5,6,21,
22,23 40:2,4,5 41:1,16,
19,21,23 42:3,6,9,10,15,
21 43:2,4,6,11,19 44:20
45:6,8,9 50:23 51:3,5,7,
10,11,15 52:6,11 53:22
54:4,7,13,19 55:10 56:8
57:15 59:8 60:11,20
61:13 66:5 70:2,20 73:18
77:10,14,18,22 78:3,13,
23 79:9,13,17 81:18
82:14,18,20,22 83:7,10
84:13,17 85:1,19,22
88:11 92:11,14,15 93:5
95:19 96:15 97:13,20

99:3,7,16 100:16 103:21
104:10 105:3 106:8
107:10 108:19 109:21
111:3,11,19 113:23
115:5,8 118:5 119:7,16
121:14,21 122:15 124:12
127:11,19 128:11,12
129:4 131:23 132:2,5,12
134:11 135:1,10 136:22
138:22 139:8,10,20
140:12 141:9,20 144:6
146:19,21 149:2,9 150:3,
11 160:6 161:12 162:21,
22 163:1,2,18 164:10
165:21 166:9,12,23
167:15 168:4,6,8,17
170:15 172:8 177:5,7
178:4 180:2,6,11,19
184:1 186:22 187:22
195:1,13 201:3 203:17
204:7,16 205:17 206:23
207:7,15,16 209:4,5,9,
12,19,23 210:12,17
211:19 212:9,21 213:8
215:3,21

State's 104:17

stated 127:2 168:20
196:21

statement 70:4,5,8,12
71:4,5,10 72:8,10,11
148:21

statements 24:3 209:3,
10,11,12 210:3,7,10,12

states 1:1 126:19

statewide 43:12 81:1
132:6,12 139:5,6,7 140:1
165:10

stationed 20:10

statistics 128:16 190:6

status 35:3 49:16 110:18

stay 154:7

stayed 152:12

stays 50:5

stenotype 215:7

stick 71:4 196:1

stipulate 8:12

STIPULATED 2:8,17
3:1,9

stipulations 2:4 7:5
10:2

Stone 1:6 8:7 15:10 24:7
25:6,11 27:2,11 28:3
61:6,13,15,16,20 62:12,
14 63:12,16 67:18
126:18 167:13,16 168:11
171:18 200:1,3,11,20
201:4 207:12 210:6,8

stop 62:19

stops 106:5

street 4:7,13 5:19 72:19

strict 48:20

Stuart 4:4 21:17 40:12

students 113:20 114:17

stuff 24:21 102:6 109:16
110:22 175:21

stump 146:8

subject 8:20 137:17,19

submit 42:20

submitted 24:7

submitting 34:6

subscribing 37:7,8

substance 62:17

subunits 29:4

successful 92:16,19,23

successfully 112:5

successor 15:15

sudden 162:11

sufficient 9:13 147:18,
23 148:2 159:4 171:4,6
172:3 176:18

suggest 9:14

suggested 69:10

Suite 2:2,14 4:8,21 5:6,
20

summer 179:23 180:8
183:5

Sunday 22:13 81:9

supplemental 77:19

supply 153:22

support 17:17,19 144:2

164:2 191:8,19
suppose 200:4
supposed 13:4 43:10
48:15 110:7
Supreme 178:22 182:8,
14,19
surmise 120:6
surrounding 199:20
suspect 11:6 13:9 32:6
sworn 10:9,13
system 43:18 93:16
128:19 129:1,2 160:23

T

table 80:2
takes 11:9 196:4
taking 2:22 42:10 81:23
82:1 105:9 155:14
talk 11:11,14,15 27:18
98:20,21 107:21 130:20
167:13 185:8,9,18
talked 9:10 21:8 66:3
99:13 108:17,23 111:3
126:3 167:14 175:9,13
191:13 192:14 200:10,15
talking 14:23 23:13
27:23 30:20 66:1 70:3,19
71:8 76:22 78:11 82:21,
22 83:1,12,15 86:1 99:2
108:6 110:2 112:6 114:8
120:17 123:17,19,20
128:11 132:1 136:12
138:22 140:1 143:1
154:23 176:4 177:5
179:7 183:7,8 185:12,15,
16,19,21 195:22 200:14
205:12 209:15
target 119:4
targeted 113:19
Taunton 4:18 6:4 8:4,10,
22 9:3,17,23 10:17 20:4,
10 39:17 41:1,6 44:14,19
45:5 47:9,18 48:5 50:16
51:21 55:6 57:7,14 63:13
65:7,15,18 67:14 68:8,17
69:6,17 70:19 71:19
72:2,13 73:4,16 74:13,23

75:3 79:8,13 80:21 81:17
82:13 84:12 85:18 86:13
87:15 88:11 89:1,18 90:2
91:21 92:22 94:3,15
95:2,19 96:3 97:3,16,19
98:2,5 99:12 100:4
101:19 103:5 105:12,21
106:8 107:15,19 109:21
111:9 112:11,18 113:5,9,
23 114:10,22 116:10
117:3,16 118:14,17
119:2 120:9,16,22
121:12 122:1,6,15,19
123:5,15 124:13 125:7
126:9,16 127:13 128:3
129:4,13 130:10,20
132:11,22 133:13,19
134:18 135:8 136:1,5,6
137:3,10 138:6,8,17,20
139:4 140:2,9,22 141:7
142:11 143:17 144:6,23
145:4,18,21 146:9,14
147:1,16 148:1,6,13,17,
22 149:7 150:6 152:13,
19 154:20 159:3,9 161:9
163:15 165:2,17 166:18
167:9 169:5 170:7,13,23
171:13,17 172:7,13,23
173:5 174:3 175:6 176:5
177:7,16 178:5 179:4,9,
12,15,19 180:6,22
181:12,16,21,23 184:6
185:12 186:15 187:12
188:6 189:17,22 190:16,
20 191:13 192:11 193:3,
13 194:5,11,16,23
195:13,18 196:1,18
197:3 199:3,8,16,18
200:16 201:10,23 202:7,
13 203:22 204:21 205:3
206:21 207:20 208:5,12,
20 209:3 210:16 213:16,
19
technical 13:3
technically 165:3
telephone 87:9
telling 69:6 94:15
tells 131:13
ten 37:10 61:1 133:19
152:14 156:18 173:16
ten-year 173:19
tend 113:9,10

term 38:23 181:4,9
territory 31:21
test 187:19
testified 10:14 174:11,
14
testify 11:16 137:4,7
138:9 171:12
testifying 14:8 20:3
138:13
testimony 36:9 126:4
127:7 137:15 174:5,7
191:14 215:9
theoretically 58:5,8,14
59:14
thereto 3:7 26:14 33:16
75:8 182:6 204:4 215:7
thing 12:18 61:22 66:16
88:5 97:8 104:19 110:21
119:19 201:8 202:9
things 12:8 17:23 45:21
79:7,15 88:6 96:1 109:1,
20 144:18 154:9 157:5,
19 166:15
thinking 60:15 160:17
166:17 167:7
thought 51:7 84:20
115:20 200:2
three-judge 181:19
183:8 187:10 190:15
208:19
time 3:5,6 12:13 13:2
19:10,17 23:13 24:13
25:14 27:21 28:5 29:11
31:3 35:1 50:21 51:12
53:10 60:10,23 63:21
64:1,17,21 65:22 66:10,
23 67:15 78:10,21 93:23
96:12 99:15 104:22
109:18 114:6 116:5
119:17 122:22 129:1
135:13,14 136:16 159:17
161:17 165:16 169:7
171:14 175:17 184:20
211:11
times 39:2,4
timing 51:3,9 175:13
Tiplersville 20:8,9
today 8:21 11:17 14:7,17

15:8 27:2,3,13 49:3,5
88:17 116:7,14 119:23
126:14 148:14 172:10
190:2
today's 21:1 25:16
token 12:5
told 103:15 116:11 153:1
190:21
tomorrow 49:8
top 32:9,13 60:15 102:20
topics 8:19 12:9 27:8,16,
19 199:2,4,7
total 48:12 49:10
totals 43:22
track 88:12,16,20,21
115:5,6,10,13 117:16,18
118:5,9,12 125:19
127:20 129:6 134:3
144:7 166:1,3
tracking 118:13
training 141:19 155:7,10
transcribed 215:7
transcript 1:14 215:9
transcription 215:8
transition 74:15
transport 163:19 164:4,
8
transporting 164:12
165:22
treasury 40:18
treated 73:13
treatment 74:1
trial 3:5 137:4,7,12,16
138:10
true 148:13,21 215:8
trust 87:4
truthfully 11:17
turn 40:9 79:2 87:20
167:12 179:21
turned 156:6
turnout 126:20 127:12
157:17 188:13,15,17

turpitude 97:8,10 99:5
117:12 124:1,7,19,21
125:2

twang 177:21

Twenty-one 56:2

Twenty-three 18:9
168:3

type 114:1 159:23

types 78:13 157:5

typical 85:3

typically 50:19 108:4
113:16 146:15 148:2,5

U

ultimately 58:3

understand 8:5 15:7
17:22 20:4 52:21 54:3
71:9 77:6 86:19 92:22
93:3 94:9 98:23 105:22
106:5 107:23 108:15
112:14 136:8 142:2,22
155:15 168:10 178:21
191:11,21 192:9 196:3
206:8

understanding 101:20
103:12 105:13,16 124:8,
16 125:6 171:18,20
172:14 173:1,15 181:8

understood 9:19 76:19
108:12

undertaken 166:9 167:1

UNION 4:12

unit 29:3,9,20 31:18
34:17,23 40:6,15 41:13
43:10 45:5 46:20 48:19,
20 49:3,17,18,20 50:1,9,
13,22 53:6,9,11,16,21
77:3,6 81:22 84:9,17
89:16 90:11 115:9,16
140:14 154:4 164:6
211:13 212:7,15

unit's 40:10 43:10

UNITED 1:1

units 28:17,20,23 29:3,4,
19,21 31:17,20 34:19
36:15,16 38:2 40:21
41:20 42:7,8,13 48:6,8,

12,13,18 51:13,23 52:10,
11,13,16 75:17,18,19,21,
22 76:5,6,17,23 77:1,11,
17 79:1 81:18 82:23 83:5
84:1,13 86:2 88:12,15
89:13 90:4 96:21,22
98:16,21 102:8 107:3
111:9 115:10,12 116:1,
22 117:8,16 119:8
127:20 129:5 132:3,8,17
139:16 150:23 151:3,5
155:5 163:3,5,19 164:14
166:1

units' 111:4

unnamed 138:9

unnecessarily 95:1

unpacked 172:1

unquote 97:1 142:16
146:8

upcoming 109:18

upheld 182:9,19

uphold 208:18

usual 10:1

V

valid 42:23 43:20

van 128:18 129:1,2 164:8

vans 165:21

variables 147:7,12

vehicle 164:4,7

vehicles 164:3

venture 111:16

verbal 11:9

verbally 90:13

verified 43:14

verify 213:12

versus 13:22,23 14:23
15:19

veteran 55:17

vice 31:3

VIDEOCONFERENCE
5:1,15

view 191:15 195:14

views 142:3

violation 155:20 209:18

VIRTUALLY 5:1,15

visibility 145:13,14

visit 154:6

volunteer 17:13 19:18
166:6

volunteering 101:12

volunteers 107:5,6,8
153:23 154:21,22

vote 31:11 79:7 80:1,6,
13,18 86:20 87:21 88:7,
14 89:16 93:2,7,11,12,17
100:19 101:8 103:22
104:1,3,5,7 107:11,17
109:9,10,19 110:1,5,8
112:6,8 114:3,8 115:3,17
116:22 118:7 119:23
120:7,13,21,23 121:2,3,
6,10 122:7,17 124:5,6,20
125:1,3,11,13,17,21
126:11 127:2,5,18,22,23
128:4,8,21 129:16,17,19,
23 130:1,9,15,16 131:13
141:17 143:10,13 144:21
145:17 150:1 153:15
154:14 156:12,15 157:8
158:17 160:8 161:11
162:20 179:21 193:14,19
194:6,7

vote.' 93:14

voted 58:7 126:11
127:15,18 128:5,9,10,15,
23 129:1,9,12 162:6

voter 80:4,9 81:6,9,15
83:14 85:13,16,17,21
86:8,11,16,23 87:6 89:3,
6 110:17 112:16 114:19
115:23 119:5 124:18
126:20 127:12 131:4
157:17 160:1,8 188:17

voter's 131:12

voters 79:18 88:17,18
89:12 90:6,19 92:18,19
127:14 128:14 133:3
157:7 163:19 164:12
171:21,22 173:12
176:16,22 188:13 190:10
193:16,17 195:5 201:1,2
209:2

voters' 193:18

votes 43:23 62:5,7 63:18
126:6 172:17 193:19

voting 24:20 46:18
63:19,21 64:7 65:23
66:17 73:12 74:5 78:8
92:16 93:19 94:1 96:9,12
98:14 103:14 104:11,17,
19 108:18,20 111:3,4
126:14 131:2 155:20
156:5,23 157:12 158:10
187:4,6,19 188:2,7 190:7
191:7,18 193:18 194:2
195:10 196:22 209:19

W

wait 27:9

waiting 153:5

waived 2:19 3:11

walked 53:5

Walker 5:3 12:12 44:11

wanted 65:14 127:23
129:9,12 148:8

wanting 40:7

Washington 4:9 5:12,21

ways 27:12 78:3,8 109:2

wear 38:17

website 70:6 71:10,20
72:15,17 77:12 104:17
110:21

websites 118:11

Wednesday 21:11,18

week 21:13 49:8

weeks 28:4

well-attended 89:6

Wendy 1:21 2:11 7:1
215:20

WES 1:9

West 2:2,13

When's 51:3

white 47:7 201:2

who've 95:13

wife's 162:10

Williams 212:23**win** 147:23**winning** 139:1**withdrawn** 180:3,11**women** 113:10**won** 139:5,7**word** 102:5**words** 165:5**work** 19:3 41:18 76:11
90:16 93:22 94:4 107:12
160:3 164:7 188:16**worked** 18:16 19:4,10,11
20:15 90:16**workers** 157:6,7**working** 20:11 100:12
143:17,19**workshop** 45:18**worth** 69:4**write** 88:9**wrong** 105:17 156:20
158:5

X

X's 52:20

Y

y'all 8:15 70:8**year** 35:5 42:6 48:21
50:10,11 82:19 83:2,22
84:2,9,14 85:4,7,23 89:7,
10,14 90:3 167:19,21
168:1,2,22 170:22
184:12 210:21**year-end** 35:8 48:16
91:3**years** 18:9,16 30:10
37:10 39:1 60:22 61:1
67:23 68:3 113:21
114:19,21 115:1 119:9
121:23 122:2 133:19
148:6,23 152:14 156:18
162:18 165:7 169:1,6,10
170:20 173:17 174:6
211:10**yesterday** 21:10 22:12**York** 4:15**young** 113:13 126:1**younger** 114:13,15,17
115:3 146:3**youth** 29:7,14,15,21
34:19 36:16 38:2 42:8
48:6,8 52:16 117:23

Z

Zoom 78:17

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 29

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 2:21-cv-1531-AMM
)	
WES ALLEN, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

NOTICE OF RULE 30(b)(6) DEPOSITION
OF THE ALABAMA STATE CONFERENCE OF THE NAACP

Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), the Defendants in the above-captioned case will take the deposition upon oral examination of such individual as the Alabama State Conference of the National Association for the Advancement of Colored People (referred to herein as “NAACP,” “you,” and/or “your”) shall designate as the person most knowledgeable on the following subjects:

1. Your corporate structure, including but not limited to state conference leadership and local branch and/or unit leadership.
2. Your understanding of the methods of registering to vote in Alabama.
3. Your current and historical efforts to register eligible Alabamians to vote, including the results of your efforts.
4. Your current and historical efforts to re-enfranchise eligible Alabamians, including the results of your efforts.



5. Your efforts to monitor polling locations since January 1, 2016.
6. Your efforts to transport voters to polling locations since January 1, 2016, including the results of those efforts and the racial demographics of the voters you transported.
7. Your efforts to determine the racial demographics of votes cast in Alabama elections (local, state, and/or federal) since January 1, 2016, including the results of those efforts.
8. Your membership, including but not limited to:
 - a. Number of members;
 - b. Your members who reside in Senate Districts 2, 6, 7, 25, and 26 in your proposed map;
 - c. Racial breakdown of membership;
 - d. Average income of membership; and,
 - e. Percentage of membership that is registered to vote.
9. The percentage of your membership that is registered to vote today versus in years past, going back to your founding.
10. Your members who are eligible to vote but are not registered to vote, including but not limited to:
 - a. The identity of those members;
 - b. The reasons why those members are not registered to vote; and,
 - c. Your efforts to assist those members register to vote.
11. Eligible Alabama voters who are not your members and are unable to vote, including but not limited to:
 - a. The identity of those residents;
 - b. The reasons why those eligible voters have been unable to vote; and,
 - c. Your efforts to assist those eligible voters to vote.
12. Your communications with any eligible Alabamian who unsuccessfully attempted to register to vote since January 1, 2016, including but not limited to:
 - a. The identity of the eligible resident;
 - b. The reason why that eligible resident could not register to vote; and,
 - c. Your efforts to assist that eligible resident to register to vote.

13. Your communications with any eligible voter who claimed to be unable to vote in any election since January 1, 2016, including but not limited to:
 - a. The identity of the eligible voter;
 - b. The reason why that eligible voter could not vote; and,
 - c. Your efforts to assist that eligible voter to vote.
14. Your members who have run for public office since your founding, including but not limited to:
 - a. The identity of those members; and,
 - b. The result of their campaigns.
15. Your efforts “to ensure the political, educational, social, and economic equality of African Americans and all other Americans.” (Fourth Amended Complaint ¶18).
16. Your efforts “to eliminate racial discrimination in the democratic process.” (Fourth Amended Complaint ¶18).
17. Your understanding of what activities beyond “turning out to vote on Election Day” constitute “engage[ment] in the political process.” (Fourth Amended Complaint ¶18).
18. Your efforts to assess who, among your members, are hindered from participating in the political process.
19. Your efforts to “encourage[] African Americans to engage in the political process by turning out to vote on Election Day.” (Fourth Amended Complaint ¶18).
20. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Democratic Party.
21. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Republican Party.

22. All bases for your statement that “significant racial disparities in voter turnout and voter registration rates remain” in Alabama. (Fourth Amended Complaint ¶153).

23. Your requests for relief.

24. Your issuance of public statements since January 1, 2019 concerning redistricting or the 2020 United States census, including but not limited to the contents of your public statements and the person(s) who draft, authorize, and release your public statements.

25. Whether, and if so, how, the historical events discussed in paragraphs 122-136 of your Fourth Amended Complaint affect the opportunity of black voters in the present to participate in the political process and elect their candidates of choice.

* * *

All terms within these topics shall have the same meaning that you gave them in your First Amended Complaint. Should you believe that any of these topics require clarification, please notify the undersigned counsel in writing at least 10 days in advance of the deposition.

This deposition shall be conducted at the following time and place unless otherwise agreed upon by the Parties:

Date: Monday, April 22, 2024

Time: 10:00am (central)

Place: Alabama State Conference of the NAACP
809 Highway 72 West, Suite D
Athens, Alabama 36104

This deposition shall be conducted before a Court Reporter authorized by law to administer oaths in the State of Alabama. The deposition will be stenographically recorded.

Respectfully submitted,

Steve Marshall
Attorney General

/s James W. Davis

Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

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Counsel for Representative Pringle

CERTIFICATE OF SERVICE

I certify that on April 9, 2024, I served the foregoing document electronically upon Plaintiffs' counsel of record.

/s James W. Davis
James W. Davis
Counsel for Secretary Allen

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)
)
 Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
capacity as Alabama Secretary of)
State, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
 Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
capacity as Secretary of State of)
Alabama, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
 Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
Capacity as Alabama Secretary of)
State, et al.,)
)
 Defendants.)

Case No.: 2:21-cv-01536-AMM



NOTICE OF RULE 30(b)(6) DEPOSITION
OF THE ALABAMA STATE CONFERENCE OF THE NAACP

Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), the Defendants in the above-captioned case will take the deposition upon oral examination of such individual as the Alabama State Conference of the National Association for the Advancement of Colored People (referred to herein as “NAACP,” “you,” and/or “your”) shall designate as the person most knowledgeable on the following subjects:

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5. Your efforts to monitor polling locations since January 1, 2016.
6. Your efforts to transport voters to polling locations since January 1, 2016, including the results of those efforts and the racial demographics of the voters you transported.
7. Your efforts to determine the racial demographics of votes cast in Alabama elections (local, state, and/or federal) since January 1, 2016, including the results of those efforts.
8. Your membership, including but not limited to:
 - a. Number of members;

- b. Your members who reside in Congressional Districts 2 and 7 in your proposed map(s);
 - c. Racial breakdown of membership;
 - d. Average income of membership; and,
 - e. Percentage of membership that is registered to vote.
- 9. The percentage of your membership that is registered to vote today versus in years past, going back to your founding.
- 10. Your members who are eligible to vote but are not registered to vote, including but not limited to:
 - a. The identity of those members;
 - b. The reasons why those members are not registered to vote; and,
 - c. Your efforts to assist those members register to vote.
- 11. Eligible Alabama voters who are not your members and are unable to vote, including but not limited to:
 - a. The identity of those residents;
 - b. The reasons why those eligible voters have been unable to vote; and,
 - c. Your efforts to assist those eligible voters to vote.
- 12. Your communications with any eligible Alabamian who unsuccessfully attempted to register to vote since January 1, 2016, including but not limited to:
 - a. The identity of the eligible resident;
 - b. The reason why that eligible resident could not register to vote; and,
 - c. Your efforts to assist that eligible resident to register to vote.
- 13. Your communications with any eligible voter who claimed to be unable to vote in any election since January 1, 2016, including but not limited to:
 - a. The identity of the eligible voter;
 - b. The reason why that eligible voter could not vote; and,
 - c. Your efforts to assist that eligible voter to vote.
- 14. Your members who have run for public office since your founding, including but not limited to:
 - a. The identity of those members; and,
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21. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Republican Party.
22. All bases for your statement that “significant racial disparities in voter turnout and voter registration rates remain” in Alabama. (*Stone v. Allen* Fourth Amended Complaint ¶153).
23. Your requests for relief.
24. Your issuance of public statements since January 1, 2019 concerning redistricting or the 2020 United States census, including but not limited to the contents of your public statements and the person(s) who draft, authorize, and release your public statements.
25. Whether, and if so, how, the historical events discussed in paragraphs 122 through 136 of your First Amended Complaint affect the opportunity of black

voters in the present to participate in the political process and elect their candidates of choice.

* * *

All terms within these topics shall have the same meaning that you gave them in your Fourth Amended Complaint. Should you believe that any of these topics require clarification, please notify the undersigned counsel in writing at least 10 days in advance of the deposition.

This deposition shall be conducted at the following time and place unless otherwise agreed upon by the Parties:

Date: Monday, April 22, 2024
Time: 10:00am (central)
Place: Alabama State Conference of the NAACP
809 Highway 72 West, Suite D
Athens, Alabama 36104

This deposition shall be conducted before a Court Reporter authorized by law to administer oaths in the State of Alabama. The deposition will be stenographically recorded.

Respectfully Submitted,

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***Counsel for Senator Livingston and
Representative Pringle***

CERTIFICATE OF SERVICE

I certify that on April 9, 2024, I served the foregoing document electronically upon Plaintiffs' counsel of record.

/s James W. Davis
James W. Davis
Counsel for Secretary Allen



Alabama Counties



by the Dept. of Geography
 ge of Arts and Sciences
 e University of Alabama

Bylaws for Units of the NAACP

**BYLAWS FOR UNITS
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

TABLE OF CONTENTS

	Page
ARTICLE I NAME AND JURISDICTION	1
1. (Name of Units)	1
2. (Jurisdiction)	2
ARTICLE II OBJECTIVES	2
1. (Purpose of Units)	2
2. (Methods)	7
3. (Coalition/Affiliation with other Organizations)	9
ARTICLE III ORGANIZATIONAL STRUCTURE	10
1. (Unit Status)	10
2. (Units of the Association)	10
3. (Charter)	10
4. (Assessments)	13
5. (Per Capita Assessment for State/State-Area Conferences)	14
6. (Real Property)	14
7. (Intellectual Property; NAACP Trademarks)	15
ARTICLE IV MEMBERSHIP	15
1. (Membership Prerequisites)	15
2. (Effective Date of Membership in the Branches, Youth Units and Authorized Committees)	15
3. (Membership in the State/State-Area Conference)	16
4. (Membership in the Branch)	16
5. (Membership in the Prison Branch)	17
6. (College Chapter Membership)	17
7. (Youth Council Membership)	18
8. (High School Chapters)	18



Bylaws for Units of the NAACP

9.	(Junior Youth Councils).....	19
10.	(Dues).....	19
11.	(Division of Regular Membership Dues).....	19
12.	(Annual Corporate Membership).....	20
13.	(Division of Life Membership Dues).....	20
ARTICLE V	GOVERNANCE	21
1.	(Meetings of Units).....	21
2.	(Meetings of the State/State-Area Conference)	21
3.	(Annual Meeting of Units).....	22
4.	(Notice of Annual Meeting).....	23
5.	(Special Meetings of Branches, Youth Units and Authorized Committees).....	23
6.	(Meetings of the Executive Committee of Branches, Prison Branches and Youth Units).....	24
7.	(Meetings of Standing Committees)	24
8.	(Quorum).....	24
9.	(Order of Business).....	24
10.	(Faculty Advisor)	25
11.	(Selection of a Youth Council Advisor)	25
12.	(High School Chapter Advisors).....	26
13.	(Junior Youth Council Advisors).....	27
14.	(Controversies Between Branch and Youth Units).....	27
15.	(Indebtedness for State/State-Area Conferences, Branches, Prison Branches and Authorized Committees).....	27
16.	(Indebtedness for Youth Units).....	27
17.	(Fiscal Business Year)	28
18.	(Unit Bookkeeping System).....	28
19.	(Audits)	28
ARTICLE VI	OFFICERS OF UNITS AND STAFF	28
1.	(Officers and Staff)	28
2.	(Qualifications)	29
3.	(Term of Office).....	31
ARTICLE VII	DUTIES OF OFFICERS OF UNITS.....	33
1.	(President).....	33
2.	(Vice President)	34
3.	(Secretary).....	34

Bylaws for Units of the NAACP

4.	(Treasurer).....	36
5.	(Assistant Secretary)	37
6.	(Assistant Treasurer)	37
7.	(Executive Director).....	37
ARTICLE VIII	COMMITTEES OF UNITS.....	38
1.	(Executive Committee)	38
2.	(Duties of the Executive Committee)	40
3.	(Quorum).....	41
4.	(Standing Committees and Special Committees of Units)	41
5.	(Duties of the Standing Committees).....	43
6.	(Distinctive Duties of Prison Branch Standing Committees)	48
7.	(Distinctive Duties of College Chapter Standing Committees)	49
8.	(Distinctive Duties of Youth Council Standing Committees)	52
9.	(Tenure).....	54
10.	(Removal Procedure)	54
ARTICLE IX	ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE AND DELEGATES	55
1.	(Procedure for State/State-Area Conference Elections)	55
2.	(Election of Officers and Executive Committees for Branches) ...	61
3.	(Procedure for Prison Branch Elections)	67
4.	(Procedure for College Chapter Elections)	72
5.	(Procedure for Youth Council, High School Chapter and Junior Youth Council Elections).....	75
6.	(Voting for Members of the Board of Directors at Large).....	79
ARTICLE X	EXPULSION, SUSPENSION OR REMOVAL OF OFFICERS AND MEMBERS	79
1.	(Units Failing to Report).....	79
2.	(Grounds for Suspension or Other Disciplinary Action)	79
3.	(Complaints)	80
4.	(Authority of National President and CEO).....	80
5.	(Notice of Complaint and Right to Answer).....	80
6.	(National Office Review and Investigation)	80
7.	(Hearing Procedure)	81
8.	(Notice of Findings and Action of the Board)	81

Bylaws for Units of the NAACP

ARTICLE XI	SUSPENSION AND REVOCATION OF CHARTER.....	82
ARTICLE XII	INDEMNIFICATION.....	82
	1. (Persons Covered).....	82
	2. (Limitation; Notice)	82
ARTICLE XIII	AMENDMENTS TO LOCAL BYLAWS.....	83
ARTICLE XIV	RATIFICATION OF BYLAWS.....	83
ADDENDUM	YOUTH AND COLLEGE DIVISION GUIDELINES (see tab)	

Bylaws for Units of the NAACP

BYLAWS FOR UNITS

These Bylaws for Units pertain to all Units of the National Association for the Advancement of Colored People and should be read in conjunction with the Constitution of the National Association for the Advancement of Colored People.

**ARTICLE I
NAME AND JURISDICTION**

1. (Name of Units)

- a. *State/State-Area Conference.* The name of this organization shall be the _____ State or _____ State-Area Conference of the National Association for the Advancement of Colored People. Each State/State-Area Conference shall have a Youth and College Division.
- b. *Branch.* The name of this organization shall be the _____ Branch of the National Association for the Advancement of Colored People.
- c. *Prison Branch.* The name of this organization shall be the _____ Prison Branch of the National Association for the Advancement of Colored People.
- d. *College Chapter.* The name of this organization shall be the _____ College Chapter of the National Association for the Advancement of Colored People.
- e. *Youth Council.* The name of this organization shall be the _____ Youth Council of the National Association for the Advancement of Colored People.
- f. *Junior Youth Council.* The name of this organization shall be the _____ Junior Youth Council of the National Association for the Advancement of Colored People.

Bylaws for Units of the NAACP

- g. *High School Chapter.* The name of this organization shall be the _____ High School Chapter of the National Association for the Advancement of Colored People.
- h. *Authorized Committee.* The name of this organization shall be the _____ Authorized Committee of the National Association for the Advancement of Colored People.

2. (Jurisdiction)

- a. The State/State-Area Conference, Branch, Prison Branch, College Chapter, High School Chapter, Youth Council, Junior Youth Council and Authorized Committee shall be a constituent and subordinate unit of the Association subject to the general authority and jurisdiction of the Board of Directors.
- b. *Coordination of College Chapters.* Whenever a College Chapter is located in a city or county containing another unit of the NAACP, the off-campus activity of the College Chapter shall be by mutual exchange of information.
- c. *Relationship Between Youth Units and Branches.* Youth Units and Branches have coordinate status within the Association's framework. While each affiliate has an independent status from the other, it is expected that their programs will be coordinated and the Youth Units and Branch in the same area will work in full cooperation to accomplish the aims and objectives of the Association subject to the general authority of the Board of Directors.
- d. All NAACP Units located within the geographic boundaries of a State/State-Area Conference shall be a member of the State/State-Area Conference and are subject to the State/State-Area Conference's efforts to coordinate NAACP activities and policies within its jurisdiction.

**ARTICLE II
OBJECTIVES**

1 (Purpose of Units)

- a. *Units.* The purpose of the Units shall be to support the policies of the Association as described in Article II of the Constitution and to support the National Office by, among other means, sharing fundraising dollars and providing financial support.

Bylaws for Units of the NAACP

- b. *Objectives of State/State-Area Conferences.* The purpose and aims of State/State-Area Conferences of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; to take lawful action to secure the elimination of racial discrimination; to seek legislation and policies at the state level, or at other levels if requested by the National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition, its objectives shall be to: stimulate the Branches, Prison Branches, Youth Councils, High School Chapters, College Chapters, Authorized Committees and any and all Units of the Association in its jurisdiction to greater activity in the fight for freedom; to revive dormant Units in the State/State-Area Conference; to organize new Units; to assist the Association in the conduct of the work of the NAACP by increasing support for the Association by the various Units; to coordinate the activities and secure the cooperation of Units within the State/State-Area Conference; to eliminate discrimination and injustice against minority people in the area; to seek the enactment of laws in the state legislature which will advance the programs and policies of the Association. With respect of the Youth Units, these objectives should be carried out through the Youth and College Division of the State/State-Area Conference.

- c. *Objectives of Branches.* The purpose and aims of Branches of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; and to take lawful action to secure the elimination of racial discrimination, to seek legislation and policies at the local level, or at other levels if requested by the State/State-Area Conference or National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

Bylaws for Units of the NAACP

- d. *Objectives of Prison Branches.* The purpose and aims of Prison Branches of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; and to take lawful action to secure the elimination of racial discrimination; to seek legislation and policies at the local level, or at other levels if requested by the State/State-Area Conference or National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition Prison Branches shall work to improve the educational status of incarcerated persons and to provide constructive rehabilitative leadership training programs that would enable released prisoners to return to society as assets rather than liabilities. Such training and experiences shall come from active participation in committees and general unit work.

Additional objectives of the Prison Branch shall be to disseminate comprehensive knowledge of the goals and objectives of the Association as they pertain to people of all races, colors and creeds; to inform prisoners of the problems affecting African-Americans and other ethnic minority groups; to acquire knowledge concerning community pride, civic awareness, responsibility, and brotherhood; to develop a more honorably rehabilitated citizen who is able to identify and help solve the problems of our society and world; and to advance the educational and social status of African-American prisoners and other racial and ethnic minorities.

- e. *Objectives of College Chapters.* The purpose and aims of College Chapters of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; to take lawful action to secure the elimination of racial discrimination; and, to seek legislation and policies at the local level or at other levels if requested by the State/State-Area Conference or National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the

Bylaws for Units of the NAACP

Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition, its objectives shall be to inform students of the problems affecting African-Americans and other racial and ethnic minorities; to advance the economic, education, social and political status of African-Americans and other racial and ethnic minorities and their harmonious cooperation with other peoples; to stimulate an appreciation of the African Diaspora and other people of color's contribution to civilization; and to develop an intelligent, militant, effective leadership. These objectives shall be pursued in accordance with the policies of the Association within the framework of university regulations.

- f. Objectives of Youth Councils.* The purpose and aims of Youth Councils of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; to take lawful action to secure the elimination of racial discrimination; and, to seek legislation and policies at the local level or at other levels if requested by the State/State-Area Conference or national organization, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition, the purposes of the Youth Council shall be to inform youth of the problems affecting African-Americans and other racial and ethnic minorities, to advance the economic, educational, social and political status of African-Americans and other racial and ethnic minorities and their harmonious cooperation with other peoples, to stimulate an appreciation of the African Diaspora and other people of color's contribution to civilization; and to develop an intelligent and militant youth leadership. These objectives shall be pursued in accordance with the policies of the Association.

- g. Objectives of High School Chapters.* The purpose and aims of High School Chapters of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the

Bylaws for Units of the NAACP

adverse effects of discrimination; and to take lawful action to secure the elimination of racial discrimination; and, to seek legislation and policies at the local level, or at other levels if requested by the State/State-Area Conference or National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition, the purposes of the High School Chapter shall be to inform youth of the problems affecting African-Americans and other racial and ethnic minorities, to advance the economic, educational, social and political status of African-Americans and other racial and ethnic minorities and their harmonious cooperation with other peoples; to stimulate an appreciation of the African-American Diaspora and other people of color's contribution to civilization; and to develop an intelligent and militant youth leadership by devising, working out and pursuing local programs. These objectives shall be pursued in accordance with the policies of the Association within the framework of high school regulations.

- h. Objectives of Junior Youth Councils.* The purpose and aims of Junior Youth Councils of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; and to take lawful action to secure the elimination of racial discrimination; to seek legislation and policies at the local level, or at other levels if requested by the State/State-Area Conference or National Office, which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

In addition, the purposes of the Junior Youth Council shall be to inform youth of the problems affecting African-Americans and other racial and ethnic minorities, to advance the economic, educational, social and political status of African-Americans and other racial and ethnic minorities and their harmonious cooperation with other peoples, to stimulate an appreciation of the African Diaspora and other people of

Bylaws for Units of the NAACP

color's contribution to civilization; and to develop an intelligent and militant youth leadership. These objectives shall be pursued in accordance with the policies of the Association.

- i. *Objectives of Authorized Committees.* The purpose and aims of Authorized Committees of the National Association for the Advancement of Colored People shall be to improve the political, educational, social, and economic status of African-Americans and other racial and ethnic minorities; to eliminate racial prejudice; to keep the public aware of the adverse effects of discrimination; and to take lawful action to secure the elimination of racial discrimination; to seek legislation and policies at the local level or at other levels if requested by the State/State-Area Conference or National Office which advance the programs and policies of the Association; and to oppose legislation and policies which are adverse to the programs and policies of the Association consistent with the efforts of the national organization and in conformity with the Articles of Incorporation of the Association, its Constitution and Bylaws, and as directed by the Board of Directors.

2. *(Methods)*

The methods used to obtain the Association's objectives shall be direct action, litigation, legislation and political action.

- a. *Direct Action*

Examples. Direct action includes agitation, demonstrations, marches, picketing, boycotts, economic sanctions and other appropriate action.

Authority. In accepting the mantle of leadership bestowed by virtue of their charter which requires the aggressive pursuit of the Association's mission, Units are encouraged to follow an independent course of action set out by the Unit's membership as long as it is consistent with the Association's policies and objectives. However, no Unit shall initiate, endorse or participate in direct action on behalf of the Association, or any Unit of the Association, without the express written authorization of the President and CEO and General Counsel.

Direct Action Approval Procedure. Any Unit of the Association seeking to initiate, endorse or participate in direct action as described above shall seek prior, timely authorization in writing from the President and CEO and General Counsel. Units must submit requests for approval within 10 business days before the date of proposed action. The subject line of the e-

Bylaws for Units of the NAACP

mail sent by the unit seeking authorization should read “Direct Action.” The President and CEO shall respond in a timely manner after receipt of said request. The President and CEO and General Counsel, at their discretion and in accordance with the objectives of the Association, shall communicate approval, or disapproval of said proposed direct action in writing to the Unit. If the 10 business days make the direct action irrelevant due to the pressure to respond immediately, the unit shall receive approval by email to ensure that the response to the unit is timely.

b. Litigation

Litigation Authority. No Unit of the Association shall have authority to initiate, endorse or participate in legal action, including, but not limited to, pre-suit discussions, negotiations, court litigation, or post-suit matters on behalf of or in the name of the Association, or any Unit of the Association, without the express written authorization of the President and CEO and General Counsel.

Litigation Approval Procedure. Any Unit of the Association seeking to initiate, endorse or participate in legal action as described above shall seek prior, timely authorization in writing from the President and CEO and General Counsel. After reasonable opportunity to evaluate said proposed legal action, the President and CEO and General Counsel, at his or her discretion and in accordance with the objectives of the Association, shall communicate their approval, or disapproval of said proposed legal action in writing to the Unit.

c. Legislation

No Unit of the Association shall support any legislation or policy that is contrary to the official position of the Association adopted by the Board of Directors.

Authority. No Unit of the Association shall initiate, endorse or participate in the passage of federal legislation, including, but not limited to, bills, statutes, regulations or resolutions on behalf of the Association, or any Unit of the Association, without the express written authorization of the President and CEO.

Legislation Approval Procedure. Any Unit of the Association seeking to initiate, endorse or participate in the passage of federal legislation as described above shall seek prior, timely authorization in writing from the President and CEO. After reasonable opportunity to evaluate said

Bylaws for Units of the NAACP

proposed federal legislation, the President and CEO, at his or her discretion and in accordance with the objectives of the Association, shall communicate their approval, or disapproval of said proposed federal legislation in writing to the Unit.

d. Political Action

All Units of the Association at the appropriate jurisdictional level are expected to: increase registration and voting; work for the enactment of municipal (local units), state (state conference) and federal (national office) legislation designed to improve the educational, political and economic status of minority groups; work to repeal racially discriminatory legislation; improve the administration of justice; secure equal enforcement of the law; and keep the National Office and the Branch informed of all proposed legislation which affects minority groups. All political action shall be non-partisan and shall not endorse candidates for public office. Statewide ballot measures proposed by a unit must first obtain the approval of the National legal staff before filing with the local balloting authority.

3. (Coalition/Affiliation with other Organizations)

- a. Authority.* Units of the NAACP may affiliate and cooperate with other groups, organizations or coalitions when there is an incentive and purpose of affiliation and/or cooperation on specific issues, which are in accord with the program and policies of the Association. Prior written permission for such affiliation and/or cooperation by Units must be granted by the President and CEO.
- b. Approval Procedure for Joining Coalitions.* Any Unit of the Association seeking to join a coalition shall seek prior, timely authorization in writing from the President and CEO. Units must submit requests for approval within 15 business days before joining the proposed coalition. The President and CEO shall respond within 10 business days after receipt of said request. The President and CEO, at his or her discretion and in accordance with the objectives of the Association, shall communicate approval or disapproval of said proposed coalition in writing to the Unit.

Bylaws for Units of the NAACP

**ARTICLE III
ORGANIZATIONAL STRUCTURE**

1. *(Unit Status)*

- a. All Units shall be 501(c)(4) entities. No Units shall be authorized to create or form any 501(c)(3) entity unless expressly approved in writing by the Board of Directors.
- b. No Unit shall be authorized to incorporate itself or to organize itself in the form of a corporation under state law unless expressly approved to do so, in writing, by the President and CEO and the General Counsel upon a showing of legal or business necessity.

2. *(Units of the Association)*

The Units of the Association are those Units described in Article I, Section 1 of these Bylaws.

3. *(Charter)*

Charter Authority. The Board of Directors shall establish Units, including State/State-Area Conferences, Branches, Prison Branches, - College Chapters, Youth Councils, High School Chapters, Junior Youth Councils, Authorized Committees, and such other subsidiaries of the Association in such places and under such conditions as it sees fit. Each of the above shall be administered under a charter granted to it by the Board of Directors and in accordance with the Constitution and Bylaws for Units authorized by said Board of Directors.

- a. *Charter Eligibility Criteria for State/State-Area Conferences.* In any area where there exist Branches, Prison Branches, College Chapters, Youth Councils, High School Chapters, Junior Youth Councils and Authorized Committees, but where there is no existing State/State-Area Conference, application shall be made to the National Office for a State/State-Area Conference Charter in conjunction with procedures established by the Board of Directors.
 1. *Maintaining a State/State-Area Conference Charter.* State/State-Area Conferences must be comprised of no less than six (6) branches and six (6) Youth Units in good standing; pay all annual assessments; and, file all annual year-end reports as required by the Association.

Bylaws for Units of the NAACP

- b. *Charter Eligibility Criteria for Branches.* In any jurisdiction where there is no existing Branch, application shall be made to the National Office for a Branch charter in conjunction with procedures established by the Board of Directors. Prospective Branches must be comprised of no fewer than one hundred (100) adult members. The jurisdictional boundaries of a prospective Branch shall not conflict with the boundaries of any existing Branch.
 - 1. *Maintaining a Branch Charter.* A Branch shall maintain no fewer than 50 adult members; shall pay all annual assessments; and, shall file all year-end reports as required by the Constitution and Bylaws of the Association in order to maintain its charter.
 - 2. A Branch must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- c. *Charter Eligibility Criteria for Prison Branches.* In any prison/correctional facility where there is no existing Prison Branch, application shall be made to the National Office for Prison Branch charter in conjunction with procedures established by the Board of Directors. Prospective Prison Branches must be comprised of no fewer than 25 members.
 - 1. *Maintaining a Prison Branch Charter.* A Prison Branch shall maintain no fewer than 25 members; shall pay all annual assessments; and, shall file all annual year-end reports as required by the Association.
 - 2. A Prison Branch must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- d. *Charter Eligibility Criteria for College Chapters.* College Chapters shall contain at least 25 members under age 25 and/or be currently enrolled as a student in a college or university.
 - 1. *Maintaining a College Chapter Charter.* College Chapters shall maintain no fewer than 25 student memberships for two consecutive years; shall pay all annual assessments; and, shall file all annual year-end reports as required by the Association.

Bylaws for Units of the NAACP

2. A College Chapter must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- e. Charter Eligibility Criteria for Youth Councils.* Youth Councils shall contain at least 25 members who must be under 25 years of age. In the absence of a Young Adult Council in the jurisdiction, the Youth Council membership may include members between the ages of 19-25.
1. *Maintaining a Youth Council Charter.* Youth Councils shall have 25 members, pay all annual assessments; and, file all annual year-end reports as required by the Association.
 2. A Youth Council must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- f. Chapter Eligibility Criteria for High School Chapters.* High School Chapters shall contain at least 25 members who are currently enrolled in a high school or comparable secondary school.
1. *Maintaining a High School Chapter Charter.* High School Chapters shall have 25 members enrolled in the high school; pay all annual assessments; and, file all annual year-end reports as required by the Association.
 2. A High School Chapter must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- g. Chapter Eligibility Criteria for Junior Youth Councils.* Junior Youth Councils may be organized separately from Youth Councils where there are at least 25 youth members under 13 years of age.
1. *Maintaining a Junior Youth Council.* Junior Youth Councils shall contain 25 members, pay all annual assessments; and, file all annual year-end reports as required by the Association.
 2. A Junior Youth Council must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.
- h. Charter Eligibility Criteria for Authorized Committees.* Authorized Committees may be organized in areas where there are an insufficient

Bylaws for Units of the NAACP

number of members to maintain a Branch. Authorized Committees must contain at least seven (7) members and shall report to the State/State-Area Conference in their jurisdiction, subject to such rules and regulations as the Board of Directors may enact. It shall receive a Certificate of Authority from the National Office.

1. *Maintaining an Authorized Committee Charter.* Authorized Committees shall have seven (7) members, pay all annual assessments; and, shall file all annual year-end reports as required by the Association.
2. An Authorized Committee must also maintain good standing with its State/State-Area Conference by filing annual year-end reports and paying all State/State-Area Conference assessments.

4. (Assessments)

a. National Assessments

1. Unit Freedom Fund and other assessments for the support of the Association, as established by the Board of Directors, shall be paid to the National Office within 90 calendar days before the Annual National Convention. The above-mentioned assessments refer to the previous calendar year's assessments and must be paid in order for Unit delegates to be eligible to vote at the National Convention.
2. *Fundraising Assessments.* The net proceeds of each contribution, entertainment or fundraising effort by a Unit, excluding ACT-SO and Back-To-School/Stay-In-School and other approved programs, except for College Chapters subject to college and/or university fundraising requirements, shall be divided as follows: 25% to the National Office, 75% to the Unit; unless, in any case, written permission is obtained from the National Office for some different division, provided that the entire net proceeds of any fundraising effort for exclusively national purposes shall be transmitted to the National Office.

Notwithstanding the foregoing obligation, a Unit shall be exempt from disbursing 25% of its net proceeds of each contribution, fundraising or entertainment effort to the National Office if, and when, it increases its membership, as recorded by the National Office, by 35% from the previous calendar year. When the Branch increases its membership level by 35% from January 1 of a year to

Bylaws for Units of the NAACP

December 31 of that same year, the Unit shall be required to submit only 15% of its net proceeds of each fundraising or entertainment effort for the succeeding year to the National Office. The assessment reduction is earned on a year to year basis, based on the membership increase of the previous year.

3. A financial report of all such entertainment, contributions and fundraising activities shall be rendered to the Unit, the National Office and the public. The Unit must submit the report to the National Office, with the National Office's share within 45 days following the date of the event.

- b. *State/State-Area Conference Assessments.* Whenever the Unit comes within the jurisdiction of a State/State-Area Conference, the Unit assessment for support of the State/State-Area Conference shall be paid into the treasury of the State/State-Area Conference within sixty (60) calendar days of the annual State/State-Area Conference Convention. The amount of said assessment shall be determined by the State/State-Area Conference with the approval of the Board of Directors. Youth Unit assessments shall be paid into the State/State-Area Conference Youth and College Division Treasury.

5. (Per Capita Assessment for State/State-Area Conferences)

The National Office will provide a per capita membership match for State/State-Area Conferences at the rate of 25¢ per member of each Unit thereof.

6. (Real Property)

Units may not own real property. No unit, entity or affiliate may own or maintain or acquire any equitable interest in real property. Notwithstanding the foregoing, the NAACP, Inc., may, at the discretion of the Board of Directors and in accordance with the principles, aims and purposes of the Association, hold and/or own real property for the use and benefit of a particular unit. Any real property shall be owned in the name of NAACP, Inc., and in appropriate instances be held under circumstances approved by the Board of Directors.

Bylaws for Units of the NAACP

7. (Intellectual Property; NAACP Trademarks)

- a. *NAACP Trademarks.* Personal use of the NAACP Trademark is prohibited. No Unit or member may use the NAACP name or any of its trademarks in conjunction with any person or entity on any product, without the express written authorization of the President and CEO.
- b. *NAACP Logo and Letterhead.* Personal use of the NAACP logo and letterhead is prohibited. No member shall use the NAACP logo or letterhead in conjunction with any entity; on any product, without express written authorization of the President and CEO.

**ARTICLE IV
MEMBERSHIP**

1. (Membership Prerequisites)

Any person who is in accordance with the principles and policies of the Association may become a member of this Association with consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People and the Bylaws for Units, and by paying annually in advance the requisite membership fees as prescribed by the Board of Directors. Membership in the Units shall include membership in the National Association. Members of NAACP Units are encouraged to support the Association and cooperate to conserve resources in pursuit of the NAACP's mission and goals.

2. (Effective Date of Membership in the Branches, Youth Units and Authorized Committees)

- a. The effective date of Membership in a Branch, Youth Unit or Authorized Committee is the date membership payment is received by the aforementioned Unit either at a meeting of the General Membership or of the Executive Committee of the Unit; by the Unit Secretary; or by the Unit office, if there is one. In the event the National Office receives a membership fee from an individual who has indicated a desire to affiliate with a specific Unit, the National Office will notify said Unit that the membership fee has been received and, at the same time, transmit the Unit's share of the membership fee to the Unit. In such a case, such membership shall be effective upon receipt by the Unit of its share of the membership fee from the National Office.
- b. The minimum voting age for any member in good standing in Branch Elections shall be seventeen (17) years of age. Said member may vote in

Bylaws for Units of the NAACP

the Branch Election if he/she has paid the Regular Adult membership fee to the Branch

3. *(Membership in the State/State-Area Conference)*

- a. All Units in the State/State-Area Conference's jurisdiction are automatically members of the State/State-Area Conference, and are required to pay annually the prescribed assessment fee established by the Legislative Session of the State/State-Area Conference and approved by the Board of Directors. In order to be a Unit in good standing of the State/State-Area Conference, a Unit shall have paid its yearly assessment fee to the State/State-Area Conference and the per capita tax on each membership sent to the Association, and shall have at least fifty adult (50) adult members in good standing of a Branch; at least twenty-five (25) members of a Prison Branch; and at least twenty-five (25) of a College Chapter, Youth Council, High School Chapter, Junior Youth Council; and at least seven members of an Authorized Committee, at least sixty (60) days prior to any meeting of said Conference. All Units must be in good standing; pay all annual assessments; and, file all annual year-end reports as required by the Association to participate in meetings of the Conference. Only members of Units in good standing as defined above are members of the State/State-Area Conference.
- b. *Youth Units.* There shall be a Youth and College Division of the State/State-Area Conference. It shall be comprised of the Youth Units and they shall be governed by the Constitution and these bylaws.

4. *(Membership in the Branch)*

- a. Any person who is a permanent resident or who works within a Branch's jurisdiction may become a member of said Branch, providing they have paid the annual requisite Regular Adult Membership fee.
- b. Members of the Association in good standing where Branches are being formed, or who establish permanent residence within the jurisdiction of an existing branch, or who work within the jurisdiction of an existing Branch, may affiliate with the local Branch and be entitled to vote upon presenting satisfactory evidence of their membership. They shall not be assessed annual membership fees by the Branch until the expiration of the annual membership for which they have paid.
- c. Members of the Association shall affiliate and vote with only one Unit at a time.

Bylaws for Units of the NAACP

5. (Membership in the Prison Branch)

- a. Any person incarcerated in a prison or correctional facility who is in accordance with the principles and policies of the Association, may become a member of Prison Branch, with consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People, and by paying an annual membership fee in accordance with Article IV, Section 12 d, of these bylaws.
- b. Members of the Association in good standing, where Prison Branches are being formed, or who are incarcerated in a prison and/or correctional facility where a Prison Branch is in existence, may affiliate with the local Prison Branch and be entitled to vote in the Prison Branch election, upon presenting satisfactory evidence of their membership. They shall not be assessed annual membership fees by the Prison Branch until the expiration of the annual membership for which they have paid.
- c. Members of a Prison Branch shall affiliate and vote with only one Unit at a time.

6. (College Chapter Membership)

- a. Any person under the age of twenty-five (25) and/or currently enrolled as a student at a college or university who is in accordance with the principles and policies of the Association, may become a member of a College Chapter, with consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People, and by paying an annual membership fee in accordance with Article IV, Section 12, a through c of these Bylaws.
- b. Members of the Association in good standing, who are qualified for membership in the College Chapter, may affiliate with the new College Chapter, where the same is being formed in the locality, and be entitled to vote upon presenting satisfactory evidence of Association membership. They shall not be assessed annual membership fees by the College Chapter until the expiration of the annual membership for which they have paid.
- c. Members of a College Chapter shall affiliate and vote with only one Unit at a time.

Bylaws for Units of the NAACP

7. (Youth Council Membership)

- a. Any person under age twenty-five (25) who is in accordance with the principles and policies of the Association, may become a member of a Youth Council, with the consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People, and by paying annually the requisite fee. By his/her 25th birthday, the Youth Council member must transfer his/her membership to the Branch or College Chapter if currently enrolled as a student at said college or university.
- b. Members of the Association in good standing, where Youth Councils are being formed, or who establish residence in a community where a Youth Council is in existence may affiliate with the local Youth Council and be entitled to vote upon presenting satisfactory evidence of their membership. They shall not be assessed annual membership fees by the Youth Council until the expiration of the annual membership for which they have paid.
- c. Members of a Youth Council shall affiliate and vote with only one Unit at a time.

8. (High School Chapters)

- a. Any person who is enrolled as a student in a high school or comparable secondary school who is in accordance with the principles and policies of the Association, may become a member of a High School Chapter, with the consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People, and by paying annually the requisite fee. On his/her 21st birthday, the High School Chapter member must transfer his/her membership to the Young Adult Council.
- b. Members of the Association in good standing, where High School Chapters are being formed, or who establish residence in a community where a High School Chapter is in existence, may affiliate with the local High School Chapter and be entitled to vote upon presenting satisfactory evidence of their membership. They shall not be assessed annual membership fees by the High School Chapter until the expiration of the annual membership for which they have paid.
- c. Members of a High School Chapter shall affiliate and vote with only one Unit at a time.

Bylaws for Units of the NAACP

9. (Junior Youth Councils)

- a. Any person under age 13, who is in accordance with the principles and policies of the Association, may become a member of a Junior Youth Council, with the consent of the Board of Directors, by accepting the terms of the Constitution of the National Association for the Advancement of Colored People, and by paying annually the requisite fee. On his/her 13th birthday, the Junior Youth Council member must transfer his/her membership to the Youth Council.
- b. Members of the Association in good standing, where Junior Youth Councils are being formed, or who establish residence in a community where a Junior Youth Council is in existence, may affiliate with the local Junior Youth Council and be entitled to vote upon presenting satisfactory evidence of their membership. They shall not be assessed annual membership fees by the Junior Youth Council until the expiration of the annual membership for which they have paid.
- c. Members of a Junior Youth Council shall affiliate and vote with only one Unit at a time.

10. (Dues)

The National Office and Units of the Association shall share in all membership dues as hereinafter provided.

11. (Division of Regular Membership Dues)

The Unit shall remit to the treasury of the National Association, the National Office's share of all membership fees within 15 calendar days of their receipt, in the following proportions, and may retain the balance in its treasury for local purposes:

- a. **REGULAR ADULT MEMBERSHIP.** For persons twenty-one (21) years of age and over - thirty dollars (\$30.00): to NAACP National Office eighteen dollars and ten cents (\$18.10) (includes State/State-Area Conference tax); and to local treasury eleven dollars and ninety cents (\$11.90).
- b. **YOUTH MEMBERSHIP WITH *CRISIS*.** For persons twenty (20) years of age and under - fifteen dollars (\$15.00): to National Office ten dollars and twenty cents (\$10.20) (includes State/State-Area Conference tax); and to local treasury four dollars and eighty cents (\$4.80).

Bylaws for Units of the NAACP

- c. YOUTH MEMBERSHIP WITHOUT *CRISIS* - For persons seventeen (17) years of age and under - ten dollars (\$10.00): to National Office seven dollars (\$7.00) (includes State/State-Area Conference tax); and to local treasury three dollars (\$3.00).
- d. PRISON MEMBERSHIP WITH *CRISIS* - For persons who are incarcerated - twelve dollars (\$12.00): to National Office seven dollars and twenty cents (\$7.20) (includes State/State-Area Conference tax); and to local treasury four dollars and eighty cents (\$4.80).
- e. WOMEN IN THE NAACP (WIN) - For women who are paid members of the NAACP - ten dollars (\$10.00): to National Office five dollars (\$5.00) (includes State/State-Area Conference tax); and to local treasury five dollars (\$5.00).

12. (Annual Corporate Membership)

Annual Corporate Memberships of \$5,000.00 shall be divided as follows: three-fifths (3/5) or (\$3,000.00) to the National Office; two-fifths (2/5) or (\$2,000.00) to the State/State Area Conference, Branch or other Unit, provided the Annual Corporate Membership is solicited through the State/State Area Conference, Branch or other Unit. This membership level would not have voting privileges in State/State Area Conference and other units.

13. (Division of Life Membership Dues)

- a. *Junior Life Membership* – one hundred dollars (\$100.00), for children thirteen (13) years of age and under, shall be divided as follows: three-fifths (3/5) or (\$60.00) to the National Office; two-fifths (2/5) or (\$40.00) to the Branch, provided the Junior Life Membership is solicited through the Branch or other Unit.
- b. *Bronze Life Membership* – four hundred dollars (\$400.00), for youth fourteen (14) to twenty (20) years of ages shall be divided as follows: three-fifths (3/5) or (\$240.00) to the National Office, two-fifths (2/5) or (\$160.00) to the Branch, provided the Bronze Life Membership is solicited through the Branch or other Unit.
- c. *Silver Life Membership* – seven hundred fifty dollars (\$750.00) shall be divided as follows: three-fifths (3/5) or \$450 to the National Office, two-fifths (2/5) or \$300 to the Branch provided the Silver Life Membership is solicited through the Branch or other Unit.

