

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

KHADIDAH STONE, EVAN MILLIGAN,
GREATER BIRMINGHAM MINISTRIES,
and the ALABAMA STATE CONFERENCE
OF THE NAACP,

Plaintiffs,

vs.

WES ALLEN, in his official capacity as
Secretary of State of Alabama,

Defendant.

No. 2:21-cv-01531-AMM

**PLAINTIFFS' NOTICE OF EVIDENTIARY SUBMISSION
IN OPPOSITION TO DEFENDANT'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

In addition to the exhibits cited from Secretary Allen's evidentiary submission, DE164, Plaintiffs submit the following exhibits in support of their opposition to his partial motion for summary judgment:

| Plaintiffs' Exhibit No. | Exhibit Description |
|--------------------------------|--|
| 1 | Reapportionment Committee Redistricting Guidelines |
| 2 | Benard Simelton Deposition Transcript |
| 3 | Exhibits to Benard Simelton Deposition |
| 4 | Plaintiffs' Responses to Defendant Allen's Discovery Requests |
| 5 | Plaintiff Greater Birmingham Ministry's First Supplemental Responses to Defendant Allen's Discovery Requests |
| 6 | Scott Douglas Deposition Transcript |
| 7 | Exhibits to Scott Douglas Deposition |
| 8 | Randy Hinaman Deposition Transcript |
| 9 | Exhibits to Randy Hinaman Deposition |
| 10 | Jim McClendon Deposition Transcript |
| 11 | Exhibits 1-5 to Jim McClendon Deposition |
| 12 | Exhibits 6-15 to Jim McClendon Deposition |
| 13 | Exhibit 16 to Jim McClendon Deposition |

DATED this 19th day of July, 2024

Respectfully submitted,

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 Laurel Hattix

/s/ Davin M. Rosborough
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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record in this case.

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Plaintiffs' Exhibit No. 1

Reapportionment Committee Redistricting Guidelines

REAPPORTIONMENT COMMITTEE REDISTRICTING GUIDELINES

May 5, 2021

I. POPULATION

The total Alabama state population, and the population of defined subunits thereof, as reported by the 2020 Census, shall be the permissible data base used for the development, evaluation, and analysis of proposed redistricting plans. It is the intention of this provision to exclude from use any census data, for the purpose of determining compliance with the one person, one vote requirement, other than that provided by the United States Census Bureau.

II. CRITERIA FOR REDISTRICTING

a. Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

b. Congressional districts shall have minimal population deviation.

c. Legislative and state board of education districts shall be drawn to achieve substantial equality of population among the districts and shall not exceed an overall population deviation range of $\pm 5\%$.

d. A redistricting plan considered by the Reapportionment Committee shall comply with the one person, one vote principle of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

e. The Reapportionment Committee shall not approve a redistricting plan that does not comply with these population requirements.

f. Districts shall be drawn in compliance with the Voting Rights Act of 1965, as amended. A redistricting plan shall have neither the purpose nor the effect of diluting minority voting strength, and shall comply with Section 2 of the Voting Rights Act and the United States Constitution.

g. No district will be drawn in a manner that subordinates race-neutral districting criteria to considerations of race, color, or membership in a language-minority group, except that race, color, or membership in a language-minority group may predominate over race-neutral districting criteria to comply with Section 2 of the Voting Rights Act, provided there is a strong basis in evidence in support of such a race-based choice. A strong basis in evidence exists when there is good reason to believe that race must be used in order to satisfy the Voting Rights Act.

1 h. Districts will be composed of contiguous and reasonably compact
2 geography.

3 i. The following requirements of the Alabama Constitution shall be complied
4 with:

5 (i) Sovereignty resides in the people of Alabama, and all districts should be
6 drawn to reflect the democratic will of all the people concerning how their
7 governments should be restructured.

8 (ii) Districts shall be drawn on the basis of total population, except that voting
9 age population may be considered, as necessary to comply with Section 2 of the
10 Voting Rights Act or other federal or state law.

11 (iii) The number of Alabama Senate districts is set by statute at 35 and, under
12 the Alabama Constitution, may not exceed 35.

13 (iv) The number of Alabama Senate districts shall be not less than one-fourth or
14 more than one-third of the number of House districts.

15 (v) The number of Alabama House districts is set by statute at 105 and, under
16 the Alabama Constitution, may not exceed 106.

17 (vi) The number of Alabama House districts shall not be less than 67.

18 (vii) All districts will be single-member districts.

19 (viii) Every part of every district shall be contiguous with every other part of the
20 district.

21 j. The following redistricting policies are embedded in the political values,
22 traditions, customs, and usages of the State of Alabama and shall be observed to
23 the extent that they do not violate or subordinate the foregoing policies prescribed
24 by the Constitution and laws of the United States and of the State of Alabama:

25 (i) Contests between incumbents will be avoided whenever possible.

26 (ii) Contiguity by water is allowed, but point-to-point contiguity and long-lasso
27 contiguity is not.

28 (iii) Districts shall respect communities of interest, neighborhoods, and political
29 subdivisions to the extent practicable and in compliance with paragraphs a
30 through i. A community of interest is defined as an area with recognized
31 similarities of interests, including but not limited to ethnic, racial, economic, tribal,
32 social, geographic, or historical identities. The term communities of interest may,
33 in certain circumstances, include political subdivisions such as counties, voting

precincts, municipalities, tribal lands and reservations, or school districts. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people.

(iv) The Legislature shall try to minimize the number of counties in each district.

(v) The Legislature shall try to preserve the cores of existing districts.

(vi) In establishing legislative districts, the Reapportionment Committee shall give due consideration to all the criteria herein. However, priority is to be given to the compelling State interests requiring equality of population among districts and compliance with the Voting Rights Act of 1965, as amended, should the requirements of those criteria conflict with any other criteria.

g. The criteria identified in paragraphs j(i)-(vi) are not listed in order of precedence, and in each instance where they conflict, the Legislature shall at its discretion determine which takes priority.

III. PLANS PRODUCED BY LEGISLATORS

1. The confidentiality of any Legislator developing plans or portions thereof will be respected. The Reapportionment Office staff will not release any information on any Legislator's work without written permission of the Legislator developing the plan, subject to paragraph two below.

2. A proposed redistricting plan will become public information upon its introduction as a bill in the legislative process, or upon presentation for consideration by the Reapportionment Committee.

3. Access to the Legislative Reapportionment Office Computer System, census population data, and redistricting work maps will be available to all members of the Legislature upon request. Reapportionment Office staff will provide technical assistance to all Legislators who wish to develop proposals.

4. In accordance with Rule 23 of the Joint Rules of the Alabama Legislature "[a]ll amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office." Amendments or revisions must be part of a whole plan. Partial plans are not allowed.

5. In accordance with Rule 24 of the Joint Rules of the Alabama Legislature, "[d]rafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, shall be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data System at least ten (10) days prior to introduction."

IV. REAPPORTIONMENT COMMITTEE MEETINGS AND PUBLIC HEARINGS

1. All meetings of the Reapportionment Committee and its sub-committees will be open to the public and all plans presented at committee meetings will be made available to the public.

2. Minutes of all Reapportionment Committee meetings shall be taken and maintained as part of the public record. Copies of all minutes shall be made available to the public.

3. Transcripts of any public hearings shall be made and maintained as part of the public record, and shall be available to the public.

4. All interested persons are encouraged to appear before the Reapportionment Committee and to give their comments and input regarding legislative redistricting. Reasonable opportunity will be given to such persons, consistent with the criteria herein established, to present plans or amendments redistricting plans to the Reapportionment Committee, if desired, unless such plans or amendments fail to meet the minimal criteria herein established.

5. Notice of all Reapportionment Committee meetings will be posted on monitors throughout the Alabama State House, the Reapportionment Committee's website, and on the Secretary of State's website. Individual notice of Reapportionment Committee meetings will be sent by email to any citizen or organization who requests individual notice and provides the necessary information to the Reapportionment Committee staff. Persons or organizations who want to receive this information should contact the Reapportionment Office.