Bylaws for Units of the NAACP

- d. *Gold Life Membership* - one thousand-five hundred dollars (\$1,500.00) shall be divided as follows: three-fifths (3/5) or (\$900.00) to the National Office; two-fifths (2/5) or (\$600.00) to the Branch, provided the Gold Life Membership is solicited through the Branch or other Unit. Gold Life Membership shall be available only to holders of fully paid Silver Life Memberships of the NAACP.
- e. *Diamond Life Membership* – two thousand-five hundred dollars (\$2,500.00) shall be divided as follows: three-fifths (3/5) or (\$1,500.00) to the National Office; two-fifths (\$1,000) to the Branch, provided the Diamond Life Membership is solicited through the Branch or other Unit. Diamond Life Membership shall be available only to holders of fully paid Gold Life Memberships of the NAACP.
- f. *Subscribing Life Membership* – shall be divided by the three-fifths/two-fifths formula stated above. Annual minimum payments shall be 10% over a period of ten years.

ARTICLE V GOVERNANCE

1. *(Meetings of Units)*

Regular Meetings. Regular membership meetings of Branches and Youth Units shall be held at least once a month, and there may be such other public or special meetings as may be required. Regular meetings shall be held on a fixed day or date of each month.

2. *(Meetings of the State/State-Area Conference)*

- a. Regular meetings of the State/State-Area Conference shall be held on a fixed day or date of each year;
- b. *Executive Committee of the State/State-Area Conference.* The Executive Committee shall meet at least once every quarter or as established in the approved Bylaws of the State/State-Area Conference. ***Special Committee meetings may be called by the President, Secretary or by three members of the Committee on three days written notice.*** The notice must state the purpose for which the meeting is called.

Bylaws for Units of the NAACP

3. *(Annual Meeting of Units)*

- a. *State/State-Area Conferences.* Each State/State-Area Conference shall have an Annual Convention at a time and place selected by delegates at the previous Annual Convention. At the Convention, the Conference is to act upon Annual reports from the Officers and Standing Committees. Each Conference shall conduct biennial elections pursuant to Article IX, Section b of these Bylaws.
- b. *Branches.* Each Branch shall hold an Annual Meeting in the month of December to receive and act upon Annual reports from the Officers/Chairpersons of Standing Committees and to vote for members of the Board of Directors and may install those Officers and Executive Committee Members elected at the Biennial Election.
- c. *Prison Branches.* Each Prison Branch shall hold an Annual Meeting in the month of December, or as soon thereafter as correctional facility regulations allow, to receive and act upon Annual reports from the Officers/Chairpersons of Standing Committees; to vote for members of the Board of Directors; and, may install those Officers and Executive Committee Members, including the Prison Branch Coordinator/Prison Director elected at the Biennial Election.
- d. *College Chapters.* Each College Chapter shall hold an Annual Meeting for the election of officers between March 1 and April 15 of each year, unless the date(s) of the meeting is changed with the written approval of the National Office.
- e. *Youth Councils.* Each Youth Council shall hold an Annual Election Meeting which may coincide with the regular meeting of the Youth Council and shall be held between March 1 and April 15, unless the date of the meeting is changed with the written approval of the National Office.
- f. *High School Chapters.* Each High School Chapter shall hold an Annual Election Meeting which may coincide with the regular meeting of the High School Chapter and shall be held between March 1 and April 15, unless the date of the meeting is changed with the written approval of the National Office.
- g. *Junior Youth Councils.* Each Junior Youth Council shall hold an Annual Election Meeting which may coincide with the regular meeting of the Junior Youth Council and shall be held between March 1 and April 15,

Bylaws for Units of the NAACP

unless the date of the meeting is changed with the written approval of the National Office.

- h. *Authorized Committees.* Each Authorized Committee shall hold an Annual Meeting in the month of December to receive and act upon Annual reports from the Officers/Chairmen of Standing Committees and to vote for members of the Board of Directors and may install those Officers and Executive Committee Members elected at the Biennial Election.

4. (Notice of Annual Meeting)

- a. *State/State-Area Conferences.* Written notice shall be provided a minimum of 30 days prior to the time and place of the Annual State/State-Area Conference Convention to each member Unit in good standing.
- b. *Branches, Youth Councils, High School Chapters, Junior Youth Councils and Authorized Committees.* Written notice shall be provided a minimum of 30 days prior to the time and place of the Annual Meeting to each member in good standing in writing, or published in some local newspaper of general circulation.
- c. *Prison Branches.* Written notice shall be provided a minimum of 30 days prior of the time and place of the Annual Meeting to each member in good standing in writing, or published in the newspaper or newsletter of the prison or correctional facility as facility regulations allow.
- d. *College Chapters.* Written notice of the time and place of the Annual Meeting shall be sent by the Secretary to each member of the Chapter, at least seven (7) days in advance of the date of the Annual Meeting. Notice of the regular monthly or special meetings shall be published in the campus publication.

5. (Special Meetings of Branches, Youth Units and Authorized Committees)

Special Meetings may be called at any time and place and on three days written notice to all members by the President, or by any three members of the Executive Committee; or by any ten members of the Unit by signed declaration to the Secretary, who in turn must call the meeting. The notice must state the purpose for which the meeting is called. If the meeting is to be held via teleconference or electronic meeting, the conference call number or sign in code must be provided

Bylaws for Units of the NAACP

6. (Meetings of the Executive Committee of Branches, Prison Branches and Youth Units)

The Executive Committee shall meet at least once a month at such times and places as it may determine. Special Committee meetings may be called by the President, Secretary or by two members of the Committee on two days written notice. The notice must state the purpose for which the meeting is called.

7. (Meetings of Standing Committees)

The Standing Committees shall meet regularly once a month at places they may determine. They shall inform the President of the time and place of each meeting. Special meetings may be called by the Chairperson or by two members on two days written notice. If the meeting is to be held via teleconference or electronic meeting, the conference call number or sign in code must be provided.

8. (Quorum)

- a. State/State-Area Conferences, Branches, Prison Branches and Authorized Committees. The number of members necessary to constitute a quorum at all meetings shall be decided upon by a resolution adopted by the Unit which shall be incorporated into the Unit Bylaws.
- b. College Chapters, Youth Councils, High School Chapters and Junior Youth Councils. The number of members necessary to constitute a quorum at all meetings shall be decided upon by a resolution adopted by the Youth Council.

9. (Order of Business)

Any NAACP Unit, unless altered or suspended at any meeting by a majority vote of the members present, shall follow the order of business at meetings of any NAACP Unit:

- (1) Ascertainment of members present;
- (2) Reading of minutes of previous meeting;
- (3) Reports of Officers;
- (4) Reports of Committees;

Bylaws for Units of the NAACP

- (5) Unfinished Business; and
- (6) New Business.

In the event that the provisions herein do not address a specific procedural question, the latest edition of Robert's Rules of Order shall apply. Nonetheless, mere good faith failure to adhere to such rules may not constitute grounds for removal or suspension pursuant to Article X.

10. (Faculty Advisor)

- a. There shall be a Faculty Advisor for a College Chapter or a Faculty Advisory Committee (not to exceed three members), in accordance with the rules of the college and/or student government regulations relating thereto.
- b. The Faculty Advisor to the College Chapter must be an employee of the College and meet the requirements as set forth by the College and/or Student Government regulations relating to serving as advisor to a bona fide College or group. In addition, the Faculty Advisor must be a member of the NAACP. The Advisor shall serve as an ex-officio member of the College Chapter without voting rights.

11. (Selection of a Youth Council Advisor)

- a. There shall be an Advisor for Youth Councils in conformity with the rules of the Association. The Advisor must be a member in good standing of the Association, be at least twenty-five (25) years of age or at least twenty-two (22) years of age if the person is a member of the branch; reside or work within the jurisdiction in which the Youth Council operates and shall be in accord with the aims and objectives of the Association. The Advisor shall serve as an ex-officio member of the Youth Council Executive Committee without voting rights.
- b. In jurisdictions where there is a Branch and a Youth Council, the Youth Council shall submit in writing the names of the elected Advisor to the Branch Executive Committee at the Branch Executive Committee meeting immediately following the Annual Meeting of the Youth Council. The Branch Executive Committee must accept or reject the submitted name within fifteen (15) days after the submission in writing to the Youth Council President. Should the Branch Executive Committee fail to act on the submitted name within fifteen (15) days after the submission, the submitted named adult shall become the Advisor.

Bylaws for Units of the NAACP

- c. If the submitted name is rejected, a written explanation as to the justification for a denial must accompany the response forwarded to the Youth Council President. The Youth Council Executive Committee then has the option of electing and submitting another name to the Branch Executive Committee or to utilize the controversy process as outlined in Article V, Section 14.
- d. The Youth Council and Advisor may select the Co-Advisors as they see fit.

12. (High School Chapter Advisors)

- a. There shall be an Advisor for High School Chapters in conformity with the rules of the Association. The Advisor must be a member in good standing of the Association, be at least twenty-five (25) years of age; and be an employee of the high school in which the High School Chapter operated, and shall be in accord with the aims and objectives of the Association. The Advisor shall serve as an ex-officio member of the High School Chapter Executive Committee without voting rights.
- b. The High School Chapter shall submit in writing the names of the elected Advisor to the Branch Executive Committee at the Branch Executive Committee meeting immediately following the Annual Meeting of the High School Chapter. The Branch Executive Committee must accept or reject the submitted name within fifteen (15) days after the submission in writing to the High School Chapter President. Should the Branch Executive Committee fail to act on the submitted name within fifteen (15) days after the submission, the submitted named adult shall become the Advisor.
- c. If the submitted name is rejected, a written explanation as to the justification for a denial must accompany the response forwarded to the High School Chapter President. The High School Chapter Executive Committee then has the option of electing and submitting another name to the Branch Executive Committee or to utilize the controversy process as outlined in these Bylaws.

Bylaws for Units of the NAACP

13. (Junior Youth Council Advisors)

The Branch Executive Committee shall appoint the Advisor for the Junior Youth Council. The Advisor must be a member of the Branch. The Advisor shall serve as an ex-officio member of the Junior Youth Council Executive Committee without voting rights.

14. (Controversies Between Branch and Youth Units)

Within fifteen (15) days after a controversy arises between a Youth Unit and a Branch, the Advisor, the Presidents and Secretaries of both Units shall prepare and forward signed report(s) to the President and CEO of the Association for mediation, arbitration, decision or referral to the appropriate Regional Office or State/State-Area Conference for investigation and other action. Respective parties shall send copies of all reports submitted by them to State/State-Area Conference and Field Operations and Membership Department and to the other party to the controversy. The original report to the President and CEO shall contain a statement that copies have been forwarded as provided above.

15. (Indebtedness for State/State-Area Conferences, Branches, Prison Branches and Authorized Committees)

- a. No indebtedness or obligation shall be incurred by the State/State-Area Conference, Branch, Prison Branch or Authorized Committee or any of its officers or agents in the name of National Association for the Advancement of Colored People, and the National Office shall not be responsible for any indebtedness or obligation incurred by the State/State-Area Conference, Branch, Prison Branch, Authorized Committee or any of its officers or agents.
- b. Indebtedness exceeding \$300.00 per month in the aggregate shall not be incurred in the name of, or on behalf of the State/State-Area Conference or Branch unless by vote of the Executive Committee.

16. (Indebtedness for Youth Units)

- a. No indebtedness or obligation shall be incurred by the Youth Unit or any of its officers or agents in the name or behalf of the Association or of the Unit, and the Association shall not be responsible for any indebtedness or obligation incurred by the Youth Unit or by any of its officers or agents.
- b. No indebtedness or obligation of more than \$25.00 shall be incurred in the name or on behalf of the College Chapter, Youth Council, High School

Bylaws for Units of the NAACP

Chapter or Junior Youth Council unless by vote of the Branch Youth Work Committee.

- c. College Chapters shall additionally be governed by applicable college or university policies.

17. (Fiscal Business Year)

- a. The fiscal and business year of all Units shall begin on January 1 and end December 31.
- b. The installation of officers can take place following elections or at a time and place designated by the body.

18. (Unit Bookkeeping System)

The Unit must use the uniform bookkeeping system provided by the National Office.

19. (Audits)

The books of the Unit shall be audited annually by an auditing system acceptable to the National Office.

**ARTICLE VI
OFFICERS OF UNITS AND STAFF**

1. (Officers and Staff)

- a. The elective officers of the NAACP Units shall be: President, First Vice President, Second Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer and additional officers as the NAACP Unit may prescribe pursuant to local Bylaws.
- b. *Staff and Executive Directors.* Units may employ Staff and/or Executive Directors where budgets of Units warrant such employment, upon terms and conditions approved by the President and CEO.
- c. *Restrictions.* Executive Directors or other staff shall not be members of the Executive Committee of the Unit.

Bylaws for Units of the NAACP

2. (Qualifications)

- a. *State/State-Area Conferences.* Only members in good standing of Units in good standing within the jurisdiction of the State/State-Area Conference shall be eligible to run for office in the State/State-Area Conference. For the purpose of running for office, a member in good standing is one whose name appears on the roll of a Unit in good standing within the jurisdiction of the State/State-Area Conference by December 15 of the year prior to the State/State-Area Conference election. For the purpose of running for office, a person must be a member of Unit in good standing within the State/State-Area Conference as defined in Article IV, Section 3 of these Bylaws.
- b. *Branch.* Only members in good standing shall be eligible to run for office or vote in a Branch election. For the purpose of running for office, a member in good standing is one whose name appears on the roll of the Branch as a bona fide member of the Branch by April 1 of the election year and remains a continuous member of the branch through the election process; and who lives and/or works within the Branch jurisdiction. For the purpose of being elected to the Nominating Committee or the Election Supervisory Committee, signing a nominating petition or voting in Branch elections, a member in good standing is one who has been a bona fide member of the Branch for at least 30 calendar days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Branch.
- c. *Prison Branch.* Only members in good standing shall be eligible to run for office of the Prison Branch Coordinator/Program director. For the purpose of running for office, a member in good standing is one whose name appears on the roll of the National Office as a bona fide member at least one hundred eighty (180) calendar days prior to the date nominations are made and is a resident of the prison or correctional facility. For the purpose of being elected, the position of State Prison Branch Coordinator/Program Director shall be directly elected by members of the Prison Branch.
- d. *College Chapter.* Only members in good standing shall be eligible to run for office or to vote in a College Chapter election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) calendar days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been

Bylaws for Units of the NAACP

- a bona fide member of the College Chapter and one who has paid the prescribed membership fee by twelve noon the day of the meeting that precedes the Annual Meeting. In order to run for College Chapter office or vote in a College Chapter election, Life Members and Members-at-Large must be actively affiliated with the College Chapter at least thirty (30) calendar days prior to any meeting at which they are nominated for office or seek to vote.
- e. *Youth Council.* Only members in good standing shall be eligible to run for office or to vote in a Youth Council election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) calendar days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been a bona fide member of the Youth Council and one who has paid the prescribed membership fee by twelve noon on the day of the meeting that precedes the Annual Meeting. In order to run for Youth Council office or vote in a Youth Council election, Junior Life Members, Life Members, and Members-at-Large must be actively affiliated with the Youth Council at least thirty (30) calendar days prior to any meeting at which they are nominated for office or seek to vote.
 - f. *High School Chapter.* Only members in good standing shall be eligible to run for office or to vote in a High School Chapter election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) calendar days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been a bona fide member of the High School Chapter and one who has paid the prescribed membership fee by twelve noon on the day of the meeting that precedes the Annual Meeting. In order to run for High School Chapter office or vote in a High School Chapter election, Junior Life Members, Life Members, and Members-at-Large must be actively affiliated with the High School Chapter at least thirty (30) calendar days prior to any meeting at which they are nominated for office or seek to vote.
 - g. *Junior Youth Council.* Only members in good standing shall be eligible to run for office or to vote in a Junior Youth Council election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) calendar days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been a bona fide member of the Junior Youth Council and one who has paid

Bylaws for Units of the NAACP

the prescribed membership fee by twelve noon on the day of the meeting that precedes the Annual Meeting. In order to run for Junior Youth Council office or vote in a Junior Youth Council election, Junior Life Members, Life Members, and Members-at-Large must be actively affiliated with the Junior Youth Council at least thirty (30) calendar days prior to any meeting at which they are nominated for office or seek to vote.

- h. *Authorized Committee.* Members in good standing shall be eligible to run for office or vote in an Authorized Committee election. For the purpose of running for office, a member in good standing is one whose name appears on the roll of the Authorized Committee as a bona fide member of the Authorized Committee at least one hundred and eighty (180) calendar days prior to the date nominations are made and who lives and/or works within the Authorized Committee's jurisdiction. For the purpose of being elected to the Nominating Committee or the Election Supervisory Committee, signing a nominating petition or voting in Authorized Committee elections, a member in good standing is one who has been a bona fide member of the Authorized Committee for at least (30) calendar days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Authorized Committee.

3. *(Term of Office)*

- a. *State/State-Area Conference.* All officers and elected members of the Executive Committee shall be elected by secret ballot for a two-year term, in each odd-numbered year and shall serve until their successor is elected and qualified. In no case shall Youth and College Division Officers serve beyond their 25th birthday. The term for officers shall begin on the date of the election and shall end on the date that their successors are elected and qualify.
- b. *Branch.* All officers and elected members of the Executive Committee shall be elected by secret ballot for a two-year term and shall serve until their successor is elected and qualified. The term for officers shall begin on January 1 following the election. All minutes and other official records are the property of the Branch and shall be promptly transferred to the newly elected and qualified officers within 30 days after the election. Non-compliance with terms herein shall be considered conduct that is inimical to the best interests of the NAACP, meriting disciplinary action pursuant to Article X.

Bylaws for Units of the NAACP

- c. *Prison Branch.* All officers and elected members of the Executive Committee shall be elected by secret ballot for a two-year term until their successor is elected and qualified. The term for officers shall begin on January 1 following the election. All official records shall be transferred to the newly elected and qualified officers within 30 days after the election.
- e. *College Chapter.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for one year or until their successors are elected and qualified. The term for officers shall begin on the date of their election. All minutes and other official records are the property of the Youth Unit and shall be promptly transferred to the newly elected and qualified officers within 30 days after the election. Non-compliance with terms herein shall be considered conduct that is inimical to the best interests of the NAACP, meriting disciplinary action pursuant to Article X.
- f. *Youth Council.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for one year or until their successors are elected and qualified. The term for officers shall begin on the date of their election. All minutes and other official records are the property of the Youth Unit and shall be promptly transferred to the newly elected and qualified officers within 30 days after the election. Non-compliance with terms herein shall be considered conduct that is inimical to the best interests of the NAACP, meriting disciplinary action pursuant to Article X.
- g. *Junior Council.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for one year or until their successors are elected and qualified. The term for officers shall begin on the date of their election. All minutes and other official records are the property of the Youth Unit and shall be promptly transferred to the newly elected and qualified officers within 30 days after the election. Non-compliance with terms herein shall be considered conduct that is inimical to the best interests of the NAACP, meriting disciplinary action pursuant to Article X.
- h. *Authorized Committee.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for two years or until their successors are elected and qualified. The term for officers shall begin on the date of their election. All official records shall be transferred to the newly elected and qualified officers within 30 days.

Bylaws for Units of the NAACP

**ARTICLE VII
DUTIES OF OFFICERS OF UNITS**

1. (President)

The duties of the President shall be:

- a. To preside at meetings of the NAACP Unit and act as Chair of the Executive Committee.
- b. To appoint the Chair and members of all Committees not otherwise elected by the General Membership or the Executive Committee of the NAACP Unit; except the Chair of the Youth Work Committee of a Branch or State/State Area Conference.
- c. Between meetings of the Executive Committee and the NAACP Unit, to exercise general executive authority on behalf of the NAACP Unit, subject to ratification by the Executive Committee.
- d. To countersign all checks and properly supported requisitions for disbursements from the NAACP Unit Treasury.
- e. To perform such other functions and exercise such further duties as may be voted from time to time by the NAACP Unit or the Executive Committee.
- f. To be an ex-officio member of all committees except, in the case of State/State-Area Conferences, Branches and Prison Branches, the Nominating Committee and Election Supervisory Committee, and in the case of the State Youth and College Division, the Youth Nominating Committee.
- g. To encourage and assist all Committees in the development of their programs and the performance of their duties.
- h. To recommend, to the Executive Committee, the removal of any Chairperson of a Standing or Special Committees.
- i. *Additional Duties for Prison Branch Presidents.* In addition to the previous duties, Prison Branch Presidents shall perform the duties through the appropriate procedures applicable to their respective prison or correctional facility.

Bylaws for Units of the NAACP

- j. *Additional Duties for Youth Council Presidents.* In addition to the previous duties, Youth Unit Presidents shall represent the Youth Unit on the Executive Committee of the Branch.

2. (Vice President)

The duties of the Vice President shall be:

- a. To perform all the duties of the President in his/her absence or disability. In case of more than one Vice President, the Vice Presidents shall be designated as first, second, third and so forth and shall perform their duties according to their numerical rank.
- b. In the event of the resignation, removal or death of the President, the Vice President(s) shall automatically ascend to the position of President, according to their numerical rank, for the remainder of the term of the presidency. Any other Vice President(s) shall ascend in the same manner.

3. (Secretary)

The duties of the Secretary shall be:

- a.. To act as Secretary of the NAACP Unit and the Executive Committee; to give members notice of regular meetings and three (3) calendar days notice of special meetings of the NAACP Unit and Executive Committee; to keep full and accurate records of the proceedings of the NAACP Unit and of the Executive Committee and record the same in a minute book or minute books, provided that, in NAACP Units employing paid staff, the responsibility of giving the membership required notice of meetings shall be discharged by said staff under the oversight of the Secretary.
- b. To keep a record of all NAACP Unit members and their dues, provided that wherever paid staff is employed such duties shall be discharged by said staff under the oversight of the Secretary.
- c. To give receipts for all membership fees received and to transmit such fees to the NAACP Unit Treasurer; to send promptly to the Association lists of all membership fees received; and to secure from the Treasurer and forward to the Association that portion of membership fees due to the Association.

Bylaws for Units of the NAACP

- d. To aid, coordinate and integrate the work of the several committees and divisions of the NAACP Unit, provided that wherever an Executive Director is employed such duties shall be discharged by said Executive Director.
- e. To submit reports to the NAACP Unit and the Executive Committee at all regular meetings, or whenever required by either body, covering the status of the NAACP Unit and its activities since the date of the last report; to submit to the NAACP Unit at its annual meeting an annual report of the status and activities of the NAACP Unit, provided that, where an Executive Director is employed, such duties shall be discharged by said Executive Director. The Director shall forward a copy of all reports, when adopted by the NAACP Unit, to the Association.
- f. To keep the President and CEO of the Association informed of all events affecting the interests of minority groups in the vicinity of the NAACP Unit, and to submit to the Association, whenever required by the Association, a report on NAACP Unit activities, provided that, wherever an Executive Director is employed, such duties shall be discharged by said Executive Director.
- g. In conjunction with the President, to sign requisitions for disbursements from the NAACP Unit Treasury and to maintain a file of receipts and disbursements.
- h. The Secretary shall be an ex-officio member of all committees except the Nominating Committee and the Election Supervisory Committee.
- i. *Additional Duties for State/State-Area Conference Secretaries.* The State/State-Area Conference Secretary shall keep a record of all Conference Units and Assessments, provided that whenever paid staff is employed, such duties shall be discharged by said staff under supervision of the Secretary.
- j. *Additional Duties of College Chapter, Youth Council, High School Chapter and Junior Youth Council Secretaries.* College Chapter, Young Adult and Youth Secretaries shall:
 - (a) Submit to the Youth Unit at its Annual Meeting, an Annual Report on the status and activities of the College Chapter, and Youth Council. A copy of all reports by the Secretary,

Bylaws for Units of the NAACP

when adopted by the Youth Unit, shall be forwarded to President and CEO.

- (b) Keep the President and CEO informed of all events affecting the interests of the Youth in the vicinity of the Youth Unit.

4. (Treasurer)

The duties of the Treasurer shall be:

- a. To receive all monies of the NAACP Unit and promptly deposit the same in the name of the NAACP Unit in a separate account or accounts in a responsible bank or trust company. No money shall be withdrawn from any account except by check signed by the Treasurer and countersigned by the President.
- b. To act as chief financial officer of the NAACP Unit and chair of the Finance Committee.
- c. To make authorized disbursements upon requisition signed by the Secretary and countersigned by the President. Each requisition shall recite the amount and purpose of the payment requested. Any requisition exceeding one hundred dollars or more in the case of Branches, or twenty-five dollars or more in the case of College Chapters and Youth Councils, must be approved by the Executive Committee before a check therefore is issued. The NAACP Unit bylaws may require that requisitions in smaller amounts be approved by the Executive Committee.
- d. To remit through the Secretary to the Association the proportion of membership fees to which the Association is entitled, as hereinafter provided, within fifteen calendar days after their receipt.
- e. To submit reports to the NAACP Unit and the Executive Committee at all regular meetings, or whenever required by either body, covering the financial condition of the NAACP Unit showing receipts and disbursements and outstanding accounts unpaid since the last report; to submit an Annual Report to the business of his/her office at the Annual Meeting of the NAACP Unit, to which shall be appended a statement signed by the President and Secretary that all funds by the NAACP Unit have

Bylaws for Units of the NAACP

been listed in the Treasurer's report. A copy of all reports by the Treasurer, when adopted by the NAACP Unit, shall be forwarded to the National Office.

- f. All NAACP Units shall require the Treasurer to be bonded at the expense of said Unit.
- g. Submit year-end financial reports to the National Office on or before March 1st.

5. (Assistant Secretary)

The duties of the Assistant Secretary shall be: To perform the duties of the Secretary in his/her absence, unavailability or disability. The Assistant Secretary may perform specific duties of the Secretary under the supervision of the Secretary.

6. (Assistant Treasurer)

The duties of the Assistant Treasurer shall be to perform the duties of the Treasurer in his/her absence, unavailability or disability. The Assistant Treasurer may perform specific duties of the Treasurer under the supervision of the Treasurer.

7. (Executive Director)

The duties of the Executive Director shall be:

- a. To give due notice of all meetings of the Branch as provided in Section 3 of this Article.
- b. To keep a record of all Branch members and their dues as provided in Section 3 of this Article.
- c. To send promptly to the National Office lists of all memberships received and to secure from the Treasurer and forward to the National Office that portion of the membership fees belonging to the National Office as provided in Article IV.
- d. To aid, coordinate and integrate the work of the several committees and divisions of the Branch as provided in Section 3 of this Article. All the aforesaid duties listed in herein are to be preformed in cooperation with the Secretary.

Bylaws for Units of the NAACP

- e. To manage the Branch office and paid staff; and to supervise the annual membership campaign.
- f. To interview complaints; to act in the name of the Branch on behalf of complainants with valid grievances; to investigate in the name of the Branch any reported, alleged or suspected discrimination practices in any place of community life; to represent the Branch at meetings of other organizations approved by the Executive Committee; to lend Branch support in active cooperation with such other organizations as may be approved by the Executive Committee; to discharge such other duties as may arise in the execution of the office, or as may be assigned by the Executive Committee.
- g. To submit reports of the activities of the General Membership and the Executive Committee at all regular meetings or whenever required by either body; to submit to the Branch at its annual meeting an annual report covering activities. A copy of all reports where adopted by the Branch shall be forwarded to the National Office.
- h. To keep the President and CEO of the Association informed of all events affecting the interests of African-Americans and other racial and ethnic minorities in the vicinity of the Branch.
- i. The Executive Director shall be responsible to the General Membership, to the Executive Committee; and between meetings of the General Membership and the Executive Committee to the President.

ARTICLE VIII COMMITTEES OF UNITS

1. (Executive Committee)

- a. The Executive Committee of each State/State-Area Conference shall consist of all Officers of the State/State-Area Conference, all Standing Committee Chairpersons, State/State-Area Conference Youth President, State/State-Area Conference Youth Advisor, and such other persons as the approved State Conference Bylaws provide.
- b. The Executive Committee of each Branch shall consist of the President, Vice Presidents (not to exceed three Vice Presidents) Secretary, Assistant

Bylaws for Units of the NAACP

Secretary, Treasurer, Assistant Treasurer, and the Chairman of the Standing Committees of the Branch, President of the Youth Units in the same community, the Branch Advisors in the High School Chapters, Youth and Junior Youth Councils and such other members at large not to exceed twenty-four to be elected at the regular election of the Branch, provided that the total membership of the Executive Committee shall not exceed 45 except by written authorization of the Board of Directors. If there is no local youth group recognized by the National Office, the Branch must, upon receipt of 25 youth memberships, apply to the National Office for a Youth Charter and organize the appropriate youth group.

- c. The Executive Committee of the Prison Branch shall consist of the Prison Branch Coordinator/Program Director, Vice Presidents (not to exceed three Vice Presidents), Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, and the Chairman of the Standing Committees of the Prison Branch, and such other members at large not to exceed twenty-four to be elected at the regular election of the Prison Branch, provided that the total membership of the Executive Committee shall not exceed forty-five (45) except by written authorization of the Board of Directors.
- d. The Executive Committee of each College Chapter shall consist of the President, Vice Presidents, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, and the Chairmen of the Standing Committees of the College Chapter, and such other members to be elected at the Annual Meeting of the College Chapter as the College Chapter bylaws may decide, provided that the total membership of the Executive Committee shall not exceed eighteen (18) except by written authorization of the Board of Directors. The Faculty Advisor shall serve as an ex-officio member of the Executive Committee of the College Chapter.
- e. The Executive Committee of each Youth Council shall consist of the President, Vice Presidents, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, and the Chairmen of the Standing Committees of the Youth Council, and such other members to be elected at the Annual Meeting of the Youth Council as the Youth Council bylaws may decide, provided that the total membership of the Executive Committee shall not exceed eighteen (18) except by written authorization of the Board of Directors. The Youth Council Advisor shall serve as an ex-officio member of the Executive Committee of the Youth Council.
- f. The Executive Committee of each High School Chapter shall consist of the President, Vice Presidents, Secretary Assistant Secretary, Treasurer, Assistant Treasurer, the Chairmen of the Standing Committees of the High

Bylaws for Units of the NAACP

School Chapter, and such other members to be elected at the Annual Meeting of the High School Chapter as the High School Chapter bylaws may decide, provided that the total membership of the Executive Committee shall not exceed eighteen (18) except by written authorization of the Board of Directors. The High School Council Advisor shall serve as an *ex officio* member of the Executive Committee of the High School Chapter.

- g. The Executive Committee of each Junior Youth Council shall consist of the President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, the Chairmen of the Standing Committees of the Junior Youth Council, and such other members to be elected at the Annual Meeting of the Junior Youth Council as the Junior Youth Council bylaws may decide, provided that the total membership of the Executive Committee shall not exceed eighteen (18) except by written authorization of the Board of Directors. The Junior Youth Council Advisor shall serve as an *ex-officio* member of the Executive Committee of the Junior Youth Council.
- h. The Executive Committee of each Authorized Committee shall consist of the President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, the Chairmen of the Standing Committees of the Authorized Committee, and such other members to be elected at the Annual Meeting of the Authorized Committee as the Authorized Committee bylaws may decide, provided that the total membership of the Executive Committee shall not exceed five (5) except by written authorization of the Board of Directors.

2. *(Duties of the Executive Committee)*

- a. The Executive Committee shall have general control of the affairs and program of the Unit, subject to the authority of the Unit and the provisions of the Constitution and approved bylaws.
- b. The Executive Committee shall render a report, containing the reports of all standing and special committees, at the regular meetings of the Unit and whenever otherwise required.
- c. At its first meeting following the election, and at any time during the term of office, the Executive Committee shall approve the Unit President's appointments of Chairpersons of the various Standing Committees as presented by the President.

Bylaws for Units of the NAACP

- d. To create special committees as needs arise.
- e. To fill all vacancies in Unit offices and on the Executive Committee.
- f. To decide matters of Unit policy subject to endorsement by the Unit and in accordance with national policy.
- g. In the case of Branches, Executive Committees shall appoint, employ and enter into employment arrangements with employees of the Unit subject only to employment procedures and qualifications approved by the National Office.
- h. In the case of State/State-Area Conferences, an Executive Director and/or staff person may be employed by the State/State-Area Conference where its budget warrants such employment, upon terms and conditions approved by the Board of Directors. Such persons shall be selected by the Executive Committee of the Conference, subject to approval by the National Office.

3. (Quorum)

The quorum of the Executive Committee shall be determined by approved Unit bylaws, but shall not be less than one-third of the committee's total membership.

4. (Standing Committees and Special Committees of Units)

- a. *Standing Committees of State/State-Area Conferences.* The Standing Committees of the State/State Area Conference shall be: ACT-SO, Armed Services & Veteran Affairs; Communications, Press & Publicity; Community Coordination; Criminal Justice; Economic Development; Education; Environmental and Climate Justice; Finance; Freedom Fund; Health; Housing; Labor & Industry; Legal Redress; Membership and Life Membership; Political Action; Prison Branch; Religious Affairs; Young Adult; Youth Works; and WIN
- b. *State/State-Area Conference Standing Committee Reporting Requirements:*
 - 1. State/State-Area Conference Standing Committees shall gather facts of their respective subject, disseminate the same to the Units through the State Conference office and make written reports at the following Annual Conference.

Bylaws for Units of the NAACP

2. State/State-Area Conference Standing Committees shall be appointed within thirty (30) days following the last session of each Conference, by the President. The President shall designate the Chairperson of each of the Standing Committees, and make a report at the next regular meeting of the State/State-Area Conference.
- c. *Standing Committees of Branches.* The Standing Committees of the Branch shall be: ACT-SO, Armed Services & Veteran Affairs; Communications, Press & Publicity; Community Coordination; Criminal Justice; Economic Development; Education; Environmental and Climate Justice; Finance; Freedom Fund; Health; Housing; Labor & Industry; Legal Redress; Membership and Life Membership; Political Action; Prison Branch; Religious Affairs; Young Adult; Youth Works; and WIN
- d. *Standing Committees of Prison Branches.* The Standing Committees of the Prison Branch shall be: ACT-SO, Armed Services & Veteran Affairs; Communications, Press & Publicity; Community Coordination; Criminal Justice; Economic Development; Education; Environmental and Climate Justice; Finance; Freedom Fund; Health; Housing; Labor & Industry; Legal Redress; Membership and Life Membership; Political Action; Prison Branch; Religious Affairs; Young Adult; Youth Works; and WIN
- e. *Standing Committees of College Chapters.* The Standing Committees of the College Chapters shall be: Membership; Finance; Press and Publicity; Programs and Research; Education; Environmental and Climate Justice; Employment; Political Action; Juvenile Justice; and Health.
- f. *Standing Committees of Youth Councils.* The Standing Committees of the Youth Councils shall be: Membership; Finance; Press and Publicity; Political Action; Youth Employment; Education; Environmental and Climate Justice; Programs and Research; Entertainment; Juvenile Justice; and Community Coordination.
- g. *Standing Committees of High School Chapters.* The Standing Committees of High School Chapters shall be: Membership; Finance; Press and Publicity; Political Action; Youth Employment; Education; Environmental and Climate Justice; Programs and Research; Entertainment; Juvenile Justice; and Community Coordination
- h. *Standing Committees of Junior Youth Councils.* The Standing Committees of the Junior Youth Councils shall be: Membership; Finance; Press and Publicity; Political Action; Youth Employment; Education; Environmental

Bylaws for Units of the NAACP

and Climate Justice; Programs and Research; Entertainment; Juvenile Justice; and Community Coordination.

- i. The President, in consultation with the Committee Chair, shall appoint the members of the Standing and Special Committees, except the Nominating Committee. All committees shall consist of not less than three members.

5. (Duties of the Standing Committees)

The duties of the Standing Committees shall be:

- a. ***Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO):*** The Committee on ACT-SO shall follow these rules: (1) must be properly registered annually with the National Office and follow all directives outlined by the National ACT-SO Program; (2) understand that it is a major project of the NAACP. With ACT-SO, the NAACP is providing an instrument through which African-American youth are encouraged and inspired toward excellence in academic and cultural pursuits while benefiting from the maximum support of their communities; (3) uphold its goal of ACT-SO that affords the same respect for African-American Scholastic and cultural achievement that is given to heroes; and (4) recognizing that ACT-SO conducts annual academic competitions for students in grades nine (9) through twelve (12) in NAACP Branches throughout the country in accordance with the published guidelines of the National Office and oversight of the National Director of ACT-SO Program.
- b. ***Armed Services and Veterans' Affairs.*** The Committee on Armed Services and Veterans' Affairs shall: (1) seek to establish a working relationship with those agencies in government, national, state and local, having the responsibility in the affairs of members of the various Armed Services and Veterans and to see that the programs to which they are responsible are administered fairly and justly to members of the minority community; (2) study conditions pertaining to veterans and members of the Military Service and their dependents and/or survivors in the community; (3) serve as a center of information on matters affecting the members of the Active Military, Reserves, State National Guard and Veterans; (4) maintain a repository of materials, information and forms to be used in assisting veterans and/or dependents of veterans and military personnel with their problems; (5) receive and act on all complaints relative to acts of discrimination on account of race, color, creed, or denial of benefits to which they are entitled because of discrimination; (6)

Bylaws for Units of the NAACP

prepare a quarterly report on committee activities to be submitted to the Executive Committee of the Unit and the National Director of Armed Services and Veterans Affairs.

- c. ***Communications, Press and Publicity.*** The Committee on Communications, Press and Publicity shall: (1) seek to promote media content consistent with fundamental NAACP goals which include the elimination of racial isolation and fear and the furtherance of multiracial and cultural understanding; (2) work to eliminate employment segregation and discrimination in those industries, [comprising the communications arts and sciences] (radio, telephone, television, motion pictures, newspapers, books, related computer communications, business, cable television); (3) seek to ensure Black minority ownership and control of print and electronic media — both hardware and software; (4) monitor local and national media, especially advertising performance; (5) provide the National Office with research and data on those local businesses engaged in communications arts and sciences; (6) seek to ensure that all people have a meaningful right to choose from and have access to a variety of high quality telecommunications goods and services at reasonable cost; (7) endeavor to secure publicity for the work of the Unit and the Association in the local press and on radio, television and other media; (8) attempt to interest persons in charge of local news media on conditions affecting minority groups; (9) seek to counteract derogatory and erroneous statements in local news media about Blacks and other minority groups; (10) be responsible for forwarding to THE CRISIS items covering Unit activities and important local affairs; and (11) act as far as possible as an agency for the promotion and sale of THE CRISIS. No publicity shall be released without first being approved by the President of the Unit.
- d. ***Community Coordination.*** The Committee on Community Coordination shall enlist the support of other community organizations on issues affecting the interests of African Americans and other communities of color.
- e. ***Criminal Justice.*** The Committee on Criminal Justice shall: (1) seek to eliminate harsh and unfair sentencing practices that are responsible for mass incarceration and racial disparities in the prison system, (2) support and seek to increase trust and public safety by advancing effective law enforcement practices, (3) fight for the restoration of the voting rights of formerly incarcerated people and the removal of barriers to employment, (4) elevate the voices of crime victim survivors in order to identify and advance systemic breakdowns existing in the criminal justice system that

Bylaws for Units of the NAACP

perpetuate crime, (5) resolve to end the war on drugs for its disproportionate collateral consequences harm communities of color, (6) seek the institution and availability of alternatives to incarceration including education, employment, and mental health services, (7) eliminate zero tolerance policies implemented in our schools which are keeping kids out of the classroom and putting them on a path from the schoolhouse to the jailhouse, (8) investigate programs implemented in our local law enforcement agencies which derail from their main purpose of safety and order to conduct the work of federal agencies for which they do not have the capacity, and (9) seek budget modifications in states where incarceration receives more funding than education.

- f. ***Economic Development.*** The Committee on Economic Development shall implement local efforts and support national programs to preserve and expand economic empowerment among African-Americans and other communities of color by: (1) researching and establishing relationships with private and public entities; (2) supporting the work of the National Office in monitoring the progress and activity of private and public entities designated by national programs; and (3) implementing local efforts to promote the growth of business ownership; (4) increasing employment and job creation; and (5) encouraging business development and home ownership.
- g. ***Education.*** The Committee on Education shall: (1) seek to eliminate segregation and other discriminatory practices in public education; (2) study local educational conditions affecting minority groups; (3) investigate the public school system and school zoning; (4) familiarize itself with textbook material there from which is racially derogatory; (5) seek to stimulate school attendance; (6) keep informed of school conditions and strive to correct abuses where found; (7) investigate the effects of standardized and high stakes testing practices; (8) teacher certification; (9) promote parental involvement in education; and (10) aim to be a center of popular education on the race question and on the work of the Association.
- h. ***Environmental and Climate Justice.*** The Environmental and Climate Justice Committee shall: (1) seek to address environmental inequities at the local level and advocate for civil rights issues (2) develop a comprehensive and holistic agenda to reduce pollution (3) advance energy efficiency and clean energy (4) build disaster resilient infrastructure policies and practices.

Bylaws for Units of the NAACP

- i. **Finance.** The Finance Committee shall consist of the President, Treasurer, and at least one other member. It shall study the financial needs of the Unit and shall be responsible for drafting an adequate annual budget.
- i. **Freedom Fund.** The Freedom Fund Committee shall plan and conduct fund-raising activities, entertainment and other projects, for local and national purposes within the scope of the Association's program. It shall work closely with the Finance Committee.
- j. **Health.** The Health Committee shall: (1) work to promote, protect and maintain the health of African Americans; (2) assess the health needs of the community; (3) advocate for equal access to health education, care, treatment and research for all Americans; (4) sponsor health-related activities such as health forums, fairs and workshops highlighting issues of importance to people of color; and (5) support health initiatives of the Association.
- k. **Housing.** The Committee on Housing shall: (1) study housing conditions in the local community; (2) receive and seek to address complaints of discrimination; (3) oppose all restrictive practices whether public or private; and (4) disseminate information and render such other assistance which may eliminate discrimination in housing.
- l. **Labor and Industry.** The Labor and Industry Committee shall seek ways to improve the economic status of minority groups by: (1) working to eliminate discriminatory employment practices in industry and government, wage differentials based on race, unequal opportunities for training, promotion and unfair dismissals; (2) encouraging greater participation in the trade union movement; (3) working to end discriminatory practices in labor unions; (4) securing the enactment of state and federal fair employment practices legislation; and (5) working for improved opportunities in vocational and apprenticeship training.
- m. **Legal Redress.** The Legal Redress Committee shall: (1) investigate all cases reported to it; (2) supervise all litigation in which the Unit is interested; and (3) keep the National Office and the Branch informed on the progress of every case. It shall not give general legal advice.
- n. **Membership and Life Membership.** The Membership Committee shall: (1) work throughout the year to maintain and increase the membership of the Association; (2) be responsible for planning and organizing the annual membership campaign; (3) be responsible on a continuous basis

Bylaws for Units of the NAACP

for soliciting new members and for securing renewals; and (4) initiate all possible means to obtain Life Members and sponsor a continuing program towards this end.

- o. ***Political Action.*** The Political Action Committee shall: (1) seek to increase registration and voting; (2) work for the enactment of municipal, state and federal legislation designed to improve the educational, political and economic status of minority groups; (3) seek the repeal of racially discriminatory legislation; (4) work to improve the administration of justice; (5) work to secure equal enforcement of the law; and (6) keep the National Office and the Unit informed of all proposed legislation which affects minority groups. The Committee shall be nonpartisan and shall not endorse candidates for public office.

- p. ***Prison Branch.*** The Prison Branch Support Committee shall support the work of the Prison Branch in accordance with Article VIII, Section 6 (1-11) by (1) working closely and directly with the members of their respective Prison Branch and the Regional Prison Coordinator; (2) maintain contacts with, and report regularly to the Regional Coordinators; (3) build, cultivate and maintain positive relationships between prison officials, Prison Branch members and members within the local Branch; and (4) solicit community organizations and business to establish a volunteer bank (teachers, writers, poets, businessmen, ministers, lawyers, policemen, judges, government officials, politicians and media personnel) to assist the Prison Branch in carrying out its programs.

- q. ***Religious Affairs.*** The Religious Affairs Committee shall include ministerial and lay religious leaders who are members of the Unit. It shall: (1) promote an educational program designed to give moral and ethical interpretation to the civil rights struggle; (2) interpret the work of the Association to organized religious groups of all faiths; (3) enlist the support of such organized religious groups for membership, fundraising, and the struggle for equality and full civil rights; and (4) provide resource assistance for religious education and social action activities, associated with the improvement of race relations.

- r. ***Young Adult.*** The Committee on Young Adult shall consist of Branch members twenty-one (21) – forty (40) years of age. It shall be the function of the Committee to: (1) support all branch activities; (2) stimulate interest through advocacy training and solicit membership of twenty-one (21) – forty (40) years of age; (3) create a mentorship program (Branch to Young Adults and Young Adults to Youth Units) to serve as a support bridge from Youth and College to Branch

Bylaws for Units of the NAACP

participation; (4) provide networking and social opportunities for young adults in the local community; and (5) encourage the participation of young adults in all activities and leadership within the Branch.

- s. ***Youth Works.*** The Committee on Youth Work for State/State-Area Conferences shall consist of all Youth Unit Advisors and Youth Unit Presidents in the state, and five (5) persons appointed by the State/State-Area Conference President. The Committee on Youth Work for Branches shall consist of the Youth Unit Advisor(s), and Youth Unit President(s) in the same community, and five (5) persons appointed by the Branch President. The Youth Unit Advisors and the Youth Unit Presidents shall choose the chair of the Committee. The Youth Work Committee shall develop and coordinate the programs of the Branch(es) and Youth Units.

The Branch Committee on Youth Work shall turn the names, addresses and membership dues of youth solicited by the Branch over to the appropriate National Office recognized youth group, if any, in their community. The Youth Work Committee shall monitor the youth membership in the Branch. If there is no local youth unit recognized by the National Office, the Committee shall recommend the Branch apply to the National Office for a Youth Charter and organize the appropriate youth group.

- t. ***Women in the NAACP (WIN).*** State/State-Area Conferences, Branches, Prison Branches of the Association may organize Women in NAACP (WIN) committees subject to the control of the Executive Committee and to such rules and regulations as the Board of Directors may enact. WIN committees shall consist of a Chairperson and/or Co-Chairperson and at least three (3) other members. WIN shall address within the framework of the NAACP, civil rights issues affecting women and children and shall carry out other civil and cultural activities to enhance membership and provide financial support to the Branch. The purpose WIN is (1) to enhance the leadership role of women; (2) to serve as an advocacy vehicle to address the social, economic, political, educational, health and welfare issues affecting women; (3) to advocate for the emotional, mental, physical and spiritual development of children and (4) to support the policies as well as the on-going mission and vision of the NAACP.
- u. All Standing Committees must have at least three (3) appointed members. They shall report in writing each month to the Executive Committee at its regular meetings.

Bylaws for Units of the NAACP

6. (Distinctive Duties of Prison Branch Support Committees)

Prison Branch Support Committee. The Prison Branch Support Committee shall:

- a. Work closely and directly with the members of their respective Prison Branch and the Regional Prison Coordinator.
- b. Maintain contacts with, and report regularly to the Regional Coordinators.
- c. Build, cultivate and maintain positive relationships between prison officials, Prison Branch members and members within the local Branch.
- d. Solicit community organizations and businesses to establish a volunteer bank (teachers, writers, poets, businessmen, ministers, lawyers, policemen, judges, government officials, politicians, media personnel) to assist the Prison Branch in carrying out its programs.
- e. Aid the Prison Branch in organizing and planning parliamentary procedure workshops, leadership training sessions and other seminars.
- f. Aid the Prison Branch in establishing and securing instructors for ongoing certification and remedial classes and General Equivalency Diploma (GED) preparatory work.
- g. Aid the Prison Branch in planning and scheduling its annual awards banquet by contacting prospective guest speakers and making sure items needed for the ceremony are made available in a timely fashion.
- h. Meet with local businessmen, companies and corporations to discuss Targeted Job Tax Credit Programs and to persuade prospective employers to consider the advantages of hiring ex-offenders. Employers will be encouraged to interview the inmate while still incarcerated; if they agree, efforts will be made to gain clearance into the facility where there is an obvious reluctance to entering the prison. The Prison Branch Support Committee would provide the employer with pertinent information on the inmate under consideration.
- i. Interview all Prison Branch members when they are within 90-180 days of their parole hearings to assess what types of offender re-entry programs may be most beneficial to them upon their release.
- j. Maintain for two years a careful and accurate “follow up” file on those ex-offenders placed in jobs secured through the assistance of the NAACP. The purpose of these records will be to compare the NAACP recidivism rate to

Bylaws for Units of the NAACP

the national average (70%) and thus compute the yearly savings in public tax dollars.

- k. Perform any and all duties consistent with the Prison Project.

7. ***(Distinctive Duties of College Chapter Standing Committees)***

- a. ***College Chapter Armed Services Committee.*** The Committee on Armed Services shall:

- 1. Study conditions pertaining to students of color serving in the branches of the armed services on both the campus and in the community.
- 2. Receive and act on all these students' complaints relative to discrimination because of race, color or creed or denials of benefits in local areas because of discrimination.

- b. ***College Chapter Education Committee.*** The College Chapter Committee on Education shall study educational conditions affecting Black people and other minority groups. It shall be the policy of the College Chapter Education Committee to:

- 1. Concern itself with the educational practices on its own campus as well as other campuses.
- 2. Be a center of popular education on the problems of Black Students and the work of the NAACP.
- 3. To work for the integration of students, faculty and non-teaching personnel and the elimination of quota systems, particularly in medical, dental, and engineering schools, and to give attention to upgrading and granting tenure to professors.
- 4. Seek to secure unprejudiced presentation in teaching materials pertaining to African-Americans and other ethnic minority groups.
- 5. Work to establish deadlines by which time student organizations must have removed racial or religious discriminatory clauses from their Constitutions or face non-recognition by the university.
- 6. Conduct joint programs with students from other colleges in the community, particularly colleges having few, if any Black students.

Bylaws for Units of the NAACP

- c. College Chapter Employment and Economic Empowerment Committee.* The Committee on Chapter Employment and Economic Empowerment shall seek ways to empower youth economically by:
1. Encouraging the development of job readiness training and placement programs for youth and young adults.
 2. Studying levels of unemployment and underemployment of working age youth and the causes of each.
 3. Working for improved opportunities in vocation and apprenticeship training.
 4. Working to eliminate discriminatory employment practices.
 5. Studying levels of youth and young adult credit and debt creating programs to decrease debt.
 6. Creating training programs in entrepreneurship, savings, investment and home ownership.
- d. College Chapter Housing and Community Planning Committee.* The Committee on Housing and Community Planning shall study the housing patterns and conditions of Blacks and other minority people both on and off campus. Specifically, it shall:
1. Seek to guarantee the rights of students and staff to live in any campus controlled housing without regard to race or color.
 2. Oppose segregation and discrimination in off-campus housing for both students and staff.
 3. Demand the enforcement of community housing and sanitation codes.
 4. Where necessary, with the approval of the Association, sponsor direct action programs as a means of publicizing and correcting intolerable housing conditions.
 5. Seek to eliminate segregation and discrimination and to improve the general housing conditions for Blacks and other minorities in the community at large.
- e. College Chapter Juvenile Justice Committee.* The Committee shall:

Bylaws for Units of the NAACP

1. Seek to eliminate discriminatory practices in the Juvenile and Adult Justice systems.
2. Research and monitor local and state incarceration, sentencing, arrest and probation rates of African-American and other youth of color.
3. Investigate disproportionate incarceration and sentencing of African-Americans and other youth of color.
4. Investigate living conditions and treatment within youth detention centers.
5. Mobilize Units to correct abuses where found.

f. College Chapter Press and Publicity Committee. The Committee shall:

1. Secure publicity in the local press for the Chapter.
2. Publicize by means of posters, etc., the meetings and activities of the Chapter.
3. Promote the sale of the CRISIS and other Association literature.
4. College Chapters shall not issue press releases without the consent of the Chapter President.

g. College Chapter Program and Research Committee. The Committee shall:

1. Study local and national issues affecting Black youth and other minority groups and recommend certain of these issues for discussion and action by the unit.
2. Operate a speakers' bureau for the benefit of the Units and for the benefit of organization on the campus and in the community desiring to make use of it.
3. To have charge of such entertainment as shall be approved by the Executive Committee.
4. Formulate and present to the Executive Committee, at the regular monthly meeting following the annual Meeting of the Unit, a program of activity for the ensuing year.

Bylaws for Units of the NAACP

8. (Distinctive Duties of Youth Council Standing Committees)

- a. Youth Employment and Economic Empowerment Committee.** The Committee shall seek to empower youth economically by:

 - 1. Encouraging the development of job readiness training and placement programs for youth and young adults.
 - 2. Studying levels of unemployment and underemployment of working age youth and the causes of each.
 - 3. Working for improved opportunities in vocation and apprenticeship training.
 - 4. Working to eliminate discriminatory employment practices.
 - 5. Studying levels of youth and young adult credit debt and creating programs to decrease debt.
 - 6. Creating training programs in entrepreneurship, savings, investment and home ownership.
- b. Youth Council Entertainment Committee.** The Committee on Entertainment shall have charge of entertainment of such kind as shall be approved by the Executive Committee of the Youth Council.
- c. Youth Council Juvenile Justice Committee.** The Committee shall:

 - 1. Seek to eliminate discriminatory practices in the juvenile and adult justice systems.
 - 2. Investigate living conditions and treatment with in youth detention centers.
 - 3. Mobilize units to correct abuses where found.
- d. Press and Publicity Committee.** The Press and Publicity Committee shall:

 - 1. Seek to secure favorable publicity in local, state and national media for the Youth Council.
 - 2. No press releases shall be issued without the consent of the President and Youth Council Advisor.

Bylaws for Units of the NAACP

e. Youth Council Program and Research Committee. The Program and Research Committee shall:

1. Study local and national issues affecting Black youth and other minority groups and recommend certain of these issues for discussion and action by the Council.
2. Operate a speakers' bureau for the benefit of the Council and the community.
3. Formulate and present to the Executive Committee at the regular monthly meeting following the Annual Meeting of the Council a program of activity for the ensuing year.

9. (Tenure)

Members of the Executive Committee and of the several standing committees of Branches and Prison Branches shall hold office for two years and until their successors are elected and qualify. Members of the Executive Committee of Youth Units shall hold office for one year.

10. (Removal Procedure)

- a. Non-functioning committees shall be discharged promptly by the Executive Committee.
- b. Any member of the Executive Committee, except officers or of any standing or special committee who shall be absent from three (3) consecutive meetings without notice to the Secretary or President or who shall not perform the required duties for three (3) consecutive months, or who shall be absent from any six (6) meetings with or without notice in a twelve month period shall be removed by the Executive Committee by written notification to the delinquent member and replaced in accordance with Article VIII, Section 2(e). A member of any standing or special committee may be directly removed by the chairperson for dereliction of duty. If the Executive Committee fails to act, the President, Secretary, and one member may sign the removal letter.
- c. For any officers who shall be absent from three (3) consecutive meetings without notice or explanation to the Secretary or President, or who shall not perform the required duties for three (3) consecutive months, or who shall be absent from any six (6) meetings with or without notice in a twelve month period except in cases when the General Meeting and the Executive Committee meeting are held on the same day those occurrences

Bylaws for Units of the NAACP

shall be counted as one missed meeting, the National Office is to be notified by the Secretary by way of a petition signed by the Secretary, the President and one (1) other member of the Executive Committee. If the President or Secretary is in violation, then any three members of the Executive Committee shall sign the petition. The National Office shall recommend the removal of said officer by the Board of Directors at the next meeting of the Board of Directors following receipt of the petition.

**ARTICLE IX
ELECTION OF OFFICERS AND EXECUTIVE
COMMITTEE AND DELEGATES**

1. *(Procedure for State/State-Area Conference Elections)*

a. Election of Delegates

1. All delegates elected to the Annual Convention of a State/State-Area Conference must be members in good standing of Units in good standing within the State/State-Area Conference. All such delegates must be elected at a regular meeting of their general membership. Elected delegates must present official credential forms as provided by the State/State-Area Conference at the time of registering to the Credentials Committee of the Convention.
2. The election shall be by secret ballot of delegates both youth and adults at the Annual Convention of the State/State-Area Conference held in odd numbered years and those elected shall hold office for two (2) year terms and/or until their successors are elected and qualify.
3. *Representation.* Representation of Units at the Annual Convention of the State/State-Area Conference shall be on the following basis:

25 - 49	(Youth) 2 delegates
50 - 100	4 delegates
101 - 500	6 delegates
501 - 1,000	8 delegates
1,001 - 2,500	10 delegates
2,501 - 5,000	12 delegates
5,001 - 10,000	14 delegates
10,001 - 20,000	16 delegates
20,001 - 25,000	18 delegates

Bylaws for Units of the NAACP

Over 25,000 - 1 additional vote for every 2,500 members.

- (a) Representation shall be on the basis of membership as recorded in the National Office, sixty (60) days prior to the opening date of each Annual Convention.
- (b) Each Unit is entitled to the number of alternate delegates equal to the number of voting delegates. Alternate delegates shall be permitted to vote in place of absent delegates.

4. *Organization of State/State-Area Conference.* At the first session of the Annual Convention, the delegates shall elect delegates to serve on the Committee on Time and Place, Committee on Resolutions and Committee on Credentials.