V. PUBLIC ACCESS

1. The Reapportionment Committee seeks active and informed public participation in all activities of the Committee and the widest range of public information and citizen input into its deliberations. Public access to the Reapportionment Office computer system is available every Friday from 8:30 a.m. to 4:30 p.m. Please contact the Reapportionment Office to schedule an appointment.

2. A redistricting plan may be presented to the Reapportionment Committee by any individual citizen or organization by written presentation at a public meeting or by submission in writing to the Committee. All plans submitted to the Reapportionment Committee will be made part of the public record and made available in the same manner as other public records of the Committee.

1 3. Any proposed redistricting plan drafted into legislation must be offered by a
2 member of the Legislature for introduction into the legislative process.

3 4. A redistricting plan developed outside the Legislature or a redistricting plan
4 developed without Reapportionment Office assistance which is to be presented for
5 consideration by the Reapportionment Committee must:

6 a. Be clearly depicted on maps which follow 2020 Census geographic
7 boundaries;

8 b. Be accompanied by a statistical sheet listing total population for each district
9 and listing the census geography making up each proposed district;

10 c. Stand as a complete statewide plan for redistricting.

11 d. Comply with the guidelines adopted by the Reapportionment Committee.

12 5. Electronic Submissions

13 a. Electronic submissions of redistricting plans will be accepted by the
14 Reapportionment Committee.

15 b. Plans submitted electronically must also be accompanied by the paper
16 materials referenced in this section.

17 c. See the Appendix for the technical documentation for the electronic
18 submission of redistricting plans.

19 6. Census Data and Redistricting Materials

20 a. Census population data and census maps will be made available through the
21 Reapportionment Office at a cost determined by the Permanent Legislative
22 Committee on Reapportionment.

23 b. Summary population data at the precinct level and a statewide work maps
24 will be made available to the public through the Reapportionment Office at a cost
25 determined by the Permanent Legislative Committee on Reapportionment.

26 c. All such fees shall be deposited in the state treasury to the credit of the
27 general fund and shall be used to cover the expenses of the Legislature.

28 **Appendix.**

29 **ELECTRONIC SUBMISSION OF REDISTRICTING PLANS**

30 **REAPPORTIONMENT COMMITTEE - STATE OF ALABAMA**

1

2 The Legislative Reapportionment Computer System supports the electronic
3 submission of redistricting plans. The electronic submission of these plans must
4 be via email or a flash drive. The software used by the Reapportionment Office is
5 Maptitude.

6 The electronic file should be in DOJ format (Block, district # or district #,
7 Block). This should be a two column, comma delimited file containing the FIPS
8 code for each block, and the district number. Maptitude has an automated plan
9 import that creates a new plan from the block/district assignment list.

10 Web services that can be accessed directly with a URL and ArcView
11 Shapefiles can be viewed as overlays. A new plan would have to be built using this
12 overlay as a guide to assign units into a blank Maptitude plan. In order to analyze
13 the plans with our attribute data, edit, and report on, a new plan will have to be
14 built in Maptitude.

15 In order for plans to be analyzed with our attribute data, to be able to edit,
16 report on, and produce maps in the most efficient, accurate and time saving
17 procedure, electronic submissions are REQUIRED to be in DOJ format.

18 Example: (DOJ FORMAT BLOCK, DISTRICT #)

19 SSCCCTTTTTTBBBBDDDD

20 SS is the 2 digit state FIPS code

21 CCC is the 3 digit county FIPS code

22 TTTTTT is the 6 digit census tract code

23 BBBB is the 4 digit census block code

24 DDDD is the district number, right adjusted

25 **Contact Information:**

26 Legislative Reapportionment Office

27 Room 317, State House

28 11 South Union Street

29 Montgomery, Alabama 36130

30 (334) 261-0706

1 For questions relating to reapportionment and redistricting, please contact:

2 Donna Overton Loftin, Supervisor

3 Legislative Reapportionment Office

4 donna.overton@alsenate.gov

5 Please Note: The above e-mail address is to be used only for the purposes of
6 obtaining information regarding redistricting. Political messages, including those
7 relative to specific legislation or other political matters, cannot be answered or
8 disseminated via this email to members of the Legislature. Members of the
9 Permanent Legislative Committee on Reapportionment may be contacted through
10 information contained on their Member pages of the Official Website of the
11 Alabama Legislature, legislature.state.al.us/aliswww/default.aspx.

Plaintiffs' Exhibit No. 2

Benard Simelton Deposition Transcript

KHADIDAH STONE, et al.

Vs.

WES ALLEN, et al.

BENARD SIMELTON

April 22, 2024



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION
2:21-CV-1531-AMM

KHADIDAH STONE, et al.,
Plaintiffs,

Vs.

WES ALLEN, et al.,
Defendants.

CERTIFIED COPY

DEPOSITION TRANSCRIPT OF
BENARD SIMELTON
April 22, 2024
10:02 a.m.

The deposition of BENARD
SIMELTON was taken before Wendy Rene Myhan, CCR,
on the 22nd day of April, 2024, by the
Plaintiffs, commencing at approximately 10:02
ALABAMA COURT REPORTING, INC.

Page 2

a.m., at the offices of ALABAMA STATE CONFERENCE
OF THE NAACP, 809 Highway 72 West, Suite D,
Athens, Alabama 36104, pursuant to the
stipulations set forth herein.

STIPULATIONS

IT IS STIPULATED AND AGREED, by and
between the parties through their respective
counsel, that the deposition of BENARD SIMELTON
may be taken before Wendy Rene Myhan,
Commissioner, at the offices of ALABAMA STATE
CONFERENCE OF THE NAACP, 809 Highway 72 West,
Suite D, Athens, Alabama 36104, on the 22nd day
of April, 2024, at 10:02 a.m.

IT IS FURTHER STIPULATED AND AGREED that
the signature to and reading of the deposition
by the witness is NOT waived, the deposition to
have the same force and effect as if full
compliance had been had with all laws and rules
of Court relating to the taking of depositions.

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IT IS FURTHER STIPULATED AND AGREED that
it shall not be necessary for any objections
except as to form or leading questions, and that
counsel for the parties may make objections and
assign grounds at the time of the trial, or at
the time said deposition is offered in evidence
or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that
the notice of filing of the deposition by the
Commissioner is waived.

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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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 23

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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



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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

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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?**

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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**



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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

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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 Tiptersville, Mississippi;
9 Tiptersville, 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.



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 --**

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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

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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



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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.

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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



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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?**

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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.

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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?**



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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.**

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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

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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.



ATARAMA

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.

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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.

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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**



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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.

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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.

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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**

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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.



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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.

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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**

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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**



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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.**

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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

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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.

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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?**



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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

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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

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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

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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



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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?**

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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?

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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.

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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**



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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?

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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

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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

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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.



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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**

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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

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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

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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



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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

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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.

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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

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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.



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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

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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?

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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

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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**



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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?**

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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**

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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.



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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.

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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.

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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



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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



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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.

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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**

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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



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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?**

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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 --

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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.

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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 --



ATARAMA

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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**

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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

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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.**

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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**



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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

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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.

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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.

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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



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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**

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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

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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

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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.



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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

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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.

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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**

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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?**



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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.

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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.

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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**

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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**



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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

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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

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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?

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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



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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.

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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.

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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**

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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?**



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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

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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

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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 --

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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?**



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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.

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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**

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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.

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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?**



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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.**

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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**

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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**

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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**



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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.

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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.

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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.

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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**



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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

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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 --

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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.

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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



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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**

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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

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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.

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**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



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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

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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

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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

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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 --



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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?**

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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?**

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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?**

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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



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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.

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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**

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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 --**

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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



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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.

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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**

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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

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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**



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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?

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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?

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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.

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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



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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

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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**

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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**

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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 it is it fair to assume that**



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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.

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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.

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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

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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



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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 --

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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.

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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



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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

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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



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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

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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**

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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?

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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



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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?**

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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

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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**

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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.

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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.

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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**

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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?**



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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.

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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?**

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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



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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

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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**

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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

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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**



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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

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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.