- (a) *Committee on Time and Place.* Shall be charged with the responsibility of investigating possible cities for future Annual Conventions, and recommending same to the Convention.
- (b) *Committee on Resolutions.* Shall be responsible for determining for each proposed resolution whether it meets the criteria of newness or material modification of existing resolutions.
- (c) *Committee on Credentials.* Shall examine and report upon the credentials of all delegates to the Convention as the first order of business of each Business Session. The Committee on Credentials shall be the arbitrator of all disputes and will report the resolution of same to the Convention.

5. *Quorum of State/State-Area Conference Meetings.* The number of members necessary to constitute a quorum at all meetings shall be decided upon by a resolution adopted by the State/State-Area Conference which shall be incorporated in the approved State/State-Area Conference Bylaws.

b. *Election Procedure*

- 1. All State/State-Area Conferences shall hold an election for officers in odd numbered years in accordance with the Constitution, these Bylaws and the Manual on State/State-Area Conference Election

Bylaws for Units of the NAACP

Procedure. All State/State Area Conferences shall utilize the following election procedure.

- (a) In each even numbered year, the delegates at the Annual Convention of each State/State-Area Conference shall elect seven delegates to the Election Procedures Committee which shall be responsible for the election process leading up to the State/State-Area Conference election in the odd numbered years. No more than two (2) State/State-Area Conference officers or Executive Committee members shall be elected to the Election Procedures Committee. The Committee shall conduct an organizing meeting during the Convention at which time they shall elect a chairperson and secretary. Members of the Election Procedures Committee are not prohibited from filing a nominating petition.
- (b) Written notice of the date, time, location and procedure for the conduct of the biennial State/State-Area Conference election shall be sent by the State/State-Area Conference Secretary by certified mail to all Units in good standing within the State/State-Area Conference by no later than February 1 of the odd numbered year. The notice shall include the positions to be filled by election and the official nominating petition.
- (c) Persons wishing to run for elective office must be members in good standing and return the petition bearing their signature by certified mail signed by three (3) or more members in good standing of Units in good standing within the State/State-Area Conference by no later than June 15 of the election year. The nominating petitions must be mailed to the official mailing address of the State/State-Area Conference to the attention of the Election Procedures Committee which shall follow the procedures set forth in the Manual on State/State-Area Conference Election Procedure. An individual may seek only one elective office at a time.
- (d) For the purpose of running for office, a member in good standing is one whose name appears on the roll of a Unit in good standing within the State/State Area Conference no later than December 15 of the even numbered year prior to the State/State-Area Conference election. For the purpose

Bylaws for Units of the NAACP

of signing a nominating petition, a member in good standing is one whose name appears on the roll of a Unit in good standing within the State/State-Area Conference at least thirty (30) days prior to the date the nominating petition is filed.

- (e) The Election Procedures Committee shall review all nominating petitions, validate the eligibility of candidates and file its report with the State-State/Area Conference Secretary by no later than June 30 of the election year.
- (f) Upon receipt of the Committee's report, the State/State-Area Conference Secretary shall mail the listing of all eligible candidates for each office to all Units in good standing within the State/State-Area Conference by no later than July 15 of the election year.
- (g) Thirty (30) days prior to the election the Election Procedures Committee shall file a report with the State/State-Area Conference Secretary verifying that all eligible candidates for office will be members in good standing as of the date of the election.
- (h) An eligible candidate may withdraw from contention by forwarding a letter requesting that his/her name be removed from the ballot. The letter must be sent to the Chairperson of the Election Procedures Committee thirty (30) days prior to the election.

All voting at the Annual Convention must be by delegates present who were duly elected by their respective Unit in good standing within the State/State-Area Conference. Proxy voting, absentee voting and write-in voting are prohibited in NAACP elections. State/State-Area Conference Officers and Executive Committee members only have voting privileges if they have been duly elected by their respective Unit in good standing within the State/State-Area Conference.

- (i) Prison Units in good-standing, only, shall be allowed to participate in State/State Area Conference Elections. Prison Units that meet all prerequisites as defined in Article III, Section 3(c) and Article IV, Section 3(a) will receive a

Bylaws for Units of the NAACP

ballot. The State/State Area Conference on June 30th when sending out report of the Election Procedures Committee to all units, will also forward the prerequisite ballots to Prison Units that are in good-standing. Ballots will be prepared in accordance with guidelines established by the Association. The Prison Unit will elect delegates at its General Membership meeting, after which the delegates will vote. When returning the ballots to the address of the State/State Area Conference mailing address, a copy of the minutes of the meeting when delegates were elected must be included. Ballots must be received by the State/State Area Conference 10 business days prior to the first day the Annual State/State Area Convention convening. The State Conference Secretary shall provide the Chair of the Election Procedures a report as to when ballots were received. The State/State Area Conference Secretary shall, upon the election of the Election Supervisory Committee immediately turn over the sealed ballots to the Election Supervisory Committee. Ballots are to remain sealed and not be counted until the polls close.

- (j) At the first session of the Annual Convention, the delegates shall elect five (5) delegates to the Election Supervisory Committee which will conduct the election in accordance with the Constitution, these Bylaws and the Manual on State/State-Area Conference Election Procedure. In addition, if there is more than one presidential candidate, each presidential candidate is entitled to appoint a representative to the Election Supervisory Committee. In the event the total number of presidential candidates exceeds four (4), the delegates must elect additional members to the Election Supervisory Committee so that the total number of elected members is one more than the appointed members of the Committee. No candidate for office shall serve on the Election Supervisory Committee.
- (k) On Saturday during the Convention at 8:00 a.m. on Election Day, the Election Supervisory Committee shall convene a special session of the Convention for the sole purpose of hearing from the candidates seeking office. Candidates shall be heard in the following order:

Assistant Secretary

Bylaws for Units of the NAACP

Secretary
Assistant Treasurer
Treasurer
Vice Presidents
President

Immediately following the special session, but no later than 11:00 a.m., the polls shall open, remaining open until 3:00 p.m. Following tabulation, the results of the election shall be announced by the Election Supervisory Committee by posting on the tabulation room door and by announcement on Saturday evening.

2. *State/State-Area Conference Election Controversy*

- (a) In the event of election controversy, all parties thereto shall submit complaints to the National Office. Said complaints must be postmarked not later than ten (10) days following the date of the election in question. The complaints must be signed by at least twenty-five (25) voting delegates who were in attendance at the Convention. Said delegates must represent at least five (5) units registered at the Convention.
- (b) The National Office will institute an investigation into the matter, and should a determination be made that the complaint is frivolous or completely devoid of merit, or that the election result could not have been otherwise even if the allegations alleged are assumed to be true, then the National Office shall within thirty (30) days, or as soon thereafter as possible, dismiss the complaint and inform all parties forthwith that the installation of officers might be held.
- (c) Should the National Office be unable to dismiss the complaint because the charges appear to have merit and as such, the results of the election might have been otherwise had the alleged violations not occurred, then the matter will be referred to the Chairperson of the Committee on Membership and Units of the Board of Directors, who will designate a Hearing Panel.
- (d) Pending resolution of the dispute, the officers whose terms were to have expired with the new election, will continue to function.

Bylaws for Units of the NAACP

- (e) *Authority of the National Office.* The National Office shall have authority to intervene at any time during the period leading up to the State Conference election. Such authority includes suspending the process and instituting corrective action to assure that the rights of all members are protected.

2. (Election of Officers and Executive Committees for Branches)

a. Organizing Meeting (New Branch)

- 1. The officers and members of the Executive Committee elected at the organizing meeting of the Branch shall hold office until their successors are elected and qualify.
- 2. Following the chartering of a new Branch by the Board of Directors, the National Office shall cause an election to be held of the members of the new Branch. Should the election take place during an even numbered year, the officers and members of the Executive Committee elected at this time shall not be required to stand for election again until the next Branch election year.

- b. Eligible Voters at Organizing Meeting.* All persons who endorse the aims and purposes of the National Association for the Advancement of Colored People who have paid the prescribed fees shall be entitled to vote at the organizing meeting and to be elected to office.

- c. Biennial Elections.* Thereafter, all officers and elected members of the Executive Committee shall be elected by ballot at a Branch election held in even numbered years as hereinafter provided, and shall hold office for two (2) years and until their successors are elected and qualify.

d. Nominating Committee Election.

- 1. In even numbered years there shall be elected at a **September** membership meeting of the Branch a Nominating Committee composed of not less than five (5) nor more than fifteen (15) members of the Branch in good standing, provided that not more than two (2) shall be officers of the Branch or members of the Executive Committee.
- 2. *Duties of the Nominating Committee.* The Branch Secretary shall call the organizing meeting of the Nominating Committee. The first meeting of the Nominating Committee shall be held no later

Bylaws for Units of the NAACP

than ten (10) days after its election. The Nominating Committee shall:

- (a) Elect its Chairperson and Secretary as its first order of business.
 - (b) Nominate any member of the Branch who is in good standing. For purposes of running for office, the term “member in Good Standing” shall mean that the person must be a bona fide member of the Branch by April 1 of the election year and must live and/or work within the branch’s jurisdiction.
 - (c) The Nominating Committee may nominate a member thereof as a candidate for office or as an at large member of the Executive Committee.
 - (d) The Nominating Committee shall have itself available to interview members interested in being considered for office or as at-large members of the executive Committee.
 - (e) The Nominating Committee shall nominate only those persons who have given written consent to be nominated. The secretary shall verify that each nominee has given written consent after the Nominating Committee has given its report at the October meeting and before the Branch accepts this report.
 - (f) The Committee shall nominate a member for only one (1) position during the election.
3. *Reporting of the Nominating Committee.* The Nominating Committee shall submit a report in writing at the **October** General Membership Meeting of the Branch. This report shall consist of the names of those persons qualified to fill existing Branch offices (one name for each office) and to be members of the Executive Committee (at least ten (10) names and up to twenty-four (24) names).
4. *Nominations by Petition.* At said **October** Membership Meeting of the Branch, additional nominations may be made for all officers and elected members of the Executive Committee by written petition signed by three or more members of the Branch in good

Bylaws for Units of the NAACP

standing as of the time of the meeting. No one shall be nominated by the Nominating Committee or by petition without having first obtained his/her written consent. The Branch Secretary shall certify that at least three (3) of the members who signed the petition are members in good standing and that the member being nominated is a member in good standing and that a consent form has been signed by the nominee.

5. *Withdrawal of Nominations.* A member properly nominated for a position may withdraw from contention by forwarding a letter requesting that his/her name be removed from the ballot. The letter must be sent to the Chairperson of the Election Supervisory Committee in sufficient time prior to the election.
 6. *Eligibility Determinations.* All questions regarding the eligibility of candidates must be resolved prior to the conclusion of the October meeting.
- e. After all nominations have been made, the Branch at said October meeting shall elect an Election Supervisory Committee consisting of five (5) members of the Branch in good standing. In addition, each candidate for the presidency is entitled to appoint a representative to the Election Supervisory Committee. However, in the event the total number of candidates for the presidency is more than four (4), the Branch must elect additional members to the Election Supervisory Committee so that the total number of elected members is one more than the appointed members of the Committee. No candidate may serve on the Election Supervisory Committee.
 - f. It shall be the duty of the Election Supervisory Committee to:
 1. Supervise the Branch election.
 2. Supervise the establishment of appropriate machinery, provisions, and procedures for conducting the election in accordance with this Constitution and the Manual for Branch Election Procedure, whether at an election meeting or at polling booths, in order to protect the right of each member of the Branch to cast his ballot properly and have it counted.
 3. Have printed ballots containing in alphabetical order by last name, the names of all persons nominated for office and executive

Bylaws for Units of the NAACP

committee that were properly received at the October General Membership meeting for each office to be elected.

4. Prepare the ballot in sufficient numbers for use at the election, and this ballot shall be the only ballot used at the election. Unless the Branch decides to use voting machines in addition to, or in place of, the ballot.
- g. *Notice of September, October Meeting and November Election.* Each Branch shall send notice to each member in good standing at least ten (10) days prior to the September meeting, listing the time, place, date and purpose of the September and October meetings and time, place and date of the November election. Notices shall be sent via regular and electronic mail to members. The Secretary shall maintain a list of those members to whom a notice was sent and shall secure and maintain all electronic delivery receipts for the notice. In addition to this notice, each Branch shall place the announcements of such meetings and election in one or more local newspapers of general circulation at least ten (10) days before the date of the November election. Should a run-off election be necessary, that election shall occur on the following date at time certain (at least 1 hour) at this location run-off elections shall be conducted not less than ten (10) days after the original election.
- h. *Term of Office.*
1. All officers and elected members of the Executive Committee shall be elected by secret ballot for a two year term ending December 31. The term of each elected officer shall begin on January 1, of each odd numbered year.
 2. *Election Meeting.* No officer of the Branch or any candidate for office shall occupy their chair at election meetings. The names of the various candidates for the office shall be clearly announced or posted in a place visible to all present at the election meeting. Tellers to count the ballot shall be appointed in equal numbers by the candidates for office of the President. No officer of the Branch or candidate for office shall serve as teller.
- i. *Eligible Voters.* The number of eligible voting members of the Branch shall be established before the voting begins. Upon proof of qualification, all eligible voters shall receive and sign for one ballot each and thereupon immediately proceed to vote secretly. The right to vote is personal and shall not be exercised by proxy. No absentee ballots may be cast.

Bylaws for Units of the NAACP

- j. *Polling Booths of Branches of 1,000 or More Members.* Polling booths must be used and must be setup as prescribed by the Branch Election Manual in a centralized place staffed by the Election Supervisory Committee, and with an equal number of watchers and observers for each of the candidates for President. The Branch's bylaws will determine the number of hours the booths shall be open. The minimum number of hours for polling shall be four (4) hours unless otherwise determined by the Branch's bylaws. Provisions for determining eligibility and challenging the right of persons to vote shall be established in accordance with the Branch Election Manual, which has been adopted by the Board of Directors and is appended hereto.

- k. *Members in Good Standing.* Members in good standing shall be eligible to run for office or vote in a Branch election. For the purpose of running for office, a member in good standing is one whose name appears on the roll of the Branch as a bona fide member of the Branch by April 1 of the election year and who lives and/or works within the Branch jurisdiction. For the purpose of being elected to the Nominating Committee or the Election Supervisory Committee, signing a nominating petition or voting in Branch elections, a member in good standing is one who has been a bona fide member of the Branch for at least (30) thirty days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Branch at least (30) thirty days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Branch.

- l. *Youth Voting in Branch Elections.* The minimum voting age for any member in good standing in Branch elections shall be seventeen (17) years of age. Should a member of the Branch be seventeen (17) years of age, but under twenty-one (21) years of age, that member may vote in the Branch election if he/she has paid the minimum adult membership fee to the Branch.

- m. *Life Members, Subscribing Life Members and Members-At-Large.* In order to run for Branch office unaffiliated Life Members and Members-At-Large must be actively affiliated with the Branch by April 1 of the election year. In order to run for State/State-Area Conference office unaffiliated Life Members and Members-At-Large must be actively affiliated with a Unit in good standing within the Conference by December 15 of the year prior to the election year. In order to vote in a Branch or Conference election, unaffiliated Life Members and Members-

Bylaws for Units of the NAACP

At-Large must be actively affiliated with a Unit in good standing within the Conference at least thirty (30) days prior to any meeting at which they are nominated for office or seek to vote. *The term "affiliated" means that the individual must have requested, in writing, that his membership be transferred to the Branch. The request may be made through the Branch or directly to the National Office. The National Office must notify the Branch in writing within thirty (30) days of receiving notification.*

- n. *Tellers.* Presidential candidates shall have the right to appoint an equal number of tellers. The tellers thus appointed, shall elect a chief teller, who shall organize the tabulating of the ballots.
- o. *Election Controversy.* In the event of election controversy, all parties thereto shall submit any written complaint(s) to the National Office through the President and CEO. Said complaint(s) must be postmarked no later than five (5) calendar days following the date of the election in question. *In Branches with memberships up to 1000, such complaints must be signed by at least twenty-five (25) members of the Branch in good standing. In Branches with memberships exceeding 1000, such complaints must be signed by at least fifty (50) members of the Branch in good standing.*
 - (a) The National Office will institute an investigation into the matter, and should a determination be made that the complaint is frivolous or completely devoid of merit, or that the election result could not have been otherwise even if the allegations alleged are assumed to be true, then the National Office shall within thirty (30) days, or as soon thereafter as possible, dismiss the complaint and inform all parties forthwith that the installation of officers might be held.
 - (b) Should the National Office be unable to dismiss the Complaint because the charges appear to have merit and as such, the results of the election might have been otherwise had the alleged violations not occurred, then the matter will be referred to the Chairman of the Committee on Membership and Units of the Board of Directors, who will designate a Hearing Panel.
 - (c) Pending resolution of the dispute, the officers whose terms were to have expired with the new election, will continue to function.

Bylaws for Units of the NAACP

- p. *Authority of the National Office.* The National Office shall have authority to intervene at any time during the three-month period leading up to the Branch election. Such authority includes suspending the process and instituting corrective action to ensure that the rights of all members are protected.

3. *(Procedure for Prison Branch Elections)*

- a. *Organizing Meeting (New Prison Branch)*
 - 1. The officers and members of the Executive Committee elected at the organizing meeting of the Prison Branch shall hold office until their successors are elected and qualify.
 - 2. Following the chartering of a new Prison Branch by the Board of Directors, the National Office shall cause an election to be held of the members of the new Prison Branch. Should the election take place during an even numbered year, the officers and members of the Executive Committee elected at this time shall not be required to stand for election again until the next Prison Branch election year.
- b. *Eligible Voters at Organizing Meeting.* All persons who endorse the aims and purposes of the National Association for the Advancement of Colored People who have paid the prescribed fees shall be entitled to vote at the organizing meeting and to be elected to office.
- c. *Biennial Elections.* Thereafter, all officers and elected members of the Executive Committee shall be elected by ballot at a Prison Branch election held in even numbered years as hereinafter provided, and shall hold office for two (2) years and until their successors are elected and qualify.
- d. *Nominating Committee Election.*
 - 1. In even numbered years there shall be elected at a **September** membership meeting of the Prison Branch a Nominating Committee composed of not less than five (5) nor more than fifteen (15) members of the Prison Branch in good standing, provided that not more than two (2) shall be officers of the Prison Branch or members of the Executive Committee.
 - 2. *Duties of the Nominating Committee.* The Prison Branch Secretary shall call the organizing meeting of the Nominating Committee. The first meeting of the Nominating Committee shall be held no

Bylaws for Units of the NAACP

later than ten (10) days after its election. The Nominating Committee shall:

- (a) Elect its Chairperson and Secretary as its first order of business.
 - (b) Nominate any member of the Prison Branch who is in good standing. For purposes of running for office, the term “member in good standing” shall mean that the person must be a bona fide member of the Prison Branch at least one hundred and eighty (180) days prior to the date nominations are made and must live and/or work within the Prison Branch’s jurisdiction.
 - (c) The Nominating Committee may nominate member thereof as a candidate for office or as an at large member of the Executive Committee.
 - (d) The Nominating Committee shall have itself available to interview members interested in being considered for office or as at-large members of the Executive Committee.
 - (e) The Nominating Committee shall nominate only those persons who have given written consent to be nominated. The Secretary shall verify that each nominee has given written consent after the Nominating committee has given its report at the October meeting and before the Prison Branch accepts this report.
 - (f) The Committee shall nominate a member for only one (1) position during the election.
3. *Reporting of the Nominating Committee.* The Nominating Committee shall submit a report in writing at the **October** General Membership Meeting of the Prison Branch. This report shall consist of the names of those persons qualified to fill existing Branch offices (one name for each office) and to be members of the Executive Committee (at least ten (10) names and up to twenty-four (24) names).
4. *Nominations by Petition.* At said **October** Membership Meeting of the Prison Branch, additional nominations may be made for all officers and elected members of the Executive Committee by

Bylaws for Units of the NAACP

written petition signed by three or more members of the Branch in good standing as of the time of the meeting. No one shall be nominated by the Nominating Committee or by petition without having first obtained his/her written consent. The Unit Secretary shall certify that at least three (3) of the members who signed the petition are members in good standing and that the member being nominated is a member in good standing and that a consent form has been signed by the nominee.

5. *Withdrawal of Nominations.* A member properly nominated for a position may withdraw from contention by forwarding a letter requesting that his/her name be removed from the ballot. The letter must be sent to the Chairperson of the Election Supervisory Committee in sufficient time prior to the election.
 6. *Eligibility Determinations.* All questions regarding the eligibility of candidates must be resolved prior to the conclusion of the October meeting.
- e. After all nominations have been made, the Prison Branch at said October meeting shall elect an Election Supervisory Committee consisting of five (5) members of the Prison Branch in good standing. In addition, each candidate for the presidency is entitled to appoint a representative to the Election Supervisory Committee. However, in the event the total number of candidates for the presidency is more than four (4), the Prison Branch must elect additional members to the Election Supervisory Committee so that the total number of elected members is one more than the appointed members of the Committee. No candidate may serve on the Election Supervisory Committee.
 - f. It shall be the duty of the Election Supervisory Committee to:
 1. Supervise the Prison Branch election.
 2. Supervise the establishment of appropriate machinery, provisions, and procedures for conducting the election in accordance with the Constitution and the Manual for Branch Election Procedure, whether at an election meeting or at polling booths, in order to protect the right of each member of the Prison Branch to cast his ballot properly and have it counted.

Bylaws for Units of the NAACP

3. Have printed, copied, or typewritten, one complete ballot containing in alphabetical order, for each office and Executive Committee, the names of all persons nominated for office.
 4. Prepare the ballot in sufficient numbers for use at the election, and this ballot shall be the only ballot used at the election. Unless the Branch decides to use voting machines in addition to, or in place of, the ballot.
- g. *Notice of September, October Meeting and November Election.* Each Prison Branch shall notify each member in good standing, at least ten (10) days prior to the September meeting, listing the time, place, date and purpose of the September and October meetings and time, place and date of the November election. In addition, to this notice, each Branch shall place the announcements of such meetings and election in one or more newspapers or newsletters of general circulation at the prison or correctional facility least ten (10) days before the date of the November election. Should a run-off election be necessary that election shall occur on the following date at time certain (at least 1 hour) at this location, run-off elections shall be conducted not less than ten (10) after the original election.
- h. *Term of Office.*
1. All officers and elected members of the Executive Committee shall be elected by secret ballot for a two year term ending December 31. The term of each elected officer shall begin on January 1, of each odd numbered year.
 2. *Election Meeting* No officer of the Prison Branch or any candidate for office shall occupy their chair at election meetings. The names of the various candidates for the office shall be clearly announced or posted in a place visible to all present at the election meeting. Tellers to count the ballot shall be appointed in equal numbers by the candidates for office of the President. No officer of the Prison Branch or candidate for office shall serve as teller.
- i. *Eligible Voters.* The number of eligible voting members of the Prison Branch shall be established before the voting begins. Upon proof of qualification, all eligible voters shall receive and sign for one ballot each and thereupon immediately proceed to vote secretly. The right to vote is personal and shall not be exercised by proxy. No absentee ballots may be cast.

Bylaws for Units of the NAACP

- j. Members in Good Standing.* Members in good standing shall be eligible to run for office or vote in a Prison Branch election. For the purpose of running for office, a member in good standing is one whose name appears on the roll of the Prison Branch as a bona fide member of the Prison Branch at least one hundred and eighty (180) days prior to the date nominations are made and who lives and/or works within the Prison Branch jurisdiction. For the purpose of being elected to the Nominating Committee or the Election Supervisory Committee, signing a nominating petition or voting in Prison Branch elections, a member in good standing is one who has been a bona fide member of the Prison Branch for at least (30) thirty days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Prison Branch at least (30) thirty days prior to the date the election is held or the nominating petition is filed. For all other purposes, a member in good standing is one who has paid the requisite minimum membership fee to the Prison Branch.
- k. Youth Voting in Prison Branch Elections.* The minimum voting age for any member in good standing in Prison Branch elections shall be seventeen (17) years of age. Should a member of the Prison Branch be seventeen (17) years of age, but under twenty-one (21) years of age, that member may vote in the Prison Branch election if he/she has paid the minimum adult membership fee to the Prison Branch.
- l. Life Members, Subscribing Life Members and Members-At-Large.* In order to run for Prison Branch office or vote in Prison Branch or State Conference election, unaffiliated Life Members and Members-At-Large must be actively affiliated with the Prison Branch at least thirty (30) days prior to any meeting at which they are nominated for office or seek to vote. *The term “actively affiliated” means that the individual must have requested, in writing, that his membership be transferred to the Prison Branch. The request may be made through the Prison Branch or directly to the National Office. The National Office must notify the Prison Branch in writing within thirty (30) days of receiving notification.*
- m. Tellers.* Presidential candidates shall have the right to appoint an equal number of tellers. The tellers thus appointed, shall elect a chief teller, who shall organize the tabulating of the ballots.
- n. Election Controversy.* In the event of election controversy, all parties thereto shall submit any written complaint(s) to the National Office through the President and CEO. Said complaint(s) must be postmarked

Bylaws for Units of the NAACP

no later than five (5) calendar days following the date of the election in question. *In Prison Branches with memberships up to 1000, such complaints must be signed by at least twenty-five (25) members of the Branch in good standing.* In Prison Branches with memberships exceeding 1000, such complaints must be signed by at least twenty-five (25) members of the Prison Branch in good standing.

- (a) The National Office will institute an investigation into the matter, and should a determination be made that the Complaint is frivolous or completely devoid of merit, or that the election result could not have been otherwise even if the allegations alleged are assumed to be true, then the National Office shall within thirty (30) days, or as soon thereafter as possible, dismiss the Complaint and inform all parties forthwith that the installation of officers might be held.
 - (b) Should the National Office be unable to dismiss the Complaint because the charges appear to have merit and as such, the results of the election might have been otherwise had the alleged violations not occurred, then the matter will be referred to the Chairman of the Committee on Membership and Units of the Board of Directors, who will designate a Hearing Panel.
 - (c) Pending resolution of the dispute, the officers whose terms were to have expired with the new election, will continue to function.
- o. Authority of the National Office.* The National Office shall have authority to intervene at any time during the three-month period leading up to the Prison Branch election. Such authority includes suspending the process and instituting corrective action to assure that the rights of all members are protected.

4. (Procedure for College Chapter Elections)

- a. The officers and members of the Executive Committee elected at the organizing meeting shall hold office until their successors are elected and qualify, unless removed.
- b. *Annual Meeting.* Thereafter, all officers and members, not otherwise appointed, shall be elected by ballot at each Annual Meeting of the

Bylaws for Units of the NAACP

College Chapter and shall hold office for one year and until their successors are elected and qualify.

- c. *Elections.* All persons qualified as provided by Article IV, Section 7, who signify their intention of becoming charter members of the College Chapter and their endorsement of the aims and purposes of the National Association for the Advancement of Colored People and who have paid the prescribed fees, shall be entitled to vote at the organizing meeting and to be elected to office. Thereafter, all members who are in good standing by noon of the day of my meeting of the College Chapter shall be entitled to vote at the meeting.
- d. *Nominating Committee.*
 - 1. At the regular meeting of the College Chapter next preceding the Annual Meeting, the College Chapter shall elect a Nominating Committee, composed of not less than five (5) and no more than nine (9) members of the College Chapter in good standing, provided not more than two shall be officers of the College Chapter or members of the Executive Committee, to present nominations at the Annual Meeting for all officers and the Executive Committee, provided, that additional nomination may be made at the Annual Meeting by written petition signed by three or more members of the College Chapter.
 - 2. *Duties of Nominating Committee.* The Nominating Committee shall meet promptly to elect a Chairman and interview persons qualified as candidates for office.
 - 3. *Report of Nominating Committee.* The Nominating Committee shall submit a report in writing to the College Chapter during the Annual Meeting. In case the Nominating Committee is not elected and neglects or refuses to render a report, nominations shall be made at the Annual Meeting by written petition signed by three or more members of the College Chapter.
- e. *Notice of Annual Meeting and the Meeting That Precedes the Annual Meeting.* At least seven days prior to the Annual Meeting and the meeting that precedes the Annual Meeting, written notice shall be sent to each member of the College Chapter in good standing of the date, place, and purpose of said meetings and election. Notices may sent via electronic mail to members for whom the College Chapter has a valid address. The Secretary shall maintain a list of those members to whom a

Bylaws for Units of the NAACP

notice was sent and shall secure and maintain all electronic delivery receipts for the notice. Should a run-off election be necessary email that election shall occur on the following date at a time certain (at least 1 hour) at this location run-off elections shall be conducted not less than ten (10) days after the original election.

- f. *Tenure in Office.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for one year or until their successors are elected and qualified.
- g. *Election Meeting.* The College Chapter election of officers meetings and the College Chapter Annual Meeting shall be the same. No candidate for office shall occupy the chair at the election meeting. The names of the various candidates for office shall be clearly announced or posted in a place visible to all present at the election meeting. Tellers to count the ballots shall be appointed in equal number by the candidates for office of President. Should a run-off election be necessary that election shall occur on the following date at time certain (at least 1 hour) at this location, run-off elections shall be conducted not less than ten (10) days after the original election.
- h. *Eligible Voters.* The number of the eligible voting members of the College Chapter shall be established before the voting begins. Upon proof of qualification eligible voters shall receive and sign for one ballot each and thereupon immediately proceed to vote secretly. The right to vote is personal and shall not be exercised by proxy.
- i. *Site of Election.* The site of the College Chapter election shall be that place where the College Chapter held the majority of its regular meetings, unless otherwise voted by a majority of the College Chapter members present at the meeting preceding the Annual Meeting.
- j. *Member in Good Standing.* Only members in good standing shall be eligible to run for office or to vote in a College Chapter election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been a bona fide member of the College Chapter and one who has paid the prescribed membership fee by twelve noon the day of the meeting that precedes the Annual Meeting.

Bylaws for Units of the NAACP

- k. Life Members and Members-At-Large.* In order to run for College Chapter office or vote in a College Chapter election, Life Members and Members-at-Large must be affiliated with the College Chapter at least thirty (30) days prior to any meeting at which they are nominated for office or seek to vote.
- l. Election Controversy.* In the event of an election controversy, all parties thereto shall submit complaints to the National Office through the President and CEO for resolution. Said complaints must be postmarked no later than five (5) days following the date of the election in question. The complaint must be signed by at least seven (7) members of the College Chapter in good standing, and each signer must list his or her address. A copy of the complaint shall be forwarded by mail to the officer or member against whom the complaint has been filed at the officer's or member's address on record by the National Office.

 - (a) The National Office will institute an investigation into the matter, and should a determination be made that the Complaint is frivolous or completely devoid of merit, or that the election result could not have been otherwise even if the allegations alleged are assumed to be true, then the National Office shall within thirty (30) days, or as soon thereafter as possible, dismiss the Complaint and inform all parties forthwith that the installation of officers might be held.
 - (b) Should the National Office be unable to dismiss the Complaint because the charges appear to have merit and as such, the results of the election might have been otherwise had the alleged violations not occurred, then the matter will be referred to the Chairman of the Committee on Membership and Units of the Board of Directors, who will designate a Hearing Panel.
 - (c) Pending resolution of the dispute, the officers whose terms were to have expired with the new election, will continue to function.
- m. Authority of the National Office.* The National Office shall have authority to intervene at any time during the three-month period leading up to the College Chapter election. Such authority includes suspending the process and instituting corrective action to assure that the rights of all members are protected.

Bylaws for Units of the NAACP

5. (Procedure for Youth Council, High School Chapter and Junior Youth Council Elections)

- a. *Organization Meeting.* The officers and members of the Executive Committee elected at the organizing meeting of the Youth Council shall hold office until their successors are elected and qualified.
- b. *Annual Meeting.* Thereafter, all officers and Executive Committee members shall be elected by ballot at each Annual Meeting of the Youth Council, High School Chapter and Junior Youth Council and shall hold office for one year and until their successors are elected and qualified.
- c. *Elections.* All persons qualified as provided by Article IV, who signify their intention of becoming charter members of the High School Chapter, Youth Council, Junior Youth Council and their endorsement of the aims and purposes of the National Association for the Advancement of Colored People and who have paid the prescribed fees, shall be entitled to vote at the organizing meeting and to be elected to office. Thereafter, all members who are in good standing by noon of the day of any meeting of the Youth Council shall be entitled to vote at the meeting.
- d. *Nominating Committee.*
 1. At the regular meeting next preceding the Annual Meeting, the Youth Council, High School Chapter and Junior Youth Council shall elect a Nominating Committee composed of not less than five (5) and no more than nine (9) members of the Unit in good standing, provided not more than two shall be officers of the Unit or members of the Unit's Executive Committee, to present nominations at the Annual Meeting for all officers and the Executive Committee, provided that additional nomination may be made at the Annual Meeting by written petition signed by three or more members of the Youth Council, High School Chapter and Junior Youth Council.
 2. *Duties of Nominating Committee.* The Nominating Committee shall meet promptly to elect a Chairman and interview persons qualified as candidates for office.
 3. *Report of Nominating Committee.* The Nominating Committee shall submit a report in writing to the Youth Council, High School Chapter or Junior Youth Council during the Annual Meeting. In case the Nominating Committee is not elected and neglects or

Bylaws for Units of the NAACP

refuses to render a report, nominations shall be made at the Annual Meeting by written petition signed by three or more members of the Youth Council, High School Chapter or Junior Youth Council.

- e. *Notice of Annual Meeting and the Meeting that Precedes the Annual Meeting.* At least seven days prior to the Annual Meeting and the meeting that precedes the Annual Meeting, written notice shall be sent to each member of the Youth Council, High School Chapter and Junior Youth Council, in good standing, of the date, place and purpose of said meetings of the Youth Council, High School Chapter and Junior Youth Council. Notices may be sent via electronic mail to members for whom the Youth Council, High School Chapter and Junior Youth Council has a valid email address. The Secretary shall maintain a list of those members to whom a notice was sent and shall secure and maintain all electronic delivery receipts for the notice.
- f. *Tenure in Office.* All officers and elected members of the Executive Committee shall be elected by secret ballot and shall hold office for one year or until their successors are elected and qualified.
- g. *Election Meeting.* The Youth Council, High School Chapter and Junior Youth Council election of officers meetings and the Unit's Annual Meeting shall be the same. No candidate for office shall occupy the chair at the election meeting. The names of the various candidates for office shall be clearly announced or posted in a place visible to all present at the election meeting. Tellers to count the ballots shall be appointed in equal number by the candidates for office of President. Should a run-off election be necessary that election shall occur on the following date at time certain (at least 1 hour) at this location, run-off elections shall be conducted not less than ten (10) days after the original election.
- h. *Eligible Voters.* The number of the eligible voting members of the Youth Council, High School Chapter and Junior Youth Council shall be established before the voting begins. Upon proof of qualification, eligible voters shall receive and sign for one ballot each and thereupon immediately proceed to vote secretly. The right to vote is personal and shall not be exercised by proxy.
- i. *Site of Election.* The site of the Youth Council, High School Chapter and Junior Youth Council election shall be that place where the Unit Council held the majority of its regular meetings, unless otherwise voted by a majority of the Unit's members present at the meeting preceding the Annual Meeting.

Bylaws for Units of the NAACP

- j. *Member in Good Standing.* Only members in good standing shall be eligible to run for office or to vote in a Youth Council, High School Chapter and Junior Youth Council election. For the purpose of running for office, a member in good standing is one who has paid the prescribed membership fee no later than thirty (30) days prior to the date of elections. For the purpose of being nominated by the Nominating Committee, a member in good standing is one who has been a bona fide member of the Youth Council and one who has paid the prescribed membership fee by twelve noon on the day of the meeting that precedes the Annual Meeting.
- k. Youth Council, High School Chapter and Junior Youth Council. In order to run for Youth Council, High School Chapter and Junior Youth Council or vote in a Youth Council, High School Chapter and Junior Youth Council election, Junior Life Members, Life Members, and Members-at-Large must be affiliated with the Youth Council at least thirty (30) days prior to any meeting at which they are nominated for office or seek to vote.
- l. *Election Controversy.* In the event of election controversy, all parties thereto shall submit complaints to the National Office through the President and CEO. Said complaints must be postmarked no later than five (5) days following the date of the election in question. The complaint must be signed by at least seven (7) members of the Unit in good standing, and each signer must list his or her address. A copy of the complaint shall be forwarded by mail to the officer or member against whom the complaint has been filed at the officer's or member's address on record by the National Office.
 - (a) The National Office will institute an investigation into the matter, and should a determination be made that the complaint is frivolous or completely devoid of merit, or that the election result could not have been otherwise even if the allegations alleged are assumed to be true, then the National Office shall within thirty (30) days, or as soon thereafter as possible, dismiss the complaint and inform all parties forthwith that the installation of officers might be held.
 - (b) Should the National Office be unable to dismiss the complaint because the charges appear to have merit and as such, the results of the election might have been otherwise had the alleged violations not occurred, then the matter will be referred to the Chairman of the Committee on

Bylaws for Units of the NAACP

Membership and Units of the Board of Directors, who will designate a Hearing Panel.

- (c) Pending resolution of the dispute, the officers whose terms were to have expired with the new election, will continue to function.

- m. Authority of the National Office.* The National Office shall have authority to intervene at any time during the three-month period leading up to the Youth Council, High School Chapter or Junior Youth Council election. Such authority includes suspending the process and instituting corrective action to assure that the rights of all members are protected.

6. *(Voting for Members of the Board of Directors at Large)*

The list of candidates for the Board of Directors is mailed out to the Units of the Association by not later than November 1st of each year in accordance with procedures established by the Board of Directors in the NAACP Annual Elections Procedure Manual. The names of the Board of Directors Candidates shall be placed on an election ballot to be voted upon by members of the Unit at the Annual Meeting of the Unit.

**ARTICLE X
EXPULSION, SUSPENSION OR REMOVAL OF OFFICERS AND MEMBERS**

Bylaws for Units of the NAACP

1. (Units Failing to Report)

If a Unit fails to inform the Association in writing of its activities or shall fail to maintain a minimum of fifty (50) adult members; twenty-five (25) Prison Branch members; or twenty-five (25) Youth Unit members; for a period of four (4) consecutive months, the Board of Directors shall declare any or all of the offices of the Unit vacant and order a new election. Notice of removal shall be sent to the President, Secretary and Treasurer of the Unit and the State/State-Area Conference by registered mail at their last addresses on file in the Association and shall be published in the official communication organ of the National Association. Immediately upon the service of notice by the Association, the Officers shall perform no official acts and shall hold all records and monies of the Branch, subject to the disposition of the Association.

2. (Grounds for Suspension or Other Disciplinary Action)

When an individual becomes a member of the NAACP, that individual pledges to abide by the rules and policies of the Association and the decisions of the Board of Directors. The Board of Directors, upon satisfactory evidence that an officer or member of the Association, or of a subsidiary Unit of the Association is guilty of conduct not in accord with the principles, aims and purposes of the National Association for the Advancement of Colored People, as set forth in its Constitution, and as defined by the Board or Convention, or guilty of conduct inimical to the best interests of the National Association for the Advancement of Colored People, may order suspension, expulsion or other disciplinary action against such officer or member, after a full hearing if requested by the respondent in accord with the provisions of this Constitution. Any member of the Association who files litigation against the National NAACP or against any of its units without having pursued the remedies within the framework of the Association, shall be deemed as exhibiting behavior not in accord with the principles, aims and purposes of the National Association for the Advancement of Colored People, meriting suspension, expulsion, or other disciplinary actions.

3. (Complaints)

A complaint against an officer or member of a Branch of the NAACP may be initiated by any 20 members of the affected Branch and must be signed by such members and forwarded to the National Office and to the attention of the President and CEO as well as State/State-Area Conference. The National Office may seek input from said State/State-Area Conference on the complaint. The complaint must include the officer or member's mailing address.

4. (Authority of National President and CEO)

Bylaws for Units of the NAACP

Where the President and CEO of the National Office is satisfied that there is danger of irreparable harm to the Association or Unit involved and that immediate action is necessary, he may order an officer or member suspended pending a full hearing if requested by the respondent.

5. *(Notice of Complaint and Right to Answer)*

Upon receipt of the complaint by certified or regular mail, the National Office shall forward a copy of the complaint by mail to the officer or member against whom it has been filed at the officer or member's correct address of record within ten (10) calendar days of receipt of the complaint. The respondent officer or member shall have fifteen (15) calendar days from the date of the receipt of the complaint to file a written response by certified and regular mail, sent to the attention of the Vice President of Field Operations and Membership Department. The 15-day period shall commence to run from the time service of the complaint is complete. Service of the complaint upon the officer or member shall be deemed complete five (5) days after the complaint was mailed by the Vice President of Field Operations and Membership Department.

6. *(National Office Review and Investigation)*

The National Staff, upon receipt of the complaint, and the respondent's written response, shall conduct an investigation, render determinations and make recommendations and findings regarding the complaint, when no hearing is requested by the respondent, to the Committee on Membership and Units within ninety (90) calendar days of the respondent's written response. The National Staff shall prepare a record which includes all documentary matters submitted to it. Where a hearing is requested by the respondent, the National Office through the President and CEO or his designee, shall cause a hearing to be held by a panel of three members of the Board of Directors. The panel shall be appointed by the Chairperson of the Board's Committee on Membership and Units. The hearing panel shall convene within sixty (60) calendar days, of the receipt of the complaint or as soon as possible thereafter, and conduct a hearing according to the hearing procedure.

After receipt of the National Staff or hearing panel's decision, the complainant and respondent shall have fifteen (15) calendar days within which to appeal. Notice of Appeal shall be filed with the National Office, by certified and regular mail, to the attention of the Vice President of Field Operations and Membership Department, 4805 Mt. Hope Drive, Baltimore, MD 21215. If an appeal is filed, the National Office shall notify the Committee on Membership and Units within fifteen (15) days. The Committee on Membership and Units will review the findings and conclusions of the National Staff or hearing panel. Upon failure to appeal within a fifteen (15) day period, the complainant/respondent's opportunity to appeal is waived.

Bylaws for Units of the NAACP

Should either party file an appeal to the National Office, the President and CEO or his designee shall cause an appellate hearing to be held by the Board of Directors. The panel shall be appointed by the Chairperson of the Board's Committee on Membership and Units. The hearing panel shall convene within sixty (60) calendar days, of the receipt of the appeal, or as soon as possible thereafter, and conduct an appellate hearing according to procedures.

7. *(Hearing Procedure)*

The hearing panel shall review the written record and may allow oral argument by the parties or their spokesperson. Based on its review of the record, and oral argument, if any, the panel shall render findings and recommendations in the matter to the Board of Directors. The Board of Directors shall affirm, reverse, modify the panel's recommendation, or deny a rehearing. The decision of the Board of Directors shall be final.

Appeals shall be based only on the written record. Appeal hearings will be conducted by a hearing panel which shall be appointed by the Chairperson of the Board's Committee on Membership and Units. The General Counsel or his/her designee shall serve as counsel for the panel. The appellants may be represented by oral argument by counsel or another person of their choosing. The parties may not present documentary evidence or testimony, but rather they may speak only from the written record before the panel.

8. *(Notice of Findings and Action of the Board)*

Notice of the findings and action of the Board shall be sent to the officer or member by registered mail at his/her address on file in the National Office and, in the discretion of the Board of Directors, published in the official organ of the National Association. Decisions affecting membership shall be forwarded to the National Membership Director.

**ARTICLE XI
SUSPENSION AND REVOCATION OF CHARTER**

The Charter of Authority received by a Unit upon its admission to the Association may be suspended or revoked by the Board of Directors of the Association, whenever the Board of Directors shall deem it in the best interest of the Association; provided, however, that a hearing consistent with Article X, Section 7 on such changes be held. Such charter suspension or revocation shall not invalidate the membership of any member of the Unit in the Association. Notice of the findings and action of the Board of Directors shall be sent by the President and CEO, by registered mail, to the President and

Bylaws for Units of the NAACP

Secretary of the Unit, and shall be published in the official organ of the National Association and in a newspaper of general circulation in the jurisdiction where the Unit is located. Upon receipt of the notice by the President or Secretary by mail, publication or otherwise of charter suspension or revocation, the Unit shall cease to function and the officers shall forthwith forward all records, property and monies of the Unit to the Association where the same may be applied in its discretion for the benefit of the community wherein the Unit was located.

Notice of intent to revoke or suspend a charter shall be mailed to officers of the Unit on such terms and conditions as determined by the Board of Directors.

**ARTICLE XII
INDEMNIFICATION**

1. (Persons Covered)

The Association shall furnish all duly elected directors or officers or staff of the Association or its subsidiaries and duly elected or Executive Committee members, of Units a legal defense and indemnification against judgments incurred as a result of specifically authorized actions on behalf of the NAACP and its programs.

2. (Limitation; Notice)

This Article shall have no force or effect unless the person(s) affected forwards legal process to the General Counsel or his/her designee within a reasonable time to allow a defense to be made.

**ARTICLE XIII
AMENDMENTS TO LOCAL BYLAWS**

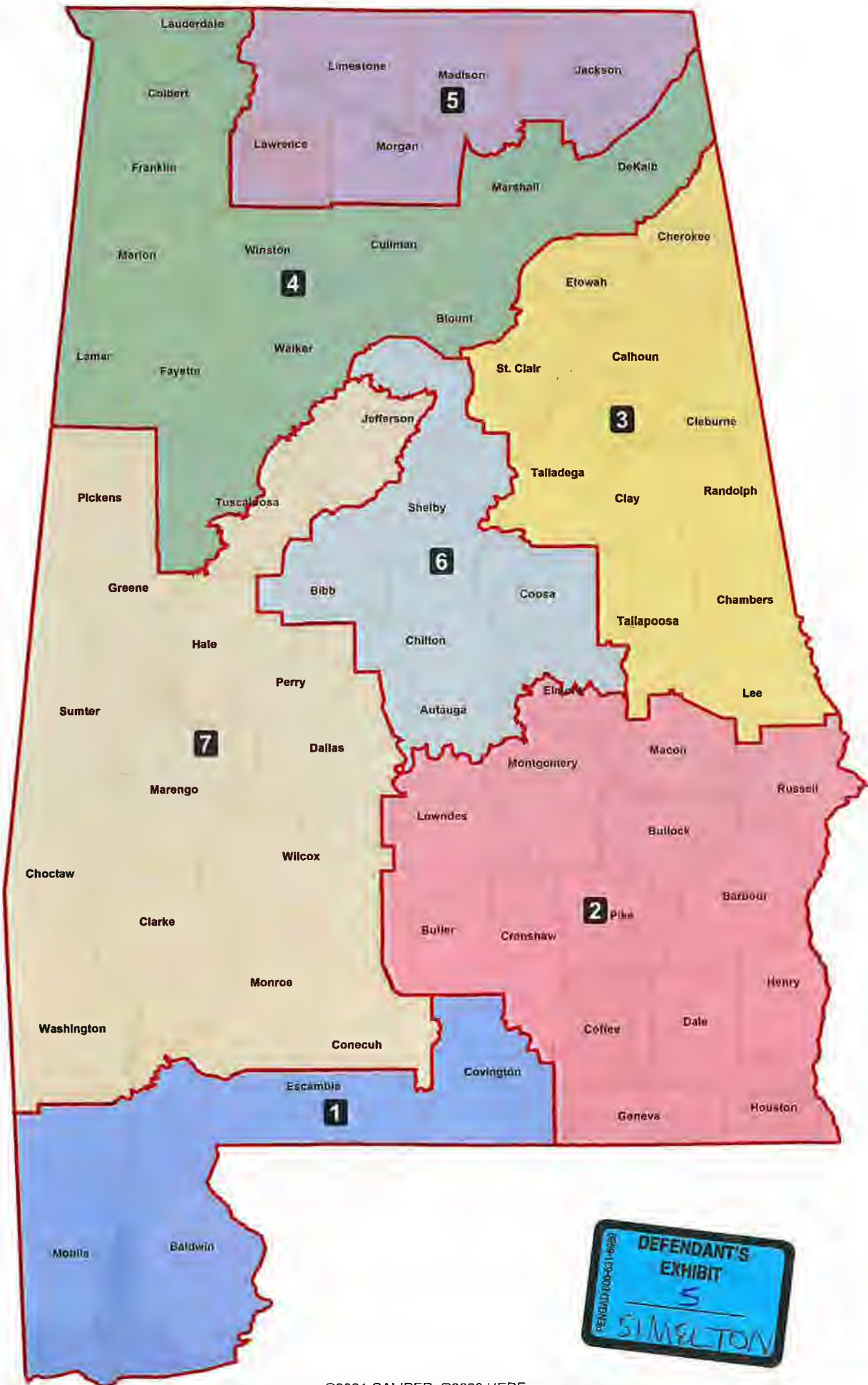
The Bylaws for Units of the Association, except for State/State-Area Conferences, may be amended by a two-thirds (2/3) vote of any Annual Convention of the Association provided the proposed amendment be submitted to the Resolutions Committee by the May 1st deadline. The President and CEO shall provide copies of the proposed amendment(s) to all Units at least 30 days prior to the Annual Convention.

**ARTICLE XIV
RATIFICATION OF BYLAWS**

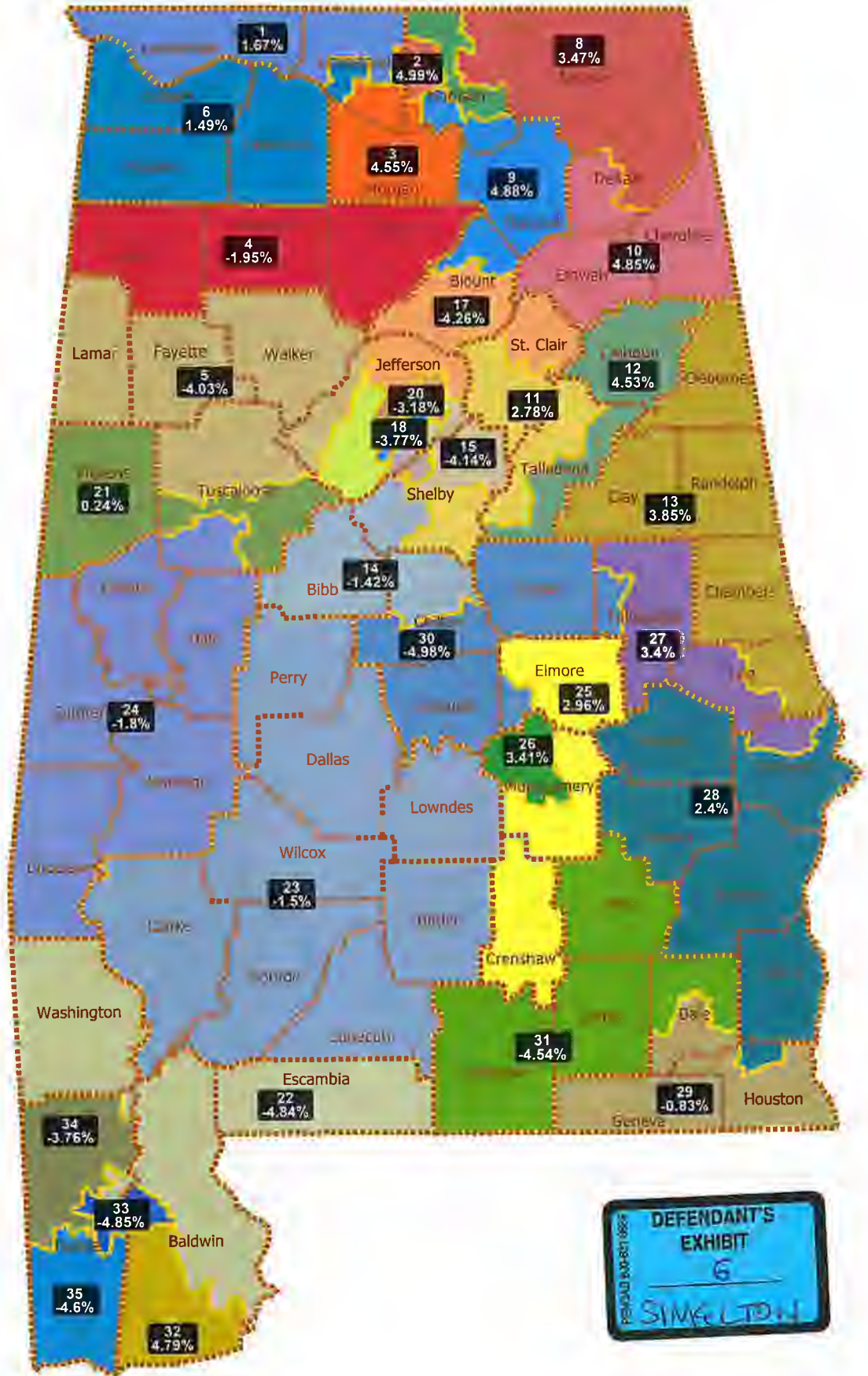
The Bylaws for Units of the National Association for the Advancement of Colored People becomes effective at Noon, on January 1, 2005, Eastern Standard Time. It supersedes any previous document outlining the policy and procedures of the

Bylaws for Units of the NAACP

Association and its subordinate Units and the Bylaws, manuals and other documents duly adopted by the Board of Directors and subordinate to these Bylaws.



McClendon Senate Plan 1



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KHADIDAH STONE, *et al.*,

Plaintiffs,

vs.

CHRIS REP. PRINGLE, *et al.*,

Defendants.

Case No.: 2:21-cv-1531-AMM

EXHIBIT 30

KHADIDAH STONE, et al.

VS

WES ALLEN, et al.

30(b)(6)

SCOTT DOUGLAS

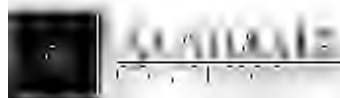
April 23, 2024



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<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ALABAMA 3 SOUTHERN DIVISION 4 CIVIL ACTION NO. 2:21-cv-1531-AMM 5 KHADIDAH STONE, et al., 6 Plaintiffs, 7 v. CERTIFIED ORIGINAL 8 WES ALLEN, et al., 9 Defendants. 10 11 30(b)(6) DEPOSITION 12 OF 13 SCOTT DOUGLAS 14 April 23, 2024 15 1:15 p.m. 16 17 18 The deposition of SCOTT DOUGLAS was 19 taken before Sabrina Lewis, CCR, on April 23, 20 2024, commencing at 1:15 p.m., at Wiggins, Childs, 21 Pantazis, Fisher & Goldfarb, 301 19th Street 22 North, Birmingham, Alabama, pursuant to the 23 stipulations set forth herein.</p>	<p style="text-align: right;">Page 3</p> <p>1 the parties may make objections and assign grounds 2 at the time of trial, or at the time said 3 deposition is offered in evidence, or prior 4 thereto. 5 6 IT IS FURTHER STIPULATED AND AGREED that 7 notice of filing of the deposition by the 8 Commissioner is waived. 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 S T I P U L A T I O N S 2 3 IT IS STIPULATED AND AGREED by and 4 between the parties through their respective 5 counsel that the deposition of SCOTT DOUGLAS may 6 be taken before Sabrina Lewis, Certified Court 7 Reporter, Notary Public, State of Alabama at 8 Large, at Wiggins, Childs, Pantazis, Fisher & 9 Goldfarb, 301 19th Street North, Birmingham, 10 Alabama, on April 23, 2024, commencing at 11 1:15 p.m. 12 13 IT IS FURTHER STIPULATED AND AGREED that 14 the signature to and reading of the deposition by 15 the witness is not waived, the deposition to have 16 the same force and effect as if full compliance 17 had been had with all laws and rules of court 18 relating to the taking of depositions. 19 20 IT IS FURTHER STIPULATED AND AGREED that 21 it shall not be necessary for any objections to be 22 made by counsel to any questions, except as to 23 form or leading questions, and that counsel for</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S 2 3 APPEARING ON BEHALF OF THE PLAINTIFFS, LAQUISHA 4 CHANDLER, KHADIDAH STONE, EVAN MILLIGAN, GREATER 5 BIRMINGHAM MINISTRIES, AND ALABAMA STATE 6 CONFERENCE OF THE NAACP: 7 Davin M. Rosborough, Esq. 8 Dayton Campbell-Harris, Esq. 9 American Civil Liberties Union Foundation 10 125 Broad Street, 18th Floor 11 New York, New York 10004 12 212-549-2500 13 drosborough@aclu.org 14 dcampbell-harris@aclu.org 15 16 17 18 19 20 21 22 23</p>

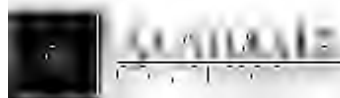


	Page 5
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	Page 8
1 INDEX	
2	
3 EXAMINATION INDEX	
4	
5 WITNESS: SCOTT DOUGLAS	PAGE
6 BY MR. TAUNTON	10
7 BY MR. ROSBOROUGH	155
8 BY MR. TAUNTON	157
9 BY MS. MESSICK	159
10	
11 EXHIBIT INDEX	
12 1 Notice of Rule 30(b)(6) Deposition	24
13 of Greater Birmingham Ministries	
14 in Case 2:21-cv-01531	
15 2 Notice of Rule 30(b)(6) Deposition	30
16 of Greater Birmingham Ministries	
17 in Case 2:21-cv-01531	
18 3 Notice of Rule 30(b)(6) Deposition	30
19 of Greater Birmingham Ministries	
20 in Case 2:21-cv-01291,	
21 2:21-cv-01530, and 2:21-cv-01536	
22	
23 4 By-Laws of Greater Birmingham	40
Ministries, Inc.	
5 GBM Individual Member By-Laws	54
Amendment	
6 Plaintiffs' Responses to	63
Defendant Allen's Discovery	
Requests	
7 McClendon Senate Plan 1 map	132
22	
23	



Page 9

1 I, Sabrina Lewis, a Certified Court
 2 Reporter and a Notary Public for the State of
 3 Alabama at Large, acting as Commissioner, certify
 4 that, pursuant to the Alabama Rules of Civil
 5 Procedure and the foregoing stipulation of
 6 counsel, there came before me at Wiggins, Childs,
 7 Pantazis, Fisher & Goldfarb, 301 19th Street
 8 North, Birmingham, Alabama, on April 23, 2024,
 9 commencing at 1:15 p.m., SCOTT DOUGLAS, witness in
 10 the above cause, for oral examination, whereupon
 11 the following proceedings were had:
 12 THE COURT REPORTER: Are there any
 13 stipulations for the record?
 14 MR. TAUNTON: Usual stipulations except
 15 for we'd ask that he read and sign.
 16 MR. ROSBOROUGH: Agreed.
 17 And do we also want to -- Misty, for your
 18 benefit, we can agree that an objection for one
 19 defendant is an objection for all to the extent
 20 that I ask any questions of Mr. Douglas later?
 21 MS. MESSICK: Thank you so much.
 22 MR. ROSBOROUGH: You're welcome.
 23 (Witness sworn.)