7 *****

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1 CERTIFICATE

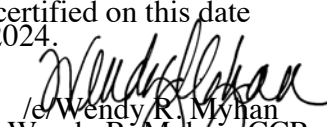
2
3 STATE OF ALABAMA
4 AT LARGE

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

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

22 So certified on this date
23 April 22, 2024.


/s/ Wendy R. Myhan
Wendy R. Myhan, CCR
ACCR #69, Expires 9/30/24
Commissioner for the State
Of Alabama at Large
My commission expires 9/10/24



ALABAMA

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Plaintiffs' Exhibit No. 3

Exhibits to Benard Simelton Deposition

**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

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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.)

Case No.: 2:21-cv-1291-AMM

WES ALLEN, in his official)
capacity as Alabama Secretary of)
State, et al.,)

THREE-JUDGE COURT

Defendants.)

EVAN MILLIGAN, et al.,)

Plaintiffs,)

v.)

Case No.: 2:21-cv-01530-AMM

WES ALLEN, in his official)
capacity as Secretary of State of)
Alabama, et al.,)

THREE-JUDGE COURT

Defendants.)

MARCUS CASTER, et al.,)

Plaintiffs,)

v.)

Case No.: 2:21-cv-01536-AMM

WES ALLEN, in his official)
Capacity as Alabama Secretary of)
State, et al.,)

Defendants.)



NOTICE OF RULE 30(b)(6) DEPOSITION
OF THE ALABAMA STATE CONFERENCE OF THE NAACP

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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.
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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:
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 - b. The reason why that eligible resident could not register to vote; and,
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- 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:
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- 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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15. Your efforts “to ensure the political, educational, social, and economic equality of African Americans and all other Americans.” (First Amended Complaint ¶25).
16. Your efforts “to eliminate racial discrimination in the democratic process.” (First Amended Complaint ¶25).
17. Your understanding of what activities beyond “turning out to vote on Election Day” constitute “engage[ment] in the political process.” (First Amended Complaint ¶25).
18. Your efforts to assess who, among your members, are hindered from participating in the political process.
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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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Representative Pringle***

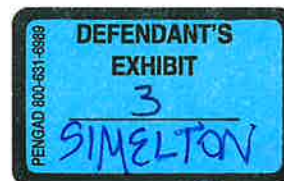
CERTIFICATE OF SERVICE

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



ed by the Dept. of Geography
Page of Arts and Sciences
The University of Alabama

Bylaws for Units of the NAACP

**BYLAWS FOR UNITS
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

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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.

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- 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.

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- 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.

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- 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

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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

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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

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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-

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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

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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.

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**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.

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- 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.

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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

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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

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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.

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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

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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.

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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.

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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.

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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).

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- 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.

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- 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.

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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,

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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

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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;

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(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.

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- 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.

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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

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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.

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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

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- 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

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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.

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- 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.

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**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.

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- 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.

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- 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,

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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

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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.

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- 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

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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

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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.

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- 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.

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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

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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)

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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

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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.

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- 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

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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

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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.

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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

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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.

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- 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:

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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.

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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.

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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

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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 |

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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

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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

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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

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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

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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.

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- (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

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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

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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

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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.

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- 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-

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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.

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- 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

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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

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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.

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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.

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- 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

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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

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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.

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- 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.

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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

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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.

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- 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

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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)

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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.

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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

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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**

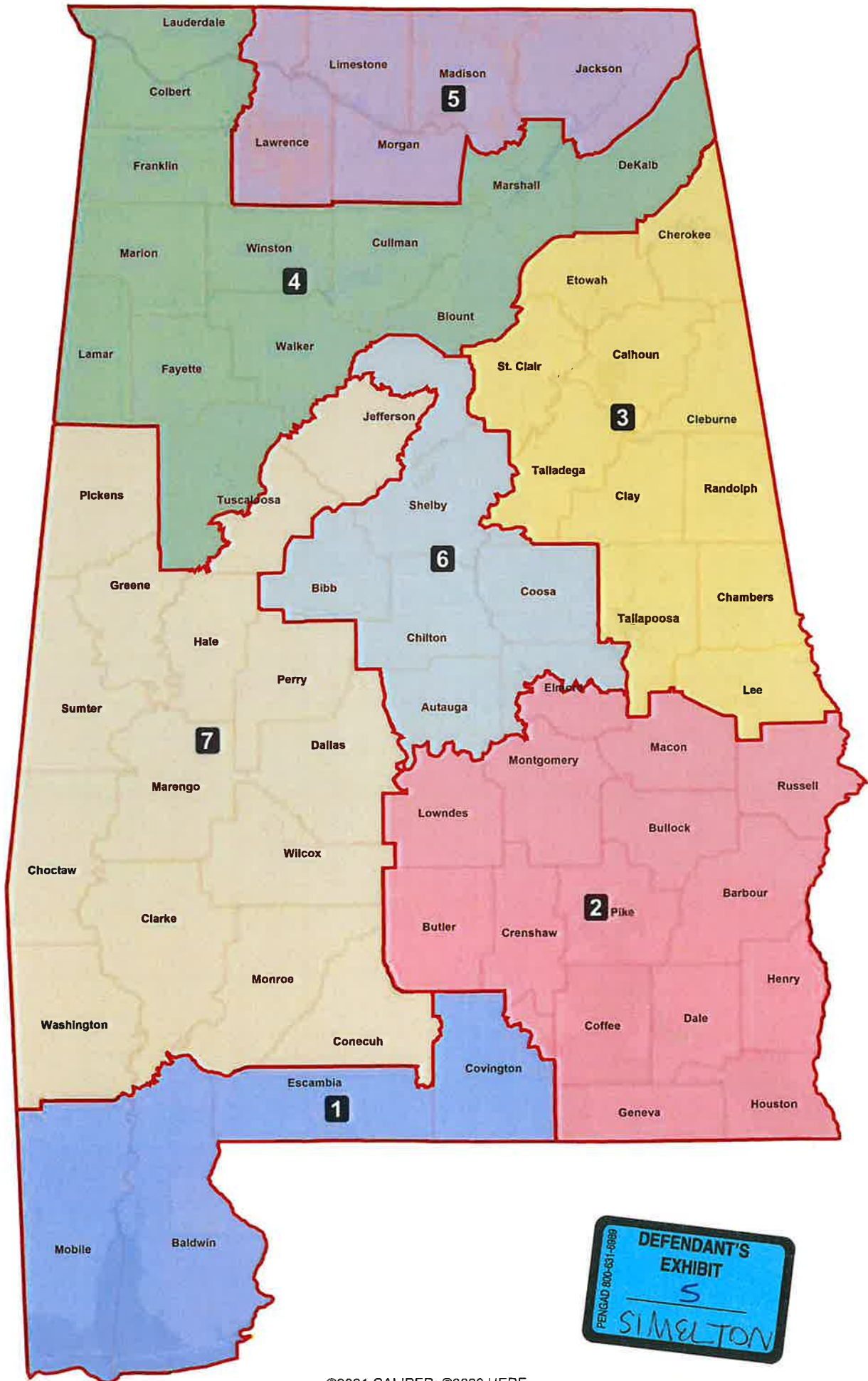
The Bylaws for Units of the Association, except for State/State-Area Conferences, may be amended by a two-thirds (2/3) vote of any Annual Convention of the Association provided the proposed amendment be submitted to the Resolutions Committee by the May 1st deadline. The President and CEO shall provide copies of the proposed amendment(s) to all Units at least 30 days prior to the Annual Convention.