Page 10

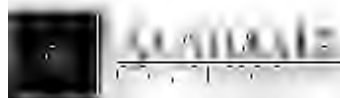
1 SCOTT DOUGLAS,
 2 duly sworn, was examined and testified as follows:
 3 EXAMINATION
 4 BY MR. TAUNTON:
 5 Q. Mr. Douglas, it hasn't been that long.
 6 Good to see you again.
 7 A. Good to be back in this room.
 8 Q. Now, you're under oath, now. We both
 9 know that you don't want to be in this room.
 10 A. Sorry. I get one error.
 11 Q. Can you please state your name for the
 12 record.
 13 A. Scott Douglas.
 14 Q. And, again, we just referenced this, but
 15 have you given a deposition before?
 16 A. Yes.
 17 Q. You gave a deposition recently in the
 18 McClure case; is that correct?
 19 A. That's correct.
 20 Q. Have you given a deposition in any other
 21 cases?
 22 A. Two or three.
 23 Q. What are those cases?

Page 11

1 A. Evan Milligan. I can't remember the
 2 other two.
 3 Q. You understand that you are here today
 4 testifying on behalf of Greater Birmingham
 5 Ministries?
 6 A. I do.
 7 Q. Do you understand that this deposition is
 8 for the Stone v. Allen case?
 9 A. Yes, I do.
 10 Q. You understand that this is also for the
 11 Milligan v. Allen case?
 12 A. Yes, I do now.
 13 Q. Other than the Milligan case you just
 14 referenced and the McClure case that we just
 15 referenced, are there any other cases you've given
 16 depositions in?
 17 A. There may be one, but I can't remember --
 18 recall.
 19 Q. Do you remember when it might have been?
 20 A. I can't recall. Pre-pandemic for sure.
 21 Q. Was it on behalf of Greater Birmingham
 22 Ministries?
 23 A. Yes.

Page 12

1 Q. Do you remember what issues may have been
 2 involved?
 3 A. I can't recall that.
 4 Q. Okay. Have you ever given a -- you think
 5 it might have been the Thompson case?
 6 A. Give me the content.
 7 Q. Might have been a felon voting case?
 8 A. Yes.
 9 Q. Are there any others that you can recall?
 10 A. What year was that, the Thompson case?
 11 Q. I don't know.
 12 A. I don't know. Thank you.
 13 Q. So you're an old hand at this, but just
 14 very, very briefly, I'll remind you of the rules.
 15 One is we can get conversational, right? But for
 16 her purposes, can we agree to try not to talk over
 17 one another?
 18 A. Yes.
 19 Q. Can we also agree that you will answer my
 20 questions audibly rather than saying uh-huh or
 21 nodding your head?
 22 A. Yes.
 23 Q. Is there any reason you can't testify



Page 13

1 truthfully here today?

2 A. No.

3 Q. Any medical reason or any other reason?

4 A. No.

5 Q. And, again, I just like to remind
6 witnesses you know the game. You've been through
7 this. But I may ask some obvious questions,
8 questions that you know the answers to, questions
9 that I know the answers to, but I may ask them
10 just to put them on the record. You understand?

11 A. Yes.

12 Q. I may also ask seemingly obscure
13 questions, questions that you don't understand
14 maybe what their relevance is. But this is part
15 of the discovery process, and I get to ask
16 questions that I think are relevant to the topics
17 at issue today. You understand that?

18 A. Yes.

19 Q. If you need a break for any reason, just
20 let me know. The only thing I would ask is that
21 you answer any question that is pending before we
22 take a break. Is that okay?

23 A. That's okay.

Page 14

1 Q. And, again, I suspect you know this, but
2 during the deposition, you'll probably hear your
3 lawyer raise an objection to the form of my
4 question. That's a technical legal objection. It
5 is not an instruction for you to not answer a
6 question. If at any point your lawyer feels that
7 you should not answer a question, he will tell you
8 not to answer the question. Do you understand
9 that?

10 A. Yes.

11 Q. Have you ever given a deposition in a
12 case in your personal capacity?

13 A. No, not in my personal capacity.

14 Q. Have you ever been involved in a lawsuit
15 in your personal capacity?

16 A. Once.

17 Q. Once? When was that?

18 A. 1972.

19 Q. Good while ago. Do you remember what the
20 issue was?

21 A. Yes.

22 Q. What? Just real generally, what was the
23 issue?

Page 15

1 A. The home -- the house I was renting was
2 invaded by Nashville Police Department.

3 Q. By the Nashville Police Department?

4 A. Police Department, yeah.

5 Q. How did that happen?

6 A. The police said it was neighbors had
7 complained of noise and there were a lot of cars
8 on the street in front of it. But when they came
9 in, they overturned beds, bookcases, just took
10 books, took down posters. This was the Vietnam
11 War period.

12 Q. What was the resolution of that case?

13 A. The resolution of the case was that we
14 sued in federal court and we lost the case. We
15 were the plaintiffs. I was one of the plaintiffs.

16 Q. What were your claims in the case?

17 A. That the Nashville -- Metropolitan Police
18 Department, without cause -- I forgot what the law
19 was, but broke into our -- no, not -- yeah.
20 Pushed the door open. Opened the lock. And took
21 away items that belonged to us and didn't return
22 them.

23 Q. And that's Nashville, Tennessee?

Page 16

1 A. Nashville, Tennessee.

2 Q. So you were living in Tennessee at the
3 time?

4 A. Yes.

5 Q. Just some real general background here.
6 What's your date of birth?

7 A. December the 4th, 1946.

8 Q. And where were you born?

9 A. Nashville, Tennessee.

10 Q. How long did you live in Nashville?

11 A. I lived in Nashville all my life except
12 for the years I went to UT Knoxville from '64 to
13 '69 and then back to Nashville. And I came to
14 Alabama in 1976.

15 Q. Have you been in Alabama since then?

16 A. Yes.

17 Q. Where in Alabama have you lived?

18 A. I've lived in Birmingham the entire time.

19 Q. Since moving to Birmingham, how have you
20 been employed?

21 A. Say that again.

22 Q. When you first moved to Birmingham, what
23 was your job? How were you employed?

Page 17

1 A. When I first moved to Birmingham, I was
2 unemployed.
3 **Q. Okay. When did you become employed?**
4 A. I became employed '74 or '75. '74.
5 **Q. And what were you doing --**
6 A. Not '74. '76. Two years after I got
7 here.
8 **Q. And what were you doing at the time?**
9 A. I was working for a group called the
10 Southern Organizing Committee for Economic and
11 Social Justice.
12 **Q. How long did you work there?**
13 A. I worked there from '76 until '89, 1989.
14 **Q. When did you first begin working for**
15 **Greater Birmingham Ministries?**
16 A. I first began being employed by Greater
17 Birmingham Ministries in February 1993.
18 **Q. Did you volunteer for Greater Birmingham**
19 **Ministries prior to being employed by Greater**
20 **Birmingham Ministries?**
21 A. Yes, I did.
22 **Q. When did you begin volunteering for**
23 **Greater Birmingham Ministries?**

Page 18

1 A. I began volunteering in 1982.
2 **Q. What did you do as a volunteer?**
3 A. As a volunteer, I served on what they
4 call a -- a work group, which is like a policy
5 committee. Yeah.
6 **Q. And what did that work group or policy**
7 **committee do?**
8 A. Not immediately but over the years,
9 between '82 and '85, we -- GBM was the core of the
10 coalition that created the Firehouse Shelter for
11 the first time, which is a homeless shelter for
12 men.
13 **Q. And was that the primary thing that your**
14 **work group or committee was working on?**
15 A. It worked -- no. It worked on several
16 different issues.
17 **Q. Real quick, let's back up.**
18 **So you said you spent time at University**
19 **of Tennessee?**
20 A. Yes.
21 **Q. Did you graduate from the University of**
22 **Tennessee?**
23 A. No.

Page 19

1 **Q. How long were you there?**
2 A. I was there four and a half years.
3 **Q. What were you studying while you were**
4 **there?**
5 A. Engineering physics, economics -- as a
6 major. Engineering physics as a major. Then
7 urban studies as a major.
8 **Q. Where did you graduate high school from?**
9 A. Nashville, Tennessee.
10 **Q. Do you have any other post-high school**
11 **study?**
12 A. Other than University of Tennessee? I
13 took additional courses at the UT Extension,
14 university extension in Nashville, at night.
15 **Q. When was that?**
16 A. Back in '69... Between '71 and '73.
17 **Q. Is that the same time you were at the**
18 **University of Tennessee?**
19 A. Following.
20 **Q. Oh, following?**
21 A. Yeah. It's just a Nashville Extension.
22 **Q. Did you receive a degree from there?**
23 A. No, I did not.

Page 20

1 **Q. What were you studying there?**
2 A. Actually, courses I remember were world
3 geography, history, and economics. Three, yeah.
4 **Q. Just backing up real quick, do you think**
5 **you may have also given testimony in the People**
6 **First case?**
7 A. Remind me of that case.
8 **Q. People First v. -- was it Merrill? Is**
9 **that right? It's a voter ID case.**
10 A. Oh, voter ID. Yes.
11 **Q. Do you remember when that was?**
12 A. 2014 or so, if I recall.
13 **Q. Did you give a deposition in that case or**
14 **just trial testimony?**
15 A. I can't recall.
16 **Q. When you first became employed by Greater**
17 **Birmingham Ministries in 1993, what was your**
18 **position?**
19 A. My position was executive director.
20 **Q. Is that the position you hold now?**
21 A. That is correct.
22 **Q. Have you held that position continuously**
23 **since 1993?**

Page 21

1 A. Correct.
2 **Q. Have you held any other employment since**
3 **1993?**
4 A. No other employment, no.
5 **Q. And that's a paid position; right?**
6 A. That is a paid position.
7 **Q. What did you do to prepare for today's**
8 **deposition?**
9 A. To prepare for today's deposition --
10 **Q. Yes, sir.**
11 A. I read over -- reread the complaint and
12 also read over the interrogatories.
13 **Q. Do you remember which complaint you read?**
14 A. I can't recall if it was original or
15 amended.
16 **Q. Was it the complaint in Stone v. Allen?**
17 A. Yes.
18 **Q. Did you look at all of the complaint in**
19 **Milligan v. Allen to prepare for today's**
20 **deposition?**
21 A. Milligan v. Allen? Yes.
22 **Q. Did you read the first amended complaint**
23 **in Stone v. Allen?**

Page 22

1 A. I can't recall, but I think I did.
2 **Q. That's fair.**
3 A. Amended.
4 **Q. Did you review any other documents in**
5 **preparation for today's deposition?**
6 A. I mentioned the interrogatories and other
7 documents.
8 **Q. Yes, sir. Besides the complaint and the**
9 **interrogatory responses, did you read any other**
10 **documents or look at any other documents?**
11 A. I can't recall the others. I'm assuming
12 the interrogatories are the ones where counsel
13 says "object."
14 **Q. There are objections in the interrogatory**
15 **responses.**
16 A. Okay. Okay.
17 **Q. That's right.**
18 A. I can't recall any others.
19 **Q. You can't recall any others. Okay.**
20 **Did you have any meetings to prepare for**
21 **today's deposition?**
22 A. Yes.
23 **Q. Were some of those meetings with counsel?**

Page 23

1 A. Yes.
2 **Q. Without telling me anything your counsel**
3 **said at those meetings, when did you first meet**
4 **with counsel to prepare for today's deposition?**
5 A. Recently.
6 **Q. Do you recall when? Okay. Let me ask**
7 **this question.**
8 **How many times did you meet with counsel**
9 **to prepare for today's deposition?**
10 A. At least three.
11 **Q. Could it have been more than three?**
12 A. Maybe it wasn't more than three.
13 **Q. When did you first meet with counsel to**
14 **prepare for today's deposition?**
15 A. What month is this? April. Okay.
16 Early March.
17 **Q. Did you look at a deposition notice in**
18 **early March?**
19 A. No. Later than early March.
20 **Q. Maybe mid-March?**
21 A. Mid-March would be a good estimate, yes.
22 **Q. And did you look at a deposition notice**
23 **at that time?**

Page 24

1 A. Yes.
2 MR. TAUNTON: I'm going to mark this as
3 Defendants' Exhibit 1. Counsel, this is the
4 Deposition Notice that was attached to Jim's
5 March 13th email.
6 (Defendants' Exhibit 1 was marked
7 for identification and copy of
8 same is attached hereto.)
9 **Q. I show that to you. Have you seen that**
10 **document before?**
11 A. Yes.
12 **Q. And do you think that's the document you**
13 **may have reviewed in mid-March?**
14 A. Yes.
15 **Q. Who was present at that meeting?**
16 A. Which meeting?
17 **Q. The one in mid-March.**
18 A. Oh. I know I was. And our counsel.
19 Yeah.
20 **Q. What counsel was that?**
21 A. Counsel in our case. Oh, which counsel?
22 **Q. Yes, sir.**
23 A. Davin. I can't recall any others, so.

Page 25

1 Q. Were there others?
2 A. Yes.
3 Q. You believe they were all lawyers?
4 A. I do believe they were all lawyers.
5 Q. Were there any nonlawyers other than
6 yourself at that meeting?
7 A. Not that I can recall.
8 Q. Did you look at any documents other than
9 that deposition notice at that meeting?
10 A. At that meeting, I don't recall if this
11 was the document we looked at.
12 Q. When was your next meeting in preparation
13 for this deposition with counsel?
14 A. I don't recall.
15 Q. Could it have been last week?
16 A. The next meeting after this one?
17 Q. After your meeting to prepare for this
18 deposition in mid-March, when was the next time
19 you met with counsel to prepare for this
20 deposition?
21 A. I don't recall, but it was further than
22 last week, further back than last week, yeah.
23 Q. Okay. Do you recall who was present at

Page 26

1 that meeting?
2 A. Excuse me. It was Davin. There were
3 others on there on Zoom who I have not met
4 personally. Yeah. And individually.
5 Q. Do you know who they were?
6 A. I don't recall.
7 Q. Do you believe that they were attorneys?
8 A. I do believe they were attorneys.
9 Q. Were there any non-attorneys other than
10 yourself present at that meeting?
11 A. To my knowledge, no one -- no
12 non-attorneys other than myself was present.
13 Q. How long did that meeting last, do you
14 recall?
15 A. I recall it lasted about an hour and a
16 couple minutes. It was supposed to last an hour.
17 Q. For billing purposes, right?
18 MR. ROSBOROUGH: The tremendous billing
19 rates of the pro bono counsel.
20 Q. (BY MR. TAUNTON:) Did you look at any
21 documents at that meeting?
22 A. At the second meeting?
23 Q. At the second meeting, yes.

Page 27

1 A. Yes.
2 Q. What documents did you review?
3 A. This is one of them, this Notice of
4 Rule 360.
5 Q. Were there any others?
6 A. I don't recall.
7 Q. When was your third meeting with counsel
8 to prepare for this deposition?
9 A. Late March or early April. To my
10 recollection.
11 Q. Was that by Zoom?
12 A. Yes.
13 Q. And who was on the call for that meeting?
14 A. At that meeting, it was -- I can't
15 remember last names. Davin, and I also believe
16 Jake.
17 Q. Is Jake a lawyer as well?
18 A. To my knowledge, he is.
19 Q. Was anybody else on the call?
20 A. There may have been one other attorney on
21 the call, but I can't recall the name.
22 Q. Were there any other non-attorneys on the
23 call other than yourself?

Page 28

1 A. No.
2 Q. How long did that meeting last?
3 A. About an hour.
4 Q. Did you review any documents at that
5 meeting?
6 A. I believe that was the meeting -- I said
7 late March, early April. I believe that was the
8 meeting with the interrogatories, documents.
9 Q. Any others other than looking at
10 interrogatories?
11 A. Not that I recall.
12 Q. All right. When did you have your fourth
13 meeting with counsel to prepare for this
14 deposition?
15 A. Yesterday.
16 Q. Did you meet with counsel last week at
17 all?
18 A. Oh, yes.
19 Q. When did you meet last week, do you
20 recall?
21 A. Either Thursday or Friday.
22 Q. And was that also by Zoom? Or was
23 that --

Page 29

1 A. Yes. Zoom.
2 **Q. And who was present for that meeting?**
3 A. I believe Davin and Dayton.
4 **Q. Anybody else?**
5 A. Not that I recall.
6 **Q. Do you know if Ms. Williams was present**
7 **for that meeting?**
8 A. Yes, she was.
9 **Q. Had Ms. Williams been present for any**
10 **other meetings?**
11 A. Yes.
12 **Q. Do you recall reviewing any documents at**
13 **that meeting last week?**
14 A. Yes.
15 **Q. What did you review?**
16 A. The title of the documents were -- I
17 believe it was the -- the interrogatories. Yes.
18 **Q. Anything else?**
19 A. I believe, as you said, it was attached
20 to the complaints.
21 **Q. Yes, sir.**
22 (Defendants' Exhibits 2 and 3 were
23 marked for identification and

Page 30

1 copies of same attached hereto.)
2 **Q. I'm going to show you what I am marking**
3 **here as Defendants' Exhibit 2 and 3.**
4 MR. TAUNTON: I've got a copy for you,
5 Davin.
6 MR. ROSBOROUGH: Thank you.
7 **Q. (BY MR. TAUNTON:) At any point did you**
8 **review those documents?**
9 MR. ROSBOROUGH: Michael, can I just
10 clarify? Is Exhibit 2 the same as Exhibit 1?
11 MR. TAUNTON: They're not identical.
12 MR. ROSBOROUGH: Okay.
13 MR. TAUNTON: The only difference, I
14 believe, is that the signature and the -- the
15 location and such is missing.
16 MR. ROSBOROUGH: Thank you.
17 MR. TAUNTON: But you're anticipating my
18 question.
19 **Q. Have you seen these documents?**
20 A. Yes.
21 **Q. Are those your deposition notices for**
22 **today's deposition?**
23 A. Yes.

Page 31

1 **Q. Are you aware of any significant**
2 **differences between the deposition notice you were**
3 **shown -- the draft deposition notice you were**
4 **shown in mid-March and those deposition notices?**
5 A. I still can't tell the difference between
6 those. The cover is different.
7 **Q. Do you understand that one of those**
8 **deposition notices might be in the Milligan case**
9 **and the other one might be in the Stone case?**
10 A. Oh. Okay.
11 Yes.
12 **Q. Did you meet with counsel last night?**
13 MR. ROSBOROUGH: Objection to form.
14 You can answer.
15 A. I didn't hear the question.
16 **Q. (BY MR. TAUNTON:) Did you meet with**
17 **counsel yesterday evening?**
18 A. Yes. Afternoon.
19 **Q. Who was present at that meeting?**
20 A. I was present. Ms. Tari Williams was
21 present. No -- yeah, Ms. Tari Williams was
22 present. Dayton was present and Davin was
23 present.

Page 32

1 **Q. Was anybody else present?**
2 A. Jake was present.
3 **Q. Was anybody else present?**
4 A. No one that I recall.
5 **Q. Did you review any documents?**
6 A. Yes. One of these. Particularly the
7 Stone.
8 **Q. And you're referring to the Stone**
9 **deposition notice?**
10 A. Yeah, Stone deposition notice.
11 **Q. Just so it's clear on the record -- it**
12 **may not have been -- you have seen each -- all**
13 **three of those deposition notices; correct?**
14 A. Yes, in some form or another.
15 **Q. Did you see any significant difference**
16 **between them?**
17 MR. ROSBOROUGH: I object to the form.
18 You can answer.
19 A. I have not noticed any significant
20 differences between them.
21 **Q. (BY MR. TAUNTON:) Other than maybe the**
22 **date and the signature, have you noticed really**
23 **any differences between them?**

Page 33

1 **You don't have to answer that. We**
2 **can...**
3 **Did you do anything different to prepare**
4 **for your deposition today in Stone than you did to**
5 **prepare for your deposition in Milligan?**
6 A. No.
7 **Q. Did you review any other documents last**
8 **night other than the deposition notice?**
9 A. Last night? I reviewed -- I forget the
10 official title of it. The original complaint in
11 Stone.
12 **Q. Did you look at any other documents?**
13 A. No.
14 **Q. Just generally, what do you understand**
15 **the claims in the Stone complaint to be?**
16 A. Generally, I understand the claims in
17 Stone to be the result being, if successful, two
18 more majority black opportunity districts in the
19 Alabama Senate.
20 **Q. Where would those be?**
21 A. One would be north central Alabama in the
22 Huntsville area. The other would be in central
23 Alabama, Montgomery area.

Page 34

1 **Q. Why does Greater Birmingham Ministries**
2 **believe that there should be another opportunity**
3 **district drawn in the Huntsville area?**
4 MR. ROSBOROUGH: I object to the form.
5 **Q. (BY MR. TAUNTON:) You can answer.**
6 A. GBM believes in full civic participation
7 by those who have been excluded from full civic
8 participation historically in Alabama since its
9 founding. And one of those ways to achieve full
10 participation is to be reliably and effectively
11 have their voices represented in the Alabama
12 legislature.
13 **Q. Who does Greater Birmingham Ministries**
14 **believe has been denied full participation in the**
15 **Huntsville area?**
16 MR. ROSBOROUGH: I object to the form of
17 the question.
18 You can answer.
19 A. I believe in the Huntsville area, African
20 Americans in particular have been denied full
21 participation.
22 **Q. (BY MR. TAUNTON:) How have they been**
23 **denied full participation?**

Page 35

1 A. I believe they have been denied full
2 participation by minimizing their access to the
3 Alabama Senate by packing them into as few as
4 possible senate districts.
5 **Q. Why does Greater Birmingham Ministries**
6 **believe another opportunity district should be**
7 **drawn in the Montgomery area?**
8 MR. ROSBOROUGH: I object to the form.
9 A. GBM believes another black opportunity
10 district should be drawn in the Montgomery area
11 because of the -- there are two senate districts
12 in which, in one district, blacks were packed into
13 it. In another district, whites were vacuumed
14 out.
15 **Q. (BY MR. TAUNTON:) Your current position**
16 **with Greater Birmingham Ministries is executive**
17 **director?**
18 A. That's correct.
19 **Q. What are your responsibilities as**
20 **executive director?**
21 A. My responsibilities as executive director
22 is to administer GBM under the directions of our
23 board of directors. That means the business of

Page 36

1 GBM, the programs of GBM, and supervising staff of
2 GBM.
3 **Q. What are some of the programs of GBM?**
4 A. GBM has three major program areas.
5 Three. First is Direct Services. That is
6 providing emergency assistance to low-income
7 families such as food assistance, financial
8 assistance like rent and utilities, free clothing,
9 and also referrals to other helping agencies in
10 the Birmingham area.
11 The second is Faith in Community. And
12 that is our interfaith collaboration program of
13 increasing dialogue among the different faith
14 editions in Alabama. While there are many
15 disagreements in faith communities, we focus on
16 what we agree on, which is love your neighbor as
17 yourself and as we search for collaboration in
18 areas of direct services and social justice
19 through that connection.
20 And the third one is we call Systems
21 Change. And that's the program of addressing
22 systems that intentionally or unintentionally
23 produce policies that impact the poor negatively.

Page 37

1 Q. How many paid staff does Greater
2 Birmingham Ministries have?

3 A. Currently, GBM has seven paid staff.

4 Q. Does Greater Birmingham Ministries rely
5 on volunteers at all?

6 A. Yes, we do.

7 Q. Can you estimate how many volunteers you
8 had involved in Greater Birmingham Ministries
9 programs in 2023?

10 A. Okay. Just a second. This is volunteers
11 from all of our programs. So easily 200.

12 Q. How did you come to occupy your position
13 as executive director? How were you selected?

14 A. I was -- in '92, the executive director
15 at that time resigned, and GBM launched a search
16 committee. I did not apply for the job. Some of
17 my friends on the board in January asked me to
18 apply. And I was working at the Sierra Club at
19 the time, and I applied on the last day eligible
20 to be -- for your application to be accepted. And
21 I was hired on February 15th.

22 Q. Who hired you?

23 A. I was hired by -- GBM hires through a

Page 38

1 search committee of the executive committee.

2 Q. Is your position in any way elected?
3 Does that election have to be renewed? Is there
4 anything like that?

5 MR. ROSBOROUGH: Object to the form of
6 the question.

7 A. It's a straight up and down hiring
8 process.

9 Q. (BY MR. TAUNTON:) Yeah.

10 A. And you can be fired for cause.

11 Q. Generally speaking, how is Greater
12 Birmingham Ministries organized?

13 Let me ask this. Is Greater Birmingham
14 Ministries a nonprofit?

15 A. Yes.

16 Q. Is it a 501(c)(3)?

17 A. Yes.

18 Q. Does Greater Birmingham Ministries have a
19 board?

20 A. Yes, it does.

21 Q. How many members does that board have?

22 A. Currently, GBM has 52 members on its
23 board of directors.

Page 39

1 Q. How are board members selected?

2 A. Board members are selected by -- on our
3 structure. Board members are selected by our
4 participating denominations and congregations.

5 Q. What is the term of a board member? How
6 long is their term?

7 A. The term of individual board members does
8 not have a term limit. It's determined by their
9 sponsoring denominations.

10 Q. Does each sponsoring denomination get to
11 choose a board member?

12 A. Yes.

13 Q. How many board members do they get to
14 choose?

15 A. According to our bylaws, denominations,
16 think of faith communities, have, say, a bishop
17 or -- get to choose up to six. Individual
18 congregations like 16th Street Baptist Church,
19 like Unitarian Universalist Church, get to choose
20 two.

21 Q. And is the difference because some
22 churches might not belong to a denomination?

23 A. Yes, also a reason.

Page 40

1 Q. If a denomination also had individual
2 churches who were sponsors, would they get to
3 choose more than six?

4 A. No denomination gets to choose more than
5 six. That's the cap.

6 Q. So if a denomination has five
7 participating churches, let's say, they still only
8 get to choose collectively six?

9 A. We have never had that experience.

10 Q. It's just my lawyer brain thinking of
11 ways to mess things up, huh?

12 A. There are some self-made bishops.

13 Q. So we've talked a little bit about the
14 board. What is the governing structure, the
15 governing body of Greater Birmingham Ministries?

16 A. The governing body of Greater Birmingham
17 Ministries is its board of directors.

18 Q. Do you answer to the board of directors?

19 A. Yes, I do.

20 (Defendants' Exhibit 4 was marked
21 for identification and copy of
22 same is attached hereto.)

23 Q. I'm going to show you what I'm marking as

Page 41

1 **Exhibit 4. Have you seen this document before?**
2 A. Yes, I have.
3 **Q. What is this?**
4 A. These are the bylaws of Greater
5 Birmingham Ministries, Incorporated.
6 **Q. Are these bylaws currently in place?**
7 A. Yes, they are.
8 **Q. When were these bylaws adopted?**
9 A. They were originally adopted in 1979 and
10 last amended in 2015.
11 **Q. How many times have they been amended**
12 **since 1979, do you know?**
13 A. Before 1993, I don't recall any prior in
14 our -- these are our original bylaws. '91 may
15 have been the first time they were amended to my
16 knowledge. But that was before I was the
17 executive director.
18 **Q. So you think there was an amendment in**
19 **1991 and another amendment in 2015?**
20 A. Correct.
21 **Q. Are you aware of any other amendments?**
22 A. No, I'm not.
23 **Q. Do you think these might -- this might be**

Page 42

1 **the amendment for 1991?**
2 A. Well -- oh, yes. The '91 amendment
3 was -- I haven't looked at that one in a long
4 time. It was an amendment to -- GBM was started
5 as a Christian organization. And we used
6 "Christian," "Christian," all the way through the
7 bylaws. This amendment was to allow the
8 membership of Jews and Muslims in the Greater
9 Birmingham Ministries because you can't ask Jews
10 and Muslims to join a Christian organization.
11 **Q. You may have just answered my question,**
12 **but what is the highlighting in this? Why is the**
13 **Section 1.2 in this document highlighted? Do you**
14 **know?**
15 A. Because other than going to the
16 "denominations, congregations, synagogues,
17 temples, and mosques," it also describes
18 organizational members and individual members.
19 **Q. What is the difference between an**
20 **organizational member and an individual member?**
21 A. An organizational member is the term we
22 referred to as a congregation or denomination.
23 **Q. How does an organizational member become**

Page 43

1 **a member of Greater Birmingham Ministries?**
2 A. Organizational members are voted on to
3 GBM's sponsoring organizations by vote of the
4 board of directors.
5 **Q. Is there an application process or**
6 **anything like that that would trigger a vote of**
7 **the board of directors?**
8 A. The -- to my knowledge, there is no
9 application process. GBM does not recruit faith
10 communities or congregations. They ask to start
11 discussions with GBM about membership. And to my
12 experience, nobody's ever turned down.
13 There's no formal application. There
14 are discussions involving understanding what the
15 bylaws are, what you're getting into, those kind
16 of things, orientation pieces. And, you know, you
17 don't have to go all the way through it, but so
18 far, yes.
19 **Q. So a church would just reach out and ask,**
20 **"Can we be a member?"**
21 A. Yes. We have had individual churches'
22 congregations ask. And if they're a member of an
23 existing denomination, then we say, "Your

Page 44

1 denomination is already, you know, represented."
2 With some exceptions, yeah, yeah.
3 **Q. And you don't know of anybody that's ever**
4 **been turned down?**
5 A. No.
6 **Q. Now, you mentioned a discussion with them**
7 **about what they're getting into. What would that**
8 **discussion entail?**
9 A. What are the values of -- the discussion
10 in terms of understanding all of what GBM is.
11 Many groups see GBM only through one program,
12 Direct Services, for instance, or Faith in
13 Community in terms of interfaith dialogue, or
14 Systems Change and our work on public policies.
15 And so we want to let them know all these three
16 programs are core to GBM being GBM.
17 **Q. Is there anything else that would be**
18 **discussed as part of that process?**
19 A. The ask of GBM for new organizational
20 members is for volunteers and financial support.
21 Both and, not either/or.
22 **Q. Are either of those required to remain a**
23 **member, an organizational member, of GBM?**

Page 45

1 A. On the financial assistance, the
2 denominations, for instance, they will change
3 their own policies on how they affiliate with
4 other groups. And so we'll be in different
5 discussions. For instance, on the pandemic,
6 contributions were down. After the pandemic, most
7 of them came back up. But yes.

8 **Q. You say that denominations would change**
9 **their own policies about how to affiliate with**
10 **other groups?**

11 A. Organizations.

12 **Q. Explain to me what you mean by that. I'm**
13 **not sure I follow that.**

14 A. It depends on the denomination because
15 only three denominations were present at GBM in
16 its first three or four years. And I wasn't there
17 then. But -- I'm trying to think.

18 **Q. Let me ask this. Are you saying that**
19 **some organizations that may have associated with**
20 **Greater Birmingham Ministries, something changes**
21 **internally and they don't want to be associated**
22 **with Greater Birmingham Ministries anymore? Or**
23 **are you saying something else?**

Page 46

1 A. No, I'm saying something else.

2 **Q. Okay.**

3 A. Yeah, yeah, yeah, yeah.

4 **Q. Well, help me -- help me there --**

5 A. We have, for instance, not been asked
6 to -- people -- have people leaving but ask us
7 questions like why GBM took a certain policy.
8 Right. Even though the board members voted for
9 it, the higher-ups back --

10 THE COURT REPORTER: I'm sorry. The
11 higher --

12 A. I'm sorry. The denomination's leaders,
13 the higher-ups, would ask us to have a
14 conversation with us. And we've had two or three
15 of those over like 20 years, yeah.

16 **Q. (BY MR. TAUNTON:) And would**
17 **organizations change their affiliation with**
18 **Greater Birmingham Ministries as a result of that?**

19 MR. ROSBOROUGH: Object to the form.

20 A. No. No, no one has changed their
21 affiliation. We have discussions. Like marriage.

22 **Q. (BY MR. TAUNTON:) Does a denomination**
23 **have to provide a certain number of volunteers to**

Page 47

1 **remain a member of Greater Birmingham Ministries?**

2 A. No.

3 **Q. Does a denomination have to provide a**
4 **certain level of financial support to Greater**
5 **Birmingham Ministries to remain a member?**

6 A. There is no bottom line for financial
7 support. But if -- but no one has stopped
8 financial support.

9 **Q. Does a denomination have to provide some**
10 **financial support to Greater Birmingham Ministries**
11 **to remain a member?**

12 A. Yes, but it's not immediate. As I say,
13 there's always discussions. At one time -- that's
14 too much. But anyway, they sent the check to the
15 wrong place.

16 **Q. That's got to be frustrating.**

17 **Has Greater Birmingham Ministries ever**
18 **terminated the membership of an organization?**

19 A. No.

20 **Q. I think this was clear and implied, but**
21 **let me just ask it so there's no question.**

22 **Has Greater Birmingham Ministries ever**
23 **terminated the membership of a denomination or**

Page 48

1 **other organization?**

2 A. No.

3 **Q. Now, you mentioned, I believe, individual**
4 **members?**

5 A. Correct. I did.

6 **Q. Who are individual members of Greater**
7 **Birmingham Ministries?**

8 A. Individual members are people who wish to
9 support the mission of GBM and our program work as
10 well as make a financial contribution.

11 **Q. Is there an application process for**
12 **individual members?**

13 A. There is no application process, no.

14 **Q. So how would a person become an**
15 **individual member of Greater Birmingham**
16 **Ministries?**

17 A. We publicize individual membership
18 through print and on our website and Facebook,
19 social media. "Become a member of GBM."

20 **Q. And what is required to become a member?**

21 A. Agree to support GBM's mission, is what
22 we use, and to provide a financial contribution.

23 **Q. What financial contribution is required**

Page 49

1 to become a member?

2 A. We don't have a hard number. We use \$5
3 when people ask. The minimum, yeah.

4 Q. Are members expected to contribute on any
5 kind of a regular timeline?

6 A. At least annually.

7 Q. If a person did not contribute annually,
8 would their membership with Greater Birmingham
9 Ministries be terminated?

10 A. Not immediately. They get an email or
11 text.

12 Q. If the person did not respond to that
13 email, would their membership be terminated?

14 A. Yeah.

15 Q. How long would it take for that to
16 happen?

17 A. Several months.

18 Q. How frequently does Greater Birmingham
19 Ministries check to see whether its members have
20 contributed financially in the last year?

21 A. At least quarterly is routinely. And
22 sometimes more often for other reasons than
23 financial. For instance, we may hear someone's

Page 50

1 died who's been a long-time contributor but we
2 didn't notice the obituary. Somebody tells us and
3 we'll check.

4 Q. Has Greater Birmingham Ministries ever
5 terminated the membership of one of its individual
6 members?

7 A. No.

8 Q. Does a member have to in any kind of way
9 affirmatively acknowledge their agreement with
10 Greater Birmingham Ministries's mission or
11 statement of values?

12 MR. ROSBOROUGH: I object to the form.

13 Answer.

14 Q. (BY MR. TAUNTON:) Am I using the correct
15 vocabulary? Would you call it something else?

16 A. The closest thing to it is there is no --
17 on social media, there is no checkbox to be filled
18 for disaffiliation. How people have handled that,
19 though, is they leave town and they will be
20 supporting organizations and ministries where
21 they're going, and they will text us or email us.

22 Q. When you say leave town, you mean leave
23 Birmingham?

Page 51

1 A. Leave the state, yeah, yeah, yeah.

2 Mostly leave the state, yeah. Sometimes --

3 Q. So when a person wants to become an
4 individual member, is there some way that Greater
5 Birmingham Ministries requires them to assent to
6 Greater Birmingham Ministries's mission?

7 A. Yeah. On our media pieces, they'll agree
8 with the mission, always say.

9 Q. And that's a checkbox?

10 A. Yeah.

11 Q. And if they don't check the box, they
12 can't be a member?

13 A. I have -- I don't have any knowledge of
14 people not checking and just sending money.

15 Q. Is Greater Birmingham Ministries
16 organized, if you know, as a membership
17 organization?

18 MR. ROSBOROUGH: I object to the form.

19 A. I don't understand the question.

20 Q. (BY MR. TAUNTON:) If you don't
21 understand my question, I'll probably just move on
22 because I'm not sure how else to ask it.

23 Do the individual members of Greater

Page 52

1 Birmingham Ministries have the power to override a
2 vote of the board of directors?

3 MR. ROSBOROUGH: I object to the form.

4 A. The simple question is no, because
5 there's so few individual members on the board.

6 Q. (BY MR. TAUNTON:) How many individual
7 members does Greater Birmingham Ministries have?

8 A. Oh, individual members. I'm thinking
9 about the board. I'm sorry. How many individual
10 members?

11 Q. Yes, sir.

12 A. 2,700 or so.

13 Q. 2,700. And that's apart from the
14 denominational organizational members?

15 A. Yes, apart from organizational members.

16 Q. Have all of the members contributed
17 financially to Greater Birmingham Ministries in
18 the last year?

19 A. Which one?

20 Q. The 2,700 individual members you
21 mentioned?

22 A. Yes.

23 Q. Where do Greater Birmingham Ministries's

Page 53

1 members primarily reside?

2 MR. ROSBOROUGH: I object to the form.

3 You can answer.

4 A. It's -- think of a concentric circle with
5 Birmingham in the middle. It's most densely in
6 the Birmingham -- I want to say Birmingham city
7 proper. In the Birmingham metropolitan area the
8 densest. All the way in Alabama to the Tennessee
9 border and to the Gulf of Mexico and Mobile.

10 Q. (BY MR. TAUNTON:) Does Greater
11 Birmingham Ministries count any individual members
12 in the Huntsville area?

13 A. Yes.

14 Q. Does it count any individual members in
15 the Montgomery area?

16 A. Yes, it does.

17 Q. Do you know where they reside?

18 A. In the Huntsville area or Montgomery
19 area.

20 Q. Would you have a way of figuring out
21 where they reside?

22 A. I could have -- figure out a way from
23 their -- not application. From their contact

Page 54

1 data.

2 Q. Well, we'll move on here.

3 We talked a little bit about Exhibit 4.

4 Let me ask you a few additional questions about
5 these bylaws.

6 Do you know when these bylaws were
7 adopted?

8 A. The last amendment was in November 2015.
9 It was originally adopted in either 1974 or '79.

10 Q. Let me ask you about these together.

11 (Defendants' Exhibit 5 was marked
12 for identification and copy of
13 same is attached hereto.)

14 Q. I'm showing you what I'm marking as
15 Defendants' Exhibit 5. Can you tell me what this
16 document is?

17 A. This is the -- this document is the
18 individual membership amendment to our bylaws.

19 Q. And as I understand it, what's in red is
20 what is being added?

21 A. Correct.

22 Q. When was this amendment drafted?

23 A. Drafted? This amendment was actually

Page 55

1 made in November the 15th of -- November of 2015,
2 but discussions began in -- draft discussions
3 began in the summer of 2015.

4 Q. What was the purpose of this amendment?

5 MR. ROSBOROUGH: I object to the form.

6 A. The purpose of this amendment was two
7 sources. One is that every -- not every. A large
8 number of volunteers at GBM who came from
9 congregations before GBM in sum just came from the
10 neighborhood, considered themselves members of
11 GBM, defined themselves, "I'm a member of GBM."
12 And we had no individual membership.

13 Yeah. And it -- I don't know what was
14 significant about 2015, but after 2014, we got a
15 lot more active with low-income communities and
16 neighborhoods on everything from immigration
17 policies in Alabama to worker rights issues and
18 stuff. But for a long time culturally -- and we
19 got tired of telling people, "We don't have
20 individual memberships." But they did the work,
21 volunteer work.

22 Q. (BY MR. TAUNTON:) Was this amendment
23 adopted in 2015?

Page 56

1 A. Yes.

2 MR. ROSBOROUGH: Michael, whenever you
3 hit a point to take a break, let me know.

4 MR. TAUNTON: We're probably right now
5 about ready to take a break. Yeah, now is an okay
6 time. Let's go ahead and take a quick break.

7 (Recess.)

8 Q. All right, Mr. Douglas. Just a few
9 follow-up questions here.

10 Can you distinguish for me what is the
11 difference between a donor to Greater Birmingham
12 Ministries and a member of Greater Birmingham
13 Ministries?

14 MR. ROSBOROUGH: I object to the form.
15 You can answer.

16 A. We -- one of the things that you brought
17 to my attention is we didn't make that distinction
18 in the -- in the amendment, the difference from a
19 donor to a member. We went from a donor to a
20 member and informed the public we went from a
21 donor to a member. Everybody gets a membership
22 card, and that's their opportunity to say, "I
23 didn't mean to do that."

Page 57

1 Q. (BY MR. TAUNTON:) Got you. So --
2 A. That's for individuals, I mean. Yeah.
3 We do have other donors other than individuals,
4 yeah.
5 Q. Right. Right. So if you were an
6 individual donor to Greater Birmingham Ministries,
7 Greater Birmingham Ministries would also consider
8 you a member?
9 A. Correct.
10 Q. Okay. Going back real quick to
11 Exhibits 4 and 5, do you see in the bottom --
12 let's look at Exhibit 4 first. Do you see in the
13 bottom right-hand corner where it says
14 August 27th, 1991?
15 A. Correct.
16 Q. Is it your understanding that that is
17 when these bylaws were originally adopted?
18 A. No.
19 Q. Okay. Or were last amended maybe?
20 A. Last amended until November.
21 Q. Until November 5th of 2015?
22 A. Correct.
23 Q. And forgive me. You, I believe, answered

Page 58

1 this question. I just can't remember your answer
2 at this moment.
3 The yellow highlighted text in
4 Section 1.2, was that the amendment added on
5 November 5th, 2015?
6 A. Yes, that's correct.
7 Q. Okay. And that's why it says
8 November 5th, 2015, down at the bottom right-hand
9 corner of Exhibit 4?
10 A. Say that again? I'm sorry. The
11 question?
12 Q. Is that why it says November 5th, 2015,
13 in the bottom right-hand corner of Defendants'
14 Exhibit 4?
15 A. That's correct.
16 Q. Now, I don't see -- if you flip to the
17 last page, I don't see a signature or execution by
18 anybody on the final page. You notice that?
19 Would there be minutes from this meeting
20 on November 5th, 2015, where these bylaws, the
21 amendment to these bylaws was adopted?
22 A. Yes, that should be in the minutes.
23 Q. Does Greater Birmingham Ministries keep

Page 59

1 minutes from all of its executive board meetings?
2 A. Yeah, just as a general board --
3 executive committee, smaller group. The board.
4 The question is in November 27th, 2023, GBM's
5 water pipes burst on both floors. Servpro came in
6 and didn't finish until late February.
7 Q. What year was that? I'm sorry.
8 A. Last year, 2023.
9 Q. Okay.
10 A. So for one, two, three, four -- almost
11 four months, the building was in disarray. They
12 took pictures of where they put filing cabinets,
13 so they put them right back where they supposed to
14 be, but the laborers emptied the filing cabinets
15 before they moved them and before they put them
16 back. So the drawers don't contain the same
17 information. But I'm quite sure we -- minutes
18 were definitely taken for that board meeting.
19 Q. How hard do you think it would be to
20 locate those minutes?
21 A. This is 2015. In addition to paper, it
22 would probably take a dedicated, doing nothing
23 else, couple days. I mean, there's only so many

Page 60

1 choices.
2 But the minute-taker who was our
3 electronic -- we weren't doing Zoom at that time
4 but -- electronic depository had a stroke and an
5 amputation, and she's been replaced and stuff.
6 But she won't be much help helping us find it on
7 her drives where we were kept --
8 Q. Understood.
9 So Defendants' Exhibit 4, these bylaws,
10 are these the current bylaws of Greater Birmingham
11 Ministries?
12 A. Yes, these are current bylaws in the
13 sense that it hasn't been amended since. Yeah.
14 Q. So let me now ask you about Defendants'
15 Exhibit 5, a few follow-up questions here.
16 I'm having a hard time correlating
17 Defendants' Exhibit 5 with Defendants' Exhibit 4.
18 So can you explain to me what Defendants'
19 Exhibit 5 is?
20 A. Exhibit 5 is -- the highlight is in red
21 so it stands out. But Exhibit 5 is the draft
22 amendments for the meeting that happened in
23 November.

Page 61

1 Q. Of 2015?
2 A. 2015. We voted on one amendment.
3 Oh. If you look over --
4 Q. Is the language of Defendants' Exhibit 5
5 reflected anywhere in Defendants' Exhibit 4? I'll
6 tell you I couldn't find it, but I want to make
7 sure I didn't miss something.
8 A. Yes. It looks like the amendment as
9 passed, as voted on, was added to the -- I'm
10 sorry.
11 In Exhibit 5, the amendment that was
12 proposed for the meeting is incorporated, one, in
13 the wrong section.
14 Q. Okay. So you think the amendment as
15 passed is the highlighted portion of Defendants'
16 Exhibit 4?
17 A. Yes.
18 Q. Have there been any amendments to Greater
19 Birmingham Ministries's bylaws since November 5th,
20 2015?
21 A. No.
22 Q. How many committees does Greater
23 Birmingham Ministries have?

Page 62

1 A. How many committees?
2 Q. Yes, sir.
3 A. Oh. Administrative committees --
4 administrative committee -- administratively,
5 there are three. And there's a separate committee
6 for each program area for another three. So
7 that's six.
8 Q. What are the administrative committees?
9 A. Finance committee -- the administrative
10 committees are Finance Committee, Personnel
11 Committee, I'm sorry. Finance Committee,
12 Personnel Committee, Building and Grounds
13 Committee.
14 Q. And what are the -- task force? Is that
15 what you call it?
16 A. Task forces or work groups.
17 Q. What are those committees?
18 A. The work groups are -- mimic our program
19 areas: Faith in Community Work Group, Systems
20 Change Work Group, Direct Services Work Group.
21 Those are functionally the committees of those
22 three program areas.
23 Q. And just real quick, I could look back,

Page 63

1 but what was the last one you said, remind me?
2 A. Building and Grounds.
3 Q. No, I'm sorry. Of the work groups?
4 A. Oh, work groups? Systems Change Work
5 Group, Faith in Community Work Group, Direct
6 Services Work Group.
7 Q. Direct Services.
8 A. Not in the same order.
9 Q. All right. Before I completely move on
10 here, let me see. Hang on.
11 (Defendants' Exhibit 6 was marked
12 for identification and copy of
13 same is attached hereto.)
14 Q. I'm going to hand you what I have marked
15 as Defendants' Exhibit 6. This is the same
16 document, but it's printed double sided.
17 Have you seen this document before?
18 A. Yes.
19 Q. And for those on Zoom, what is that
20 document?
21 A. This document is titled Plaintiffs'
22 Responses to Defendant Allen's Discovery Requests.
23 Q. Is that one of the documents you reviewed

Page 64

1 in preparation for your deposition?
2 A. Yes.
3 Q. Do you mind flipping with me over to
4 page 4 and taking a look at -- well, let's
5 actually start on page 3, I'm sorry. Let's take a
6 look at Interrogatory Number 2.
7 Interrogatory Number 2 is Greater
8 Birmingham Ministries and the Alabama Conference
9 of the NAACP only; is that right?
10 A. Correct.
11 Q. And that interrogatory asks Greater
12 Birmingham Ministries to "State with specificity
13 the facts supporting your assertion of standing to
14 bring the claims you press in the fourth amended
15 complaint." Do you see that?
16 A. Yes.
17 Q. If we flip over to page 4, under response
18 to Interrogatory Number 2, there's a section
19 titled Greater Birmingham Ministries. Do you see
20 that?
21 A. Yes.
22 Q. Is it your understanding that that's
23 Greater Birmingham Ministries's response to that

Page 65

1 interrogatory?

2 A. Yes.

3 Q. And beginning of that says "Greater
4 Birmingham Ministries has individual members who
5 live in the City of Huntsville and Montgomery
6 County who identify as black and are registered to
7 vote." Do you see that?

8 A. Correct.

9 Q. Does it list any of those individuals in
10 this response? Are any individuals listed in this
11 response by Greater Birmingham Ministries?

12 A. It does not list any individual members.

13 Q. The last sentence says "Greater
14 Birmingham Ministries reserves the right to amend
15 their response to provide additional information
16 about members who consent to having their identity
17 disclosed." Do you see that?

18 A. Correct.

19 Q. Are you prepared to provide additional
20 information about individual members here today?

21 A. I can send them -- we could talk to
22 people.

23 Q. But sitting here today, do you have any

Page 66

1 additional -- do you have any names or information
2 to provide about that?

3 A. Yeah, one.

4 Q. Okay. Who would that be?

5 A. Montgomery County.

6 Q. Okay.

7 A. But I can't remember her address.

8 Q. What's the name?

9 A. Presdelane, P-R-E-S-D-E-L-A-N-E, Harris,
10 H-A-R-R-I-S.

11 Q. Can you spell that first name for me
12 again, I'm sorry.

13 A. P-R-E-S-D-E-L-A-N-E.

14 Q. And you don't have an address?

15 A. I don't have it with me.

16 Q. But you believe she resides in Montgomery
17 County?

18 A. Yes.

19 Q. Any others?

20 A. That's one.

21 Q. Thank you.

22 What does the -- I think you called it
23 Faith in Community Task Force?

Page 67

1 A. Yes.

2 Q. What does the Faith in Community Task
3 Force do?

4 A. The Faith in Community Task Force is
5 responsible for nourishing and maintaining GBM's
6 relationships with its constituent faith
7 communities, congregations, and denominations.

8 Q. How do they do that?

9 A. They do that through working on shared
10 programs offered by the partner groups, the
11 sponsoring groups, or initiated by GBM.

12 Q. What would be an example of a program
13 that they might do?

14 A. A program? The name escapes me. It was
15 very popular before the pandemic and revived
16 itself now. It's called the Poverty Game. And it
17 is an exercise, kind of like Monopoly, except you
18 are dealt with bail money and -- or education
19 tuition, those things. And it's a game in which
20 people really learn how difficult navigating
21 poverty is. Yeah. And it's kind of -- what can I
22 say? It de -- it de-idolizes views about poverty
23 in a participatory way. Yeah.

Page 68

1 Q. What are some other examples of events
2 that might be hosted?

3 A. Another example is, once again, a -- this
4 was during online season as well. A civic
5 education course called the Power of
6 Participation. Instead of talking to somebody
7 about voting and voter registration and voter
8 restoration, we talk about civic participation
9 from participating in public hearings up to and
10 including what level of government is responsible
11 for what in your life, you know.

12 Q. And what is the goal of that event?

13 A. It comes out of people asking us
14 questions, because sometimes they think we know,
15 what agency is responsible for this problem or for
16 addressing this problem. And many times, because
17 of lack of transparency, it's hard to figure out.

18 Q. What does the Direct Services Task Force
19 do?

20 A. Direct Services Task Force or Work Group
21 is responsible for also working with the
22 sponsoring faith communities as well as with other
23 agencies in providing free food to qualified

Page 69

1 families as well as free clothing as well as
 2 utility assistance or financial assistance. It's
 3 a constant resource raising not just money but
 4 in-kind goods. For instance, summer food drives,
 5 Christmas food drives, Mother's Day food drives,
 6 lots of food drives. And most of our in-kind
 7 comes from congregations and schools.

**8 Q. And what about the Systems Change Task
 9 Force? What does it do?**

10 A. The Systems Change Task Force of GBM is
 11 the public policy arm of GBM in addressing public
 12 policies that intentionally or unintentionally
 13 cause harm to low-income people and people of
 14 color.

**15 Q. What would some examples of the
 16 programming for the Systems Change Task Force be?**

17 A. It's wide ranging. It ranges from
 18 establishing Birmingham's first homeless shelter
 19 for men and Birmingham's first homeless shelter
 20 for women; the first Birmingham affordable housing
 21 center that was -- became part of the city
 22 government; the support for Cooper Green Hospital;
 23 maintaining adequate funding -- well, more than --

Page 70

1 less than adequate funding for Birmingham's public
 2 transportation system; to work with voter
 3 restoration; even for people who are, you know,
 4 like doing voter restoration in Jefferson County
 5 Jail and Birmingham city courts and Bessemer city
 6 courts; even providing online instruction to
 7 people serving misdemeanors on how to register to
 8 vote and the -- that's the research part. The lab
 9 work is going to register to vote. And, in
 10 exchange for that, you get your fees and fines
 11 forgiven. It's alternative community service.

**12 Q. So does Greater Birmingham Ministries
 13 then host voter registration drives?**

14 A. Yes, we do.

**15 Q. And is that underneath the Systems Change
 16 Task Force?**

17 A. Yes, it is.

**18 Q. Does Greater Birmingham Ministries
 19 promote political participation in any other ways
 20 than voter registration drives?**

21 MR. ROSBOROUGH: Object to the form.
 22 A. Yes. In other ways than voter
 23 registration drive and voter restoration, which is

Page 71

1 so complicated it's not really a drive. But also
 2 in terms of attending public hearings, if we know
 3 about them in advance, and preparing people to
 4 address -- answer questions about how to address
 5 public hearings with the right information, right
 6 questions to get the right answers that you -- the
 7 accurate answers that you want.

**8 Q. (BY MR. TAUNTON:) What are some examples
 9 of public hearings that Greater Birmingham
 10 Ministries has either participated in or prepared
 11 somebody else to participate in?**

12 A. In our past, we have participated at
 13 public hearings around the Jefferson County -- it
 14 was called -- nickname was Super Sewer Project,
 15 which we worked with in alliance with the
 16 environmental community. They were going to build
 17 a super sewer to cross under the Cahaba River some
 18 14 times without doing adequate research about the
 19 safety of that vast construction.

**20 Q. I remember all the controversy about that
 21 project.**

22 A. There was a bit of controversy. As a
 23 matter of fact, the tunneling drill is still

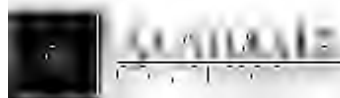
Page 72

1 underground. It was too expensive to pull it out.
 2 And it was stopped. And GBM not just for
 3 environmental reasons opposed it because it would
 4 build the sewer mechanisms to the north in
 5 particular, north -- well, east, I guess, so that
 6 new subdivisions can be built. And the people who
 7 pay for that, the rate payers, are the people on
 8 the fixed water system, not a -- what do you call?
 9 Septic tanks. So people on the fixed water system
 10 would be really paying for -- and there were a lot
 11 of people, now mind, paying for development of
 12 suburbs they could never live in, couldn't afford
 13 to shop in, and couldn't get there by bus.

**14 Q. Are there other public hearings that
 15 Greater Birmingham Ministries has participated in
 16 that you can recall?**

17 A. Some national ones were around the census
 18 before it came. There were public hearings about
 19 getting involved with the census and answering
 20 people's questions. There were some public
 21 hearings around -- I'm losing track of public
 22 hearings.

23 There were some -- I can't recall



Page 73

1 additional public hearings.
2 **Q. So the census. And that's as part of the**
3 **2020 census?**
4 A. Yeah, in preparation for the 2020 census.
5 **Q. And tell me a little bit about that.**
6 **What was Greater Birmingham's role in**
7 **participating in those public hearings?**
8 A. We were approached by the Census Bureau
9 and asked to -- because we helped participate in
10 2010 -- to try to think of some creative ways to
11 reach the what they call hard to count: people
12 who don't go to the door when there are strangers
13 at the door. So we had developed some tools and
14 techniques to identify what's called informal
15 leaders in neighborhoods that knew GBM and trusted
16 us and to have them have small house parties and
17 we provide the food and refreshments and stuff.
18 Then neighbors would come, and we would make a
19 presentation about the census. And the name of
20 our program was Come to Your Census.
21 **Q. That's clever.**
22 A. We were talking about the hardships of
23 not being counted: funds for daycares, funds for

Page 74

1 schools, funds for transportation, those kind of
2 things. And Don't Count Yourself Out.
3 And so we were prepping up and
4 practicing in January of 2020. In March, the
5 COVID hit. So all of our in-house activities for
6 these small apartments in public housing got
7 trashed.
8 **Q. So was the goal of Greater Birmingham**
9 **Ministries in those events to promote greater**
10 **participation in the census?**
11 A. Yes.
12 **Q. Did Greater Birmingham Ministries have**
13 **any other goals in those events regarding the**
14 **census?**
15 A. Oh, yes. One of the outcomes of the
16 census was that it's the -- what? -- decennial?
17 What do you call that? Effort to prepare for
18 redistricting.
19 **Q. And --**
20 A. And we mentioned that as one of the
21 things to make you Come to Your Census, yeah.
22 **Q. And what was stated about redistricting**
23 **as part of the events regarding the census?**

Page 75

1 A. One of the things that was stated about
2 redistricting was its importance in particular to
3 low-income people, black Alabamians in getting the
4 maximum population that exist counted in those
5 districts. And how it applied through
6 redistricting was in hopes that the economy of
7 redistricting efforts would better reflect where
8 people actually live and who they are.
9 **Q. And what was the hope regarding the 2020**
10 **redistricting process following the census?**
11 A. The hope -- our hope for the 2020
12 redistricting process would be that it would
13 amplify -- strengthen the diluted voices of
14 African Americans in Alabama across Alabama
15 where -- and also figure out where African
16 Americans had been unfairly packed or unfairly
17 cracked in terms of diluting their electoral
18 voices.
19 **Q. And what did Greater Birmingham**
20 **Ministries say about the dilution or the packing**
21 **of African American voices in Alabama when it was**
22 **talking about the census?**
23 MR. ROSBOROUGH: I object to the form.