**ARTICLE XIV
RATIFICATION OF BYLAWS**

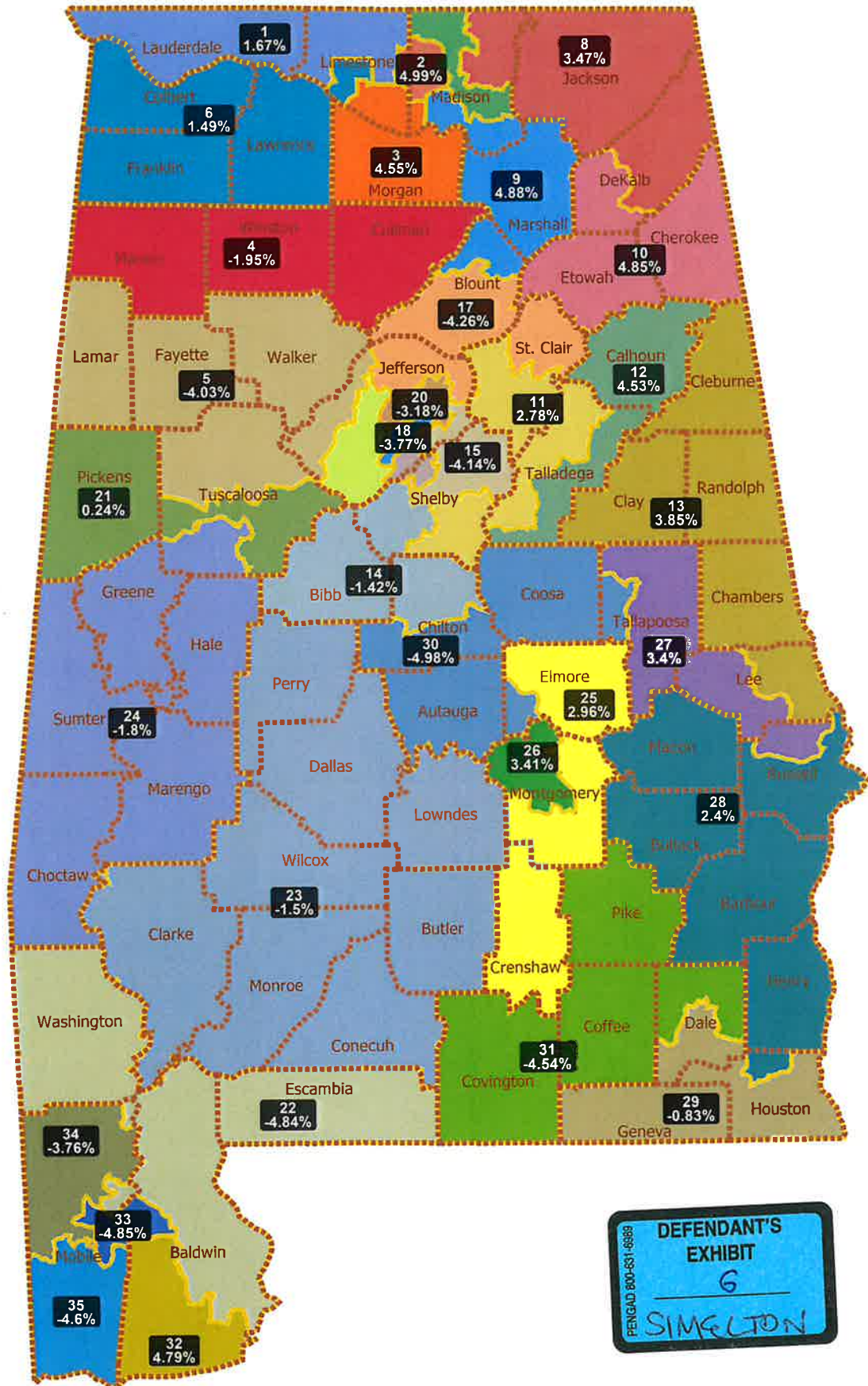
The Bylaws for Units of the National Association for the Advancement of Colored People becomes effective at Noon, on January 1, 2005, Eastern Standard Time. It supersedes any previous document outlining the policy and procedures of the

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



Plaintiffs' Exhibit No. 4

Plaintiffs' Responses to Defendant Allen's Discovery Requests

**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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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

Plaintiffs' Exhibit No. 5

**Plaintiff Greater Birmingham Ministry's
First Supplemental Responses to
Defendant Allen's Discovery Requests**

**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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***Attorneys for Plaintiff Alabama State Conference
of the NAACP***

*Admitted *pro hac vice*

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

Plaintiffs' Exhibit No. 6

Scott Douglas Deposition Transcript

KHADIDAH STONE, et al.

VS

WES ALLEN, et al.

30(b)(6)

SCOTT DOUGLAS

April 23, 2024



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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION
CIVIL ACTION NO. 2:21-cv-1531-AMM

KHADIDAH STONE, et al.,
Plaintiffs,
v. CERTIFIED COPY
WES ALLEN, et al.,
Defendants.