Page 76

1 You can answer.
2 A. When we were talking about the census, we
3 talked about it in terms of on the basis of those
4 census numbers. On an accurate basis of those
5 census numbers, it is possible to increase the
6 amplitude of black voices inside the Alabama state
7 legislature in particular.
8 **Q. (BY MR. TAUNTON:) And did Greater**
9 **Birmingham Ministries identify any specific places**
10 **where it thought that the census data would**
11 **reflect that?**
12 MR. ROSBOROUGH: I object to the form.
13 A. Two in particular. And some others I
14 can't recall were -- well, the other ones had
15 different -- two in particular. One was a
16 district in Madison County, mostly Huntsville.
17 And another was a couple of senate districts in
18 Montgomery.
19 **Q. (BY MR. TAUNTON:) Why did Greater**
20 **Birmingham Ministries believe that the census data**
21 **would create opportunities to draw additional**
22 **minority districts in those areas?**
23 MR. ROSBOROUGH: I object to the form.

Page 77

1 You can answer.

2 A. The most obvious reason we believed it is

3 that's the latest data. And old data is not good.

4 Don't make good maps.

5 The second one is it's the most

6 proximate time to draw new lines based on new

7 realities as to where people actually live over a

8 period of 10 years but also to more accurately

9 identify where African Americans have been

10 overpopulating some districts and underpopulating

11 others to achieve minimum impact on the Alabama

12 legislature.

13 **Q. (BY MR. TAUNTON:) What led Greater**

14 **Birmingham Ministries to believe that there had**

15 **been population shifts in those areas in**

16 **particular that would lead to those outcomes?**

17 MR. ROSBOROUGH: I object to the form.

18 A. Repeat the question.

19 **Q. (BY MR. TAUNTON:) What led Greater**

20 **Birmingham Ministries to believe that there had**

21 **been population shifts in the Huntsville and**

22 **Montgomery areas in particular that would be**

23 **reflected in new census data such that new**

Page 78

1 **districts could be drawn --**

2 MR. ROSBOROUGH: Same objection.

3 A. Number one was that -- I can't quote the

4 source. It was important in the 2010 census to

5 make some changes but not as many as we wanted.

6 And so we were looking forward to the 2020 session

7 in the context of the error. It's already been

8 impacted by the voter ID law and other laws

9 affecting low-income people's capacity to vote and

10 stuff. And so we were looking for ways to thwart

11 that.

12 **Q. (BY MR. TAUNTON:) What did Greater**

13 **Birmingham Ministries believe was the relationship**

14 **between Alabama's voter ID law and the census?**

15 MR. ROSBOROUGH: I object to the form.

16 A. Based on the State of Alabama's defense

17 of the voter ID law, we think it had other motives

18 than voter integrity. It had a motive of voter

19 suppression.

20 **Q. (BY MR. TAUNTON:) How did that relate to**

21 **Greater Birmingham Ministries's view of the census**

22 **data?**

23 MR. ROSBOROUGH: I object to the form.

Page 79

1 A. Accurate census data, especially the most

2 current census data, is very important if you're

3 going to retain experts or rely on experts to draw

4 lines that better reflect the population of the

5 state of Alabama and their distribution according

6 to the constitution.

7 **Q. (BY MR. TAUNTON:) When did Greater**

8 **Birmingham Ministries first retain experts to look**

9 **at the district lines related to the 2020 census?**

10 MR. ROSBOROUGH: I object to the form.

11 A. I can't recall. It was after the 2020

12 census. And it was on several different efforts.

13 I mean -- yeah, several different initiatives.

14 **Q. (BY MR. TAUNTON:) Where does Greater**

15 **Birmingham Ministries have offices?**

16 A. Our office is in Birmingham, Alabama.

17 **Q. Does Greater Birmingham Ministries have**

18 **any other offices?**

19 A. We have no other offices.

20 **Q. We talked about the work of the Faith in**

21 **Community Task Force, the Systems Change Task**

22 **Force, and the Direct Services Task Force. And I**

23 **guess we could -- we could go by each, but I'll**

Page 80

1 **ask you broadly and see if we need to break it**

2 **down.**

3 **Where is Greater Birmingham Ministries's**

4 **programming focused by county?**

5 A. By county? Direct Services is primarily

6 focused -- our clients come from -- mainly from

7 Jefferson, Shelby, and Walker counties. In that

8 order.

9 **Q. What about the Faith in Community Task**

10 **Force and their events? Where do they conduct**

11 **those events?**

12 A. Faith in Community work -- we'll get to

13 that later -- is conducted statewide.

14 **Q. What about Systems Change Task Force?**

15 **Where do they conduct their events?**

16 A. Systems Change Task Force is increasingly

17 statewide.

18 **Q. I think we discussed that this morning.**

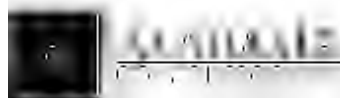
19 **I'll ask you this. Do you know the**

20 **demographic breakdown of Greater Birmingham**

21 **Ministries's donors?**

22 A. I do not know.

23 **Q. Do you have a general sense?**



Page 81

1 A. I have a -- I have a general sense that
 2 it's majority white, second African American,
 3 third is Latino.
 4 **Q. Do you have a general sense for the**
 5 **average income of Greater Birmingham Ministries's**
 6 **donors?**
 7 A. I have no knowledge. Unless they leave
 8 us in their will.
 9 **Q. How does Greater Birmingham Ministries**
 10 **choose to participate in a lawsuit? What's the**
 11 **process for that?**
 12 A. It depends on what the lawsuit is about.
 13 But our process is we look for what angles can we
 14 work to achieve a successful outcome for our --
 15 the people we care about. And it's been
 16 legislation and working with, for instance, the
 17 nonprofit, we can't actively lobby, but we can
 18 educate. And we can educate legislators.
 19 Particularly through public hearings.
 20 **Q. So, well, I want to actually jump around**
 21 **a little bit here. But that reminds me.**
 22 **So you mentioned that Greater Birmingham**
 23 **Ministries participated in public hearings related**

Page 82

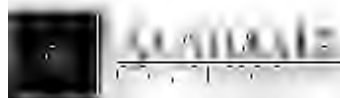
1 **to the 2020 census.**
 2 A. Yes.
 3 **Q. What public hearings did it participate**
 4 **in, do you recall?**
 5 A. I do recall one at Jefferson State Junior
 6 College and one at -- we went to the one at
 7 Jefferson State. There was also one at Lawson
 8 State Junior College.
 9 **Q. Who participated on Greater Birmingham**
 10 **Ministries's behalf?**
 11 A. I participated and several board members
 12 participated and a couple staff at that time who
 13 are no longer with us.
 14 **Q. Did anyone from Greater Birmingham**
 15 **Ministries speak at those events?**
 16 A. At the one at Jefferson State --
 17 speaking? I mean, speaking was pretty much asking
 18 questions. And I spoke there.
 19 **Q. Do you recall what you or anybody else**
 20 **from Greater Birmingham Ministries said regarding**
 21 **the 2020 census?**
 22 A. We emphasized at the hearing the
 23 importance of new ways of communicating with

Page 83

1 people to encourage them to actually come to the
 2 census or participate in the census. And, too,
 3 and make sure they clarify the difference between
 4 the census and the annual survey that the Census
 5 Bureau does as well, which is a big problem here
 6 in Alabama, in Birmingham in particular. People
 7 tell us, "I already did that," and they're talking
 8 about the survey, not the census.
 9 **Q. Did anybody from Greater Birmingham**
 10 **Ministries make any statements regarding whether**
 11 **or not citizenship should be counted as part of**
 12 **the census? Do you recall?**
 13 MR. ROSBOROUGH: I object to the form.
 14 A. Citizenship should be part of what?
 15 **Q. (BY MR. TAUNTON:) As part of the census?**
 16 A. Yes, I did. Yes, we -- I didn't, you
 17 know, but some of our allies did.
 18 **Q. Did anybody from Greater Birmingham**
 19 **Ministries?**
 20 A. I don't recall anyone from Greater
 21 Birmingham Ministries. I was present. Because
 22 the question was the goal of the census is to
 23 count every head. In the country.

Page 84

1 **Q. But Greater Birmingham Ministries didn't**
 2 **have a position on that?**
 3 A. We were opposed --
 4 MR. ROSBOROUGH: Object to the form.
 5 A. We were opposed to it. But we weren't
 6 the best advocates for those it was directed
 7 against.
 8 **Q. (BY MR. TAUNTON:) Did it make any**
 9 **statements about that? Did Greater Birmingham**
 10 **Ministries make any kind of statements, either at**
 11 **public hearings or press releases in any way?**
 12 A. I recall that I and some others were part
 13 of a joint statement from several immigrant
 14 justice groups along with their allies, yeah. We
 15 joined them in it.
 16 **Q. Were there any other statements made?**
 17 A. Not that I recall.
 18 **Q. How did Greater Birmingham Ministries**
 19 **choose to become a plaintiff in the Stone lawsuit?**
 20 MR. ROSBOROUGH: I object to the form of
 21 the question and instruct you not to answer to the
 22 extent that it involves conversations with
 23 counsel.



Page 85

1 MR. TAUNTON: I was about to go there.
2 **Q. Don't tell me about any conversations you**
3 **had with any of your attorneys. But without doing**
4 **that, how did Greater Birmingham Ministries choose**
5 **to become a plaintiff in the Stone lawsuit?**
6 A. We decided to become a plaintiff in the
7 Stone lawsuit when it was being initiated by --
8 and some of our allies had talked to us about it.
9 **Q. Other than attorneys, what allies are you**
10 **speaking of?**
11 A. Alabama Arise, NAACP, Alabama NAACP.
12 League of Women Voters.
13 **Q. When were those conversations taking**
14 **place?**
15 A. On the Stone lawsuit? As part of a
16 post-census conversation about upcoming
17 redistricting.
18 **Q. And what was -- sorry. You didn't**
19 **finish.**
20 A. Of the legislature as well as congress.
21 **Q. And what was the substance of those**
22 **conversations regarding what became the Stone**
23 **lawsuit?**

Page 86

1 MR. ROSBOROUGH: I object to the form.
2 A. Discussions? Early discussions was who's
3 doing research. What research organizations can
4 we look to to help give us accurate information,
5 at the earliest.
6 **Q. (BY MR. TAUNTON:) What kind of**
7 **information were you looking for?**
8 A. One was the fastest census data we could
9 get ahold of statewide by current Alabama
10 legislative districts. The second was -- the
11 earliest was, was who's -- who does pro bono
12 mapmaking. Yeah. Or could support us in
13 mapmaking.
14 **Q. And once you got the census data, what**
15 **was the goal? What was the analysis? Do you**
16 **recall?**
17 MR. ROSBOROUGH: I object to the form.
18 A. Let me understand you. None of this GBM
19 was doing by itself. We don't have the research
20 capacity.
21 **Q. (BY MR. TAUNTON:) I understand.**
22 A. But we were working with others to --
23 I've forgot the question now.

Page 87

1 **Q. Once you received the census data, what**
2 **was the analysis? What was the goal? What did**
3 **you look at? Without revealing your conversation**
4 **with attorneys.**
5 MR. ROSBOROUGH: I'm going to object to
6 the form and I'm also going to object to the
7 extent that any of these conversations with
8 partners were as part of a common interest
9 considering litigation.
10 THE WITNESS: Oh, okay.
11 MR. ROSBOROUGH: If you can answer
12 without any of that, go ahead and answer.
13 MR. TAUNTON: If attorneys were involved,
14 I think their common interests still requires an
15 underlying privilege and so would still require an
16 attorney to be present. But if attorneys were
17 present, then I think the assertion is valid. If
18 attorneys were not present, I think my question
19 stands.
20 MR. ROSBOROUGH: And I think I'd like
21 just to clarify that the privilege can be invoked
22 on conversations without attorneys present if
23 those conversations happened on the advice or at

Page 88

1 the direction of attorneys.
2 So if you can --
3 MR. TAUNTON: I accept that.
4 MR. ROSBOROUGH: If you can answer
5 subject to those caveats, go ahead.
6 A. That's a maze of a caveat.
7 **Q. (BY MR. TAUNTON:) Let me see if I can**
8 **narrow the question. Why don't we try that?**
9 **Without revealing your conversation with**
10 **counsel or things your counsel told you to do,**
11 **what was Greater Birmingham Ministries interested**
12 **in seeing -- what analysis was it doing or**
13 **interested in regarding the census data?**
14 A. Our interest in the census data was to
15 achieve a more responsive state legislature when
16 it came to legislative redistricting; that it
17 would help increase -- it had the possibility of
18 helping increase and amplify the voices of African
19 Americans in the Alabama state legislature in both
20 houses.
21 **Q. So when you say more responsive**
22 **legislature, what do you mean?**
23 A. When I say more responsive legislature, I

Page 89

1 mean a legislature -- hmm.
 2 My analysis is that the Alabama
 3 legislature for decades has been broad in power
 4 and narrow in its responsibilities in a sense that
 5 policies had been put in place in a state with
 6 27 percent African American population to reduce
 7 their influence in the legislature to less than
 8 half of that 27 percent population.
 9 **Q. What policies are you referring to?**
 10 A. Past redistricting efforts -- I'm
 11 referring to past redistricting efforts in the
 12 state of Alabama for decades that are ongoing.
 13 **Q. So you're referring specifically to**
 14 **redistricting efforts. Are there any other**
 15 **policies that you're referencing?**
 16 A. Oh, yeah. We mentioned a few of the
 17 other policies I mentioned like voter ID, the
 18 Secretary of State refusing to release the names
 19 of people recently released from prison so that
 20 they could be informed about their status in
 21 getting their voting rights restored. He said its
 22 not his job to tell them. We said why don't you
 23 give us the list. We had to fight for that.

Page 90

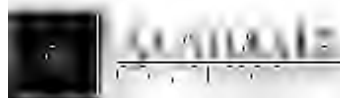
1 Methods of both policy and practice of
 2 agencies of the State of Alabama. Even when the
 3 policy is decent, the practice ignores the poor,
 4 the incarcerated, the soon to be freed.
 5 **Q. Let me just ask a couple things here.**
 6 **Greater Birmingham Ministries's efforts**
 7 **as it relates to voter IDs, would those largely be**
 8 **handled by the Systems Change Task Force?**
 9 A. That's correct.
 10 **Q. Would that fall under the**
 11 **responsibilities of Ms. Tari Williams?**
 12 A. Well, her and her work group, the
 13 Volunteer Work Group.
 14 **Q. Would there be anybody else whose**
 15 **responsibilities that included? Other than those**
 16 **underneath her?**
 17 A. Mine.
 18 **Q. So what do you do separate from what she**
 19 **does related to voter identification in Alabama?**
 20 A. I started in Systems Change work when I
 21 was on the board of directors of GBM, and I
 22 continued to support it, of course, as executive
 23 director. My job is to provide the resources and

Page 91

1 help guide the strategies, help conduct
 2 discussions among our board members on how we're
 3 going to receive -- to address -- allow the tools
 4 we have to address any issue we're trying to
 5 address.
 6 **Q. I guess part of what I'm asking is this.**
 7 **Do you have responsibility -- okay. So you talked**
 8 **about providing resources and strategy. Are you**
 9 **involved in events or programming related to**
 10 **voter IDs in Alabama that Ms. Tari Williams would**
 11 **not be involved with?**
 12 Wait. Let me back up and ask. If I
 13 already asked her these questions this morning, do
 14 I need to be asking you anything about this too?
 15 A. No.
 16 **Q. Okay. Would she be the one to ask about**
 17 **Greater Birmingham Ministries's programming**
 18 **related to voter identification in Alabama?**
 19 A. Actually, I'm not sure she was there
 20 then. Started with the census team about 2014,
 21 voter ID -- yeah, she was around with voter ID
 22 later.
 23 **Q. And is she also very involved with voting**

Page 92

1 **restoration?**
 2 A. Yeah. She's much more involved in voter
 3 restoration than I am, yeah. Because it requires
 4 special training.
 5 **Q. Was part of the discussion related to the**
 6 **2020 census whether or not an additional**
 7 **democratic district could be drawn in Huntsville?**
 8 MR. ROSBOROUGH: I object to the form.
 9 A. The question was whether a district could
 10 be formed that had a realistic amplified voice of
 11 African Americans.
 12 **Q. (BY MR. TAUNTON:) Was party affiliation**
 13 **part of that?**
 14 A. Party affiliation was a part of the
 15 discussions we had.
 16 **Q. Was party affiliation also part of your**
 17 **discussions for Montgomery?**
 18 A. No.
 19 **Q. How was party affiliation part of your**
 20 **discussions in Huntsville but not in Montgomery?**
 21 A. I didn't say it was part of the
 22 discussions in Huntsville. I said it was not part
 23 of the Huntsville discussions.



Page 93

1 **Q. It was not?**

2 A. It was not part of Huntsville's.

3 **Q. Okay. I heard something different.**

4 A. Well, correct the transcript. I meant to
5 say not.

6 **Q. Party affiliation was not a part of the
7 discussion?**

8 A. I said it was not, yeah.

9 **Q. Okay.**

10 A. Yeah. Put the not before the verb after.

11 **Q. I don't -- I think we've already covered
12 a lot of this, but I will just ask from a broad
13 sense, what is Greater Birmingham Ministries's
14 organizational purpose?**

15 A. GBM's organizational purpose is three
16 part: serve people, build community, and pursue
17 justice.

18 **Q. And that then is carried out through the
19 three task forces we've discussed?**

20 A. Correct.

21 **Q. Now, specifically -- I don't want to
22 spend a lot of time on this, but specifically how
23 did Greater Birmingham Ministries decide it wanted**

Page 94

1 **to be a plaintiff in the Stone lawsuit?**

2 MR. ROSBOROUGH: I object to the form.

3 And, again, you can answer to the extent
4 this doesn't involve conversations with counsel or
5 conversations with any co-plaintiffs about
6 discussions with counsel.

7 **Q. (BY MR. TAUNTON:) Let me do it this way.**

8 A. Okay.

9 **Q. Is that a decision that you made -- is
10 the decision to be involved as a plaintiff in the
11 Stone lawsuit, is that a decision you made or is
12 that a decision that was made by the board of
13 directors? Who made that decision?**

14 A. It was made -- in 2014, we had a -- we
15 call it a board of education on GBM's civic -- we
16 call it civic engagement work and that we would
17 not do -- I'm entrusted to say no or go on GBM's
18 litigation. I apprise the executive committee if
19 the board's not in session first.

20 The reason was that we had gotten -- in
21 the early 2000s and afterwards, when we have our
22 board discussions of all 50 members or 48 to 60
23 we've had about pending litigation, we've had

Page 95

1 lawyers on our board who knew a lot that had to
2 recuse themselves and stuff. So the idea is if it
3 fits our long-term vision and we think it's worth
4 it, then there's not a vote on each one. The last
5 one we voted on -- I forgot -- was 2014 or
6 something.

7 **Q. So you since 2014 have been empowered to
8 determine what litigation --**

9 A. Yes.

10 **Q. -- Greater Birmingham Ministries would
11 participate in?**

12 A. Yes. Yes. Yes. With informing, yeah.

13 **Q. What was your goal in participating in
14 the Stone lawsuit?**

15 A. Our goal in participating in the Stone
16 lawsuit was -- began with looking at how Alabama's
17 legislature had been redistricted and where we
18 felt we could find some impact on the most glaring
19 cases knowing that -- well, not believing that we
20 can do all 35 senators and, you know, 105
21 representatives. We had other goals in mind as
22 well, but they weren't reasonable.

23 **Q. Did you also make the decision to**

Page 96

1 **participate in the Milligan lawsuit as a
2 plaintiff?**

3 A. Yes.

4 **Q. What was your goal in participating in
5 the Milligan lawsuit?**

6 A. The Milligan lawsuit was particularly of
7 interest in creating a second black opportunity
8 district and a state -- congressional district in
9 the state of Alabama.

10 **Q. And why did you believe a second
11 opportunity district could or needed to be created
12 in Alabama?**

13 MR. ROSBOROUGH: Object to the form.
14 You can answer.

15 A. I feel a second opportunity district
16 needed to be created in order to better amplify
17 the voices of African Americans in Alabama and,
18 through them, most poor people in Alabama in the
19 halls of congress.

20 **Q. (BY MR. TAUNTON:) Did Ms. Williams have
21 any role in choosing to participate in the Stone
22 or Milligan lawsuits?**

23 A. No.

Page 97

1 Q. I meant to ask her that earlier and I
2 forgot.
3 So real quick, I'll just say this is
4 another one of those areas where the division
5 wasn't necessarily superclean, so I'm going to ask
6 you some questions that I asked this morning and
7 we'll see what you know.
8 A. Is that a caveat?
9 Q. Yeah. No.
10 A. Okay.
11 Q. More for counsel than for you.
12 A. Oh, okay.
13 Q. Are you a registered voter in Alabama?
14 A. Yes.
15 Q. Does Greater Birmingham Ministries
16 encourage its members to register to vote?
17 A. Yes.
18 Q. And does it encourage its clients to
19 register to vote?
20 A. Yes.
21 Q. Is Ms. Williams the person largely tasked
22 with implementing that policy?
23 A. On staff, yes.

Page 98

1 Q. So if I wanted to ask how Greater
2 Birmingham Ministries encourages members and
3 clients to register to vote, would she be the
4 person I would ask about that?
5 A. Correct, yes.
6 Q. To your knowledge, does Greater
7 Birmingham Ministries keep records of how many
8 people it has helped register to vote?
9 A. To my knowledge, no.
10 Q. Would Ms. Williams know if there were
11 records like that?
12 A. The question was do I know how many
13 people GBM has helped register to vote?
14 Q. Right.
15 A. Define help. It goes from education to
16 pointing out -- just pointing out where the latest
17 polling place is if you moved.
18 Q. Well, let me ask this. If records like
19 that existed, would Ms. Williams know about them?
20 A. If they existed, yes.
21 Q. Okay. So if I asked her about them, then
22 I wouldn't need to ask you about them?
23 A. Well, they don't exist, but yeah.

Page 99

1 Q. But if they did, she would know?
2 A. Yeah. If we had that, she would know.
3 Q. And would Ms. Williams be in a position
4 to describe who Greater Birmingham Ministries had
5 helped register to vote?
6 MR. ROSBOROUGH: Object to the form.
7 You can answer.
8 A. To some degree, because she directs
9 volunteers. And so she would not know what -- the
10 who -- each of those individuals she came in
11 contact with.
12 Q. (BY MR. TAUNTON:) She may not know the
13 specific names --
14 A. That's right.
15 Q. -- but she's in charge of the programming
16 for voter registration?
17 A. Correct.
18 Q. Does Greater Birmingham Ministries track
19 the registration of its donors?
20 A. No.
21 Q. To the degree they are different, does
22 Greater Birmingham Ministries track the
23 registration of its members?

Page 100

1 A. No.
2 Q. Do you have a general sense of what
3 percentage of Greater Birmingham Ministries donors
4 are registered to vote?
5 A. No.
6 Q. Are you aware of any donors to Greater
7 Birmingham Ministries who are not registered to
8 vote?
9 A. No.
10 Q. Well, does Greater Birmingham Ministries
11 do anything to track the number or percentage of
12 black Alabamians who are registered to vote?
13 A. No.
14 Q. Do you know or have a general sense of
15 whether more black Alabamians are registered to
16 vote today than in 1960?
17 MR. ROSBOROUGH: Object to the form.
18 Go ahead.
19 A. We google. Wikipedia. Ballotpedia.
20 Q. (BY MR. TAUNTON:) But do you have a
21 general sense of what that would show?
22 A. Of how many registered today versus?
23 Q. 1960.

Page 101

1 A. Versus 1960? Yeah, have an idea.
2 **Q. And what would that idea be?**
3 A. From a very low percentage to a medium
4 percentage.
5 **Q. What about since 1980? Do you have a**
6 **general sense of that?**
7 MR. ROSBOROUGH: Object to the form.
8 Go ahead.
9 A. 1980 would be a little bit -- I don't
10 recall as much. But 1960 was before the Voting
11 Rights Act, and 1980 was afterwards.
12 **Q. (BY MR. TAUNTON:) So you don't have a**
13 **sense for comparison?**
14 A. I have a sense that more are registered
15 today than 1980 but not much more percentagewise.
16 Numbers-wise maybe more, but percentagewise not
17 much.
18 **Q. You first became involved with Greater**
19 **Birmingham Ministries as executive director in**
20 **'93?**
21 A. Correct.
22 **Q. How about since 1993? Compare 1993 to**
23 **today. Do you have a general sense for whether**

Page 102

1 **more black Alabamians -- a higher percentage of**
2 **black Alabamians are registered to vote today than**
3 **in 1993?**
4 MR. ROSBOROUGH: Object to the form.
5 A. I believe there is a -- no, I don't have
6 any way except to say that there are more African
7 Americans period since 1993 in Alabama. There's a
8 higher incarceration rate of Alabamians who are
9 African American who can't register to vote easily
10 and quickly and soon. So I haven't done that
11 math.
12 **Q. (BY MR. TAUNTON:) So your answer would**
13 **be no, you don't have a general sense for 1993**
14 **versus --**
15 A. Correct. That's a research project.
16 **Q. Okay. Are you aware of voting-eligible**
17 **black Alabamians who are not registered to vote?**
18 MR. ROSBOROUGH: I object to the form.
19 Go ahead.
20 A. I personally am, yes.
21 **Q. (BY MR. TAUNTON:) Are you? Does Greater**
22 **Birmingham Ministries do anything to track that?**
23 A. We have no -- no.

Page 103

1 **Q. For the ones you're aware of, do you know**
2 **why they may not be registered to vote?**
3 A. Yes. For the ones I know of, the reason
4 they are not registered to vote, the most commonly
5 used expression is, "My vote doesn't count
6 anyway -- wouldn't count anyway."
7 **Q. Have these individuals told you what they**
8 **mean by that?**
9 A. What some have said they mean by that, no
10 matter what office it is the candidate runs for,
11 the same thing's going to happen. No change.
12 **Q. Meaning that they don't see any**
13 **difference in the candidates who are running? Is**
14 **that what I understood you to say?**
15 MR. ROSBOROUGH: Object to the form.
16 Go ahead.
17 A. Meaning that they say there is no
18 difference in candidates that's running to be
19 seen.
20 **Q. (BY MR. TAUNTON:) So in other words,**
21 **these individuals are suggesting that one**
22 **candidate is exactly the same as another?**
23 MR. ROSBOROUGH: Object to the form.

Page 104

1 Go ahead.
2 A. It's worse than that. They say it
3 doesn't matter.
4 **Q. (BY MR. TAUNTON:) Have you understood**
5 **them to mean anything else by saying their vote**
6 **doesn't count?**
7 MR. ROSBOROUGH: Object to the form.
8 Go ahead.
9 A. When they say -- my interpretation is
10 when they say it doesn't matter, they have lost
11 interest in civic participation, period. I've
12 never seen a person who was a good PTA leader say,
13 "My vote doesn't matter."
14 **Q. (BY MR. TAUNTON:) How many individuals**
15 **would you estimate have said something like that**
16 **to you in the last three years?**
17 MR. ROSBOROUGH: Object to the form.
18 Go ahead.
19 A. Yeah, three years. That's post-COVID.
20 When I have been engaged with folks,
21 we've come across -- we've had some campaign --
22 voter registration campaigns when we do food
23 distributions, and we ask people, "Are you

Page 105

1 registered to vote?" We don't force them but,
2 "There's a table over there. You can get your
3 groceries and register to vote." Yeah. So I've
4 heard that in both groups.
5 **Q. (BY MR. TAUNTON:) How often would you**
6 **say you --**
7 A. It's a minority. A loud minority.
8 **Q. To the best of your knowledge, could**
9 **those individuals register to vote if they wanted**
10 **to?**
11 MR. ROSBOROUGH: I object to the form.
12 A. To the best of my knowledge, those
13 individuals, the conversation didn't get that far.
14 **Q. (BY MR. TAUNTON:) But you're not aware**
15 **of any reason they couldn't register?**
16 MR. ROSBOROUGH: Object to the form.
17 A. I'm not aware.
18 **Q. (BY MR. TAUNTON:) So we've talked about**
19 **registration. Now I'll ask you this. Does**
20 **Greater Birmingham Ministries encourage its**
21 **members to vote?**
22 A. Correct.
23 **Q. And describe briefly what Greater**

Page 106

1 **Birmingham Ministries does to encourage its**
2 **members to vote?**
3 A. In emails, text messages, social media,
4 print, we encourage our members to vote preceding
5 each upcoming election or primary, whichever one
6 you choose. We have an ongoing series of -- we
7 call it expenses.
8 For major elections, we have what's
9 called a GBM Election Guide, which has -- in
10 general elections, candidates for both parties, we
11 ask all the candidates to do brief biographical
12 notes, where they're from and stuff, and maybe
13 three bullet things, the key issues. And most of
14 it's focussed on the job descriptions for each
15 office -- not the candidates -- as well as the
16 voting schedule for in-person, absentee, you know,
17 such. If you have a disability, it's where you
18 can get assistance, and also links to the
19 Secretary of State's Office if you have any
20 questions you need to address.
21 **Q. Is Ms. Williams involved with all of that**
22 **programming?**
23 A. Yes.

Page 107

1 **Q. So she would be in a position to describe**
2 **that programming to me?**
3 A. The election guide? Yes.
4 **Q. Would she be in a position to describe to**
5 **me all the ways in which Greater Birmingham**
6 **Ministries encourages its members to vote?**
7 A. Yes.
8 **Q. To your knowledge, do Greater Birmingham**
9 **Ministries donors or clients vote in elections?**
10 MR. ROSBOROUGH: Object to the form.
11 A. To my knowledge, donors and clients and
12 members vote, yes.
13 **Q. (BY MR. TAUNTON:) Do you have any sense**
14 **of what percentage of donors and clients vote in**
15 **elections?**
16 A. No --
17 MR. ROSBOROUGH: Object to the form.
18 THE WITNESS: You aborted me, right?
19 "Object."
20 **Q. (BY MR. TAUNTON:) Does Greater**
21 **Birmingham Ministries do anything to track the**
22 **racial demographics of votes that are cast in**
23 **Alabama elections?**

Page 108

1 A. The racial demographics of votes that are
2 cast? Yeah, after every election, big election
3 anyway.
4 **Q. What does it do to track or analyze**
5 **those?**
6 A. Just look at news analysis and also
7 Google or other statistical resources.
8 **Q. Does it save that in any way, memorialize**
9 **that in any way?**
10 A. It doesn't memorialize it because we have
11 yet to develop a use for 20-, 30-year trends that
12 you can get in a simple report to develop on our
13 own.
14 **Q. Do you have a general sense of whether**
15 **more black Alabamians vote in Alabama elections**
16 **today than did in 1960?**
17 MR. ROSBOROUGH: I object to the form.
18 Go ahead.
19 A. I certainly believe more black Alabamians
20 vote than 1960 and -- by number and by percent.
21 **Q. (BY MR. TAUNTON:) Vote today or vote in**
22 **1960? Which is more?**
23 A. Today.

Page 109

1 Q. Today.

2 A. Versus 1960. We had that question
3 earlier.

4 Q. That was -- I was asking about
5 registration earlier.

6 A. Oh. Now we're voting.

7 Q. Now I'm asking about voting.

8 A. I wasn't there in 1960, so I don't know.

9 Q. Do you have a sense of whether more black
10 Alabamians vote in elections today by
11 percentage -- a higher percentage of black
12 Alabamians vote in elections today than did in
13 1980?

14 A. Today -- you have to define today. If
15 you meant the 1980 presidential election versus
16 2024 -- we haven't had '24 yet, so.

17 Q. Do you have any sense of averages, you
18 know, across multiple elections?

19 MR. ROSBOROUGH: I object to the form.
20 You can answer.

21 A. And the year is '93 versus --

22 Q. (BY MR. TAUNTON:) Well, let's say
23 between, you know, on average, between 1978 and

Page 110

1 1982 versus, you know, 2018 and 2022. Do you have
2 any sense of what that would show?

3 MR. ROSBOROUGH: I object to the form.
4 Go ahead.

5 A. I think it would show a slight, on
6 average -- not average. A slight increase but not
7 much. Especially '78 to '82. Yeah. To this
8 current, last cycle, 2022.

9 Q. (BY MR. TAUNTON:) So in the fourth
10 amended Milligan complaint, paragraph 153 suggests
11 there are "significant racial disparities in voter
12 turnout and voter registration rates remain" in
13 Alabama.

14 MR. ROSBOROUGH: Michael, that's -- I
15 think you said fourth amended Milligan complaint.
16 There is no fourth amended Milligan complaint.

17 MR. TAUNTON: That is correct. I did say
18 that, and I apologize for that. Let me restart
19 that question.

20 Q. In the fourth amended Stone complaint --

21 A. Uh-huh.

22 Q. -- paragraph 153 states that there are
23 "significant racial disparities in voter turnout

Page 111

1 and voter registration rates remain" in Alabama.

2 What to your knowledge would be the basis for
3 stating that?

4 MR. ROSBOROUGH: Object to the form.

5 A. No significant increase in voter turnout?

6 The objective theme for us to say that was,

7 particularly in legislative races, the way the

8 legislature is currently gerrymandered, it dilutes

9 African American votes to the extent that it's

10 hard to be heard. For instance, if African

11 Americans had a significant leveraging voice or

12 dominant voice, a major voice in two districts

13 side by side, and they are packed into one of

14 those, they have a very loud voice in one district

15 and no voice in the other district, which meant

16 when they could have had voices you had to listen

17 to in two districts.

18 Q. (BY MR. TAUNTON:) Has GBM done any kind
19 of a -- does GBM do anything to track voter
20 registration or voter turnout rates?

21 MR. ROSBOROUGH: I object to the form.

22 A. No. We don't need to track them

23 independently because other agencies do that.

Page 112

1 Q. (BY MR. TAUNTON:) Okay. Are you aware
2 of any GBM donors or clients who are registered to
3 vote but have not voted in recent elections?

4 MR. ROSBOROUGH: Object to the form.

5 A. No. The only way to determine that from

6 our clients is, "Have you voted in recent

7 elections?" And we prefer to ask the question,

8 "Are you registered to vote?"

9 Q. (BY MR. TAUNTON:) Are you aware of any
10 black Alabamians who are registered to vote but
11 have not voted in recent elections?

12 MR. ROSBOROUGH: I object to the form.

13 A. I can't name any, but I've come across

14 some including -- yeah. Including my next-door
15 neighbor.

16 Q. (BY MR. TAUNTON:) Do you know why he
17 didn't vote?

18 A. He's one of those that believes his vote

19 doesn't count.

20 Q. And did he articulate to you why he
21 believes his vote doesn't count?

22 A. I've had several --

23 Q. Did he articulate -- let me ask this.

Page 113

1 A. Yeah.
2 **Q. Did he articulate any reasons other than**
3 **the reasons we discussed earlier?**
4 A. No.
5 **Q. Okay.**
6 A. No.
7 MR. ROSBOROUGH: Michael, maybe in the
8 next like 10 minutes or so, if there's a good
9 breaking point.
10 MR. TAUNTON: Sure. Sure. Yeah, let me
11 just ask a couple more questions.
12 MR. ROSBOROUGH: Sure.
13 **Q. (BY MR. TAUNTON:) What efforts has**
14 **Greater Birmingham Ministries undertaken to assess**
15 **who among its clients or donors are hindered from**
16 **participating in the political process?**
17 A. We have not completed a project we meant
18 to do. When we interview our clients, we ask if
19 they're registered to vote. If not, why.
20 Anything that they need to be registered. Like we
21 do food distribution twice a month. We have not
22 questioned donors. We are doing a -- well, it's
23 not been done yet -- a survey, an email survey of

Page 114

1 our clients and other members to make sure --
2 that's not about registering to vote though.
3 That's about improving our services. Yeah.
4 **Q. What legal impediments hinder the**
5 **political participation -- let me back up.**
6 **Other than for individuals who have been**
7 **convicted of a crime of moral turpitude -- so**
8 **let's set that aside -- what legal impediments**
9 **keep Greater Birmingham Ministries's clients or**
10 **donors from fully participating in the political**
11 **process?**
12 MR. ROSBOROUGH: I object to the form.
13 A. One of the problems with the voter ID law
14 was the state-provided IDs, free IDs, weren't
15 easily accessible to people even in rural
16 Jefferson County and poor people who lack
17 transportation. Of course, the big epidemic was
18 when the Department of Motor Vehicles just shut
19 down issuing it for a while. But that's back up.
20 Oh --
21 **Q. (BY MR. TAUNTON:) Are you --**
22 A. -- and driver's licenses. Driver's
23 licenses. I'm sorry. There are people who have

Page 115

1 no need to drive. So the state-issued ID was the
2 alternative. Nondriver's license. That was a
3 burden to overcome.
4 **Q. Other than -- I'll come back to that in a**
5 **second.**
6 **Other than voter identification, are**
7 **there any other legal impediments that you would**
8 **point to that hinder people from participating in**
9 **the political process?**
10 MR. ROSBOROUGH: Object to the form.
11 A. I can't think of any legal ones other
12 than identification and the felon/moral turpitude
13 conditions.
14 **Q. (BY MR. TAUNTON:) Did Greater Birmingham**
15 **Ministries sue the State of Alabama over its voter**
16 **ID law?**
17 A. Yes.
18 **Q. What was the outcome of that case?**
19 A. My recollection, we lost the case but the
20 state agreed to do better. Or talk to the public
21 about doing better.
22 **Q. Does Greater Birmingham Ministries have**
23 **programs aimed at helping people get**

Page 116

1 **identification for voting?**
2 A. We have had. And it was funded by a
3 founder -- founder -- a foundation, and the
4 founder has stopped funding it. It's very
5 expensive.
6 **Q. Was Ms. Williams involved in that**
7 **program?**
8 A. Yes. Yes.
9 **Q. Would she be in a position to answer**
10 **questions about that program?**
11 A. Yes.
12 **Q. You mentioned the Department of Motor**
13 **Vehicles shutting down. Was that during COVID or**
14 **are you referring to something else?**
15 A. Earlier than COVID. It was around the
16 voter ID period.
17 **Q. What year was that, do you recall?**
18 A. I really can't.
19 **Q. Is it open today?**
20 A. Is it open? Yes, yes.
21 **Q. Can a driver's license be renewed online?**
22 A. I've heard it could be, yeah.
23 **Q. I did it last week.**

Page 117

1 A. My wife did. I mean hers. No, she did
2 hers online. I went down there like a fool.
3 **Q. I'm not standing in that line.**
4 A. I don't trust it.
5 MR. TAUNTON: We can take a break here.
6 (Recess.)
7 **Q. All right. Mr. Douglas, I think we're in**
8 **the home stretch roughly here.**
9 **So have you ever run for office?**
10 A. Have I ever run for office?
11 **Q. Have you ever run for office?**
12 A. Yes.
13 **Q. What office have you run for?**
14 A. Two. U.S. Congress and mayor of
15 Birmingham.
16 **Q. When did you run for congress?**
17 A. 1972.
18 **Q. Were you in Tennessee at that time?**
19 A. Yes.
20 **Q. Did you run as a Democrat?**
21 A. Independent.
22 **Q. Independent. Who did you run against in**
23 **the general election, do you recall?**

Page 118

1 A. Congressman Richard Fulton.
2 **Q. What was the result of that campaign?**
3 A. He won handily. But he congratulated my
4 run.
5 **Q. You said you ran for mayor of Birmingham?**
6 A. Yes.
7 **Q. When did you run for mayor of Birmingham?**
8 A. 2009.
9 **Q. And did you run in the primary election?**
10 A. It's a nonpartisan race.
11 **Q. Okay.**
12 A. Mayor's race. All the municipal races
13 are nonpartisan in Birmingham.
14 **Q. Who else ran in that race?**
15 A. William Bell. He won. Me. I can't
16 remember anybody else. I mean, there was no close
17 second.
18 **Q. And you said that was a nonpartisan race?**
19 A. Nonpartisan race, yes. It was an
20 emergency -- it was a special election.
21 **Q. Uh-huh.**
22 A. Because then, the current mayor had been
23 convicted. And the election was called within

Page 119

1 30-something days, 45 days.
2 **Q. The current mayor at that time was Larry**
3 **Langford?**
4 A. Yes.
5 **Q. What was your campaign platform for**
6 **mayor?**
7 A. Green jobs. Green schools. Green
8 communities.
9 **Q. And you were able to qualify as a**
10 **candidate?**
11 A. Yes.
12 **Q. Did you have any issues with that?**
13 A. Did I have issues to qualify? No,
14 they're very easy.
15 **Q. Are you aware of any GBM donors or**
16 **clients attempting to run for office?**
17 MR. ROSBOROUGH: Object to the form.
18 A. I'm not aware.
19 **Q. (BY MR. TAUNTON:) Not aware. Are you**
20 **aware of any GBM staffers or board members**
21 **attempting to run for office?**
22 A. You mean currently? I mean, attempting
23 to run means like now.

Page 120

1 **Q. Well, I'm sorry. I said -- maybe I said**
2 **attempting. So let me reask both questions.**
3 **Are you aware of any GBM donors or**
4 **clients who have run for office?**
5 A. No.
6 **Q. Are you aware of any GBM -- other than**
7 **yourself --**
8 A. Uh-huh.
9 **Q. -- are you aware of any GBM staffers who**
10 **have run for office?**
11 A. A former staffer ran for office years
12 ago.
13 **Q. Who was that?**
14 A. State Senator Merika Coleman.
15 **Q. And did she run for state senate?**
16 A. Yes.
17 **Q. In what district, do you recall?**
18 A. District 57.
19 **Q. When was that?**
20 A. That's a good question. Around 2006
21 maybe.
22 **Q. Do you recall if she had any issues**
23 **qualifying to run?**

Page 121

1 MR. ROSBOROUGH: Object to the form.
2 A. I don't recall because staff and board
3 are not allowed to be engaged. She took time off.
4 Not allowed to be engaged in any kind of way with
5 a campaign. Same way when I ran for mayor.
6 Persona non grata.
7 **Q. Was her campaign successful?**
8 A. Yes.
9 **Q. What party did she run with?**
10 A. She ran Democratic party.
11 **Q. Did she run after 2006, any other time**
12 **after 2006?**
13 A. Well, after she won, she quit her job.
14 But she got another job.
15 **Q. Yeah.**
16 A. Several jobs since then. But yeah.
17 **Q. Do you know whether she ran then? For**
18 **state senate again?**
19 A. Yes, until recently. Well, yes. Yeah,
20 she did run. I forgot -- when was the last state
21 senate race? 2023, I guess. Yeah, yeah.
22 **Q. So was she successful?**
23 A. Yes.

Page 122

1 **Q. On several occasions?**
2 A. Yes.
3 **Q. Do you recall at all what party she ran**
4 **with?**
5 A. Still Democratic party.
6 **Q. Are you aware of any GBM board members**
7 **who have run for office?**
8 A. No.
9 **Q. Are you aware of any other GBM staffers**
10 **who have run for office?**
11 A. No.
12 **Q. Have you had any communications since**
13 **January 1st, 2016, with any GBM clients who said**
14 **they wanted to be more politically engaged but**
15 **believed they couldn't be because they couldn't**
16 **engage with the Democratic party in Alabama?**
17 MR. ROSBOROUGH: Object to the form.
18 A. No.
19 **Q. (BY MR. TAUNTON:) Have you had any**
20 **communications since January 1st of 2016 with any**
21 **donors to GBM who have said they wanted to be more**
22 **politically engaged but couldn't be because they**
23 **couldn't engage with the Democratic party in**

Page 123

1 **Alabama?**
2 MR. ROSBOROUGH: Object to the form.
3 A. No.
4 **Q. (BY MR. TAUNTON:) I'll repeat the whole**
5 **question again but going to ask roughly the same**
6 **thing for the Republican party.**
7 Have you had any communication since
8 January 1st, 2016, with any GBM clients who said
9 they wanted to be more politically engaged but
10 couldn't be because they couldn't engage with the
11 Democratic party in Alabama?
12 MR. ROSBOROUGH: Object to the form.
13 A. No.
14 **Q. (BY MR. TAUNTON:) Have you had any**
15 **communications with anyone since January 1st of**
16 **2016 with any donors to GBM who said they wanted**
17 **to be more politically engaged but couldn't be**
18 **because they couldn't engage with the Republican**
19 **party in Alabama?**
20 MR. ROSBOROUGH: I object to the form.
21 A. No.
22 **Q. (BY MR. TAUNTON:) How about the same**
23 **question for staff regarding the Democratic party**

Page 124

1 **in Alabama?**
2 MR. ROSBOROUGH: Same objection.
3 **Q. (BY MR. TAUNTON:) Have you had any**
4 **communications where they said they couldn't be**
5 **involved; that --**
6 A. No.
7 **Q. How about with staff for the Republican**
8 **party in Alabama?**
9 A. No.
10 MR. ROSBOROUGH: Same objection.
11 **Q. (BY MR. TAUNTON:) Do you know whether it**
12 **is true that in Alabama today, the black preferred**
13 **candidate is usually a Democrat?**
14 MR. ROSBOROUGH: I object to the form.
15 A. Yeah, today -- today. Not always but
16 today recently, yes.
17 **Q. (BY MR. TAUNTON:) Has that been true for**
18 **the last 10 years?**
19 A. The last 10 years? Yes. Last 20 years,
20 no.
21 **Q. Is the black preferred candidate usually**
22 **a Democrat in the United States nationally today?**
23 MR. ROSBOROUGH: Object to the form.

Page 125

1 A. I wouldn't know.
2 **Q. (BY MR. TAUNTON:) You don't know. Okay.**
3 **Do you have any idea -- well, you've run**
4 **for office yourself. Do you have any idea what it**
5 **takes to run a competitive campaign?**
6 MR. ROSBOROUGH: I object to the form.
7 A. Yes.
8 **Q. (BY MR. TAUNTON:) Does it take a solid**
9 **candidate?**
10 MR. ROSBOROUGH: I object to the form.
11 A. Define solid.
12 **Q. (BY MR. TAUNTON:) Would prior political**
13 **experience help?**
14 A. Yes and no.
15 **Q. How not?**
16 A. If there's great angst with the
17 incumbents, the idea is a fresh candidate who is
18 not bought off or is more accountable to the
19 voters gets -- is an appeal.
20 **Q. Would the prior political knowledge**
21 **typically help a candidate run a campaign?**
22 A. Yes.
23 MR. ROSBOROUGH: Object to the form.

Page 126

1 **Q. (BY MR. TAUNTON:) But you're saying that**
2 **from a public perception standpoint, sometimes**
3 **incumbents aren't favored?**
4 MR. ROSBOROUGH: I object to the form.
5 A. That's correct.
6 MR. ROSBOROUGH: I'm sorry. Can you
7 clarify are these questions to Mr. Douglas in his
8 individual capacity or to Greater Birmingham
9 Ministries? Just so the record is clear.
10 THE WITNESS: Okay, yeah.
11 **Q. (BY MR. TAUNTON:) You do have some**
12 **personal knowledge on this, so that's an**
13 **interesting question.**
14 **Does Greater Birmingham Ministries have**
15 **any knowledge of what it takes to run a**
16 **competitive campaign?**
17 A. No.
18 **Q. Speaking personally, does a competitive**
19 **campaign often require funding?**
20 MR. ROSBOROUGH: Objection.
21 You can answer.
22 A. Yes.
23 **Q. (BY MR. TAUNTON:) Would it be helpful to**

Page 127

1 **engage in canvassing?**
2 MR. ROSBOROUGH: Objection.
3 You can answer.
4 A. Yes.
5 **Q. (BY MR. TAUNTON:) Door to door**
6 **campaigning? Would that be helpful?**
7 MR. ROSBOROUGH: Objection.
8 A. Yes.
9 **Q. (BY MR. TAUNTON:) Speaking engagements,**
10 **attending speaking engagements, would that help?**
11 MR. ROSBOROUGH: Objection.
12 A. Yes, based on the audience.
13 **Q. (BY MR. TAUNTON:) Taking out print ads,**
14 **would that be helpful?**
15 MR. ROSBOROUGH: Objection.
16 A. Yes.
17 **Q. (BY MR. TAUNTON:) Media ads, would that**
18 **be helpful?**
19 MR. ROSBOROUGH: Objection.
20 A. Yes.
21 **Q. (BY MR. TAUNTON:) Social media ads,**
22 **would that be helpful?**
23 MR. ROSBOROUGH: Objection.

Page 128

1 A. Yes.
2 **Q. (BY MR. TAUNTON:) In general, to run --**
3 **well, let me back up.**
4 **If we assume a contested election, in**
5 **general, to run a competitive campaign, does a**
6 **person have to do more than announce their**
7 **candidacy and qualify for an election to be**
8 **competitive?**
9 MR. ROSBOROUGH: I object to the form.
10 A. Mostly, yes.
11 **Q. (BY MR. TAUNTON:) Would the failure to**
12 **do some of the things we just talked about make a**
13 **candidate less competitive?**
14 MR. ROSBOROUGH: I object.
15 A. It would most candidates.
16 **Q. (BY MR. TAUNTON:) Have you ever seen**
17 **examples in this state of people running paper**
18 **campaigns: announcing their candidacy, qualifying**
19 **for the election, but then doing very little else?**
20 MR. ROSBOROUGH: Objection.
21 A. But then doing?
22 **Q. (BY MR. TAUNTON:) Very little additional**
23 **campaigning?**

Page 129

1 A. Not to my knowledge.
2 **Q. You've never seen that?**
3 A. No. Because I didn't know they were
4 running if they do that.
5 **Q. Speaking personally, have you ever had**
6 **the experience of seeing somebody's name on a**
7 **ballot that you didn't realize was running?**
8 MR. ROSBOROUGH: Objection.
9 A. Yes.
10 **Q. (BY MR. TAUNTON:) Do you try to remain**
11 **politically informed?**
12 MR. ROSBOROUGH: Objection.
13 A. Yes.
14 **Q. (BY MR. TAUNTON:) Do you know whether**
15 **Greater Birmingham Ministries -- well, Greater**
16 **Birmingham Ministries produces voting guides for a**
17 **number of elections; is that right?**
18 A. That is correct.
19 **Q. Has Greater Birmingham Ministries ever**
20 **had the experience in putting those voting guides**
21 **together of discovering candidates were running**
22 **that they had not previously realized were**
23 **running?**

Page 130

1 MR. ROSBOROUGH: Objection.
2 A. Yes. We always refer to the Secretary of
3 State's Office.
4 **Q. (BY MR. TAUNTON:) Do you occasionally**
5 **find candidates running in elections that you**
6 **previously had no knowledge of?**
7 MR. ROSBOROUGH: Objection.
8 A. Yes, particularly the state legislature,
9 less so for local, Jefferson County area.
10 **Q. (BY MR. TAUNTON:) Do you find that one**
11 **party in this state has more instances of that**
12 **than another party?**
13 MR. ROSBOROUGH: Objection. And I'm also
14 just going to say I think this is outside the
15 scope of topics on the list here. I'm not
16 instructing him not to answer, but I think we're
17 outside the scope here.
18 MR. TAUNTON: I'm asking about, you know,
19 in putting together those voter guides. So that's
20 for us to discuss, but --
21 A. Yes. Our voting guides list is based on
22 the Secretary of State and once the qualifying
23 deadline's over. The candidates part.

Page 131

1 **Q. We've talked a little bit about Greater**
2 **Birmingham Ministries's decision to get involved**
3 **in the Stone lawsuit. Let me ask you this**
4 **specifically. Before getting involved in the**
5 **Stone lawsuit, without revealing communication**
6 **with counsel, what concerned Greater Birmingham**
7 **Ministries about the districts in Huntsville area?**
8 MR. ROSBOROUGH: Objection.
9 You can answer.
10 A. What concerned Greater Birmingham
11 Ministries about the districts in the Huntsville
12 area is that it too is represented in the entire
13 state legislature. And the results coming out of
14 Huntsville accrue to the legislature in some
15 proportion. That's what got our interest.
16 **Q. (BY MR. TAUNTON:) Was there anything**
17 **about the district lines that concerned you?**
18 MR. ROSBOROUGH: Objection.
19 A. What concerned us about the district
20 lines the way they were drawn under the last
21 redistricting was that it packed African Americans
22 into one and it could have been two black
23 preference districts if they had not been packed

Page 132

1 into one. Or there could have been one black
2 preference district. Sorry.
3 **Q. (BY MR. TAUNTON:) Do you understand that**
4 **new districts were drawn after the 2010 census?**
5 A. I do.
6 **Q. Were you involved in any way in the**
7 **Alabama Legislative Black Caucus case following**
8 **the 2010 census?**
9 A. No.
10 **Q. Do you know that as a result of that**
11 **case, certain districts were redrawn in 2017,**
12 **certain senate districts?**
13 A. I do. Yes.
14 **Q. Do you know how the -- let me do this.**
15 **(Defendants' Exhibit 7 was marked**
16 **for identification and copy of**
17 **same is attached hereto.)**
18 **Q. Have you seen what I have marked as**
19 **Defendants' Exhibit 7 before?**
20 A. I'm not certain this particular one.
21 **Q. Do you know what this is?**
22 A. This is a map -- I don't understand what
23 the percentages represent -- of districts. This

Page 133

1 is a county map.
2 **Q. This -- I'll go ahead -- I'll go ahead**
3 **and --**
4 A. Oh, it's the districts overlaying the
5 counties. Yeah.
6 **Q. And this is the state senate districts**
7 **overlaying the counties?**
8 A. Yes.
9 **Q. And I'll tell you it's not really going**
10 **to be hugely relevant to any of my questions, I**
11 **don't think. But the percentages --**
12 A. With my eyesight, it's not even visible.
13 **Q. The percentages refer to differences in**
14 **population.**
15 A. Oh, okay. I guess some kind of mean or
16 something? Yeah.
17 **Q. Why are districts redrawn after each**
18 **decennial census?**
19 MR. ROSBOROUGH: Object to the form.
20 A. It's required by the U.S. Constitution.
21 **Q. (BY MR. TAUNTON:) And what specifically**
22 **in the constitution requires it, do you know?**
23 A. For the purposes of redistricting.

Page 134

1 **Q. What is the goal of reapportionment after**
2 **the decennial census?**
3 A. Reapportionment after the decennial
4 census is important to account for population
5 variances since the previous census.
6 **Q. So is one of the goals then to ensure**
7 **that all legislative districts are of roughly**
8 **equal population?**
9 MR. ROSBOROUGH: Objection.
10 A. Yes, that's one of the goals.
11 **Q. (BY MR. TAUNTON:) And do you know what**
12 **the census showed about population changes in**
13 **Huntsville area to the prior legislative**
14 **districts?**
15 MR. ROSBOROUGH: Objection.
16 A. I do not know in granular detail. I
17 didn't look at that. I looked at the other
18 information.
19 **Q. (BY MR. TAUNTON:) So do you know which**
20 **districts in the Huntsville area had the most**
21 **population after the census?**
22 A. Which districts?
23 **Q. Yes, sir.**

Page 135

1 MR. ROSBOROUGH: Objection.
2 A. No. I don't know if it was Senate
3 District 2 or something else.
4 **Q. (BY MR. TAUNTON:) Do you know which ones**
5 **had the least -- in Huntsville area, which**
6 **districts had the least population?**
7 A. No, I do not.
8 **Q. Do you understand that if a district**
9 **had -- do you know what the ideal population of a**
10 **district is?**
11 MR. ROSBOROUGH: Objection.
12 A. I forgot the last number based on the
13 last census. It changes every census.
14 **Q. (BY MR. TAUNTON:) So without knowing a**
15 **specific number, do you know what it means -- what**
16 **the ideal population, what that means, what that**
17 **concept is?**
18 A. Yes.
19 **Q. What is that concept generally?**
20 A. It generally means numerically equal
21 representation among all the districts.
22 **Q. So if a district is too far above the**
23 **ideal population, does it have to lose people out**

Page 136

1 **of its district?**
2 MR. ROSBOROUGH: Objection.
3 A. Yes. If a -- yeah. Yes.
4 **Q. (BY MR. TAUNTON:) And if it's too far**
5 **below, does it need to gain people into its**
6 **district?**
7 A. Yes.
8 **Q. Okay. Do you know how, looking back at**
9 **Defendants' Exhibit 7, do you know how these lines**
10 **differ from the map in 2017, senate district map**
11 **in 2017?**
12 A. I don't recall with detail.
13 **Q. Okay. Before joining this lawsuit and**
14 **determining to become a plaintiff, what concerned**
15 **you about District 25?**
16 MR. ROSBOROUGH: Object to the form.
17 A. Before coming to this lawsuit, what
18 concerned me about District 25 is its relationship
19 to District 26.
20 **Q. (BY MR. TAUNTON:) And what specifically**
21 **about that concerned you?**
22 A. In the latest redistricting, African
23 Americans were packed into District 25 or maybe

Page 137

1 vice versa, and whites were moved to the other
2 district. To get equal numbers. They did it by
3 packing African Americans and moving out whites to
4 the other district.

5 **Q. Do you know how Defendants' Exhibit 7,**
6 **this plan, differs from the 2017 plan?**

7 A. No, I don't recall specifically.

8 **Q. Do you know what districts or precincts**
9 **were moved between the two?**

10 MR. ROSBOROUGH: Objection.

11 A. The information that I saw talked more
12 about numbers and racial demographics.

13 **Q. (BY MR. TAUNTON:) When did you see that?**

14 A. Soon after this -- not the '17. Soon
15 after this map came out or a variation of this
16 map. From the senate.

17 **Q. Without disclosing to me anything you**
18 **discussed with counsel, how did you come to see**
19 **that?**

20 A. How did I come to see that?

21 **Q. Yeah.**

22 A. A -- the map was released very late in
23 the process. And I became aware of it through

Page 138

1 either the media or some of the groups studying
2 the issue.

3 **Q. Do you know why it was released late in**
4 **the process?**

5 A. I have no idea.

6 **Q. Do you know when the legislature received**
7 **census data?**

8 A. I knew it was later than usual, but --
9 but, yeah. It was very late getting it out.

10 **Q. You said earlier that you thought the**
11 **black preferred candidate in Alabama 20 years ago**
12 **may not have been a Democrat?**

13 A. Twenty years ago, yes.

14 **Q. Why do you think that's changed in the**
15 **last 20 years?**

16 MR. ROSBOROUGH: Object to the form.

17 A. I believe that has changed in the last 20
18 to 25 years because the Republican candidates who
19 could be preferred by African Americans never win
20 the primaries anymore. And the ones who do win
21 the primaries are definitely not preferred
22 candidates for African Americans.

23 **Q. (BY MR. TAUNTON:) So you think the type**

Page 139

1 **of Republican candidate who won primaries 20 years**
2 **ago could have been preferred by black Alabamians?**

3 A. I know in Jefferson County, for instance,
4 a lot of African Americans voted for John Buchanan
5 for congress. Some considered voting for him as a
6 Whig when he couldn't run as a Republican because
7 of his stand over the Civil Rights Act of 1964 and
8 other civil rights issues that concerned African
9 Americans.

10 **Q. Can you think of other examples?**

11 MR. ROSBOROUGH: Object to the form.

12 You can answer.

13 A. Yes. In Jefferson County, there have
14 been some split black support for Republican
15 county commissioners in Jefferson County. Maybe
16 even a sheriff or two. Yeah.

17 **Q. (BY MR. TAUNTON:) Can you think of who**
18 **those commissioners might have been?**

19 A. It's hard because I don't know when they
20 switched from Democrat to Republican. I couldn't
21 nail that down. But, yeah.

22 **Q. Did the candidates switch?**

23 A. Yeah.

Page 140

1 **Q. Okay. Do you know which candidates**
2 **switched?**

3 A. Bettye Fine Collins in particular. Not
4 as much on a county level as on a legislative
5 level, whole bunch of switching going on.

6 **Q. Have you ever seen the reapportionment**
7 **committee's 2021 guidelines for the 2020**
8 **redistricting cycle? Have you ever seen that**
9 **document?**

10 A. I have seen it, but I can't recall it
11 specifically.

12 **Q. Did you examine it in any detail?**

13 A. In some detail. More casually.

14 **Q. What criteria do you think should be**
15 **considered when drawing districts?**

16 MR. ROSBOROUGH: Object to the form.

17 A. Other than, of course, the mandated parts
18 about close -- equality between districts.
19 Because of, I believe, the Voting Rights Act,
20 districts cannot be drawn to diminish African
21 Americans' participation in lines as drawn using
22 non-approved methods of moving them out of the
23 district or non-approved reasons for moving them

Page 141

1 out of the district. Or into a district.

2 **Q. Do you think that if an additional**
3 **minority district can be drawn it needs to be**
4 **drawn?**

5 A. I do.

6 MR. ROSBOROUGH: Object to the form.

7 **Q. (BY MR. TAUNTON:) What was your answer?**
8 **I'm sorry.**

9 A. I'm sorry. I do.

10 **Q. What other criteria would you consider**
11 **when drawing districts?**

12 MR. ROSBOROUGH: Object to the form.

13 A. Other criteria other than numeric
14 equality and a racial composition that's
15 nondiscriminatory? All I understand too is they
16 prefer to keep counties intact as possible and
17 also to be contiguous as possible.

18 **Q. (BY MR. TAUNTON:) What would you**
19 **consider a racial makeup of a district that is**
20 **nondiscriminatory? Do you have a general sense**
21 **for that?**

22 MR. ROSBOROUGH: I object to the form.

23 A. What I think is the nondiscriminatory

Page 142

1 nature of a racial population of a district is
2 more dependent on how it was achieved and why it
3 was achieved and what purpose is it going to
4 serve.

5 **Q. (BY MR. TAUNTON:) So explain to me a**
6 **little bit about that. When you say how it was**
7 **achieved, what would that mean?**

8 A. If it could be determined that it could
9 be a black preferred candidate preferred district
10 in one variation or even perhaps other variations
11 but it is not as a result because of moving whites
12 in or African Americans out or vice versa, that's
13 what I mean by how it is achieved from the
14 previous districts as a comparison.

15 **Q. Do you know if race was considered when**
16 **drawing the legislative map sitting in front of**
17 **you, Defendants' Exhibit 7?**

18 MR. ROSBOROUGH: Object to the form.

19 A. I understand the drawers did consider it.

20 **Q. (BY MR. TAUNTON:) The drawers? I'm**
21 **sorry.**

22 A. I'm sorry. The mapmaker -- the senate.
23 The senate, yes.

Page 143

1 **Q. The senate did consider it?**

2 A. Yes.

3 **Q. Would your opinion of that and any other**
4 **districts change if you discovered that the senate**
5 **had not considered race when drawing the maps?**

6 MR. ROSBOROUGH: Object to the form.

7 A. I understand knowing the Alabama Senate
8 majority, they said they didn't consider race.
9 Doesn't mean they didn't.

10 **Q. (BY MR. TAUNTON:) Do you understand**
11 **whether -- well, okay. So explain that to me.**
12 **How do you think that the senate would have**
13 **considered race?**

14 MR. ROSBOROUGH: Objection to the form.

15 A. In Alabama's history, it has been part of
16 all the redistricting efforts in Alabama history
17 to consider race.

18 **Q. (BY MR. TAUNTON:) Do you know whether**
19 **the mapmaker looked at race when drawing the map**
20 **sitting in front of you?**

21 MR. ROSBOROUGH: Object to the form.

22 A. I don't know the mapmaker. I just know
23 the senate.

Page 144

1 **Q. (BY MR. TAUNTON:) Do you know the**
2 **process, the legislative process that resulted in**
3 **this map being drawn?**

4 MR. ROSBOROUGH: Object to the form.

5 A. All I know is that the senate is
6 responsible for the senate map. The house is
7 responsible for the legislative map. They had
8 several public hearings, all but one of them
9 between daily work hours for most working people.
10 So there was less input than there would have been
11 from the public.

12 **Q. (BY MR. TAUNTON:) Do you know the racial**
13 **makeup of the city of Huntsville and surrounding**
14 **counties?**

15 MR. ROSBOROUGH: I object to the form.

16 A. All I know is the city of Huntsville is
17 now the largest city in the state by recent
18 developments. That's it.

19 **Q. (BY MR. TAUNTON:) Do you know the racial**
20 **makeup of Montgomery and the surrounding counties?**

21 MR. ROSBOROUGH: Object to the form.

22 A. I know that percentagewise, Montgomery
23 has a larger number of African Americans than

Page 145

1 Huntsville metro area does.
2 **Q. (BY MR. TAUNTON:) Do you know what the**
3 **racial makeup of the senate districts in the 2017**
4 **map was?**
5 A. I can't recall.
6 **Q. What do you want the court to do in the**
7 **Stone lawsuit?**
8 A. In the Stone lawsuit, I want the state
9 to -- the court, rather. I want the court to
10 cause the establishment of a black preferred
11 candidate district in the Huntsville area and two
12 black preferred districts in the -- additional
13 black candidate districts in the Montgomery area.
14 **Q. Is there anything else you want the court**
15 **to do?**
16 A. Probably. If they do that, it will take
17 care of most of my concerns.
18 **Q. What do you want the court to do in the**
19 **Milligan lawsuit?**
20 A. Under my understanding, the Milligan
21 lawsuit is kind of like under an injunction. And
22 I'd like the court to make it permanent.
23 **Q. All right. I want to circle back real**

Page 146

1 **quick on Defendants' Exhibit 4 and 5. I want to**
2 **be sure that I fully understood your testimony**
3 **earlier.**
4 If you could take a look again at
5 Defendants' Exhibit 4. Is it your testimony that
6 this exhibit, Defendants' Exhibit 4, is the
7 current version of Greater Birmingham Ministries's
8 bylaws?
9 A. Yes.
10 **Q. Do you believe that -- well, let me ask**
11 **this. Could Defendants' Exhibit 5 have been**
12 **drafted at a later time after November of 2015?**
13 MR. ROSBOROUGH: You said Exhibit 5?
14 MR. TAUNTON: Yes.
15 A. No.
16 **Q. No?**
17 A. Not after.
18 **Q. Could it have been -- well --**
19 A. You say is it drafted after?
20 **Q. Yes, sir.**
21 A. No.
22 **Q. Could it have been a draft that was**
23 **considered by the board of directors but then**

Page 147

1 **rejected in favor of a different amendment?**
2 A. The intent was Exhibit 5. The red came
3 in later.
4 **Q. Can you think of any reason that the red**
5 **language in Defendants' Exhibit 5 would not be**
6 **reflected in Defendants' Exhibit 4?**
7 A. The key is -- I cannot explain in this
8 examination. The key is that in the complete copy
9 of the bylaws, there is no previous mention of
10 individual members until this bylaws change.
11 There was no such thing as individual members in
12 our bylaws period before November '15. Before
13 being adopted in November '15.
14 **Q. And again, is it your understanding that**
15 **the highlighted language in Defendants' Exhibit 4**
16 **is language that was adopted by amendment in 2015?**
17 A. Correct.
18 **Q. Okay. Other than that highlighted**
19 **language, are you aware of any other amendment**
20 **that was adopted to these bylaws in November of**
21 **2015?**
22 A. No. I suggest that the highlighting was
23 added in response to the request for the whole

Page 148

1 thing, for the whole amendments. Yeah. But no.
2 **Q. If you take a look at Defendants'**
3 **Exhibit 5, up at the top it says relevant GBM**
4 **bylaws information. Do you see that?**
5 A. Yes.
6 **Q. Do you know what the word relevant means?**
7 A. Relevant to membership. It's really got
8 two titles.
9 **Q. Is there any version of Greater**
10 **Birmingham Ministries's bylaws that is more**
11 **current or restated or any things other than this**
12 **document?**
13 A. There's no more current. No amendments
14 after that.
15 **Q. Do you know when Defendants' Exhibit 5**
16 **was created, this document?**
17 A. December -- Exhibit 5 was created after
18 several months of discussions. Our work group
19 meets once a month. So it has to be at least two
20 board meetings. So going back to early fall, late
21 summer.
22 **Q. And you're talking about back in 2015?**
23 A. 2015, yes.

Page 149

1 Q. So you don't think Defendants' Exhibit 5
2 could have been created more recently?
3 A. Oh, no. No, no.
4 Q. And I'll just be very honest. I just
5 can't make these two documents talk to each other.
6 That's what I can't figure out. Maybe your
7 counsel can make them talk to each other, but I
8 can't make them talk to each other.
9 I'll ask you again. You think minutes
10 might have been kept from the meeting in November
11 of 2015?
12 A. I'm quite sure minutes were kept and they
13 were being recorded -- I'm trying to -- I don't
14 know if they started doing electronically since --
15 at that time.
16 MR. TAUNTON: Can we take a five-minute
17 break? I think I'm wrapping up. I just want to
18 make sure.
19 MR. ROSBOROUGH: Okay.
20 (Recess.)
21 Q. (BY MR. TAUNTON:) Mr. Douglas, did you
22 pay any attention to what happened in the Alabama
23 legislature after the Supreme Court upheld the

Page 150

1 district court's injunction of the congressional
2 map?
3 A. Repeat the question. Did I pay any
4 attention?
5 Q. Let me break it down.
6 A. Okay.
7 Q. In the Milligan lawsuit, is it your
8 understanding that the district court enjoined the
9 legislature's congressional district map?
10 A. Correct. My understanding.
11 Q. And is it your understanding that went up
12 to the Supreme Court and the Supreme Court upheld
13 that injunction?
14 A. Yes.
15 Q. Okay. Is it your understanding that
16 after that, the legislature had an opportunity to
17 draw a new district?
18 A. Yes.
19 Q. Okay. Did you pay any attention to that
20 process?
21 A. Yes.
22 Q. Did you participate in any public
23 hearings related to that process?

Page 151

1 A. No.
2 Q. Did you attend any hearings related to
3 that process?
4 A. Yes.
5 Q. Which hearings did you attend?
6 A. I can't name the hearings. They were the
7 hearings that were held at the federal courthouse
8 several days.
9 Q. Before the hearings held at the federal
10 courthouse, did you attend any of the public
11 hearings in Montgomery with the legislature?
12 A. No.
13 Q. Did you follow the process in Montgomery
14 with the legislature?
15 A. Yes.
16 Q. Did you provide any input to the
17 legislature as part of that process?
18 A. On congressional districts? Yes.
19 MR. ROSBOROUGH: Object to the form.
20 Q. (BY MR. TAUNTON:) Yes. Yes, sir.
21 MR. ROSBOROUGH: Are you asking him in
22 his personal capacity or as GBM?
23 Q. (BY MR. TAUNTON:) Did Greater Birmingham

Page 152

1 Ministries provide any input to the legislature?
2 Other than through counsel or as part of
3 this lawsuit, did Greater Birmingham Ministries
4 provide any input to the legislature as part of
5 that process?
6 A. In two ways, no direct conversations with
7 legislators, but we did participate in a couple of
8 press conferences including in Montgomery.
9 Q. And was that before or after the
10 legislature had adopted maps?
11 A. That's before.
12 Q. Okay. Did anybody from Greater
13 Birmingham Ministries speak, though, at any
14 hearing to the legislature or anything like that?
15 A. Not in any hearing.
16 Q. Okay. You said one press conference was
17 held in Montgomery?
18 A. At least one.
19 Q. Was there more than one?
20 A. They were not close together. But the
21 largest one, which is closer to the time they
22 adopted one, is the one I attended, yeah.
23 Q. Sitting here today, is there anything you

Page 153

1 intend to testify about at trial that I've not
2 asked you about?

3 MR. ROSBOROUGH: I object to the extent
4 that it calls for anything dealing with
5 conversations with counsel.

6 To the extent you can answer that
7 question without revealing conversations, you may
8 answer.

9 Q. (BY MR. TAUNTON:) Don't tell me that.
10 But your intent, do you intend to testify?

11 A. Do I intend to testify when?

12 Q. I'm sorry. Without revealing
13 conversations with counsel, do you intend to
14 testify to anything at a trial in the Stone matter
15 that I have not asked you about today?

16 MR. ROSBOROUGH: Objection.

17 A. I don't know.

18 Q. (BY MR. TAUNTON:) Sitting here today,
19 can you think of anything?

20 A. I can't -- I can think of several things.
21 I don't know how realistic they are.

22 Q. What would those things be?

23 A. Why would we care? As a Birmingham-based

Page 154

1 organization with members across the state, why
2 would we care?

3 Q. Well, so tell me that. Why does Greater
4 Birmingham Ministries care about districts drawn
5 in Huntsville and Montgomery?

6 A. Those are districts that have -- that
7 send people to the state legislature. The state
8 legislature impacts the entire state. Equity or
9 fairness in redistricting impacts the entire
10 state, not just the -- it's beneficial to the
11 people in the district. It also impacts the
12 policies of the entire state.

13 Q. Other than that, is there anything else
14 you sitting here today would intend to testify to
15 at trial that we have not discussed?

16 A. Not that I can think of.

17 Q. Okay. How about in the Milligan case?
18 Sitting here today, is there anything in the
19 Milligan case that you would intend to testify to
20 at trial that we have not discussed?

21 MR. ROSBOROUGH: Objection.

22 A. Not that I can think of.

23 Q. (BY MR. TAUNTON:) Before we close, is

Page 155

1 there anything sitting here today that you feel
2 like has been unclear, that you feel like you need
3 to correct about the testimony you've given?

4 A. No.

5 Q. Is there anything you think I should have
6 asked you that I didn't?

7 A. Heaven forbid. No.

8 MR. TAUNTON: I don't have any additional
9 questions.

10 MR. ROSBOROUGH: Okay. Misty, do you
11 have anything?

12 MS. MESSICK: I'm sorry. I didn't hear
13 what he just said. Did you ask if I have any
14 questions?

15 MR. ROSBOROUGH: Yeah, I'm sorry. Do you
16 have any questions?

17 MS. MESSICK: I do not.

18 MR. ROSBOROUGH: Okay. Thank you.

19 I have just like a minute worth of
20 questions probably.

21 MR. TAUNTON: Understood. Okay.

22 EXAMINATION

23 BY MR. ROSBOROUGH:

Page 156

1 Q. Mr. Douglas, you recall being shown
2 Exhibit 5?

3 A. Yes.

4 Q. Can you pull that up.

5 A. Yes.

6 Q. Regardless of when precisely this was
7 enacted, do you have an understanding of whether
8 Exhibit 5 currently reflects the membership
9 policies of Greater Birmingham Ministries?

10 A. Yes.

11 Q. And what is that understanding?

12 A. This is our operating understanding.

13 Q. Okay.

14 Switching gears, do you recall being
15 asked couple of questions about Merika Coleman?

16 A. Yes.

17 Q. And do you recall whether those questions
18 concerned her running for and winning election to
19 House District 57 and then to a senate district?

20 A. Yes.

21 Q. Are you aware if House District 57 in
22 which she won election was a majority black
23 district?

Page 157

1 A. Yes.
2 **Q. And is it?**
3 A. It is today.
4 **Q. And do you have any awareness of whether**
5 **it was when she ran?**
6 A. Yes.
7 **Q. And what's your awareness?**
8 A. It was.
9 **Q. And same question as to the senate**
10 **district in which Senator Coleman won election.**
11 **Do you have any awareness of its demographics?**
12 A. Yes.
13 **Q. And what is your awareness?**
14 A. My awareness is predominantly African
15 American district, senate district.
16 MR. ROSBOROUGH: I have no further
17 questions.
18 MR. TAUNTON: Couple of follow-up. And
19 I'm not exactly sure. I mean, we'll see where we
20 go with this.
21 FURTHER EXAMINATION
22 BY MR. TAUNTON:
23 **Q. I have understood your testimony to be --**

Page 158

1 so please correct me if I'm wrong -- that
2 **Defendants' Exhibit 4 is Greater Birmingham**
3 **Ministries's current version of the bylaws.**
4 A. That's my understanding, yes.
5 **Q. You stated that Defendants' Exhibit 5**
6 **reflects Greater Birmingham Ministries's operating**
7 **understanding of its membership; is that right?**
8 A. That's correct.
9 **Q. What do you mean by operating**
10 **understanding?**
11 A. I mean by operating understanding that
12 the -- our basic operating procedure is that, as I
13 mentioned earlier, that individual members are
14 non-governing and that it's open to the public and
15 that it requires an annual amount -- low amount,
16 really -- and these -- and the numbers we gave for
17 our membership reflects this operation -- being in
18 operation.
19 **Q. Is it possible that Defendants' Exhibit 5**
20 **has not in fact been formally adopted by Greater**
21 **Birmingham Ministries?**
22 A. It is -- I remember the vote. It has
23 been formally adopted.

Page 159

1 **Q. Can you explain to me why Defendants'**
2 **Exhibit 5 would not be reflected anywhere in**
3 **Defendants' Exhibit 4?**
4 A. No.
5 MR. TAUNTON: I guess that's all I've
6 got.
7 MR. ROSBOROUGH: Okay. Nothing further
8 from me.
9 MS. MESSICK: Wait. I'm sorry.
10 Technology problems.
11 MR. ROSBOROUGH: Oh. We're all done
12 questioning here, Misty.
13 MS. MESSICK: Okay, well, I have a
14 question because I couldn't understand everything
15 that Michael just said.
16 EXAMINATION
17 BY MS. MESSICK:
18 **Q. Mr. Douglas, did you say that Exhibit 5**
19 **was formally adopted by the GBM board of**
20 **directors?**
21 A. Yes.
22 MS. MESSICK: Okay. Thank you.
23 MR. TAUNTON: Nothing further.

Page 160

1 MR. ROSBOROUGH: Okay.
2 (The deposition was concluded at
3 5:22 p.m.)
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Page 161

C E R T I F I C A T E

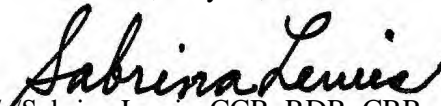
STATE OF ALABAMA
AT LARGE

I hereby certify that the above and foregoing deposition of SCOTT DOUGLAS was taken down by me in stenotype and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witness upon said hearing.

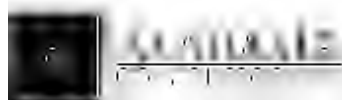
I further certify that I am neither of counsel, nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

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.

So certified on this date, May 15, 2024.


/s/ Sabrina Lewis, CCR, RDR, CRR
CCR #165, Expires 9/30/24
Commissioner for the State of
Alabama at Large
My commission expires 5/8/27

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5th 57:21 58:5,8,12,20
 61:19

6

6 63:11,15

60 94:22

63 8:19

64 16:12

69 16:13 19:16

7

7 132:15,19 136:9 137:5
 142:17

71 19:16

73 19:16

74 17:4,6

75 17:4

76 17:6,13

78 110:7

79 54:9

8

82 18:9 110:7

85 18:9

89 17:13

9

9/30/24 161:21

91 41:14 42:2

92 37:14

93 101:20 109:21

A

aborted 107:18

absentee 106:16

accept 88:3

accepted 37:20

access 35:2

accessible 114:15

account 134:4

accountable 125:18

ACCR 161:14

accrue 131:14

accurate 71:7 76:4 79:1
 86:4

accurately 77:8

achieve 34:9 77:11
 81:14 88:15

achieved 142:2,3,7,13

acknowledge 50:9

Act 101:11 139:7 140:19

acting 9:3

action 1:3 161:11

active 55:15

actively 81:17

activities 74:5

added 54:20 58:4 61:9
 147:23

addition 59:21

additional 19:13 54:4
 65:15,19 66:1 73:1 76:21
 92:6 128:22 141:2
 145:12 155:8

address 66:7,14 71:4
 91:3,4,5 106:20

addressing 36:21 68:16
 69:11

adequate 69:23 70:1
 71:18

administer 35:22

administrative 62:3,4,8,
 9

administratively 62:4

adopted 41:8,9 54:7,9
 55:23 57:17 58:21
 147:13,16,20 152:10,22
 158:20,23 159:19

ads 127:13,17,21

advance 71:3

advice 87:23

advocates 84:6

affecting 78:9

affiliate 45:3,9

affiliation 46:17,21
 92:12,14,16,19 93:6

affirmatively 50:9

afford 72:12

affordable 69:20

African 34:19 75:14,15,
 21 77:9 81:2 88:18 89:6
 92:11 96:17 102:6,9
 111:9,10 131:21 136:22
 137:3 138:19,22 139:4,8
 140:20 142:12 144:23
 157:14

Afternoon 31:18

agencies 36:9 68:23
 90:2 111:23

agency 68:15

agree 9:18 12:16,19
 36:16 48:21 51:7

agreed 2:3,13,20 3:6
 9:16 115:20

agreement 50:9

ahead 56:6 87:12 88:5
 100:18 101:8 102:19
 103:16 104:1,8,18
 108:18 110:4 133:2

ahold 86:9

aimed 115:23

Alabama 1:1,22 2:7,10
 4:5 5:21 6:9 7:10,13 9:3,
 4,8 16:14,15,17 33:19,
 21,23 34:8,11 35:3 36:14
 53:8 55:17 64:8 75:14,21
 76:6 77:11 79:5,16 83:6
 85:11 86:9 88:19 89:2,12
 90:2,19 91:10,18 96:9,
 12,17,18 97:13 102:7
 107:23 108:15 110:13
 111:1 115:15 122:16
 123:1,11,19 124:1,8,12
 132:7 138:11 143:7,16
 149:22 161:3,13,22

Alabama's 78:14,16
 95:16 143:15

Alabamians 75:3
 100:12,15 102:1,2,8,17

108:15,19 109:10,12
 112:10 139:2

Allen 1:8 7:3 11:8,11
 21:16,19,21,23

Allen's 8:20 63:22

alliance 71:15

allies 83:17 84:14 85:8,9

allowed 121:3,4

alternative 70:11 115:2

amend 65:14

amended 21:15,22 22:3
 41:10,11,15 57:19,20
 60:13 64:14 110:10,15,
 16,20

amendment 8:18 41:18,
 19 42:1,2,4,7 54:8,18,22,
 23 55:4,6,22 56:18 58:4,
 21 61:2,8,11,14 147:1,
 16,19

amendments 41:21
 60:22 61:18 148:1,13

American 4:9 75:21
 81:2 89:6 102:9 111:9
 157:15

Americans 34:20 75:14,
 16 77:9 88:19 92:11
 96:17 102:7 111:11
 131:21 136:23 137:3
 138:19,22 139:4,9
 142:12 144:23

Americans' 140:21

amount 158:15

amplified 92:10

amplify 75:13 88:18
 96:16

amplitude 76:6

amputation 60:5

analysis 86:15 87:2
 88:12 89:2 108:6

analyze 108:4

ANDREW 5:16

ANDREWS 5:16

angles 81:13

angst 125:16

announce 128:6
announcing 128:18
annual 83:4 158:15
annually 49:6,7
answering 72:19
answers 13:8,9 71:6,7 161:7
anticipating 30:17
anymore 45:22 138:20
anywise 161:11
apartments 74:6
apologize 110:18
appeal 125:19
APPEARING 4:3 5:3,14 6:3 7:3
application 37:20 43:5, 9,13 48:11,13 53:23
applied 37:19 75:5
apply 37:16,18
apprise 94:18
approached 73:8
April 1:14,19 2:10 9:8 23:15 27:9 28:7
area 33:22,23 34:3,15,19 35:7,10 36:10 53:7,12, 15,18,19 62:6 130:9 131:7,12 134:13,20 135:5 145:1,11,13
areas 36:4,18 62:19,22 76:22 77:15,22 97:4
Arise 85:11
arm 69:11
articulate 112:20,23 113:2
asks 64:11
assent 51:5
assertion 64:13 87:17
assess 113:14
assign 3:1
assistance 36:6,7,8 45:1 69:2 106:18

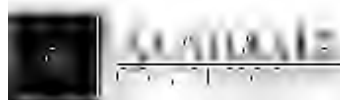
Assistant 7:8
assume 128:4
assuming 22:11
attached 24:4,8 29:19 30:1 40:22 54:13 63:13 132:17
attempting 119:16,21, 22 120:2
attend 151:2,5,10
attended 152:22
attending 71:2 127:10
attention 56:17 149:22 150:4,19
attorney 7:9 27:20 87:16
attorneys 7:8 26:7,8 85:3,9 87:4,13,16,18,22 88:1
audibly 12:20
audience 127:12
August 57:14
Avenue 5:8 7:11
average 81:5 109:23 110:6
averages 109:17
aware 31:1 41:21 100:6 102:16 103:1 105:14,17 112:1,9 119:15,18,19,20 120:3,6,9 122:6,9 137:23 147:19 156:21
awareness 157:4,7,11, 13,14

B

back 10:7 16:13 18:17 19:16 25:22 45:7 46:9 57:10 59:13,16 62:23 91:12 114:5,19 115:4 128:3 136:8 145:23 148:20,22
background 16:5
backing 20:4
bail 67:18
Balch 6:7

ballot 129:7
Ballotpedia 100:19
Baptist 39:18
based 77:6 78:16 127:12 130:21 135:12
basic 158:12
basis 76:3,4 111:2
beds 15:9
began 17:16 18:1 55:2,3 95:16
begin 17:14,22
beginning 65:3
behalf 4:3 5:3,14 6:3 7:3 11:4,21 82:10
believed 77:2 122:15
believes 34:6 35:9 112:18,21
believing 95:19
Bell 118:15
belong 39:22
belonged 15:21
beneficial 154:10
benefit 9:18
Bessemer 70:5
Bettye 140:3
big 83:5 108:2 114:17
billing 26:17,18
BILLINGSLEY 5:15
Bingham 6:7
biographical 106:11
Birmingham 1:22 2:9 4:5 5:21 6:9 8:10,12,14, 16 9:8 11:4,21 16:18,19, 22 17:1,15,17,18,20,23 20:17 34:1,13 35:5,16 36:10 37:2,4,8 38:12,13, 18 40:15,16 41:5 42:9 43:1 45:20,22 46:18 47:1,5,10,17,22 48:7,15 49:8,18 50:4,10,23 51:5, 6,15 52:1,7,17,23 53:5,6, 7,11 56:11,12 57:6,7 58:23 60:10 61:19,23 64:8,12,19,23 65:4,11,14

69:20 70:5,12,18 71:9 72:15 74:8,12 75:19 76:9,20 77:14,20 78:13, 21 79:8,15,16,17 80:3,20 81:5,9,22 82:9,14,20 83:6,9,18,21 84:1,9,18 85:4 88:11 90:6 91:17 93:13,23 95:10 97:15 98:2,7 99:4,18,22 100:3, 7,10 101:19 102:22 105:20 106:1 107:5,8,21 113:14 114:9 115:14,22 117:15 118:5,7,13 126:8, 14 129:15,16,19 131:2,6, 10 146:7 148:10 151:23 152:3,13 154:4 156:9 158:2,6,21
Birmingham's 69:18,19 70:1 73:6
Birmingham-based 153:23
birth 16:6
bishop 39:16
bishops 40:12
bit 40:13 54:3 71:22 73:5 81:21 101:9 131:1 142:6
black 33:18 35:9 65:6 75:3 76:6 96:7 100:12,15 102:1,2,17 108:15,19 109:9,11 112:10 124:12, 21 131:22 132:1,7 138:11 139:2,14 142:9 145:10,12,13 156:22
blacks 35:12
board 35:23 37:17 38:19, 21,23 39:1,2,3,5,7,11,13 40:14,17,18 43:4,7 46:8 52:2,5,9 59:1,2,3,18 82:11 90:21 91:2 94:12, 15,22 95:1 119:20 121:2 122:6 146:23 148:20 159:19 161:13
board's 94:19
BOBBY 5:14
body 40:15,16
bono 26:19 86:11
bookcases 15:9
books 15:10
border 53:9



born 16:8
bottom 47:6 57:11,13
 58:8,13
bought 125:18
box 6:8 7:12 51:11
brain 40:10
break 13:19,22 56:3,5,6
 80:1 117:5 149:17 150:5
breakdown 80:20
breaking 113:9
briefly 12:14 105:23
bring 64:14
broad 4:10 89:3 93:12
broadly 80:1
broke 15:19
brought 56:16
Buchanan 139:4
build 71:16 72:4 93:16
building 59:11 62:12
 63:2
built 72:6
bullet 106:13
bunch 140:5
burden 115:3
Bureau 73:8 83:5
burst 59:5
bus 72:13
business 35:23
By-laws 8:16,18
bylaws 39:15 41:4,6,8,
 14 42:7 43:15 54:5,6,18
 57:17 58:20,21 60:9,10,
 12 61:19 146:8 147:9,10,
 12,20 148:4,10 158:3

C

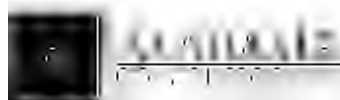
cabinets 59:12,14
Cahaba 71:17
call 18:4 27:13,19,21,23
 36:20 50:15 62:15 72:8
 73:11 74:17 94:15,16

106:7
called 17:9 66:22 67:16
 68:5 71:14 73:14 106:9
 118:23
calls 153:4
campaign 104:21 118:2
 119:5 121:5,7 125:5,21
 126:16,19 128:5
campaigning 127:6
 128:23
campaigns 104:22
 128:18
Campbell-harris 4:8
candidacy 128:7,18
candidate 103:10,22
 119:10 124:13,21 125:9,
 17,21 128:13 138:11
 139:1 142:9 145:11,13
candidates 103:13,18
 106:10,11,15 128:15
 129:21 130:5,23 138:18,
 22 139:22 140:1
canvassing 127:1
cap 40:5
capacity 14:12,13,15
 78:9 86:20 126:8 151:22
card 56:22
care 81:15 145:17
 153:23 154:2,4
carried 93:18
cars 15:7
case 8:11,13,15 10:18
 11:8,11,13,14 12:5,7,10
 14:12 15:12,13,14,16
 20:6,7,9,13 24:21 31:8,9
 115:18,19 132:7,11
 154:17,19
cases 10:21,23 11:15
 95:19

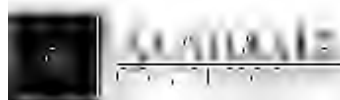
cast 107:22 108:2
CASTER 5:4
casually 140:13
Caucus 132:7
caveat 88:6 97:8

caveats 88:5
CCR 1:19 161:21
census 72:17,19 73:2,3,
 4,8,20 74:10,14,16,21,23
 75:10,22 76:2,4,5,10,20
 77:23 78:4,14,21 79:1,2,
 9,12 82:1,21 83:2,4,8,12,
 15,22 86:8,14 87:1
 88:13,14 91:20 92:6
 132:4,8 133:18 134:2,4,
 5,12,21 135:13 138:7
center 69:21
central 33:21,22
certified 2:6 9:1 161:14,
 16
certify 9:3 161:6,10,13
CHANDLER 4:4
change 36:21 44:14
 45:2,8 46:17 62:20 63:4
 69:8,10,16 70:15 79:21
 80:14,16 90:8,20 103:11
 143:4 147:10
changed 46:20 138:14,
 17
charge 99:15
check 47:14 49:19 50:3
 51:11
checkbox 50:17 51:9
checking 51:14
Childs 1:20 2:8 9:6
choices 60:1
choose 39:11,14,17,19
 40:3,4,8 81:10 84:19
 85:4 106:6
choosing 96:21
CHRIS 6:4
Christian 42:5,6,10
Christmas 69:5
church 39:18,19 43:19
churches 39:22 40:2,7
churches' 43:21
circle 53:4 145:23
citizenship 83:11,14

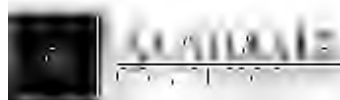
city 53:6 65:5 69:21 70:5
 144:13,16,17
civic 34:6,7 68:4,8 94:15,
 16 104:11
civil 1:3 4:9 9:4 139:7,8
claims 15:16 33:15,16
 64:14
clarify 30:10 83:3 87:21
 126:7
clear 32:11 47:20 126:9
clever 73:21
clients 80:6 97:18 98:3
 107:9,11,14 112:2,6
 113:15,18 114:1,9
 119:16 120:4 122:13
 123:8
close 118:16 140:18
 152:20 154:23
closer 152:21
closest 50:16
clothing 36:8 69:1
Club 37:18
co-plaintiffs 94:5
coalition 18:10
Coleman 120:14 156:15
 157:10
collaboration 36:12,17
collectively 40:8
College 82:6,8
Collins 140:3
color 69:14
commencing 1:20 2:10
 9:9
commission 161:23
Commissioner 3:8 9:3
 161:22
commissioners
 139:15,18
committee 17:10 18:5,7,
 14 37:16 38:1 59:3 62:4,
 5,9,10,11,12,13 94:18
committee's 140:7
committees 61:22 62:1,



<p>3,8,10,17,21</p> <p>common 87:8,14</p> <p>commonly 103:4</p> <p>communicating 82:23</p> <p>communication 123:7 131:5</p> <p>communications 122:12,20 123:15 124:4</p> <p>communities 36:15 39:16 43:10 55:15 67:7 68:22 119:8</p> <p>community 36:11 44:13 62:19 63:5 66:23 67:2,4 70:11 71:16 79:21 80:9, 12 93:16</p> <p>Compare 101:22</p> <p>comparison 101:13 142:14</p> <p>competitive 125:5 126:16,18 128:5,8,13</p> <p>complained 15:7</p> <p>complaint 21:11,13,16, 18,22 22:8 33:10,15 64:15 110:10,15,16,20</p> <p>complaints 29:20</p> <p>complete 147:8</p> <p>completed 113:17</p> <p>completely 63:9</p> <p>compliance 2:16</p> <p>complicated 71:1</p> <p>composition 141:14</p> <p>computer-aided 161:8</p> <p>concentric 53:4</p> <p>concept 135:17,19</p> <p>concerned 131:6,10,17, 19 136:14,18,21 139:8 156:18</p> <p>concerns 145:17</p> <p>concluded 160:2</p> <p>conditions 115:13</p> <p>conduct 80:10,15 91:1</p> <p>conducted 80:13</p>	<p>conference 4:6 64:8 152:16</p> <p>conferences 152:8</p> <p>congratulated 118:3</p> <p>congregation 42:22</p> <p>congregations 39:4,18 42:16 43:10,22 55:9 67:7 69:7</p> <p>congress 85:20 96:19 117:14,16 139:5</p> <p>congressional 96:8 150:1,9 151:18</p> <p>Congressman 118:1</p> <p>connection 36:19</p> <p>consent 65:16</p> <p>conservations 87:23</p> <p>considered 55:10 139:5 140:15 142:15 143:5,13 146:23</p> <p>constant 69:3</p> <p>constituent 67:6</p> <p>constitution 79:6 133:20,22</p> <p>construction 71:19</p> <p>contact 53:23 99:11</p> <p>content 12:6</p> <p>contested 128:4</p> <p>context 78:7</p> <p>contiguous 141:17</p> <p>continued 5:1 6:1 7:1 90:22</p> <p>continuously 20:22</p> <p>contribute 49:4,7</p> <p>contributed 49:20 52:16</p> <p>contribution 48:10,22, 23</p> <p>contributions 45:6</p> <p>contributor 50:1</p> <p>controversy 71:20,22</p> <p>conversation 46:14 85:16 87:3 88:9 105:13</p>	<p>conversational 12:15</p> <p>conversations 84:22 85:2,13,22 87:7,22 94:4, 5 152:6 153:5,7,13</p> <p>convicted 114:7 118:23</p> <p>Cooper 69:22</p> <p>copies 30:1</p> <p>copy 24:7 30:4 40:21 54:12 63:12 132:16 147:8</p> <p>core 18:9 44:16</p> <p>corner 57:13 58:9,13</p> <p>correct 10:18,19 20:21 21:1 32:13 35:18 41:20 48:5 50:14 54:21 57:9, 15,22 58:6,15 64:10 65:8,18 90:9 93:4,20 98:5 99:17 101:21 102:15 105:22 110:17 126:5 129:18 147:17 150:10 155:3 158:1,8 161:8</p> <p>correlating 60:16</p> <p>counsel 2:5,22,23 9:6 22:12,23 23:2,4,8,13 24:3,18,20,21 25:13,19 26:19 27:7 28:13,16 31:12,17 84:23 88:10 94:4,6 97:11 131:6 137:18 149:7 152:2 153:5,13 161:11</p> <p>count 53:11,14 73:11 74:2 83:23 103:5,6 104:6 112:19,21</p> <p>counted 73:23 75:4 83:11</p> <p>counties 80:7 133:5,7 141:16 144:14,20</p> <p>country 83:23</p> <p>county 65:6 66:5,17 70:4 71:13 76:16 80:4,5 114:16 130:9 133:1 139:3,13,15 140:4</p> <p>couple 26:16 59:23 76:17 82:12 90:5 113:11 152:7 156:15 157:18</p> <p>courses 19:13 20:2</p> <p>court 1:1 2:6,17 9:1,12</p>	<p>15:14 46:10 145:6,9,14, 18,22 149:23 150:8,12 161:13,14</p> <p>court's 150:1</p> <p>courthouse 151:7,10</p> <p>courts 70:5,6</p> <p>cover 31:6</p> <p>covered 93:11</p> <p>COVID 74:5 116:13,15</p> <p>cracked 75:17</p> <p>create 76:21</p> <p>created 18:10 96:11,16 148:16,17 149:2</p> <p>creating 96:7</p> <p>creative 73:10</p> <p>crime 114:7</p> <p>criteria 140:14 141:10, 13</p> <p>cross 71:17</p> <p>CRR 161:21</p> <p>culturally 55:18</p> <p>current 35:15 60:10,12 79:2 86:9 110:8 118:22 119:2 146:7 148:11,13 158:3</p> <p>cycle 110:8 140:8</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>daily 144:9</p> <p>DARRYL 5:16</p> <p>data 54:1 76:10,20 77:3, 23 78:22 79:1,2 86:8,14 87:1 88:13,14 138:7</p> <p>date 16:6 32:22 161:16</p> <p>Davin 4:7 24:23 26:2 27:15 29:3 30:5 31:22</p> <p>Davis 7:7</p> <p>day 37:19 69:5</p> <p>daycares 73:23</p> <p>days 59:23 119:1 151:8</p> <p>Dayton 4:8 29:3 31:22</p>
---	--	---	--



<p>DC 5:9</p> <p>dcampbell-harris@aclu.org 4:14</p> <p>de 67:22</p> <p>de-idolizes 67:22</p> <p>deadline's 130:23</p> <p>dealing 153:4</p> <p>dealt 67:18</p> <p>decades 89:3,12</p> <p>December 16:7 148:17</p> <p>decennial 74:16 133:18 134:2,3</p> <p>decent 90:3</p> <p>decide 93:23</p> <p>decided 85:6</p> <p>decision 94:9,10,11,12, 13 95:23 131:2</p> <p>dedicated 59:22</p> <p>defendant 7:3 8:20 9:19 63:22</p> <p>Defendants 1:9 6:3</p> <p>defendants' 24:3,6 29:22 30:3 40:20 54:11, 15 58:13 60:9,14,17,18 61:4,5,15 63:11,15 132:15,19 136:9 137:5 142:17 146:1,5,6,11 147:5,6,15 148:2,15 149:1 158:2,5,19 159:1,3</p> <p>defense 78:16</p> <p>define 98:15 109:14 125:11</p> <p>defined 55:11</p> <p>degree 19:22 99:8,21</p> <p>Democrat 117:20 124:13,22 138:12 139:20</p> <p>democratic 92:7 121:10 122:5,16,23 123:11,23</p> <p>demographic 80:20</p> <p>demographics 107:22 108:1 137:12 157:11</p> <p>denied 34:14,20,23 35:1</p> <p>denomination 39:10,22</p>	<p>40:1,4,6 42:22 43:23 44:1 45:14 46:22 47:3,9, 23</p> <p>denomination's 46:12</p> <p>denominational 52:14</p> <p>denominations 39:4,9, 15 42:16 45:2,8,15 67:7</p> <p>densely 53:5</p> <p>densest 53:8</p> <p>Department 15:2,3,4,18 114:18 116:12</p> <p>dependent 142:2</p> <p>depends 45:14 81:12</p> <p>deposition 1:11,18 2:5, 14,15 3:3,7 8:10,12,14 10:15,17,20 11:7 14:2,11 20:13 21:8,9,20 22:5,21 23:4,9,14,17,22 24:4 25:9,13,18,20 27:8 28:14 30:21,22 31:2,3,4,8 32:9, 10,13 33:4,5,8 64:1 160:2 161:6</p> <p>depositions 2:18 11:16</p> <p>depository 60:4</p> <p>describe 99:4 105:23 107:1,4</p> <p>describes 42:17</p> <p>descriptions 106:14</p> <p>detail 134:16 136:12 140:12,13</p> <p>determine 95:8 112:5</p> <p>determined 39:8 142:8</p> <p>determining 136:14</p> <p>develop 108:11,12</p> <p>developed 73:13</p> <p>development 72:11</p> <p>developments 144:18</p> <p>dialogue 36:13 44:13</p> <p>Dicello 5:19</p> <p>died 50:1</p> <p>differ 136:10</p> <p>difference 30:13 31:5 32:15 39:21 42:19 56:11,</p>	<p>18 83:3 103:13,18</p> <p>differences 31:2 32:20, 23 133:13</p> <p>differs 137:6</p> <p>difficult 67:20</p> <p>diluted 75:13</p> <p>dilutes 111:8</p> <p>diluting 75:17</p> <p>dilution 75:20</p> <p>diminish 140:20</p> <p>direct 36:5,18 44:12 62:20 63:5,7 68:18,20 79:22 80:5 152:6</p> <p>directed 84:6</p> <p>direction 88:1</p> <p>directions 35:22</p> <p>director 20:19 35:17,20, 21 37:13,14 41:17 90:23 101:19</p> <p>directors 35:23 38:23 40:17,18 43:4,7 52:2 90:21 94:13 146:23 159:20</p> <p>directs 99:8</p> <p>disability 106:17</p> <p>disaffiliation 50:18</p> <p>disagreements 36:15</p> <p>disarray 59:11</p> <p>disclosed 65:17</p> <p>disclosing 137:17</p> <p>discovered 143:4</p> <p>discovering 129:21</p> <p>discovery 8:20 13:15 63:22</p> <p>discuss 130:20</p> <p>discussed 44:18 80:18 93:19 113:3 137:18 154:15,20</p> <p>discussion 44:6,8,9 92:5 93:7</p> <p>discussions 43:11,14 45:5 46:21 47:13 55:2 86:2 91:2 92:15,17,20,</p>	<p>22,23 94:6,22 148:18</p> <p>disparities 110:11,23</p> <p>distinction 56:17</p> <p>distinguish 56:10</p> <p>distribution 79:5 113:21</p> <p>distributions 104:23</p> <p>district 1:1 34:3 35:6,10, 12,13 76:16 79:9 92:7,9 96:8,11,15 111:14,15 120:17,18 131:17,19 132:2 135:3,8,10,22 136:1,6,10,15,18,19,23 137:2,4 140:23 141:1,3, 19 142:1,9 145:11 150:1, 8,9,17 154:11 156:19,21, 23 157:10,15</p> <p>districts 33:18 35:4,11 75:5 76:17,22 77:10 78:1 86:10 111:12,17 131:7, 11,23 132:4,11,12,23 133:4,6,17 134:7,14,20, 22 135:6,21 137:8 140:15,18,20 141:11 142:14 143:4 145:3,12, 13 151:18 154:4,6</p> <p>division 1:2 97:4</p> <p>document 24:10,12 25:11 41:1 42:13 54:16, 17 63:16,17,20,21 140:9 148:12,16</p> <p>documents 22:4,7,10 25:8 26:21 27:2 28:4,8 29:12,16 30:8,19 32:5 33:7,12 63:23 149:5</p> <p>dominant 111:12</p> <p>donor 56:11,19,21 57:6</p> <p>donors 57:3 80:21 81:6 99:19 100:3,6 107:9,11, 14 112:2 113:15,22 114:10 119:15 120:3 122:21 123:16</p> <p>door 15:20 73:12,13 127:5</p> <p>double 63:16</p> <p>Douglas 1:13,18 2:5 8:5 9:9,20 10:1,5,13 56:8 117:7 126:7 149:21 156:1 159:18 161:6</p>
---	--	---	--



draft 31:3 55:2 60:21
 146:22
drafted 54:22,23 146:12,
 19
draw 76:21 77:6 79:3
 150:17
drawers 59:16 142:19,
 20
drawing 140:15 141:11
 142:16 143:5,19
drawn 34:3 35:7,10 78:1
 92:7 131:20 132:4
 140:20,21 141:3,4 144:3
 154:4
drill 71:23
drive 70:23 71:1 115:1
driver's 114:22 116:21
drives 60:7 69:4,5,6
 70:13,20
drosborough@aclu.
org 4:13
duly 10:2 161:13
Dwayne 7:6

E

earlier 97:1 109:3,5
 113:3 116:15 138:10
 146:3 158:13
earliest 86:5,11
early 23:16,18,19 27:9
 28:7 86:2 94:21 148:20
easily 37:11 102:9
 114:15
east 72:5
easy 119:14
Economic 17:10
economics 19:5 20:3
economy 75:6
EDDIE 5:15
editions 36:14
educate 81:18
education 67:18 68:5
 94:15 98:15

effect 2:16
effectively 34:10
Effort 74:17
efforts 75:7 79:12 89:10,
 11,14 90:6 113:13
 143:16
ehare@dicellolevitt.
com 5:23
either/or 44:21
elected 38:2
election 38:3 106:5,9
 107:3 108:2 109:15
 117:23 118:9,20,23
 128:4,7,19 156:18,22
 157:10
elections 106:8,10
 107:9,15,23 108:15
 109:10,12,18 112:3,7,11
 129:17 130:5
electoral 75:17
electronic 60:3,4
electronically 149:14
Eli 5:18
Elias 5:7
eligible 37:19
email 24:5 49:10,13
 50:21 113:23
emails 106:3
emergency 36:6 118:20
emphasized 82:22
employed 16:20,23
 17:3,4,16,19 20:16
employment 21:2,4
empowered 95:7
emptied 59:14
enacted 156:7
encourage 83:1 97:16,
 18 105:20 106:1,4
encourages 98:2 107:6
engage 122:16,23
 123:10,18 127:1
engaged 104:20 121:3,4
 122:14,22 123:9,17

engagement 94:16
engagements 127:9,10
Engineering 19:5,6
enjoined 150:8
ensure 134:6
entail 44:8
entire 16:18 131:12
 154:8,9,12
entrusted 94:17
environmental 71:16
 72:3
epidemic 114:17
equal 134:8 135:20
 137:2
equality 140:18 141:14
Equity 154:8
error 10:10 78:7
escapes 67:14
Esq 4:7,8 5:5,6,18 6:5,6
 7:5,6,7
establishing 69:18
establishment 145:10
estimate 23:21 37:7
 104:15
et al 1:5,8
Evan 4:4 11:1
evening 31:17
event 68:12
events 68:1 74:9,13,23
 80:10,11,15 82:15 91:9
evidence 3:3
evidenced 161:14
examination 8:3 9:10
 10:3 147:8 155:22
 157:21 159:16
examine 140:12
examined 10:2
examples 68:1 69:15
 71:8 128:17 139:10
exceptions 44:2
exchange 70:10

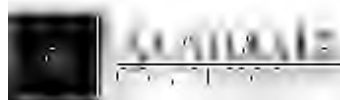
excluded 34:7
Excuse 26:2
execution 58:17
executive 20:19 35:16,
 20,21 37:13,14 38:1
 41:17 59:1,3 90:22 94:18
 101:19
exercise 67:17
exhibit 8:9 24:3,6 30:3,
 10 40:20 41:1 54:3,11,15
 57:12 58:9,14 60:9,15,
 17,19,20,21 61:4,5,11,16
 63:11,15 132:15,19
 136:9 137:5 142:17
 146:1,5,6,11,13 147:2,5,
 6,15 148:3,15,17 149:1
 156:2,8 158:2,5,19
 159:2,3,18
Exhibits 29:22 57:11
exist 75:4 98:23
existed 98:19,20
existing 43:23
expected 49:4
expenses 106:7
expensive 72:1 116:5
experience 40:9 43:12
 125:13 129:6,20
experts 79:3,8
expires 161:21,23
explain 45:12 60:18
 142:5 143:11 147:7
 159:1
expression 103:5
extension 19:13,14,21
extent 9:19 84:22 87:7
 94:3 111:9 153:3,6
eyesight 133:12

F

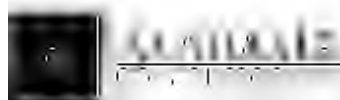
Facebook 48:18
fact 71:23 158:20
facts 64:13
failure 128:11



<p>fair 22:2</p> <p>Fairbanks 7:5</p> <p>fairness 154:9</p> <p>faith 36:11,13,15 39:16 43:9 44:12 62:19 63:5 66:23 67:2,4,6 68:22 79:20 80:9,12</p> <p>fall 90:10 148:20</p> <p>families 36:7 69:1</p> <p>fastest 86:8</p> <p>favor 147:1</p> <p>favor 126:3</p> <p>February 17:17 37:21 59:6</p> <p>federal 15:14 151:7,9</p> <p>feel 96:15 155:1,2</p> <p>feels 14:6</p> <p>fees 70:10</p> <p>felon 12:7</p> <p>felon/moral 115:12</p> <p>felt 95:18</p> <p>fight 89:23</p> <p>figure 53:22 68:17 75:15 149:6</p> <p>figuring 53:20</p> <p>filing 3:7 59:12,14</p> <p>filled 50:17</p> <p>final 58:18</p> <p>Finance 62:9,10,11</p> <p>financial 36:7 44:20 45:1 47:4,6,8,10 48:10, 22,23 49:23 69:2</p> <p>financially 49:20 52:17</p> <p>find 60:6 61:6 95:18 130:5,10</p> <p>Fine 140:3</p> <p>fin 70:10</p> <p>finish 59:6 85:19</p> <p>fired 38:10</p> <p>Firehouse 18:10</p>	<p>Fisher 1:21 2:8 9:7</p> <p>fits 95:3</p> <p>five-minute 149:16</p> <p>fixed 72:8,9</p> <p>flip 58:16 64:17</p> <p>flipping 64:3</p> <p>Floor 4:10</p> <p>floors 59:5</p> <p>focus 36:15</p> <p>focused 80:4,6</p> <p>focussed 106:14</p> <p>folks 104:20</p> <p>follow 45:13 151:13</p> <p>follow-up 56:9 60:15 157:18</p> <p>food 36:7 68:23 69:4,5,6 73:17 104:22 113:21</p> <p>fool 117:2</p> <p>forbid 155:7</p> <p>force 2:16 62:14 66:23 67:3,4 68:18,20 69:9,10, 16 70:16 79:21,22 80:10, 14,16 90:8 105:1</p> <p>forces 62:16 93:19</p> <p>foregoing 9:5 161:6,8</p> <p>forget 33:9</p> <p>forgive 57:23</p> <p>forgiven 70:11</p> <p>forgot 15:18 86:23 95:5 97:2 121:20 135:12</p> <p>form 2:23 14:3 31:13 32:14,17 34:4,16 35:8 38:5 46:19 50:12 51:18 52:3 53:2 55:5 56:14 70:21 75:23 76:12,23 77:17 78:15,23 79:10 83:13 84:4,20 86:1,17 87:6 92:8 94:2 96:13 99:6 100:17 101:7 102:4, 18 103:15,23 104:7,17 105:11,16 107:10,17 108:17 109:19 110:3 111:4,21 112:4,12 114:12 115:10 119:17 121:1 122:17 123:2,12,</p>	<p>20 124:14,23 125:6,10, 23 126:4 128:9 133:19 136:16 138:16 139:11 140:16 141:6,12,22 142:18 143:6,14,21 144:4,15,21 151:19</p> <p>formal 43:13</p> <p>formally 158:20,23 159:19</p> <p>formed 92:10</p> <p>forward 78:6</p> <p>found 161:14</p> <p>foundation 4:9 116:3</p> <p>founder 116:3,4</p> <p>founding 34:9</p> <p>fourth 28:12 64:14 110:9,15,16,20</p> <p>free 36:8 68:23 69:1 114:14</p> <p>freed 90:4</p> <p>frequently 49:18</p> <p>fresh 125:17</p> <p>Friday 28:21</p> <p>friends 37:17</p> <p>front 15:8 142:16 143:20</p> <p>frustrating 47:16</p> <p>full 2:16 34:6,7,9,14,20, 23 35:1</p> <p>fully 114:10 146:2</p> <p>Fulton 118:1</p> <p>functionally 62:21</p> <p>funded 116:2</p> <p>funding 69:23 70:1 116:4 126:19</p> <p>funds 73:23 74:1</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 136:5</p> <p>game 13:6 67:16,19</p> <p>gave 10:17 158:16</p> <p>GBM 8:18 18:9 34:6 35:9,22 36:1,2,3,4 37:3,</p>	<p>15,23 38:22 42:4 43:9,11 44:10,11,16,19,23 45:15 46:7 48:9,19 55:8,9,11 67:11 69:10,11 72:2 73:15 86:18 90:21 98:13 106:9 111:18,19 112:2 119:15,20 120:3,6,9 122:6,9,13,21 123:8,16 148:3 151:22 159:19</p> <p>GBM's 43:3 48:21 59:4 67:5 93:15 94:15,17</p> <p>gears 156:14</p> <p>general 7:8,9 16:5 59:2 80:23 81:1,4 100:2,14,21 101:6,23 102:13 106:10 108:14 117:23 128:2,5 141:20</p> <p>generally 14:22 33:14, 16 38:11 135:19,20</p> <p>geography 20:3</p> <p>gerrymandered 111:8</p> <p>give 12:6 20:13 86:4 89:23</p> <p>glaring 95:18</p> <p>goal 68:12 74:8 83:22 86:15 87:2 95:13,15 96:4 134:1</p> <p>goals 74:13 95:21 134:6, 10</p> <p>Goldfarb 1:21 2:9 9:7</p> <p>good 10:6,7 14:19 23:21 77:3,4 104:12 113:8 120:20</p> <p>goods 69:4</p> <p>google 100:19 108:7</p> <p>governing 40:14,15,16</p> <p>government 68:10 69:22</p> <p>graduate 18:21 19:8</p> <p>granular 134:16</p> <p>grata 121:6</p> <p>great 125:16</p> <p>greater 4:4 8:10,12,14, 16 11:4,21 17:15,16,18, 19,23 20:16 34:1,13 35:5,16 37:1,4,8 38:11, 13,18 40:15,16 41:4 42:8</p>
--	--	---	--



<p>43:1 45:20,22 46:18 47:1,4,10,17,22 48:6,15 49:8,18 50:4,10 51:4,6, 15,23 52:7,17,23 53:10 56:11,12 57:6,7 58:23 60:10 61:18,22 64:7,11, 19,23 65:3,11,13 70:12, 18 71:9 72:15 73:6 74:8, 9,12 75:19 76:8,19 77:13,19 78:12,21 79:7, 14,17 80:3,20 81:5,9,22 82:9,14,20 83:9,18,20 84:1,9,18 85:4 88:11 90:6 91:17 93:13,23 95:10 97:15 98:1,6 99:4, 18,22 100:3,6,10 101:18 102:21 105:20,23 107:5, 8,20 113:14 114:9 115:14,22 126:8,14 129:15,19 131:1,6,10 146:7 148:9 151:23 152:3,12 154:3 156:9 158:2,6,20</p> <p>Green 69:22 119:7</p> <p>groceries 105:3</p> <p>grounds 3:1 62:12 63:2</p> <p>group 5:7 17:9 18:4,6,14 59:3 62:19,20 63:5,6 68:20 90:12,13 148:18</p> <p>groups 44:11 45:4,10 62:16,18 63:3,4 67:10,11 84:14 105:4 138:1</p> <p>guess 72:5 79:23 91:6 121:21 133:15 159:5</p> <p>guide 91:1 106:9 107:3</p> <p>guidelines 140:7</p> <p>guides 129:16,20 130:19,21</p> <p>Gulf 53:9</p> <p>Gutzler 5:19</p> <hr/> <p>H</p> <hr/> <p>H-A-R-R-I-S 66:10</p> <p>half 19:2 89:8</p> <p>halls 96:19</p> <p>hand 12:13 63:14</p> <p>handily 118:3</p>	<p>handled 50:18 90:8</p> <p>Hang 63:10</p> <p>happen 15:5 49:16 103:11</p> <p>happened 60:22 87:23 149:22</p> <p>hard 49:2 59:19 60:16 68:17 73:11 111:10 139:19</p> <p>hardships 73:22</p> <p>Hare 5:18</p> <p>harm 69:13</p> <p>Harris 66:9</p> <p>head 12:21 83:23</p> <p>hear 14:2 31:15 49:23 155:12</p> <p>heard 93:3 105:4 111:10 116:22</p> <p>hearing 82:22 152:14,15 161:9</p> <p>hearings 68:9 71:2,5,9, 13 72:14,18,21,22 73:1,7 81:19,23 82:3 84:11 144:8 150:23 151:2,5,6, 7,9,11</p> <p>Heaven 155:7</p> <p>held 20:22 21:2 151:7,9 152:17</p> <p>helped 73:9 98:8,13 99:5</p> <p>helpful 126:23 127:6,14, 18,22</p> <p>helping 36:9 60:6 88:18 115:23</p> <p>hereto 24:8 30:1 40:22 54:13 63:13 132:17</p> <p>high 19:8</p> <p>higher 46:11 102:1,8 109:11</p> <p>higher-ups 46:9,13</p> <p>highlight 60:20</p> <p>highlighted 42:13 58:3 61:15 147:15,18</p> <p>highlighting 42:12 147:22</p>	<p>hinder 114:4 115:8</p> <p>hindered 113:15</p> <p>hired 37:21,22,23</p> <p>hires 37:23</p> <p>hiring 38:7</p> <p>historically 34:8</p> <p>history 20:3 143:15,16</p> <p>hit 56:3 74:5</p> <p>hmm 89:1</p> <p>hold 20:20</p> <p>home 15:1 117:8</p> <p>homeless 18:11 69:18, 19</p> <p>honest 149:4</p> <p>hope 75:9,11</p> <p>hopes 75:6</p> <p>Hospital 69:22</p> <p>host 70:13</p> <p>hosted 68:2</p> <p>hour 26:15,16 28:3</p> <p>hours 144:9</p> <p>house 15:1 73:16 144:6 156:19,21</p> <p>houses 88:20</p> <p>housing 69:20 74:6</p> <p>hugely 133:10</p> <p>Huntsville 33:22 34:3, 15,19 53:12,18 65:5 76:16 77:21 92:7,20,22, 23 131:7,11,14 134:13, 20 135:5 144:13,16 145:1,11 154:5</p> <p>Huntsville's 93:2</p> <hr/> <p>I</p> <hr/> <p>ID 20:9,10 78:8,14,17 89:17 91:21 114:13 115:1,16 116:16</p> <p>idea 95:2 101:1,2 125:3, 4,17 138:5</p> <p>ideal 135:9,16,23</p>	<p>identical 30:11</p> <p>identification 24:7 29:23 40:21 54:12 63:12 90:19 91:18 115:6,12 116:1 132:16</p> <p>identify 65:6 73:14 76:9 77:9</p> <p>identity 65:16</p> <p>IDS 90:7 91:10 114:14</p> <p>ignores 90:3</p> <p>immediately 18:8 49:10</p> <p>immigrant 84:13</p> <p>immigration 55:16</p> <p>impact 36:23 77:11 95:18</p> <p>impacted 78:8</p> <p>impacts 154:8,9,11</p> <p>impediments 114:4,8 115:7</p> <p>implementing 97:22</p> <p>implied 47:20</p> <p>importance 75:2 82:23</p> <p>important 78:4 79:2 134:4</p> <p>improving 114:3</p> <p>in-house 74:5</p> <p>in-kind 69:4,6</p> <p>in-person 106:16</p> <p>incarcerated 90:4</p> <p>incarceration 102:8</p> <p>included 90:15</p> <p>including 68:10 112:14 152:8</p> <p>income 81:5</p> <p>incorporated 41:5 61:12</p> <p>increase 76:5 88:17,18 110:6 111:5</p> <p>increasing 36:13</p> <p>increasingly 80:16</p> <p>incumbents 125:17 126:3</p>
---	---	--	---



Independent 117:21,22
independently 111:23
INDEX 8:3,9
individual 8:18 39:7,17
 40:1 42:18,20 43:21
 48:3,6,8,12,15,17 50:5
 51:4,23 52:5,6,8,9,20
 53:11,14 54:18 55:12,20
 57:6 65:4,12,20 126:8
 147:10,11 158:13
individually 26:4
individuals 57:2,3 65:9,
 10 99:10 103:7,21
 104:14 105:9,13 114:6
influence 89:7
informal 73:14
information 59:17
 65:15,20 66:1 71:5 86:4,
 7 134:18 137:11 148:4
informed 56:20 89:20
 129:11
informing 95:12
initiated 67:11 85:7
initiatives 79:13
injunction 145:21 150:1,
 13
input 144:10 151:16
 152:1,4
inside 76:6
instance 44:12 45:2,5
 46:5 49:23 69:4 81:16
 111:10 139:3
instances 130:11
instruct 84:21
instructing 130:16
instruction 14:5 70:6
intact 141:16
integrity 78:18
intend 153:1,10,11,13
 154:14,19
intent 147:2 153:10
intentionally 36:22
 69:12

interest 87:8 88:14 96:7
 104:11 131:15
interested 88:11,13
 161:11
interesting 126:13
interests 87:14
interfaith 36:12 44:13
internally 45:21
interpretation 104:9
interrogatories 21:12
 22:6,12 28:8,10 29:17
interrogatory 22:9,14
 64:6,7,11,18 65:1
interview 113:18
invaded 15:2
invoked 87:21
involve 94:4
involved 12:2 14:14
 37:8 72:19 87:13 91:9,
 11,23 92:2 94:10 101:18
 106:21 116:6 124:5
 131:2,4 132:6
involves 84:22
involving 43:14
issue 13:17 14:20,23
 91:4 138:2
issues 12:1 18:16 55:17
 106:13 119:12,13 120:22
 139:8
issuing 114:19
items 15:21
Ive 116:22

J

Jail 70:5
Jake 27:16,17 32:2
James 7:7
January 37:17 74:4
 122:13,20 123:8,15
Jasrasaria 5:5
Jefferson 70:4 71:13
 80:7 82:5,7,16 114:16
 130:9 139:3,13,15

Jews 42:8,9
Jim's 24:4
**jim.davis@alabamaag.
 gov** 7:17
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 5:11
job 16:23 37:16 89:22
 90:23 106:14 121:13,14
jobs 119:7 121:16
John 139:4
join 42:10
joined 84:15
joining 136:13
joint 84:13
jump 81:20
Junior 82:5,8
justice 17:11 36:18
 84:14 93:17
Jyoti 5:5

K

Kate 6:6
key 106:13 147:7,8
KHADIDAH 1:5 4:4
kin 161:11
kind 43:15 49:5 50:8
 67:17,21 74:1 84:10 86:6
 111:18 121:4 133:15
 145:21
knew 73:15 95:1 138:8
knowing 95:19 135:14
 143:7
knowledge 26:11 27:18
 41:16 43:8 51:13 81:7
 98:6,9 105:8,12 107:8,11
 111:2 125:20 126:12,15
 129:1 130:6
Knoxville 16:12

L

lab 70:8

laborers 59:14
lack 68:17 114:16
Lancaster 6:6
Langford 119:3
language 61:4 147:5,15,
 16,19
LAQUISHA 4:3
large 2:8 9:3 55:7 161:4,
 22
largely 90:7 97:21
larger 144:23
largest 144:17 152:21
Larry 119:2
lasted 26:15
late 27:9 28:7 59:6
 137:22 138:3,9 148:20
latest 77:3 98:16 136:22
Latino 81:3
launched 37:15
law 5:7 15:18 78:8,14,17
 114:13 115:16
laws 2:17 78:8
Lawson 82:7
lawsuit 14:14 81:10,12
 84:19 85:5,7,15,23 94:1,
 11 95:14,16 96:1,5,6
 131:3,5 136:13,17 145:7,
 8,19,21 150:7 152:3
lawsuits 96:22
lawyer 14:3,6 27:17
 40:10
lawyers 25:3,4 95:1
lead 77:16
leader 104:12
leaders 46:12 73:15
leading 2:23
League 85:12
learn 67:20
leave 50:19,22 51:1,2
 81:7
leaving 46:6

led 77:13,19
legal 14:4 114:4,8 115:7,11
legislation 81:16
legislative 86:10 88:16 111:7 132:7 134:7,13 140:4 142:16 144:2,7
legislators 81:18 152:7
legislature 34:12 76:7 77:12 85:20 88:15,19,22,23 89:1,3,7 95:17 111:8 130:8 131:13,14 138:6 149:23 150:16 151:11,14,17 152:1,4,10,14 154:7,8
legislature's 150:9
LEONETTE 5:16
level 47:4 68:10 140:4,5
leveraging 111:11
Levitt 5:19
Lewis 1:19 2:6 9:1 161:21
Liberties 4:9
license 115:2 116:21
licensed 161:13
licenses 114:22,23
life 16:11 68:11
limit 39:8
lines 77:6 79:4,9 131:17,20 136:9 140:21
links 106:18
list 65:9,12 89:23 130:15,21
listed 65:10
listen 111:16
litigation 87:9 94:18,23 95:8
live 16:10 65:5 72:12 75:8 77:7
lived 16:11,17,18
living 16:2
LIVINGSTON 6:4

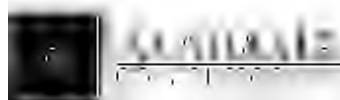
LLC 5:19
LLP 6:7
lobby 81:17
local 130:9
locate 59:20
location 30:15
lock 15:20
long 10:5 16:10 17:12 19:1 26:13 28:2 39:6 42:3 49:15 55:18
long-term 95:3
long-time 50:1
longer 82:13
looked 25:11 42:3 134:17 143:19
lose 135:23
losing 72:21
lost 15:14 104:10 115:19
lot 15:7 55:15 72:10 93:12,22 95:1 139:4
lots 69:6
loud 105:7 111:14
love 36:16
low 101:3 158:15
low-income 36:6 55:15 69:13 75:3 78:9

M

made 2:22 55:1 84:16 94:9,11,12,13,14
Madison 76:16
maintaining 67:5 69:23
major 19:6,7 36:4 106:8 111:12
majority 33:18 81:2 143:8 156:22
make 3:1 48:10 56:17 61:6 73:18 74:21 77:4 78:5 83:3,10 84:8,10 95:23 114:1 128:12 145:22 149:5,7,8,18
Makeba 5:6

makeup 141:19 144:13,20 145:3
mandated 140:17
map 8:21 132:22 133:1 136:10 137:15,16,22 142:16 143:19 144:3,6,7 145:4 150:2,9
mapmaker 142:22 143:19,22
mapmaking 86:12,13
maps 77:4 143:5 152:10
March 23:16,18,19 24:5 27:9 28:7 74:4
MARCUS 5:3
mark 24:2
marked 24:6 29:23 40:20 54:11 63:11,14 132:15,18
marking 30:2 40:23 54:14
marriage 46:21
Massachusetts 5:8
math 102:11
matter 71:23 103:10 104:3,10,13 153:14
maximum 75:4
mayor 117:14 118:5,7,22 119:2,6 121:5
Mayor's 118:12
maze 88:6
Mcclendon 8:21
Mcclure 10:18 11:14
Meaning 103:12,17
means 35:23 119:23 135:15,16,20 148:6 161:7
meant 93:4 97:1 109:15 111:15 113:17
mechanisms 72:4
media 48:19 50:17 51:7 106:3 127:17,21 138:1
medical 13:3
medium 101:3

meet 23:3,8,13 28:16,19 31:12,16
meeting 24:15,16 25:6,9,10,12,16,17 26:1,10,13,21,22,23 27:7,13,14 28:2,5,6,8,13 29:2,7,13 31:19 58:19 59:18 60:22 61:12 149:10
meetings 22:20,23 23:3 29:10 59:1 148:20
meets 148:19
member 8:18 39:5,11 42:20,21,23 43:1,20,22 44:23 47:1,5,11 48:15,19,20 49:1 50:8 51:4,12 55:11 56:12,19,20,21 57:8
members 38:21,22 39:1,2,3,7,13 42:18 43:2 44:20 46:8 48:4,6,8,12 49:4,19 50:6 51:23 52:5,7,8,10,14,15,16,20 53:1,11,14 55:10 65:4,12,16,20 82:11 91:2 94:22 97:16 98:2 99:23 105:21 106:2,4 107:6,12 114:1 119:20 122:6 147:10,11 154:1 158:13
membership 42:8 43:11 47:18,23 48:17 49:8,13 50:5 51:16 54:18 55:12 56:21 148:7 156:8 158:7,17
memberships 55:20
memorialize 108:8,10
men 18:12 69:19
mention 147:9
mentioned 22:6 44:6 48:3 52:21 74:20 81:22 89:16,17 116:12 158:13
Merika 120:14 156:15
Merrill 20:8
mess 40:11
messages 106:3
Messick 7:5 8:7 9:21 155:12,17 159:9,13,17,22
met 25:19 26:3



methods 90:1 140:22
metro 145:1
metropolitan 15:17
 53:7
Mexico 53:9
Michael 6:5 30:9 56:2
 110:14 113:7 159:15
mid-march 23:20,21
 24:13,17 25:18 31:4
middle 53:5
Milligan 4:4 11:1,11,13
 21:19,21 31:8 33:5 96:1,
 5,6,22 110:10,15,16
 145:19,20 150:7 154:17,
 19
mimic 62:18
mind 64:3 72:11 95:21
Mine 90:17
minimizing 35:2
minimum 49:3 77:11
ministries 4:5 8:10,12,
 14,17 11:5,22 17:15,17,
 19,20,23 20:17 34:1,13
 35:5,16 37:2,4,8 38:12,
 14,18 40:15,17 41:5 42:9
 43:1 45:20,22 46:18
 47:1,5,10,17,22 48:7,16
 49:9,19 50:4,20 51:5,15
 52:1,7,17 53:11 56:12,13
 57:6,7 58:23 60:11 61:23
 64:8,12,19 65:4,11,14
 70:12,18 71:10 72:15
 74:9,12 75:20 76:9,20
 77:14,20 78:13 79:8,15,
 17 81:9,23 82:15,20
 83:10,19,21 84:1,10,18
 85:4 88:11 93:23 95:10
 97:15 98:2,7 99:4,18,22
 100:3,7,10 101:19
 102:22 105:20 106:1
 107:6,9,21 113:14
 115:15,22 126:9,14
 129:15,16,19 131:7,11
 152:1,3,13 154:4 156:9
 158:21

Ministries's 50:10 51:6
 52:23 61:19 64:23 78:21
 80:3,21 81:5 82:10 90:6
 91:17 93:13 114:9 131:2
 146:7 148:10 158:3,6

Mink 7:6
minority 76:22 105:7
 141:3
minute 155:19
minute-taker 60:2
minutes 26:16 58:19,22
 59:1,17,20 113:8 149:9,
 12
misdemeanors 70:7
missing 30:15
mission 48:9,21 50:10
 51:6,8
Misty 7:5 9:17 155:10
 159:12
misty.messick@
alabamaag.gov 7:15
Mobile 53:9
moment 58:2
money 51:14 67:18 69:3
Monopoly 67:17
Montgomery 7:13 33:23
 35:7,10 53:15,18 65:5
 66:5,16 76:18 77:22
 92:17,20 144:20,22
 145:13 151:11,13 152:8,
 17 154:5
month 23:15 113:21
 148:19
months 49:17 59:11
 148:18
moral 114:7
morning 80:18 91:13
 97:6
mosques 42:17
Mother's 69:5
motive 78:18
motives 78:17
Motor 114:18 116:12
move 51:21 54:2 63:9
moved 16:22 17:1 59:15
 98:17 137:1,9
moving 16:19 137:3
 140:22,23 142:11

mrutahindurwa@elias.
law 5:12
mtaunton@balch.com
 6:11
multiple 109:18
municipal 118:12
Muslims 42:8,10

N

NAACP 4:6 64:9 85:11
nail 139:21
names 27:15 66:1 89:18
 99:13
narrow 88:8 89:4
Nashville 15:2,3,17,23
 16:1,9,10,11,13 19:9,14,
 21
national 72:17
nationally 124:22
nature 142:1
navigating 67:20
necessarily 97:5
needed 96:11,16
negatively 36:23
neighbor 36:16 112:15
neighborhood 55:10
neighborhoods 55:16
 73:15
neighbors 15:6 73:18
news 108:6
next-door 112:14
nickname 71:14
night 19:14 31:12 33:8,9
nobody's 43:12
nodding 12:21
noise 15:7
non-approved 140:22,
 23
non-attorneys 26:9,12
 27:22

non-governing 158:14
nondiscriminatory
 141:15,20,23
Nondriver's 115:2
nonlawyers 25:5
nonpartisan 118:10,13,
 18,19
nonprofit 38:14 81:17
north 1:22 2:9 5:20 9:8
 33:21 72:4,5
NORTHERN 1:1
Notary 2:7 9:2
notes 106:12
notice 3:7 8:10,12,14
 23:17,22 24:4 25:9 27:3
 31:2,3 32:9,10 33:8 50:2
 58:18
noticed 32:19,22
notices 30:21 31:4,8
 32:13
nourishing 67:5
November 54:8 55:1
 57:20,21 58:5,8,12,20
 59:4 60:23 61:19 146:12
 147:12,13,20 149:10
number 46:23 49:2 55:8
 64:6,7,18 78:3 100:11
 108:20 129:17 135:12,15
 144:23 161:14
numbers 76:4,5 137:2,
 12 158:16
Numbers-wise 101:16
numeric 141:13
numerically 135:20
NW 5:8

O

oath 10:8
obituary 50:2
object 22:13 32:17 34:4,
 16 35:8 38:5 46:19 50:12
 51:18 52:3 53:2 55:5
 56:14 70:21 75:23 76:12,
 23 77:17 78:15,23 79:10



<p>83:13 84:4,20 86:1,17 87:5,6 92:8 94:2 96:13 99:6 100:17 101:7 102:4, 18 103:15,23 104:7,17 105:11,16 107:10,17,19 108:17 109:19 110:3 111:4,21 112:4,12 114:12 115:10 119:17 121:1 122:17 123:2,12, 20 124:14,23 125:6,10, 23 126:4 128:9,14 133:19 136:16 138:16 139:11 140:16 141:6,12, 22 142:18 143:6,21 144:4,15,21 151:19 153:3</p> <p>objection 9:18,19 14:3,4 31:13 78:2 124:2,10 126:20 127:2,7,11,15,19, 23 128:20 129:8,12 130:1,7,13 131:8,18 134:9,15 135:1,11 136:2 137:10 143:14 153:16 154:21</p> <p>objections 2:21 3:1 22:14</p> <p>objective 111:6</p> <p>obscure 13:12</p> <p>obvious 13:7 77:2</p> <p>occasionally 130:4</p> <p>occasions 122:1</p> <p>occupy 37:12</p> <p>offered 3:3 67:10</p> <p>office 7:9 79:16 103:10 106:15,19 117:9,10,11, 13 119:16,21 120:4,10, 11 122:7,10 125:4 130:3</p> <p>offices 79:15,18,19</p> <p>official 33:10</p> <p>ongoing 89:12 106:6</p> <p>online 68:4 70:6 116:21 117:2</p> <p>open 15:20 116:19,20 158:14</p> <p>Opened 15:20</p> <p>operating 156:12 158:6, 9,11,12</p> <p>operation 158:17,18</p>	<p>opinion 143:3</p> <p>opportunities 76:21</p> <p>opportunity 33:18 34:2 35:6,9 56:22 96:7,11,15 150:16</p> <p>opposed 72:3 84:3,5</p> <p>oral 9:10</p> <p>order 63:8 80:8 96:16</p> <p>organization 42:5,10 47:18 48:1 51:17 154:1</p> <p>organizational 42:18, 20,21,23 43:2 44:19,23 52:14,15 93:14,15</p> <p>organizations 43:3 45:11,19 46:17 50:20 86:3</p> <p>organized 38:12 51:16</p> <p>Organizing 17:10</p> <p>orientation 43:16</p> <p>original 21:14 33:10 41:14</p> <p>originally 41:9 54:9 57:17</p> <p>outcome 81:14 115:18</p> <p>outcomes 74:15 77:16</p> <p>overcome 115:3</p> <p>overlying 133:4,7</p> <p>overpopulating 77:10</p> <p>override 52:1</p> <p>overturned 15:9</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P-R-E-S-D-E-L-A-N-E 66:9,13</p> <p>p.m. 1:15,20 2:11 9:9 160:3</p> <p>P.O. 6:8 7:12</p> <p>packed 35:12 75:16 111:13 131:21,23 136:23</p> <p>packing 35:3 75:20 137:3</p> <p>paid 21:5,6 37:1,3</p>	<p>pandemic 45:5,6 67:15</p> <p>Pantazis 1:21 2:8 9:7</p> <p>paper 59:21 128:17</p> <p>paragraph 110:10,22</p> <p>part 13:14 44:18 69:21 70:8 73:2 74:23 83:11, 14,15 84:12 85:15 87:8 91:6 92:5,13,14,16,19, 21,22 93:2,6,16 130:23 143:15 151:17 152:2,4</p> <p>participate 71:11 73:9 81:10 82:3 83:2 95:11 96:1,21 150:22 152:7</p> <p>participated 71:10,12 72:15 81:23 82:9,11,12</p> <p>participating 39:4 40:7 68:9 73:7 95:13,15 96:4 113:16 114:10 115:8</p> <p>participation 34:6,8,10, 14,21,23 35:2 68:6,8 70:19 74:10 104:11 114:5 140:21</p> <p>participatory 67:23</p> <p>parties 2:4 3:1 73:16 106:10 161:11</p> <p>partner 67:10</p> <p>partners 87:8</p> <p>parts 140:17</p> <p>party 92:12,14,16,19 93:6 121:9,10 122:3,5, 16,23 123:6,11,19,23 124:8 130:11,12</p> <p>passed 61:9,15</p> <p>past 71:12 89:10,11</p> <p>pay 72:7 149:22 150:3,19</p> <p>payers 72:7</p> <p>paying 72:10,11</p> <p>pending 13:21 94:23</p> <p>people 20:5,8 46:6 48:8 49:3 50:18 51:14 55:19 65:22 67:20 68:13 69:13 70:3,7 71:3 72:6,7,9,11 73:11 75:3,8 77:7 81:15 83:1,6 89:19 93:16 96:18 98:8,13 104:23 114:15, 16,23 115:8,23 128:17 135:23 136:5 144:9</p>	<p>154:7,11</p> <p>people's 72:20 78:9</p> <p>percent 89:6,8 108:20</p> <p>percentage 100:3,11 101:3,4 102:1 107:14 109:11</p> <p>percentages 132:23 133:11,13</p> <p>percentagewise 101:15,16 144:22</p> <p>perception 126:2</p> <p>period 15:11 77:8 102:7 104:11 116:16 147:12</p> <p>permanent 145:22</p> <p>person 48:14 49:7,12 51:3 97:21 98:4 104:12 128:6</p> <p>Persona 121:6</p> <p>personal 14:12,13,15 126:12 151:22</p> <p>personally 26:4 102:20 126:18 129:5</p> <p>Personnel 62:10,12</p> <p>physics 19:5,6</p> <p>pictures 59:12</p> <p>pieces 43:16 51:7</p> <p>pipes 59:5</p> <p>place 41:6 47:15 85:14 89:5 98:17</p> <p>places 76:9</p> <p>plaintiff 5:3 84:19 85:5,6 94:1,10 96:2 136:14</p> <p>plaintiffs 1:6 4:3 5:14 15:15</p> <p>Plaintiffs' 8:19 63:21</p> <p>plan 8:21 137:6</p> <p>platform 119:5</p> <p>point 14:6 30:7 56:3 113:9 115:8</p> <p>pointing 98:16</p> <p>police 15:2,3,4,6,17</p> <p>policies 36:23 44:14 45:3,9 55:17 69:12 89:5,</p>
---	--	---	--



9,15,17 154:12 156:9
policy 18:4,6 46:7 69:11
 90:1,3 97:22
political 70:19 113:16
 114:5,10 115:9 125:12,
 20
politically 122:14,22
 123:9,17 129:11
polling 98:17
poor 36:23 90:3 96:18
 114:16
popular 67:15
population 75:4 77:15,
 21 79:4 89:6,8 133:14
 134:4,8,12,21 135:6,9,
 16,23 142:1
portion 61:15
position 20:18,19,20,22
 21:5,6 35:15 37:12 38:2
 84:2 99:3 107:1,4 116:9
possibility 88:17
post-census 85:16
post-covid 104:19
post-high 19:10
posters 15:10
poverty 67:16,21,22
power 52:1 68:5 89:3
practice 90:1,3
practicing 74:4
Pre-pandemic 11:20
preceding 106:4
precincts 137:8
precisely 156:6
predominantly 157:14
prefer 112:7 141:16
preference 131:23
 132:2
preferred 124:12,21
 138:11,19,21 139:2
 142:9 145:10,12
preparation 22:5 25:12
 64:1 73:4

prepare 21:7,9,19 22:20
 23:4,9,14 25:17,19 27:8
 28:13 33:3,5 74:17
prepared 65:19 71:10
preparing 71:3
prepping 74:3
Presdelane 66:9
present 24:15 25:23
 26:10,12 29:2,6,9 31:19,
 20,21,22,23 32:1,2,3
 45:15 83:21 87:16,17,18,
 22
presentation 73:19
presidential 109:15
press 64:14 84:11 152:8,
 16
pretty 82:17
previous 134:5 142:14
 147:9
previously 129:22 130:6
primaries 138:20,21
 139:1
primarily 53:1 80:5
primary 18:13 106:5
 118:9
PRINGLE 6:4
print 48:18 106:4 127:13
printed 63:16
prior 3:3 17:19 41:13
 125:12,20 134:13
prison 89:19
privilege 87:15,21
pro 26:19 86:11
problem 68:15,16 83:5
problems 114:13 159:10
procedure 9:5 158:12
proceedings 9:11
process 13:15 38:8
 43:5,9 44:18 48:11,13
 75:10,12 81:11,13
 113:16 114:11 115:9
 137:23 138:4 144:2
 150:20,23 151:3,13,17
 152:5

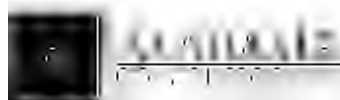
produce 36:23
produces 129:16
program 36:4,12,21
 44:11 48:9 62:6,18,22
 67:12,14 73:20 116:7,10
programming 69:16
 80:4 91:9,17 99:15
 106:22 107:2
programs 36:1,3 37:9,
 11 44:16 67:10 115:23
project 71:14,21 102:15
 113:17
promote 70:19 74:9
proper 53:7
proportion 131:15
proposed 61:12
provide 46:23 47:3,9
 48:22 65:15,19 66:2
 73:17 90:23 151:16
 152:1,4
providing 36:6 68:23
 70:6 91:8
proximate 77:6
PTA 104:12
public 2:7 9:2 44:14
 56:20 68:9 69:11 70:1
 71:2,5,9,13 72:14,18,20,
 21 73:1,7 74:6 81:19,23
 82:3 84:11 115:20 126:2
 144:8,11 150:22 151:10
 158:14
publicize 48:17
pull 72:1 156:4
purpose 55:4,6 93:14,15
 142:3
purposes 12:16 26:17
 133:23
pursuant 1:22 9:4
pursue 93:16
Pushed 15:20
put 13:10 59:12,13,15
 89:5 93:10
putting 129:20 130:19

Q

qualified 68:23
qualify 119:9,13 128:7
qualifying 120:23
 128:18 130:22
quarterly 49:21
question 13:21 14:4,6,7,
 8 23:7 30:18 31:15 34:17
 38:6 42:11 47:21 51:19,
 21 52:4 58:1,11 59:4
 77:18 83:22 84:21 86:23
 87:18 88:8 92:9 98:12
 109:2 110:19 112:7
 120:20 123:5,23 126:13
 150:3 153:7 157:9
 159:14
questioned 113:22
questioning 159:12
questions 2:22,23 9:20
 12:20 13:7,8,13,16 46:7
 54:4 56:9 60:15 68:14
 71:4,6 72:20 82:18 91:13
 97:6 106:20 113:11
 116:10 120:2 126:7
 133:10 155:9,14,16,20
 156:15,17 157:17 161:7
quick 18:17 20:4 56:6
 57:10 62:23 97:3 146:1
quickly 102:10
quit 121:13
quote 78:3

R

race 118:10,12,14,18,19
 121:21 142:15 143:5,8,
 13,17,19
races 111:7 118:12
racial 107:22 108:1
 110:11,23 137:12
 141:14,19 142:1 144:12,
 19 145:3
raise 14:3
raising 69:3
ran 118:5,14 120:11
 121:5,10,17 122:3 157:5

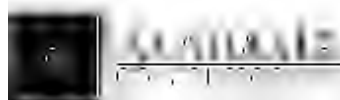


ranges 69:17
ranging 69:17
rate 72:7 102:8
rates 26:19 110:12
 111:1,20
RDR 161:21
reach 43:19 73:11
read 9:15 21:11,12,13,22
 22:9
reading 2:14
ready 56:5
real 14:22 16:5 18:17
 20:4 57:10 62:23 97:3
 145:23
realistic 92:10 153:21
realize 129:7
realized 129:22
realties 77:7
reapportionment
 134:1,3 140:6
reask 120:2
reason 12:23 13:3,19
 39:23 77:2 94:20 103:3
 105:15 147:4
reasonable 95:22
reasons 49:22 72:3
 113:2,3 140:23
recall 11:18,20 12:3,9
 20:12,15 21:14 22:1,11,
 18,19 23:6 24:23 25:7,
 10,14,21,23 26:6,14,15
 27:6,21 28:11,20 29:5,12
 32:4 41:13 72:16,23
 76:14 79:11 82:4,5,19
 83:12,20 84:12,17 86:16
 101:10 116:17 117:23
 120:17,22 121:2 122:3
 136:12 137:7 140:10
 145:5 156:1,14,17
receive 19:22 91:3
received 87:1 138:6
recent 112:3,6,11 144:17
recently 10:17 23:5
 89:19 121:19 124:16
 149:2

Recess 56:7 117:6
 149:20
recollection 27:10
 115:19
record 9:13 10:12 13:10
 32:11 126:9
recorded 149:13
records 98:7,11,18
recruit 43:9
recuse 95:2
red 54:19 60:20 147:2,4
redistricted 95:17
redistricting 74:18,22
 75:2,6,7,10,12 85:17
 88:16 89:10,11,14
 131:21 133:23 136:22
 140:8 143:16 154:9
redrawn 132:11 133:17
reduce 89:6
refer 130:2 133:13
referenced 10:14 11:14,
 15
referencing 89:15
referrals 36:9
referred 42:22
referring 32:8 89:9,11,
 13 116:14
reflect 75:7 76:11 79:4
reflected 61:5 77:23
 147:6 159:2
reflects 156:8 158:6,17
refreshments 73:17
refusing 89:18
register 70:7,9 97:16,19
 98:3,8,13 99:5 102:9
 105:3,9,15
registered 65:6 97:13
 100:4,7,12,15,22 101:14
 102:2,17 103:2,4 105:1
 112:2,8,10 113:19,20
registering 114:2
registration 68:7 70:13,
 20,23 99:16,19,23
 104:22 105:19 109:5

110:12 111:1,20
regular 49:5
rejected 147:1
relate 78:20
related 79:9 81:23 90:19
 91:9,18 92:5 150:23
 151:2
relates 90:7
relating 2:18
relationship 78:13
 136:18
relationships 67:6
release 89:18
released 89:19 137:22
 138:3
releases 84:11
relevance 13:14
relevant 13:16 133:10
 148:3,6,7
reliably 34:10
rely 37:4 79:3
remain 44:22 47:1,5,11
 110:12 111:1 129:10
remember 11:1,17,19
 12:1 14:19 20:2,11 21:13
 27:15 58:1 66:7 71:20
 118:16 158:22
remind 12:14 13:5 20:7
 63:1
reminds 81:21
renewed 38:3 116:21
rent 36:8
renting 15:1
repeat 77:18 123:4 150:3
replaced 60:5
report 108:12
Reporter 2:7 9:2,12
 46:10 161:14
Reporting 161:13
represent 132:23
representation 135:21

representatives 95:21
represented 34:11 44:1
 131:12
represents 161:8
Republican 123:6,18
 124:7 138:18 139:1,6,14,
 20
request 147:23
Requests 8:20 63:22
require 87:15 126:19
required 44:22 48:20,23
 133:20
requires 51:5 87:14 92:3
 133:22 158:15
reread 21:11
research 70:8 71:18
 86:3,19 102:15
reserves 65:14
reside 53:1,17,21
resides 66:16
resigned 37:15
resolution 15:12,13
resource 69:3
resources 90:23 91:8
 108:7
respective 2:4
respond 49:12
response 64:17,23
 65:10,11,15 147:23
responses 8:19 22:9,15
 63:22
responsibilities 35:19,
 21 89:4 90:11,15
responsibility 91:7
responsible 67:5 68:10,
 15,21 144:6,7
responsive 88:15,21,23
restart 110:18
restated 148:11
restoration 68:8 70:3,4,
 23 92:1,3
restored 89:21



result 33:17 46:18 118:2
 132:10 142:11 161:11

resulted 144:2

results 131:13

retain 79:3,8

return 15:21

revealing 87:3 88:9
 131:5 153:7,12

review 22:4 27:2 28:4
 29:15 30:8 32:5 33:7

reviewed 24:13 33:9
 63:23

reviewing 29:12

revived 67:15

Richard 7:6 118:1

richard.mink@alabamaag.gov 7:16

right-hand 57:13 58:8,
 13

rights 55:17 89:21
 101:11 139:7,8 140:19

Riley 6:6

River 71:17

rlancaster@balch.com
 6:12

RODGER 5:15

role 73:6 96:21

room 10:7,9

Rosborough 4:7 8:6
 9:16,22 26:18 30:6,9,12,
 16 31:13 32:17 34:4,16
 35:8 38:5 46:19 50:12
 51:18 52:3 53:2 55:5
 56:2,14 70:21 75:23
 76:12,23 77:17 78:2,15,
 23 79:10 83:13 84:4,20
 86:1,17 87:5,11,20 88:4
 92:8 94:2 96:13 99:6
 100:17 101:7 102:4,18
 103:15,23 104:7,17
 105:11,16 107:10,17
 108:17 109:19 110:3,14
 111:4,21 112:4,12 113:7,
 12 114:12 115:10 119:17
 121:1 122:17 123:2,12,
 20 124:2,10,14,23 125:6,
 10,23 126:4,6,20 127:2,

7,11,15,19,23 128:9,14,
 20 129:8,12 130:1,7,13
 131:8,18 133:19 134:9,
 15 135:1,11 136:2,16
 137:10 138:16 139:11
 140:16 141:6,12,22
 142:18 143:6,14,21
 144:4,15,21 146:13
 149:19 151:19,21 153:3,
 16 154:21 155:10,15,18,
 23 157:16 159:7,11
 160:1

roughly 117:8 123:5
 134:7

routinely 49:21

Rule 8:10,12,14 27:4

rules 2:17 9:4 12:14

run 117:9,10,11,13,16,
 20,22 118:4,7,9 119:16,
 21,23 120:4,10,15,23
 121:9,11,20 122:7,10
 125:3,5,21 126:15 128:2,
 5 139:6

running 103:13,18
 128:17 129:4,7,21,23
 130:5 156:18

runs 103:10

rural 114:15

Rutahindurwa 5:6

S

s/sabrina 161:21

Sabrina 1:19 2:6 9:1

safety 71:19

save 108:8

schedule 106:16

school 19:8,10

schools 69:7 74:1 119:7

scope 130:15,17

Scott 1:13,18 2:5 8:5 9:9
 10:1,13 161:6

search 36:17 37:15 38:1

season 68:4

Secretary 89:18 106:19
 130:2,22

section 42:13 58:4 61:13
 64:18

seemingly 13:12

selected 37:13 39:1,2,3

self-made 40:12

senate 8:21 33:19 35:3,
 4,11 76:17 120:15
 121:18,21 132:12 133:6
 135:2 136:10 137:16
 142:22,23 143:1,4,7,12,
 23 144:5,6 145:3 156:19
 157:9,15

Senator 120:14 157:10

senators 95:20

send 65:21 154:7

sending 51:14

sense 60:13 80:23 81:1,
 4 89:4 93:13 100:2,14,21
 101:6,13,14,23 102:13
 107:13 108:14 109:9,17
 110:2 141:20

sensus 73:19

sentence 65:13

separate 62:5 90:18

Septic 72:9

series 106:6

serve 93:16 142:4

served 18:3

service 70:11

services 36:5,18 44:12
 62:20 63:6,7 68:18,20
 79:22 80:5 114:3

serving 70:7

Servpro 59:5

session 78:6 94:19

set 1:23 114:8

sewer 71:14,17 72:4

shared 67:9

Shelby 80:7

shelter 18:10,11 69:18,
 19

sheriff 139:16

shifts 77:15,21

shop 72:13

show 24:9 30:2 40:23
 100:21 110:2,5

showed 134:12

showing 54:14

shown 31:3,4 156:1

shut 114:18

shutting 116:13

side 111:13

sided 63:16

Sierra 37:18

sign 9:15

signature 2:14 30:14
 32:22 58:17

significant 31:1 32:15,
 19 55:14 110:11,23
 111:5,11

simple 52:4 108:12

SINGLETON 5:15

sir 21:10 22:8 24:22
 29:21 52:11 62:2 134:23
 146:20 151:20

sitting 65:23 142:16
 143:20 152:23 153:18
 154:14,18 155:1

SLAY 5:16

slight 110:5,6

small 73:16 74:6

smaller 59:3

SMITHERMAN 5:15

social 17:11 36:18 48:19
 50:17 106:3 127:21

solid 125:8,11

somebody's 129:6

someone's 49:23

source 78:4

sources 55:7

Southern 1:2 17:10

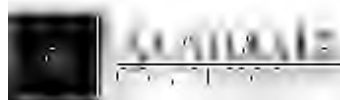
speak 82:15 152:13

speaking 38:11 82:17

<p>85:10 126:18 127:9,10 129:5</p> <p>special 92:4 118:20</p> <p>specific 76:9 99:13 135:15</p> <p>specifically 89:13 93:21,22 131:4 133:21 136:20 137:7 140:11</p> <p>specificity 64:12</p> <p>spell 66:11</p> <p>spend 93:22</p> <p>spent 18:18</p> <p>split 139:14</p> <p>spoke 82:18</p> <p>sponsoring 39:9,10 43:3 67:11 68:22</p> <p>sponsors 40:2</p> <p>staff 36:1 37:1,3 82:12 97:23 121:2 123:23 124:7</p> <p>staffer 120:11</p> <p>staffers 119:20 120:9 122:9</p> <p>stand 139:7</p> <p>standing 64:13 117:3</p> <p>standpoint 126:2</p> <p>stands 60:21 87:19</p> <p>start 43:10 64:5</p> <p>started 42:4 90:20 91:20 149:14</p> <p>state 2:7 4:5 7:10 9:2 10:11 51:1,2 64:12 76:6 78:16 79:5 82:5,7,8,16 88:15,19 89:5,12,18 90:2 96:8,9 115:15,20 120:14, 15 121:18,20 128:17 130:8,11,22 131:13 133:6 144:17 145:8 154:1,7,8,10,12 161:3,22</p> <p>State's 106:19 130:3</p> <p>state-issued 115:1</p> <p>state-provided 114:14</p> <p>stated 74:22 75:1 158:5</p>	<p>statement 50:11 84:13</p> <p>statements 83:10 84:9, 10,16</p> <p>states 1:1 110:22 124:22</p> <p>statewide 80:13,17 86:9</p> <p>stating 111:3</p> <p>statistical 108:7</p> <p>status 89:20</p> <p>stenotype 161:7</p> <p>STEVE 6:3</p> <p>STIPULATED 2:3,13,20 3:6</p> <p>stipulation 9:5</p> <p>stipulations 1:23 9:13, 14</p> <p>Stone 1:5 4:4 11:8 21:16, 23 31:9 32:7,8,10 33:4, 11,15,17 84:19 85:5,7, 15,22 94:1,11 95:14,15 96:21 110:20 131:3,5 145:7,8 153:14</p> <p>stopped 47:7 72:2 116:4</p> <p>straight 38:7</p> <p>strangers 73:12</p> <p>strategies 91:1</p> <p>strategy 91:8</p> <p>street 1:21 2:9 4:10 5:20 9:7 15:8 39:18</p> <p>strengthen 75:13</p> <p>stretch 117:8</p> <p>stroke 60:4</p> <p>structure 39:3 40:14</p> <p>studies 19:7</p> <p>study 19:11</p> <p>studying 19:3 20:1 138:1</p> <p>stuff 55:18 60:5 73:17 78:10 95:2 106:12</p> <p>subdivisions 72:6</p> <p>subject 88:5</p> <p>substance 85:21</p>	<p>suburbs 72:12</p> <p>successful 33:17 81:14 121:7,22</p> <p>sue 115:15</p> <p>sued 15:14</p> <p>suggest 147:22</p> <p>suggesting 103:21</p> <p>suggests 110:10</p> <p>Suite 5:8,20</p> <p>sum 55:9</p> <p>summer 55:3 69:4 148:21</p> <p>super 71:14,17</p> <p>superclean 97:5</p> <p>supervising 36:1</p> <p>support 44:20 47:4,7,8, 10 48:9,21 69:22 86:12 90:22 139:14</p> <p>supporting 50:20 64:13</p> <p>supposed 26:16 59:13</p> <p>suppression 78:19</p> <p>Supreme 149:23 150:12</p> <p>surrounding 144:13,20</p> <p>survey 83:4,8 113:23</p> <p>suspect 14:1</p> <p>switch 139:22</p> <p>switched 139:20 140:2</p> <p>switching 140:5 156:14</p> <p>sworn 9:23 10:2</p> <p>synagogues 42:16</p> <p>system 70:2 72:8,9</p> <p>systems 36:20,22 44:14 62:19 63:4 69:8,10,16 70:15 79:21 80:14,16 90:8,20</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 105:2</p> <p>takes 125:5 126:15</p> <p>taking 2:18 64:4 85:13 127:13</p>	<p>talk 12:16 65:21 68:8 115:20 149:5,7,8</p> <p>talked 40:13 54:3 76:3 79:20 85:8 91:7 105:18 128:12 131:1 137:11</p> <p>talking 68:6 73:22 75:22 76:2 83:7 148:22</p> <p>tanks 72:9</p> <p>Tari 31:20,21 90:11 91:10</p> <p>task 62:14,16 66:23 67:2, 4 68:18,20 69:8,10,16 70:16 79:21,22 80:9,14, 16 90:8 93:19</p> <p>tasked 97:21</p> <p>Taunton 6:5 8:6,7 9:14 10:4 24:2 26:20 30:4,7, 11,13,17 31:16 32:21 34:5,22 35:15 38:9 46:16,22 50:14 51:20 52:6 53:10 55:22 56:4 57:1 71:8 76:8,19 77:13, 19 78:12,20 79:7,14 83:15 84:8 85:1 86:6,21 87:13 88:3,7 92:12 94:7 96:20 99:12 100:20 101:12 102:12,21 103:20 104:4,14 105:5,14,18 107:13,20 108:21 109:22 110:9,17 111:18 112:1,9, 16 113:10,13 114:21 115:14 117:5 119:19 122:19 123:4,14,22 124:3,11,17 125:2,8,12 126:1,11,23 127:5,9,13, 17,21 128:2,11,16,22 129:10,14 130:4,10,18 131:16 132:3 133:21 134:11,19 135:4,14 136:4,20 137:13 138:23 139:17 141:7,18 142:5, 20 143:10,18 144:1,12, 19 145:2 146:14 149:16, 21 151:20,23 153:9,18 154:23 155:8,21 157:18, 22 159:5,23</p> <p>team 91:20</p> <p>technical 14:4</p> <p>techniques 73:14</p> <p>Technology 159:10</p> <p>telling 23:2 55:19</p>
---	--	--	---



<p>tells 50:2</p> <p>temples 42:17</p> <p>Tennessee 15:23 16:1, 2,9 18:19,22 19:9,12,18 53:8 117:18</p> <p>term 39:5,6,7,8 42:21</p> <p>terminated 47:18,23 49:9,13 50:5</p> <p>terms 44:10,13 71:2 75:17 76:3</p> <p>testified 10:2</p> <p>testify 12:23 153:1,10, 11,14 154:14,19</p> <p>testifying 11:4</p> <p>testimony 20:5,14 146:2,5 155:3 157:23 161:9</p> <p>text 49:11 50:21 58:3 106:3</p> <p>theme 111:6</p> <p>thereto 3:4 161:7</p> <p>thing 13:20 18:13 50:16 123:6 147:11 148:1</p> <p>thing's 103:11</p> <p>things 40:11 43:16 56:16 67:19 74:2,21 75:1 88:10 90:5 106:13 128:12 148:11 153:20,22</p> <p>thinking 40:10 52:8</p> <p>Thompson 12:5,10</p> <p>thought 76:10 138:10</p> <p>Thursday 28:21</p> <p>thwart 78:10</p> <p>time 3:2 16:3,18 17:8 18:11,18 19:17 23:23 25:18 37:15,19 41:15 42:4 47:13 55:18 56:6 60:3,16 77:6 82:12 93:22 117:18 119:2 121:3,11 146:12 149:15 152:21</p> <p>timeline 49:5</p> <p>times 23:8 41:11 68:16 71:18</p> <p>tired 55:19</p>	<p>title 29:16 33:10</p> <p>titled 63:21 64:19</p> <p>titles 148:8</p> <p>today 11:3 13:1,17 33:4 65:20,23 100:16,22 101:15,23 102:2 108:16, 21,23 109:1,10,12,14 116:19 124:12,15,16,22 152:23 153:15,18 154:14,18 155:1 157:3</p> <p>today's 21:7,9,19 22:5, 21 23:4,9,14 30:22</p> <p>told 88:10 103:7</p> <p>tools 73:13 91:3</p> <p>top 148:3</p> <p>topics 13:16 130:15</p> <p>town 50:19,22</p> <p>track 72:21 99:18,22 100:11 102:22 107:21 108:4 111:19,22</p> <p>training 92:4</p> <p>transcribed 161:7</p> <p>transcript 93:4 161:8</p> <p>transcription 161:8</p> <p>transparency 68:17</p> <p>transportation 70:2 74:1 114:17</p> <p>trashed 74:7</p> <p>tremendous 26:18</p> <p>trends 108:11</p> <p>trial 3:2 20:14 153:1,14 154:15,20</p> <p>trigger 43:6</p> <p>true 124:12,17 161:8</p> <p>trust 117:4</p> <p>trusted 73:15</p> <p>truthfully 13:1</p> <p>tuition 67:19</p> <p>tunneling 71:23</p> <p>turned 43:12 44:4</p> <p>turnout 110:12,23 111:5, 20</p>	<p>turpitude 114:7 115:12</p> <p>Twenty 138:13</p> <p>type 138:23</p> <p>typically 125:21</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S. 117:14 133:20</p> <p>uh-huh 12:20 110:21 118:21 120:8</p> <p>unclear 155:2</p> <p>underground 72:1</p> <p>underlying 87:15</p> <p>underneath 70:15 90:16</p> <p>underpopulating 77:10</p> <p>understand 11:3,7,10 13:10,13,17 14:8 31:7 33:14,16 51:19,21 54:19 86:18,21 132:3,22 135:8 141:15 142:19 143:7,10 159:14</p> <p>understanding 43:14 44:10 57:16 64:22 145:20 147:14 150:8,10, 11,15 156:7,11,12 158:4, 7,10,11</p> <p>understood 60:8 103:14 104:4 146:2 155:21 157:23</p> <p>undertaken 113:14</p> <p>unemployed 17:2</p> <p>unfairly 75:16</p> <p>unintentionally 36:22 69:12</p> <p>Union 4:9</p> <p>Unitarian 39:19</p> <p>United 1:1 124:22</p> <p>Universalist 39:19</p> <p>university 18:18,21 19:12,14,18</p> <p>upcoming 85:16 106:5</p> <p>upheld 149:23 150:12</p> <p>urban 19:7</p>	<p>usual 9:14 138:8</p> <p>UT 16:12 19:13</p> <p>utilities 36:8</p> <p>utility 69:2</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacuumed 35:13</p> <p>valid 87:17</p> <p>values 44:9 50:11</p> <p>variances 134:5</p> <p>variation 137:15 142:10</p> <p>variations 142:10</p> <p>vast 71:19</p> <p>Vehicles 114:18 116:13</p> <p>verb 93:10</p> <p>versa 137:1 142:12</p> <p>version 146:7 148:9 158:3</p> <p>versus 100:22 101:1 102:14 109:2,15,21 110:1</p> <p>vice 137:1 142:12</p> <p>videoconference 5:4, 17 7:4</p> <p>Vietnam 15:10</p> <p>view 78:21</p> <p>views 67:22</p> <p>visible 133:12</p> <p>vision 95:3</p> <p>vocabulary 50:15</p> <p>voice 92:10 111:11,12, 14,15</p> <p>voices 34:11 75:13,18, 21 76:6 88:18 96:17 111:16</p> <p>volunteer 17:18 18:2,3 55:21 90:13</p> <p>volunteering 17:22 18:1</p> <p>volunteers 37:5,7,10 44:20 46:23 55:8 99:9</p> <p>vote 43:3,6 52:2 65:7</p>
---	--	--	---



70:8,9 78:9 95:4 97:16,
 19 98:3,8,13 99:5 100:4,
 8,12,16 102:2,9,17
 103:2,4,5 104:5,13
 105:1,3,9,21 106:2,4
 107:6,9,12,14 108:15,20,
 21 109:10,12 112:3,8,10,
 17,18,21 113:19 114:2
 158:22

voted 43:2 46:8 61:2,9
 95:5 112:3,6,11 139:4

voter 20:9,10 68:7 70:2,
 4,13,20,22,23 78:8,14,
 17,18 89:17 90:7,19
 91:10,18,21 92:2 97:13
 99:16 104:22 110:11,12,
 23 111:1,5,19,20 114:13
 115:6,15 116:16 130:19

voters 85:12 125:19

votes 107:22 108:1
 111:9

voting 12:7 68:7 89:21
 91:23 101:10 106:16
 109:6,7 116:1 129:16,20
 130:21 139:5 140:19

voting-eligible 102:16

W

Wait 91:12 159:9

waived 2:15 3:8

Walker 5:17 80:7

wanted 78:5 93:23 98:1
 105:9 122:14,21 123:9,
 16

War 15:11

Washington 5:9 7:11

water 59:5 72:8,9

ways 34:9 40:11 70:19,
 22 73:10 78:10 82:23
 107:5 152:6

website 48:18

week 25:15,22 28:16,19
 29:13 116:23

WES 1:8 7:3

whichever 106:5

Whig 139:6

white 81:2

whites 35:13 137:1,3
 142:11

wide 69:17

wife 117:1

Wiggins 1:20 2:8 9:6

Wikipedia 100:19

William 118:15

Williams 29:6,9 31:20,
 21 90:11 91:10 96:20
 97:21 98:10,19 99:3
 106:21 116:6

win 138:19,20

winning 156:18

witnesses 13:6

women 69:20 85:12

won 118:3,15 121:13
 139:1 156:22 157:10

word 148:6

words 103:20

work 17:12 18:4,6,14
 44:14 48:9 55:20,21
 62:16,18,19,20 63:3,4,5,
 6 68:20 70:2,9 79:20
 80:12 81:14 90:12,13,20
 94:16 144:9 148:18

worked 17:13 18:15
 71:15

worker 55:17

working 17:9,14 18:14
 37:18 67:9 68:21 81:16
 86:22 144:9

world 20:2

worse 104:2

worth 95:3 155:19

wrapping 149:17

wrong 47:15 61:13 158:1

Y

year 12:10 49:20 52:18
 59:7,8 109:21 116:17

years 16:12 17:6 18:8
 19:2 45:16 46:15 77:8

104:16,19 120:11
 124:18,19 138:11,13,15,
 18 139:1

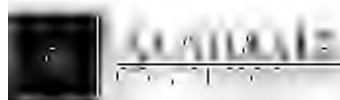
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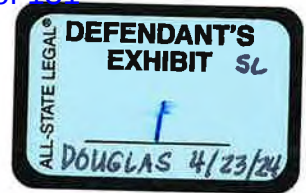
yesterday 28:15 31:17

York 4:11

Z

Zoom 26:3 27:11 28:22
 29:1 60:3 63:19





**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 2:21-cv-1531-AMM
)	
WES ALLEN, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**NOTICE OF RULE 30(b)(6) DEPOSITION
OF GREATER BIRMINGHAM MINISTRIES**

Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), the Defendants in the above-captioned case will take the deposition upon oral examination of such individual as Greater Birmingham Ministries (referred to herein as “GBM,” “you,” and/or “your”) shall designate as the person most knowledgeable on the following subjects:

1. Your corporate structure.
2. Your understanding of the methods of registering to vote in Alabama.
3. Your current and historical efforts to register eligible Alabamians to vote, including the results of your efforts.
4. Your current and historical efforts to re-enfranchise eligible Alabamians, including the results of your efforts.
5. Your efforts to monitor polling locations since January 1, 2016.

6. Your efforts to transport voters to polling locations since January 1, 2016, including the results of those efforts and the racial demographics of the voters you transported.
7. Your efforts to determine the racial demographics of votes cast in Alabama elections (local, state, and/or federal) since January 1, 2016, including the results of those efforts.
8. Your membership, including but not limited to:
 - a. Number of members;
 - b. Your members who reside in Senate Districts 2, 6, 7, 25, and 26 in your proposed map;
 - c. Racial breakdown of membership;
 - d. Average income of membership; and,
 - e. Percentage of membership that is registered to vote.
9. The percentage of your membership that is registered to vote today versus in years past, going back to your founding in 1969.
10. Your eligible members who are not registered to vote, including but not limited to:
 - a. The identity of those members;
 - b. The reasons why those members are not registered to vote; and,
 - c. Your efforts to assist those members register to vote.
11. Eligible Alabama voters who are not your members and are unable to vote, including but not limited to:
 - a. The identity of those residents;
 - b. The reasons why those eligible voters have been unable to vote; and,
 - c. Your current and historical efforts to assist those eligible voters to vote.
12. Your communications with any eligible Alabamian who unsuccessfully attempted to register to vote since January 1, 2016, including but not limited to:
 - a. The identity of the eligible resident;
 - b. The reason why that eligible resident could not register to vote; and,
 - c. Your efforts to assist that eligible resident to register to vote.

13. Your communications with any eligible voter who claimed to be unable to vote in any election since January 1, 2016, including but not limited to:
 - a. The identity of the eligible voter;
 - b. The reason why that eligible voter could not vote; and,
 - c. Your efforts to assist that eligible voter to vote.
14. Your members who have run for public office since your founding in 1969, including but not limited to:
 - a. The identity of those members; and,
 - b. The result of their campaigns.
15. Your efforts to “advanc[e] social justice through political participation across Alabama.” (Fourth Amended Complaint ¶16).
16. Your understanding of what activities constitute “political participation.” (Fourth Amended Complaint ¶16).
17. Your efforts to assess who, among your members, are hindered from participating in the political process.
18. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Democratic Party.
19. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Republican Party.
20. Your efforts to “increase voter turnout and efficacy” “among Black and low-income people.” (Fourth Amended Complaint ¶16).
21. Your efforts to “educate” “Black and low-income people” on registering to vote, voting, and engaging in the political process. (Fourth Amended Complaint ¶16).
22. All bases for your statement that “significant racial disparities in voter turnout and voter registration rates remain” in Alabama. (Fourth Amended Complaint ¶153).
23. Your requests for relief.

24. Your issuance of public statements since January 1, 2019 concerning redistricting or the 2020 United States census, including but not limited to the contents of your public statements and the person(s) who draft, authorize, and release your public statements.
25. Whether, and if so, how, the historical events discussed in paragraphs 104 through 128 of your Fourth Amended Complaint affect the opportunity of black voters in the present to participate in the political process and elect their candidates of choice.

* * *

All terms within these topics shall have the same meaning that you gave them in your Fourth Amended Complaint. Should you believe that any of these topics require clarification, please notify the undersigned counsel in writing at least 10 days in advance of the deposition.

This deposition shall be conducted at the following time and place unless otherwise agreed upon by the Parties:

Date: _____ day, ____ 2024

Time: 10:00am (central)

Place: Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, AL 36117

This deposition shall be conducted before a Court Reporter authorized by law to administer oaths in the State of Alabama. The deposition will be stenographically recorded.

Respectfully submitted,

Steve Marshall
Attorney General

Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

Soren Geiger (ASB-0336-T31L)
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Ben.Seiss@AlabamaAG.gov

Counsel for Secretary of State Allen

CERTIFICATE OF SERVICE

I certify that on _____, I served the foregoing document electronically upon Plaintiffs' counsel of record.

Edmund G. LaCour Jr.
Solicitor General

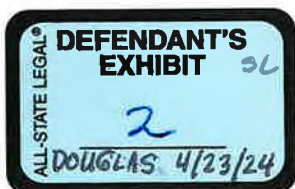
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 - c. Your efforts to assist that eligible voter to vote.
14. Your members who have run for public office since your founding in 1969, including but not limited to:
 - a. The identity of those members; and,
 - b. The result of their campaigns.
15. Your efforts to “advanc[e] social justice through political participation across Alabama.” (Fourth Amended Complaint ¶16).
16. Your understanding of what activities constitute “political participation.” (Fourth Amended Complaint ¶16).
17. Your efforts to assess who, among your members, are hindered from participating in the political process.
18. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Democratic Party.
19. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Republican Party.
20. Your efforts to “increase voter turnout and efficacy” “among Black and low-income people.” (Fourth Amended Complaint ¶16).
21. Your efforts to “educate” “Black and low-income people” on registering to vote, voting, and engaging in the political process. (Fourth Amended Complaint ¶16).
22. All bases for your statement that “significant racial disparities in voter turnout and voter registration rates remain” in Alabama. (Fourth Amended Complaint ¶153).
23. Your requests for relief.

24. Your issuance of public statements since January 1, 2019 concerning redistricting or the 2020 United States census, including but not limited to the contents of your public statements and the person(s) who draft, authorize, and release your public statements.
25. Whether, and if so, how, the historical events discussed in paragraphs 104 through 128 of your Fourth Amended Complaint affect the opportunity of black voters in the present to participate in the political process and elect their candidates of choice.

* * *

All terms within these topics shall have the same meaning that you gave them in your Fourth Amended Complaint. Should you believe that any of these topics require clarification, please notify the undersigned counsel in writing at least 10 days in advance of the deposition.

This deposition shall be conducted at the following time and place unless otherwise agreed upon by the Parties:

Date: Tuesday, April 23, 2024

Time: 10:00am (central)

Place: **Wiggins Childs Pantazis Fisher & Goldfarb LLC**
301 19th Street North
Birmingham, Alabama 36104

This deposition shall be conducted before a Court Reporter authorized by law to administer oaths in the State of Alabama. The deposition will be stenographically recorded.

Respectfully submitted,

Steve Marshall
Attorney General

/s James W. Davis
Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

Soren Geiger (ASB-0336-T31L)
Assistant Solicitor General

Misty S. Fairbanks Messick (ASB-1813-T71F)
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Counsel for Representative Pringle

CERTIFICATE OF SERVICE

I certify that on April 9, 2024, I served the foregoing document electronically upon Plaintiffs' counsel of record.

/s James W. Davis
James W. Davis
Counsel for Secretary Allen

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-1291-AMM
)	
WES ALLEN, in his official)	THREE-JUDGE COURT
capacity as Alabama Secretary of)	
State, et al.,)	
)	
<i>Defendants.</i>)	

EVAN MILLIGAN, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-01530-AMM
)	
WES ALLEN, in his official)	THREE-JUDGE COURT
capacity as Secretary of State of)	
Alabama, et al.,)	
)	
<i>Defendants.</i>)	

MARCUS CASTER, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No.: 2:21-cv-01536-AMM
)	
WES ALLEN, in his official)	
Capacity as Alabama Secretary of)	
State, et al.,)	
)	
<i>Defendants.</i>)	



NOTICE OF RULE 30(b)(6) DEPOSITION
OF GREATER BIRMINGHAM MINISTRIES

Please take notice that, pursuant to Federal Rule of Civil Procedure 30(b)(6), the Defendants in the above-captioned case will take the deposition upon oral examination of such individual as Greater Birmingham Ministries (referred to herein as “GBM,” “you,” and/or “your”) shall designate as the person most knowledgeable on the following subjects:

1. Your corporate structure.
2. Your understanding of the methods of registering to vote in Alabama.
3. Your current and historical efforts to register eligible Alabamians to vote, including the results of your efforts.
4. Your current and historical efforts to re-enfranchise eligible Alabamians, including the results of your efforts.
5. Your efforts to monitor polling locations since January 1, 2016.
6. Your efforts to transport voters to polling locations since January 1, 2016, including the results of those efforts and the racial demographics of the voters you transported.
7. Your efforts to determine the racial demographics of votes cast in Alabama elections (local, state, and/or federal) since January 1, 2016, including the results of those efforts.
8. Your membership, including but not limited to:
 - a. Number of members;
 - b. Your members who reside in Congressional Districts 2 and 7 in your proposed map(s);
 - c. Racial breakdown of membership;

- d. Average income of membership; and,
 - e. Percentage of membership that is registered to vote.
- 9. The percentage of your membership that is registered to vote today versus in years past, going back to your founding in 1969.
- 10. Your eligible members who are not registered to vote, including but not limited to:
 - a. The identity of those members;
 - b. The reasons why those members are not registered to vote; and,
 - c. Your efforts to assist those members register to vote.
- 11. Eligible Alabama voters who are not your members and are unable to vote, including but not limited to:
 - a. The identity of those residents;
 - b. The reasons why those eligible voters have been unable to vote; and,
 - c. Your current and historical efforts to assist those eligible voters to vote.
- 12. Your communications with any eligible Alabamian who unsuccessfully attempted to register to vote since January 1, 2016, including but not limited to:
 - a. The identity of the eligible resident;
 - b. The reason why that eligible resident could not register to vote; and,
 - c. Your efforts to assist that eligible resident to register to vote.
- 13. Your communications with any eligible voter who claimed to be unable to vote in any election since January 1, 2016, including but not limited to:
 - a. The identity of the eligible voter;
 - b. The reason why that eligible voter could not vote; and,
 - c. Your efforts to assist that eligible voter to vote.
- 14. Your members who have run for public office since your founding in 1969, including but not limited to:
 - a. The identity of those members; and,
 - b. The result of their campaigns.
- 15. Your efforts to “advanc[e] social justice through political participation across Alabama.” (First Amended Complaint ¶22).

16. Your understanding of what activities constitute “political participation.” (First Amended Complaint ¶22).
17. Your efforts to assess who, among your members, are hindered from participating in the political process.
18. Your communications since January 1, 2016, with any person who said they would like to become more politically engaged but felt shut out or were in fact shut out by the Democratic Party.
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20. Your efforts to “increase voter turnout and efficacy” “among Black and low-income people.” (First Amended Complaint ¶22).
21. Your efforts to “educate” “Black and low-income people” on registering to vote, voting, and engaging in the political process. (First Amended Complaint ¶22).
22. All bases for your statement that “significant racial disparities in voter turnout and voter registration rates remain” in Alabama. (*Stone v. Allen* Fourth Amended Complaint ¶153).
23. Your requests for relief.
24. Your issuance of public statements since January 1, 2019 concerning redistricting or the 2020 United States census, including but not limited to the contents of your public statements and the person(s) who draft, authorize, and release your public statements.
25. Whether, and if so, how, the historical events discussed in paragraphs 104 through 128 of your First Amended Complaint affect the opportunity of black voters in the present to participate in the political process and elect their candidates of choice.

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This deposition shall be conducted at the following time and place unless otherwise agreed upon by the Parties:

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Time: 10:00am (central)
Place: **Wiggins Childs Pantazis Fisher & Goldfarb LLC**
301 19th Street North
Birmingham, Alabama 36104

This deposition shall be conducted before a Court Reporter authorized by law to administer oaths in the State of Alabama. The deposition will be stenographically recorded.

Respectfully Submitted,

Steve Marshall
Attorney General

/s/ James W. Davis
Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General
A. Barrett Bowdre (ASB-2087-K29V)
Deputy Solicitor General
Soren A. Geiger (ASB-0336-T31L)
Assistant Solicitor General
James W. Davis (ASB-4063-I58J)
Deputy Attorney General
Misty S. Fairbanks Messick (ASB-1813-T71F)
Brenton M. Smith (ASB-1656-X27Q)
Benjamin M. Seiss (ASB-2110-O00W)

Charles A. McKay (ASB-7256-K18K)
Assistant Attorneys General

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mtaunton@balch.com

***Counsel for Senator Livingston and
Representative Pringle***

CERTIFICATE OF SERVICE

I certify that on April 9, 2024, I served the foregoing document electronically upon Plaintiffs' counsel of record.

/s James W. Davis

James W. Davis

Counsel for Secretary Allen

BY-LAWS
OF
GREATER BIRMINGHAM MINISTRIES, INC.

ARTICLE I
Name, Relationship, Office, and Purpose

Section 1.1 Name

The name of this non-profit corporation shall be **Greater Birmingham Ministries, Inc.**

Section 1.2 Relationships

This corporation may join with those denominations, congregations, synagogues, temples, mosques, other worshipping communities, ecumenical partnerships or welfare associations representing various faith traditions (herein also referred to as Members), and individuals primarily from the Birmingham metropolitan area, who choose to participate and who (except for individual members) are admitted by a two-thirds vote of the corporation's Board of Directors. No single Member category shall have sufficient voting strength to cause or prevent actions or decisions of the Board of Directors.

Section 1.3 Office

The principal office shall be in the City of Birmingham, Alabama. The corporation may also have offices at such other places within the Birmingham metropolitan area as the directors may, from time to time, determine.

Section 1.4 Purpose

The corporation is a non-profit, charitable, religious organization, and the purposes and powers for which it is formed are as follows:

- (A) The fundamental purpose of this organization is to be a channel for the Purpose and Power of God to focus upon the varied relationships between the Members and the metropolitan Birmingham world, to assist in making systems more human and people more faithful in their relationships with each other and with their Creator.
- (B) This ministry exists to elicit the aid of people of varied faith traditions for and in partnership with the poor and others who are disenfranchised and victimized in our society, and to evoke the best efforts by and on behalf of all who respond, to remedy the social conditions which continue to victimize any of God's children.
- (C) The Board will seek for a balance of these two aims, seeking to discover ways in which each may be more fully supportive of and informed by the other.



ARTICLE II

Directors

Section 2.1 Board Membership

The Board of Directors shall be constituted as follows:

- (A) If a Member has more than one local community, congregation, or the like, the highest local governing body of that Member may nominate one to six representatives for confirmation by the Board of Directors.
- (B) If a Member has only one local community, congregation, or the like, that Member may nominate two representatives for confirmation by the Board of Directors.
- (C) If a Member has more than one local community, congregation, or the like or a higher governing body who are not Members, that Member may nominate one representative for confirmation by the Board of Directors.
- (D) The Board of Directors may elect eight to fifteen at-large members.
- (E) If any Member does not fill its allotment of representatives, the Board of Directors shall have the privilege of filling those positions.

Section 2.2 Meeting of Directors

- (A) The annual meeting of the corporation shall be on the fourth Tuesday in January, or as close thereto as possible with 10-day notice of change.
- (B) The Board of Directors shall meet regularly once a month; except when the Board directs otherwise.
- (C) It shall also meet at the call of the President or five Board members with at least one week's notice.

Section 2.3 Quorum Voting

At all meetings of the directors, one-third (1/3) of all directors then serving shall constitute a quorum for the transaction of business and a vote of the majority of the directors present at the time of the vote, shall be the act of the directors, except as otherwise specifically provided by these by-laws.

Section 2.4 Organization

The president, or in his/her absence, the vice-president, shall preside at all meetings of directors. In the absence or the inability to act of the president or vice-president, another director selected by the directors shall preside. The secretary shall act as secretary to all meetings of the directors, or in his/her absence or inability to act, the president of the meeting may designate any person to act as secretary.

Section 2.5 Conduct of Business

The directors may adopt such rules and regulations for the conduct of its meetings and the management of the affairs of the corporation as it may from time to time deem proper, consistent with law and these by-laws. The directors shall cause to be kept minutes of its proceedings, copies of which shall be mailed to all directors as soon as practicable following such a meeting.

Section 2.6 Powers and Duties of Directors

The property, affairs, business, and concerns of the corporation shall be vested in and managed by the directors. The directors shall have the specific duty of approving the corporation's budget.

Section 2.7 Resignation

Any director may resign at any time by giving written notice to the directors or to the president, whereupon his or her office shall be vacant. The continuing directors, if one-third (1/3) of the directors, may act notwithstanding a vacancy.

Section 2.8 Vacancies.

Whenever a vacancy occurs in the membership of the Board, it shall be filled as soon as possible by the same methods as outlined for selection in Section 1 of this Article.

**ARTICLE III
Officers**

Section 3.1 Number.

The officers of the corporation shall be President, Vice-President, Secretary and Treasurer. Non-voting officers shall be the Executive Director and Associate Executive Director.

Section 3.2 Election

The directors shall elect all officers and the chairpersons of the standing committees for a term of one (1) year, by a majority vote of those present in a meeting of the directors no later than in the month of December each year. Officers shall be installed at the January annual meeting. No person shall hold more than one office at a time.

Section 3.3 Duties of Officers

The duties and powers of the officers of the corporation shall be as follows:

- (A) **President.** The president shall preside at all meetings of the directors. He/she shall perform such duties as are necessary and incident to the office of president and may be assigned from time to time by the directors.

- (B) **Vice-President.** In case of the death or absence of the president or of his/her inability from any cause to act, the vice-president shall perform the duties of his/her office. In addition, he/she shall perform such other duties as may be prescribed from time to time by the directors or executive committee or the president.
- (C) **Secretary.** The secretary shall issue notice of all meetings of the directors, shall keep the minutes of such meetings, and shall perform such other duties as may be prescribed from time to time by the directors or the executive committee.
- (D) **Treasurer.** The treasurer shall be responsible for the financial affairs of the corporation and shall be responsible for its money and securities. He or she shall ascertain that an account is kept of all monies received and expended for the use of the corporation, and that all sums be deposited in a Federally insured financial institution or a Federally insured investment instrument approved by the Executive Committee, and shall make a report at the annual meeting of the Board and at other times when called upon by the president. The Board shall appoint such assistant treasurers as they deem necessary. Withdrawal and disbursement of funds shall be under a counter-signature procedure, including any two (2) of the following signatures: Treasurer, President, Executive Director, and one additional staff and Board member designated by the Finance Committee. The funds, books and vouchers in his or her hands shall at all times be under the supervision of the Executive Committee and subject to its inspection and control. The books shall be audited annually.
- (E) **Executive Director.** The executive director shall be the officer charged with and responsible for the day-to-day operation of the corporation's affairs. He or she shall serve as a member of all personnel Search Committees formed by the Board. He or she may suspend an employee with cause, and may recommend termination to the Personnel Committee. The disciplinary system shall be specified in a Personnel Policy adopted by the Board.
- (F) **Associate Executive Director.** The associate executive director, in the absence or disability of the executive director, shall perform the duties of his/her office. In addition, he/she shall perform such other duties as may be prescribed from time to time by the executive director.
- (G) **Other Officers.** Any other officers and associate directors who may be elected or appointed by the directors shall perform such duties as shall be assigned to them by the executive director.

Section 3.4 Resignation

Any officer may resign at any time by giving written notice to the Board of Directors, and such resignation shall be effective when approved by the Board or by the Executive Committee.

Section 3.5 Removal of Officers

Any officer may be removed from office with cause at any time by a vote of two-thirds (2/3) of the directors present at a regular meeting or special meeting called upon notice specifying such purpose.

Section 3.6 Vacancies

All vacancies in any office shall be filled for the unexpired term by the directors without undue delay at a regular meeting or a special meeting called for that purpose.

ARTICLE IV
Committees

Section 4.1 Executive Director's Role

The Executive Director (or designated staff representative) shall give staff leadership on all committees and task forces relating to their responsibilities and shall be an advisory member of each committee or task force.

Section 4.2 Executive Committee

The president, vice-president, secretary, treasurer, the chairpersons of each task force and committee established by the Board of Directors, plus five (5) persons chosen from and by the Board of Directors, shall constitute the Executive Committee. It may act on any matter on behalf of the Board of Directors when the directors are not in session. The officers of the Board shall constitute the officers of the Executive Committee. Five members of the Executive Committee shall constitute a quorum for the transaction of business. Meetings shall normally be held monthly, and may be called by the President, or the Executive Director, or by any three members.

Section 4.3 Membership and Nominating Committee

The Membership and Nominating Committee shall consist of a Chair, elected at the annual meeting, and other directors, nominated by the President and elected by the Board at the next regular meeting. The Executive Director shall be an advisory member of the committee. The Membership and Nominating Committee shall have the duty of securing membership representation on the Board of Directors, and of nominating officers and chairpersons of committees and task forces and directors-at-large, insuring that, insofar as possible the Executive Committee shall have at least one representative from each member organization. Consent of persons nominated shall be secured. Effort shall be made to assign persons to committees and task forces of

their choice and to give balance in the distribution of skills and membership representation. The committee shall have the duties of developing and keeping current information on all Board members concerning their interests, skills, talents, etc. It shall develop helpful criteria for Board membership to communicate to constituent members. It shall lead orientation and training for new Board members. It shall keep attendance records current for the Board. It shall counsel with inactive Board members and shall recommend removal of inactive members when they deem it necessary.

Section 4.4 Finance, Budget, and Fund-Raising Committee

This committee shall consist of a chairperson, the treasurer and other members. It shall be responsible to see that funds of the corporation are properly handled and that an annual audit is conducted and presented to the Board of Directors. It shall present to the Board for adoption an annual budget, working closely with the personnel committee on the matter of salaries for staff. This committee shall be responsible to:

- (A) Develop a comprehensive and broadly based plan for the funding of Greater Birmingham Ministries.
- (B) Maintain certification of GBM by the Internal Revenue Service as a non-profit organization eligible for grants from charitable foundations.
- (C) Develop plans for seeking foundation grants and of broadening the base of local membership support.
- (D) Explore plans under which GBM may serve as conduit for funds for appropriate agencies.

Section 4.5 Personnel

This committee shall consist of a chairperson and other members of the Board. The Executive Director shall be available to assist this committee in an advisory capacity when so requested. This committee shall have the following responsibilities:

- (A) To work out with each program committee or task force and the Executive Director a general job description for each staff member, together with annual work objectives. Each staff member shall have the opportunity to make recommendations in regard to his or her work requirements.
- (B) To make annual staff evaluation reports to the Board. The Executive Director shall evaluate at least annually and report to the Personnel Committee.
- (C) To develop policies regarding staff compensation, time off, outside activities, and outside compensation through processes of interaction between the Committee and staff, taking into full account the effect on all staff of decisions regarding each staff member. Specific salary changes shall be recommended through Finance and Budget Committee.

- (D) To concern itself in general with the way the staff is working together as a team, to see that problems are regularly aired, and that solutions are promptly sought.
- (E) To be responsible for recommending new personnel and positions

Section 4.6 Buildings and Grounds

This committee shall consist of a chairperson and other members. The Executive Director shall be an advisory member. This Committee shall be:

- (A) Responsible for supervision and maintenance of the real property of GBM.
- (B) Authorized, within the limits of the budget, to see that the buildings and grounds are kept clean and in good repair.
- (C) Requested to recommend to the Board through the Executive Committee any major adjustments needed not covered by the budget.

Section 4.7 Task Forces

The programmatic work of the corporation shall be carried out by the Board and staff through Task Forces, as listed below. With the approval of the Board, each Task Force may create permanent or ad hoc work groups, committees or other structures as necessary to conduct the program of the corporation. Each Board member shall be assigned to one or more Task Force(s). The chairperson of each Task Force shall be elected by the Board and shall be a Board member.

- (A) Direct Services. This Task Force shall be responsible for supervising the work of the Direct Services Program and its relations with members and other interested organizations. It shall recommend to the Board policy decisions concerning this program area.
- (B) Systematic Change. This Task Force shall monitor the efforts of GBM in the area of Systematic Change. It shall recommend to the Board for approval the areas of such efforts and any policies concerning the strategy or approach.
- (C) Faith in Community. This Task Force shall be responsible for discovering and expediting ways in which the resources of GBM may be made available to the Membership organizations at all levels, and ways in which the resources (human and material) of the Members may be channeled through GBM. Public relations functions shall be the responsibility of this Task Force.

Section 4.8 Other Task Forces, Work Groups and Committees

The directors or Executive Committee may appoint such other task forces, work groups and committees as it shall deem necessary and appropriate, and shall designate the members of such task forces, work groups and committees and duties of same. The chairperson of any such task force, work group or committee shall be an advisory member of the Executive Committee.

**ARTICLE V
Fiscal Year**

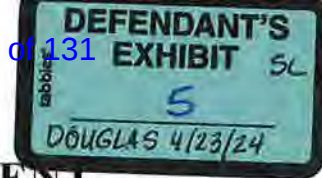
Section 5.1

The fiscal year of the corporation shall be the calendar year.

**ARTICLE VI
Amendments**

Section 6.1

These by-laws may be amended only by a majority vote of the directors present at a regular or special meeting of the directors, provided notice of the purpose of the proposed amendment has been stated in the notice of the meeting.



GBM INDIVIDUAL MEMBER BY-LAWS AMENDMENT

RELEVANT GBM BY-LAWS INFORMATION (Amended in Red):

ARTICLE I

Section 2. (A) Relationships. This corporation may join with those denominations, congregations, synagogues, temples, mosques, other worshipping communities, ecumenical partnerships or welfare associations representing various faith traditions (herein also referred to as **Sponsoring** Members), primarily from the Birmingham metropolitan area, which choose to participate, and which are admitted by a two-thirds vote of the corporation's Board of Directors. No single **Sponsoring** Member shall have sufficient voting strength to cause or prevent actions or decisions of the Board of Directors.

(B) Individual Members. This corporation may be joined by non-governing individual members who agree with the mission and provide financial and programmatic support. Individual memberships are for one year and are annually renewed with GBM board determined minimal annual contributions. Other individual member duties and benefits may be determined by the Board of Directors at a regular or special meeting.

ARTICLE IV

Section 2. Sponsoring Membership and Nominating Committee The Membership and Nominating Committee shall consist of a Chair, elected at the annual meeting, and other directors, nominated by the President and elected by the Board at the next regular meeting. The Executive Director shall be an advisory member of the committee. The **Sponsoring** Membership and Nominating Committee shall have the duty of securing **sponsoring** membership representation on the Board of Directors, and of nominating officers and chairpersons of committees and task forces and directors-at-large, insuring that, insofar as possible the Executive Committee shall have at least one representative from each member organization. Consent of persons nominated shall be secured. Effort shall be made to assign persons to committees and task forces of their choice and to give balance in the distribution of skills and membership representation. The committee shall have the duties of developing and keeping current information on all Board members concerning their interests, skills, talents, etc. It shall develop helpful criteria for Board membership to communicate to constituent members. It shall lead orientation and training for new Board members. It shall keep attendance records current for the Board. It shall counsel with inactive Board members and shall recommend removal of inactive members when they deem it necessary.

ARTICLE VI

Amendments

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Stone000010

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

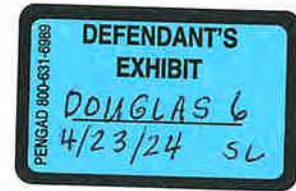
KHADIDAH STONE, et al.,

Plaintiffs,

v.

WES ALLEN, et al.,

Defendants.



Case No. 2:21-CV-01531-AMM

**PLAINTIFFS' RESPONSES TO DEFENDANT ALLEN'S
DISCOVERY REQUESTS**

Pursuant to Rules 26, 33, 34, and 36 of the Federal Rules of Civil Procedure, Plaintiffs Khadidah Stone, Evan Milligan, Greater Birmingham Ministries, and Alabama State Conference of the NAACP (collectively "Plaintiffs"), submit the following objections and responses to Defendant Secretary of State Wes Allen's Discovery Requests to the Plaintiffs ("Requests").

These responses are based on the information and documents currently available to Plaintiffs, and Plaintiffs reserve the right to alter, supplement, amend, or otherwise modify these responses in light of additional facts revealed through subsequent inquiry and as appropriate under the Rules. These responses and objections are also based on Plaintiffs' understanding of each individual Request and not an admission or agreement with Defendant Allen's use or interpretation of terms. To the extent Defendant Allen asserts an interpretation of any Request that is inconsistent with Plaintiffs' understanding, Plaintiffs reserve the right to supplement its responses and objections.

Information contained in any responses and objections pursuant to these Requests are not an admission or acknowledgment by Plaintiffs that: (1) such information is relevant to any claim or defense in this action; (2) is without prejudice to Plaintiffs' right to contend at any trial or in any other proceeding,

in this action or otherwise, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery; and (3) is without prejudice to or waiver of any objection to any future use of such information.

In responding to the requests, whenever Plaintiffs agree to produce documents, such an agreement does not constitute a representation or concession that such documents are relevant or admissible as evidence. Further, Plaintiffs' responses to the requests shall not be construed in any way as an admission that any definition provided by Defendant Allen is either factually correct or legally binding.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: (Plaintiffs Stone and Milligan only): Identify your residential address, place of employment, and social media accounts.

OBJECTIONS TO INTERROGATORY NO. 1: Plaintiffs object that this Interrogatory is overly broad, unduly burdensome, and seeks information that is neither relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs also object to the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373 (2021); *Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

RESPONSES TO INTERROGATORY NO. 1: Subject to and without waiving these objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone resides at 3037 Pinehaardt Drive, Montgomery, AL 36109. She is employed by Alabama Forward. She has social media accounts on Instagram, X.com [Twitter], TikTok, Facebook, LinkedIn, and Pinterest.

Evan Milligan: Mr. Milligan resides at 4601 Vanderbilt Drive, Montgomery, AL 36116. He is self-employed as an independent contractor. He has social media accounts on Instagram and LinkedIn.

INTERROGATORY NO. 2: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP only): State with specificity the facts supporting your assertion of standing to bring the claims you press in the Fourth Amended Complaint.

OBJECTIONS TO INTERROGATORY NO. 2: Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs also object to

the extent this Interrogatory invades Plaintiffs' privacy interests in violation of the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law. *See Buckley v. Valeo*, 424 U.S. 1, 66 (1976); *NAACP v. Button*, 371 U.S. 415, 429 (1963); *Louisiana ex rel. Gremillion v. NAACP*, 366 U.S. 293, 296 (1961); *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

RESPONSES TO INTERROGATORY NO. 2: Without waiving these objections, Organizational Plaintiffs assert standing based "associational standing," that is, on behalf of impacted members.

Alabama NAACP: To support their claim of associational standing, Organizational Plaintiffs identify the following Black members who are registered to vote and reside in the Montgomery and Huntsville-Decatur areas, where Section 2 of the VRA requires the drawing of new Senate districts in which Black voters can elect candidates of choice, including the following:

- James E. Lovejoy, 9056 Black Cherry Trail, Pike Road, AL 36064
- Benard Simelton, 15376 Pepper Creek Rd., Harvest, AL 35749
- Jerry Burnet, 2405 Greenhill Drive, Huntsville, AL 35810
- Bobby Diggs, 227 Graves Blvd., Hillsboro, AL 35643
- Jo Ann Williams, 517 Southlawn Drive, Montgomery, AL 36198

Greater Birmingham Ministries: Greater Birmingham Ministries has individual members who live in the City of Huntsville and Montgomery County who identify as Black and are registered voters. GBM also has congregational members in the Ninth Episcopal District of the AME Church, which includes churches such as St. John AME Church (Huntsville), Grady - Madison AME Church (Madison), Wayman Chapel AME Church (Decatur), St. John, St. Paul, and St. Peter AME Churches (all in Montgomery), which have individual members who are Black registered voters who live in Madison County, Decatur, and Montgomery County. GBM reserves the right to amend this response to provide additional information about members who consent to having their identity disclosed.

INTERROGATORY NO. 3: Identify any Senate maps or districting plans known to you that contain one or more additional majority-BVAP Senate districts as compared to the 2021 Plan, which contains eight majority-BVAP Senate districts.

OBJECTIONS TO INTERROGATORY NO. 3: Plaintiffs object that this Interrogatory is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine.

RESPONSES TO INTERROGATORY NO. 3: Without waiving these objections, Plaintiffs respond that Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, includes a map that adheres to traditional redistricting criteria and contains two more majority-Black Senate districts than the 2021 Plan. Moreover, consistent with the scheduling order, Plaintiffs reserve the right to produce potentially responsive information in connection with the Plaintiffs' rebuttal expert reports.

INTERROGATORY NO. 4: (Plaintiffs Stone and Milligan only): Describe your involvement, if any, in any national, State or local political party. Include any leadership role you served in, the responsibilities of the position, and the timeframe that you held/hold the position.

OBJECTIONS TO INTERROGATORY NO. 4: Plaintiffs object that this Interrogatory is vague and ambiguous in its use of the terms "involvement" and "leadership role." Plaintiffs object to this Interrogatory because it is overly broad as it is untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory requests information protected by the associational rights of the First Amendment to the U.S. Constitution. *See Ams. for Prosperity Found.*, 141 S. Ct. at 2385-88; *id.* at 2390 (Thomas, J., concurring) ("The text and history of the Assembly Clause suggest that the right to assemble includes the right to associate anonymously."); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429 ("There [is] a vital relationship between freedom to associate and privacy in one's associations"); *Perry v. Schwarzenegger*, 591 F.3d 1126, 1142 (9th Cir. 2009) (The "right to associate with others to advance

one's shared political beliefs" entails "the right to exchange ideas and formulate strategy and messages, and to do so in private," as well as "to organize and direct them in the way that will make them most effective."); *see also NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

INTERROGATORY NO. 5: (Plaintiffs Stone and Milligan only): Identify whether you have been a candidate for any national, State or local office and the party, if any, that you ran under.

OBJECTIONS TO INTERROGATORY NO. 5: Plaintiffs object that this Interrogatory is vague and ambiguous in that it does not define the term "office." Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object to the extent that this Interrogatory requests information protected by the associational privilege of the First Amendment to the U.S. Constitution. *See Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

RESPONSES TO INTERROGATORY NO. 5: Without waiving these objections, Ms. Stone and Mr. Milligan respond that they have not been candidates for any national, State or local office.

INTERROGATORY NO. 6: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010.

OBJECTIONS TO INTERROGATORY NO. 6: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case.

Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

RESPONSES TO INTERROGATORY NO. 6: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright denied in any attempt to register to vote in Alabama since 2010.

Evan Milligan: Mr. Milligan has not been outright denied in any attempt to register to vote in Alabama since 2010.

Greater Birmingham Ministries: GBM is not aware of whether its members have been prevented from registering to vote since 2010 but it has assisted dozens of individuals who had been denied the right to register to vote or erroneously dropped from the voting rolls successfully register to vote. Much of GBM's work and knowledge in this area involves formerly incarcerated populations. At least in part because of its involvement as a plaintiff in *Thompson v. Alabama*, No. 2:16-cv-783-ECM-SMD (M.D. Ala.), in 2017, the Alabama Legislature passed a bill to define what crimes involved "moral turpitude" for the purposes of determining which citizens can vote, which had the effect of 140,000 Alabama citizens who had previously been denied the right to vote eligible to register and vote. Even in the midst of this, however, the Alabama Secretary of State refused to provide outreach or education to these newly eligible individuals, so many of these Alabamians remain unregistered because the State never informed them

that their prior criminal convictions no longer prohibit them from voting. GBM has assisted hundreds of these people in understanding their rights and successfully registering to vote.

GBM has also assisted more than 100 individuals who were mistaken about their eligibility to register to vote, denied the right to register, and/or erroneously denied registration or dropped from the voter rolls erroneously. For example, several such individuals were erroneously denied registration as a result of a State database error that incorrectly codes eligible Alabamians as not ineligible to vote. A conviction for an attempted crime is not considered a crime of moral turpitude under Alabama law and does not take away a citizen's voting rights. GBM has assisted in many cases where county registrars denied a citizen's voter registration application because their database erroneously showed the applicant as having been convicted of a completed crime that does result in the loss of voting rights, rather than an attempted crime. GBM must address such matters on a case-by-case basis and is one of only a few organizations that do so. Accordingly, there are many Alabamians in similar situations who have lost their voting rights erroneously and that GBM has not yet been able to help or identify.

Many other types of database errors have resulted in erroneous denials of voting rights and registrations. GBM has assisted applicants for Certificates of Eligibility to Register to Vote ("CERV") who the Alabama Bureau of Pardons and Paroles ("ABPP") erroneously confused with other people. According to ABPP, they do not have unique identifiers to distinguish one applicant from another. In one case, GBM worked with an individual ("Alvin") who had spent decades in prison. Upon his release, Alvin became eligible to restore his voting rights and register to vote. Yet ABPP confused Alvin with his brother for more than six months, erroneously attributing his brother's convictions to Alvin. GBM was able to persuade ABPP that these were two different people and Alvin was CERV-eligible. Alvin was issued a CERV many months after state law required ABPP to issue it.

Based on further experience, GBM also responds that they are aware of other arbitrary actions by ABPP result in the erroneous denial of voting rights and registration. To provide one example, GBM

representatives had attended a “second chance job fair” and met about ten individuals who had lost their voting rights but were eligible to have them restored. GBM left the job fair and submitted applications on behalf of these individuals. However, ABPP later notified GBM that the agency would not accept or process these applications because ABPP had changed their application form without any notice or grace period. For several of these applications, GBM was unable to relocate the applicants to have them fill out the exact same information on a new ABPP form.

GBM is aware of another form arbitrary denial of voting rights and registration. When voter registration applicants have out-of-state convictions or federal convictions, county registrars or ABPP compare those out-of-state or federal convictions to Alabama’s list of disqualifying convictions. If there is a perceived “match,” the applicant must satisfy additional conditions (*e.g.*, repayment of legal financial obligations, sentence completion) to have their voting rights restored. However, Alabama does not have any published standards for making such a “matching” determination. This results in arbitrary applications of eligibility rules and erroneous denials. Further, if an applicant has very old convictions or out-of-state or federal convictions that are not easily or immediately retrievable, ABPP presumptively denies voting rights restoration until the applicant can retrieve all requested records and affirmatively prove their eligibility. ABPP’s arbitrary placement of the burden of proving eligibility on the applicant results in excruciating and extended delays in the restoration of voting rights of eligible applicants.

NAACP of Alabama: The NAACP of Alabama is not aware of whether its members have been prevented from registering to vote since 2010 but it through its work enforcing Section 7 of the National Voter Registration Act of 1993 (“NVRA”),¹ it is aware of serious deficiencies in the administration of voter registration by the Department of Human Resources and the Medicaid Agency that likely prevented many eligible Alabamians from receiving voter registration opportunities. Due to the NAACP of

¹ See Letter from NAACP of Alabama to Ms. Beth Chapman, June 12, 2013, <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0395.pdf>.

Alabama's work, the Governor, Secretary of State, Department of Human Resources, and the Medicaid Agency entered into settlement agreements to ensure NVRA compliance.²

In 2018, the NAACP of Alabama, along with the Brennan Center and the League of Women Voters of Alabama, sent a letter notifying the Secretary of State's Office that Alabama's policy of immediately removing voters from registration lists based on an interstate crosscheck program violated Section 8 of the NVRA, which establishes clear requirements that states must meet before removing voters from the rolls.³ This use of Crosscheck almost certainly resulted in the erroneously removal of qualified voters from the voter rolls.

Organizational Plaintiffs are also generally aware of other findings which may have affected its members' ability to participate in the political process, including the U.S. Department of Justice finding in 2015 that Alabama had "widespread noncompliance with the requirements of Section 5" of the National Voter Registration Act,⁴ and the D.C. Circuit's finding in 2016, that the mismatch between Alabama's voter registration form and practices at the time and the federal voter registration form "is very likely to confuse the public," which "will create a disincentive for citizens who would otherwise attempt to register to vote." *League of Women Voters v. Newby*, 838 F.3d 1, 13 (D.C. Cir. 2016).

INTERROGATORY NO. 7: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from voting in Alabama at any time since 2010.

OBJECTIONS TO INTERROGATORY NO. 7: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term "prevented," and to the extent that it implies

² See Settlement Agreement Regarding Department of Human Resources (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0396.pdf>; Settlement Agreement Regarding Medicaid Agency (Dec. 2013), <https://www.lawyerscommittee.org/wp-content/uploads/2015/06/0397.pdf>.

³ See Letter regarding Alabama's Non-Compliance with Section 8, July 20, 2018.

⁴ U.S. Dept. of Justice, *State of Alabama Agrees to Resolve Claims of National Voter Registration Act Violations* (Nov. 13, 2015)

that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to vote rather than subjected to burdensome and discriminatory restrictions and districts that provide them unequal access to political power. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

RESPONSES TO INTERROGATORY NO. 7: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has not been outright prevented from casting a ballot in Alabama since 2010 but has had her right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Evan Milligan: Mr. Milligan has not been outright prevented from casting a ballot in Alabama since 2010 but has had his right to vote abridged due to living in an area with racially dilutive State Senate and congressional districts.

Greater Birmingham Ministries: GBM incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting GBM members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote, as found in *Greater Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

NAACP of Alabama: NAACP of Alabama incorporates by reference its response to Interrogatory No. 6 and also incorporates by reference barriers to voting its members experienced during the 2020 election as found in *People First of Alabama v. Merrill*, 491 F.Supp.3d 1076, 1146 (N.D. Al. 2020), and that thousands of Alabamians lack sufficient ID to be able to vote as found in *Greater Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1312 (11th Cir. 2021).

INTERROGATORY NO. 8: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support.

OBJECTIONS TO INTERROGATORY NO. 8: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented,” or explain what it sense it means “choosing a political party to support.” To the extent this Interrogatory implies that the governing legal standard in this case only concerns who Alabamians have been outright denied the right to participate in party affairs. Plaintiffs further object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 8: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

INTERROGATORY NO. 9: If you contend it to be true, explain how you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the political party that you/your members choose to support.

RESPONSE TO INTERROGATORY NO. 9: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “prevented” or the phrases “participating in the affairs.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions. Plaintiffs object to the extent that this Interrogatory calls for a legal conclusion. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs’ and organizational Plaintiffs’ members’ privacy interests—including to the extent it requests that Plaintiffs reveal individuals’ associations with political parties or voting selections, or the identities of organizational Plaintiffs’ individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 9: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them understand what the question means in terms of being prevented from choosing a political party to support and so cannot say one way or the other.

INTERROGATORY NO. 10: If you contend it to be true, detail when and in what manner black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party.

OBJECTIONS TO INTERROGATORY NO. 10: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “excluded.” Plaintiffs object to this Interrogatory because it is irrelevant, overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response with expert reports and testimony or other discovery responses, including, but not limited to, depositions.

RESPONSES TO INTERROGATORY NO. 10: Subject to and without waiving the foregoing objections, Plaintiffs respond that none of them are part of the leadership or inner workings of the Alabama Democratic Party so lack knowledge of the extent to which the Party has discriminated against Black candidates. Plaintiffs are generally aware that, from the 1960s through today, Black voters have sued the Alabama Democratic Party over a lack of equal access to the party’s electoral processes and the party’s failure to comply with the Voting Rights Act. *See, e.g., Hadnott v. Amos*, 394 U.S. 358 (1969); *Gilmore v. Greene Cnty. Democratic Party Exec. Comm.*, 435 F.2d 487 (5th Cir. 1970); *Foster v. Jones*, No. 03-0574, 2004 WL 7344991, at *1–2 (S.D. Ala. June 17, 2004); *Henderson v. Harris*, 804 F. Supp. 288 (M.D. Ala. 1992) (three-judge court); *Henderson v. Graddick*, 641 F. Supp. 1192 (M.D. Ala. 1986) (three-judge court); *Harris v. Graddick*, 615 F. Supp. 239 (M.D. Ala. 1985), 593 F. Supp. 128 (M.D. Ala. 1984); *MacGuire v. Amos*, 343 F. Supp. 119 (M.D. Ala. 1972) (three-judge court); *United States v. Democratic Exec. Comm. of Barbour Cnty., Ala.*, 288 F. Supp. 943 (M.D. Ala. 1968); *Smith v. Paris*, 257 F.Supp. 901 (M.D. Ala. 1966), *aff’d*, 386 F.2d 979 (5th Cir. 1967); *Gray v. Main*, 291 F. Supp. 998 (M.D.

Ala. 1966); *United States v. Exec. Comm. of Democratic Party of Dallas Cnty.*, 254 F. Supp. 537 (S.D. Ala. 1966); *see also Hawthorne v. Baker*, 750 F. Supp. 1090, 1092 (M.D. Ala. 1990) (three-judge court), *vacated*, 499 U.S. 933 (1991); *Harper v. Vance*, 342 F. Supp. 136 (N.D. Ala. 1972) (three-judge court); *Gray v. Main*, 291 F. Supp. 998 (M.D. Ala. 1966). Plaintiffs are further aware that the U.S. Department of Justice objected to numerous racially discriminatory changes to the Alabama Democratic Party's election procedures under Section 5 of the Voting Rights Act in 1974, 1976, 1982, 1989, 1990, and 1991. *See* U.S. Dep't of Justice, Civil Rights Div., Voting Determination Letters for Alabama, <https://www.justice.gov/crt/voting-determination-letters-alabama>. The Alabama Democratic Party did not remove "white supremacy" from its logo until 1966 and, that as of 1989, the governing body of the Party "was largely controlled by White Democrats in numbers disproportionate to the racial makeup of the Alabama Democratic Party electorate" and that this exclusion led to a consent decree.⁵ Plaintiffs are also aware but lack knowledge of the veracity of the allegations in *Kelley v. Harrison*, No. 1:21-CV-56 and the statements made in 2023 by the Alabama Democratic Party Chair Kelley, which allege that some party officials were engaged in a "racist plot to divide, dilute, undermine and weaken the Black vote" on the State Democratic Executive Committee.

INTERROGATORY NO. 11: Detail any efforts you—or, in the case of the organizational Plaintiffs, your members—have made to join the Alabama Republican Party and explain how those efforts were met by the Alabama Republican Party.

OBJECTIONS TO INTERROGATORY NO. 11: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the phrase "join the Alabama Republican Party." Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and

⁵ *Kelley v. Harrison*, No. 1:21-CV-56-RAH-SMD, 2021 WL 3200989, at *1 (M.D. Ala. July 28, 2021).

burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs also object that this Interrogatory is premature as discovery is ongoing, and Plaintiffs reserve the right to supplement this response. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or voting selections, or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment; Alabama law; and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9; Ala. Code § 17-6-34.

RESPONSES TO INTERROGATORY NO. 11: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: Ms. Stone has no efforts to report that she believes responds to this Interrogatory.

Evan Milligan: Mr. Milligan has no efforts to report that he believes responds to this Interrogatory.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the political affiliation of its individual members or of the individual members of its congregational members and therefore lacks sufficient knowledge to respond to this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the political affiliation of its members and therefore lacks sufficient knowledge to respond to this Interrogatory.

INTERROGATORY NO. 12: Identify the name, contact information, and race of each person you—or, in the case of the organizational Plaintiffs, your members—consider to be a leader of the Alabama Democratic Party.

OBJECTIONS TO INTERROGATORY NO. 12: Plaintiffs object to this Interrogatory because it is vague and ambiguous in that it does not define the term “leader.” Plaintiffs object to this Interrogatory because it is overly broad, unduly burdensome, and seeks information that is not relevant to any party’s

claims or defenses nor proportional to the needs of the case. Plaintiffs further object that this Interrogatory is oppressive and burdensome to the extent the information it seeks is publicly available or equally accessible to Defendant as it is to Plaintiffs. Plaintiffs further object to the extent this Interrogatory invades Plaintiffs' and organizational Plaintiffs' members' privacy interests—including to the extent it requests that Plaintiffs reveal individuals' associations with political parties or the identities of organizational Plaintiffs' individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and all other applicable law. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9.

RESPONSES TO INTERROGATORY NO. 12: Subject to and without waiving the foregoing objections, Plaintiffs respond as follows:

Khadidah Stone: I know Tabitha Isner as a leader in the Alabama Democratic Party. She identifies as white. Her email address is tabitha@tabithaisner.com.

Evan Milligan: Tabitha Isner, a white woman, is the vice chair of the Alabama Democratic Party. Ms. Isner may be reached at tabitha@tabithaisner.com.

Greater Birmingham Ministries: Greater Birmingham Ministries does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

NAACP of Alabama: The NAACP of Alabama does not monitor the views of its members as to who they consider to be leaders of political parties so lacks a basis to answer this Interrogatory.

OBJECTIONS & RESPONSES TO REQUESTS FOR PRODUCTION

Without waiving or limiting in any manner any of the foregoing Continuing Objections and Objections to Definitions, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Production as follows:

REQUEST FOR PRODUCTION NO. 1: Produce any documents depicting or concerning "this illustrative map" referenced in Paragraph 88 of the Fourth Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Plaintiffs refer Defendant Allen to the illustrative map provided in Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 2: Produce any documents concerning any effort you undertook to draw an Alabama Senate districting plan containing one or more additional majority-BVAP districts as compared to the 2021 Plan.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax's expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 3: Produce any documents concerning any maps or analysis that provides the basis for your contention that additional majority-BVAP Senate districts can be drawn in Alabama and that any such district can be reasonably constructed consistent with traditional districting criteria.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Plaintiffs object that this Request is premature as discovery is ongoing. Plaintiffs additionally object to this Request to the extent that it seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to and without waiving these objections, Plaintiffs refer to Defendant Allen to Anthony E. Fairfax’s expert report, served to counsel by email on February 2, 2024, and accompanying materials. Plaintiffs reserve the right to supplement this response based on further discovery and expert analysis according to the scheduling order in this case.

REQUEST FOR PRODUCTION NO. 4: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP) Produce any documents concerning how one becomes a “member” of your organization including, but not limited to, any process that is followed and any criterion that is applied.

OBJECTIONS & RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Plaintiffs object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 5: (Plaintiffs Greater Birmingham Ministries and Alabama State Conference of the NAACP) Produce any documents concerning your standing to bring the claims you assert in the Fourth Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Plaintiffs object to the extent that this Request information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the production of membership lists—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Subject to and without waiving these objections, Plaintiffs refer Defendants to their Answer to Interrogatory No. 2.

REQUEST FOR PRODUCTION NO. 6: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from being registered to vote in Alabama at any time since 2010, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Plaintiffs object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable law.

Plaintiffs also refer to documents referred to and equally available to Defendants concerning the settlement of NVRA claims and from litigation referred to in Responses to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 7: If you contend that Black candidates have been excluded, on account of race, as candidates of the Alabama Democratic Party, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Plaintiffs object to the extent that this Request call for information equally available to Defendants. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it

requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 8: If you contend that the Alabama Democratic Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 9: If you contend that the Alabama Republican Party refuses to associate with Black voters and/or Black candidates on account of race, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “associate.” Plaintiffs also object to the extent that this Requests information protected by the associational privilege of the First

Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents in their possession.

REQUEST FOR PRODUCTION NO. 10: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs also object to the extent that this Request information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs further object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 11: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from participating in the affairs of the

political party or parties that you/your members choose to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “participating.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs’ members’ privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 12: If you contend that you—or, in the case of the organizational Plaintiffs, your members—have been prevented from choosing a political party to support, produce any documents you have concerning that contention.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “choosing.” Plaintiffs object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party’s claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Requests information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted

membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 13: If you—or, in the case of the organizational Plaintiffs, your members—have made any effort to join the Alabama Republican Party, produce any documents you have concerning that effort, including any response from the Alabama Republican Party.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Plaintiffs object to the extent that this Request information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents.

REQUEST FOR PRODUCTION NO. 14: If you refuse to admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race, produce any documents you have supporting that refusal.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Plaintiffs object to this Request because it is vague and ambiguous in that it does not define the phrase “nothing to do with race.” Plaintiffs

object to this Request because it is overly broad, unduly burdensome, untethered to any temporal limitation, and seeks information that is not relevant to any party's claims or defenses nor proportional to the needs of the case as well. Plaintiffs further object to the extent that this Request information protected by the associational privilege of the First Amendment to the U.S. Constitution, including unredacted membership lists. *See NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958); *Buckley*, 424 U.S. at 66; *Button*, 371 U.S. at 429; *Perry*, 591 F.3d at 1142 n.9. Plaintiffs also object to the extent this Request invades organizational Plaintiffs' members' privacy interests—including to the extent it requests the identification of individual members—protected by the U.S. Constitution, including the associational privilege of the First Amendment, and other applicable.

Subject to and without waiving the foregoing objections, Plaintiffs do not have any responsive documents except to the extent such documents are relied upon in expert reports.

RESPONSES TO REQUESTS FOR ADMISSION

Without waiving or limiting in any manner any of the foregoing Continuing Objections, but rather incorporating them into each of the following responses to the extent applicable, Plaintiffs respond to Secretary Allen's Requests for Admission as follows:

REQUEST FOR ADMISSION NO. 1: Admit that since at least 2000, support of Black voters has been critical to the electoral success of Democratic candidates in Alabama elections.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Plaintiffs object to Request for Admission No. 1 as vague and ambiguous in that it does not define the term "critical." Subject to and without waiving the foregoing objections, Plaintiffs admit that Black voters have tended to support Democratic candidates in general, partisan elections in the elections analyzed in Alabama elections dating back to 2014, although the level of support has varied in some races depending on the race of the candidates and that Democratic candidates have only seen success when the relevant district has a majority BVAP or BCVAP or close to it, or in the rare instances when white voters support Black-preferred candidates in greater numbers than usual. As to general election races between 2000 and 2012, Plaintiffs have anecdotal and experiential information that Black voters have tended to support Democratic more than Republican candidates, but lack sufficient knowledge beyond that. For all years, Plaintiffs admit that whereas Black Democratic candidates only found success in majority-BVAP districts in state legislative races, white Democrats had success in some circumstances in majority-white districts or voter populations, strongly indicating that the race of the candidate matters above and beyond political affiliation.

REQUEST FOR ADMISSION NO. 2: Admit that the support of Black voters was critical to the success of Doug Jones when he was elected, as a Democrat, to the U.S. Senate from Alabama in 2017.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Plaintiffs object to Request for Admission No. 2 as vague and ambiguous in that it does not define the term "critical." Subject to and

without waiving the foregoing objections, Plaintiffs admit that a significant majority of Black voters voted for Doug Jones in the 2017 U.S. Senate race over his opponent, but deny the Request to the extent it overlooks the fact that his rare election as a statewide Democrat was made possible by far greater than usual white support of his candidacy as a white Democrat running against a controversial candidate.

REQUEST FOR ADMISSION NO. 3: Admit that, since at least 2000, Black candidates in Alabama have routinely run for elected offices in Democratic primaries and have routinely won Democratic primaries.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Plaintiffs object to Request for Admission No. 3 as vague and ambiguous in that it does not define the term “routinely.” Subject to and without waiving the foregoing objections, Plaintiffs admit that Black candidates for public office in Alabama have won Democratic primary races, though Plaintiffs lack sufficient knowledge of whether they tend to win or lose in greater percentages when they face a white Democrat in the primary or in majority-white electorates.

REQUEST FOR ADMISSION NO. 4: Admit that in 2024, Black candidates ran in the Alabama Republican Party primary, including for Alabama Congressional District 2.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Plaintiffs admit that four Black candidates and four white candidates sought the Republican Party nomination for Alabama’s Congressional District 2, and further admit that those four Black candidates finished fifth, sixth, seventh, and eighth, while the white candidates finished first through fourth, with the Black candidates totaling approximately 6% of the votes, and the white candidates garnering the remaining approximately 94% of the votes.

REQUEST FOR ADMISSION NO. 5: Admit that, in the State of Alabama, the Black preferred candidate is usually a Democrat.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Plaintiffs object to Request for

Admission No. 5 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over time, place, particular elections, and candidates in the past 50-60 years as Black Alabamians finally gained access to the franchise in meaningful numbers.

REQUEST FOR ADMISSION NO. 6: Admit that, nationally, the Black preferred candidate is usually a Democrat.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as Black support for candidates of the different political parties has varied over the history of this country, with Black political support shifting to some degree in the last half-century due to a number of factors such as differences for political support for civil rights protections, the “Southern Strategy” which relied upon race-based appeals to drive the voting patterns of white voters in the South away from the Democratic Party, and other relevant factors.

REQUEST FOR ADMISSION NO. 7: Admit that, in the State of Alabama, the white preferred candidate is usually a Republican.

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Plaintiffs object to Request for Admission No. 6 as vague and ambiguous because it fails to provide the time period of the Request. Given the boundless definition of time, Plaintiffs deny the Request as white support for candidates of the different political parties has varied over the history of the State and this country, with white political support shifting significantly even in the last twenty years between political parties and varying to some degree until the past decade or two between local, state, and national races.

REQUEST FOR ADMISSION NO. 8: Admit that white voters can prefer Republican candidates for reasons that have nothing to do with race.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Plaintiffs object to Request for

Admission No. 8 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical and requires isolating a political system infused by race in a way not reflected by reality, particularly considering recent overtly racist laws passed with support of most Republicans such as the recent ban on diversity, equity, and inclusion efforts.

REQUEST FOR ADMISSION NO. 9: Admit that many white voters in Alabama prefer Republican candidates for reasons that have nothing to do with race.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Plaintiffs object to Request for Admission No. 9 as vague and ambiguous due to the term “nothing to do with race.” Plaintiffs can neither admit nor deny it on the grounds that it calls for speculation and/or contains an incomplete hypothetical because it calls for isolating issues in a political system infused by race in a way not reflected by reality.

REQUEST FOR ADMISSION NO. 10: Admit that white voters can prefer Republican candidates for policy reasons, *i.e.*, abortion, gun rights, and immigration.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Plaintiffs object to Request for Admission No. 10 as vague and ambiguous as to the phrase and “policy reasons.” Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs deny any implication that any of these policy positions can be completely separated from race given the dominant role of race in Alabama’s political system.

REQUEST FOR ADMISSION NO. 11: Admit that Rep. Kenneth Paschal is a Black Republican elected to represent majority-white Alabama House District 73.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Plaintiffs admit this Request.

REQUEST FOR ADMISSION NO. 12: Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Senate seats up for election in 2022.

RESPONSE TO REQUEST FOR ADMISSION NO. 12: Plaintiffs object to Request for

Admission No. 12 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 13: Admit that the Alabama Democratic Party did not have candidates for more than half of the Alabama State Legislature seats up for election in 2022.

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Plaintiffs object to Request for Admission No. 13 as vague and ambiguous. Plaintiffs further object to this Request to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 14: Admit that citizen voting age population (“CVAP”) calculated by the Census Bureau is based on a collection of survey estimates, not a count of the population like the decennial Census.

RESPONSE TO REQUEST FOR ADMISSION NO. 14: Plaintiffs admit that the Census Bureau creates a “custom tabulation of the citizen voting age population” from five years of data from the American Community Survey (ACS), which means approximately 17.7 million households receive surveys in a typical five-year period nationwide, as do approximately 315,000 households in Alabama over the same period.

REQUEST FOR ADMISSION NO. 15: Admit that the 2020 Census did not ask respondents about whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 15: Plaintiffs admit that despite the U.S. Department of Commerce attempting to place such a question on the 2020 Decennial Census, the 2020 Decennial Census questionnaire did not ask about citizenship after the Supreme Court found that “the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived,” and thus affirmed the district court’s decision enjoining its addition on that ground. *Dep’t of*

Com. v. New York, 139 S. Ct. 2551, 2575 (2019).

REQUEST FOR ADMISSION NO. 16: Admit that the ACLU opposed including a question on the 2020 Census asking respondents whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 16: Plaintiffs admit that the ACLU not only opposed, but successfully litigated the issue before the U.S. Supreme Court, where the Court affirmed the district court's injunction against adding the question, finding that "the VRA enforcement rationale—the sole stated reason [provided for its addition]—seems to have been contrived," and thus affirmed the district court's decision enjoining its addition on that ground, *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019)—a decision which including finding that former DOJ official John Gore admitted "that CVAP data collected through the census questionnaire" as opposed to the ACS "is not necessary for [the U.S. Department of Justice's] VRA enforcement efforts." *New York v. U.S. Dep't of Com.*, 351 F. Supp. 3d 502, 556–57 (S.D.N.Y.), *aff'd in part, rev'd in part and remanded sub nom. Dep't of Com. v. New York*, 139 S. Ct. 2551 (2019).

REQUEST FOR ADMISSION NO. 17: Admit that the NAACP LDF opposed including a question on the 2020 Census asking respondents whether they were citizens.

RESPONSE TO REQUEST FOR ADMISSION NO. 17: Plaintiffs admit that LDF not only opposed adding a citizenship question to the 2020 Decennial Census, but also submitted an amicus brief in the Supreme Court explaining that, among other things, "[e]xisting data sources, including citizenship data obtained through" census surveys, "have proven more than sufficient" for litigating cases under Section 2 of the VRA.

REQUEST FOR ADMISSION NO. 18: Admit that Alabama has used single-member districts to elect Members of the Alabama Senate for more than 40 years.

RESPONSE TO REQUEST FOR ADMISSION NO. 18: Plaintiffs object to Request for Admission No. 18 to the extent it seeks information equally or more readily accessible to Secretary Allen.

Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 19: Admit that U.S. Senator Howell Heflin was elected from the State of Alabama in, *inter alia*, 1984, when he received more than 60% of the vote.

RESPONSE TO REQUEST FOR ADMISSION NO. 19: Plaintiffs object to Request for Admission No. 19 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, this Request is admitted.

REQUEST FOR ADMISSION NO. 20: Admit that Joe Reed and the Alabama Democratic Conference endorsed Hillary Rodham Clinton over Barack Obama in 2008.

RESPONSE TO REQUEST FOR ADMISSION NO. 20: Plaintiffs object to Request for Admission No. 20 to the extent it seeks information equally or more readily accessible to Secretary Allen. Subject to and without waiving the foregoing and Continuing Objections, Plaintiffs admit that Joe Reed and the ADC endorsed Hillary Clinton over Barack Obama in 2008 contrary to the preferences of Black voters, 84% of whom voted for then-Senator Obama in the primary, in contrast to the white primary voters, 72% of whom gave then-Senator Hillary Clinton their vote.

DATED this 27th day of March 2024.

/s/ Alison Mollman

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Respectfully submitted,

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*Admitted *pro hac vice*

VERIFICATION OF INTERROGATORY RESPONSES

I, Khadidah Stone, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read 'Khadidah Stone', written over a horizontal line.

Khadidah Stone

Dated: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Evan Milligan, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.



Evan Milligan

Date: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Scott Douglas, believe, based on reasonable inquiry, that the foregoing answers submitted on behalf of Greater Birmingham Ministries are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.

A handwritten signature in black ink, appearing to read "Scott Douglas", is written over a horizontal line.

Scott Douglas

Dated: 3/27/24

VERIFICATION OF INTERROGATORY RESPONSES

I, Benard Simelton, believe, based on reasonable inquiry, that the foregoing answers are true and correct to the best of my knowledge, information, and belief. I verify as such under penalty of perjury.


Benard Simelton

Dated: *March 26, 2024*

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2024, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ Davin Rosborough
Davin Rosborough

McClendon Senate Plan 1