30(b)(6) DEPOSITION
OF
SCOTT DOUGLAS
April 23, 2024
1:15 p.m.

The deposition of SCOTT DOUGLAS was
taken before Sabrina Lewis, CCR, on April 23,
2024, commencing at 1:15 p.m., at Wiggins, Childs,
Pantazis, Fisher & Goldfarb, 301 19th Street
North, Birmingham, Alabama, pursuant to the
stipulations set forth herein.

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STIPULATIONS

IT IS STIPULATED AND AGREED by and
between the parties through their respective
counsel that the deposition of SCOTT DOUGLAS may
be taken before Sabrina Lewis, Certified Court
Reporter, Notary Public, State of Alabama at
Large, at Wiggins, Childs, Pantazis, Fisher &
Goldfarb, 301 19th Street North, Birmingham,
Alabama, on April 23, 2024, commencing at
1:15 p.m.

IT IS FURTHER STIPULATED AND AGREED that
the signature to and reading of the deposition by
the witness is not waived, the deposition to have
the same force and effect as if full compliance
had been had with all laws and rules of court
relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that
it shall not be necessary for any objections to be
made by counsel to any questions, except as to
form or leading questions, and that counsel for

Page 3

the parties may make objections and assign grounds
at the time of trial, or at the time said
deposition is offered in evidence, or prior
thereto.

IT IS FURTHER STIPULATED AND AGREED that
notice of filing of the deposition by the
Commissioner is waived.

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1 A P P E A R A N C E S (continued)

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1 A P P E A R A N C E S (continued)

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1 A P P E A R A N C E S (continued)

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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.)

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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?**

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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.

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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**



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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.

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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?**

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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?**

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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?**



ATARAMA

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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?**



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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?**

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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.



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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**

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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.**

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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?**

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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

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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.

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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.

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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?**



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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.

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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?

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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

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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.



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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

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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.

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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.

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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**



ATARAMA

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- 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**

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- 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**

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- 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

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- 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?**



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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?**

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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**

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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**

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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**



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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?**

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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**

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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**



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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

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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

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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?**

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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."



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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**

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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**

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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

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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.



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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?

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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,

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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

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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



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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

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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?

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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.

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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



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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 --

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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

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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

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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



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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

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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?**

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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.

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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.



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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**

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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.

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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**

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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?**



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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**

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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

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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.

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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.



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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?**

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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.

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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

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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



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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.

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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

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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**

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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.



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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**

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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

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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**

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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.



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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.**

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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.**

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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?**

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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.**



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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**

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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.

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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.

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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



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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**

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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.

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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?**

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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.



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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**

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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**

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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.

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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.**



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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

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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

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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**

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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.**



ATARAMA

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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?**

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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

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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.

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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?**



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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.

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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**

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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**

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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.



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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.

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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**

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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.

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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?**



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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?**

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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.

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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

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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



ATARAMA

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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.

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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.**

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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**

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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



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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

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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**

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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.

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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



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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

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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.

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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.

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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



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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**

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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**

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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

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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.



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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**

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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?**

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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**

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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**



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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

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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

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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:

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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?



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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 --**

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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.

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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.

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1 MR. ROSBOROUGH: Okay.

2 (The deposition was concluded at

3 5:22 p.m.)

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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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Plaintiffs' Exhibit No. 7

Exhibits to Scott Douglas Deposition



**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;
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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;
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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;
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 - 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).
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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)
Assistant Solicitor General

Misty S. Fairbanks Messick (ASB-1813-T71F)
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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

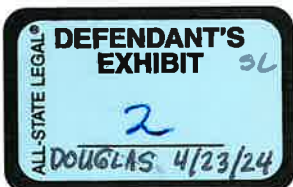
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

| | | |
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| 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> |) | |

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OF GREATER BIRMINGHAM MINISTRIES**

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4. Your current and historical efforts to re-enfranchise eligible Alabamians, including the results of your efforts.
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 - 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.
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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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Benjamin M. Seiss (ASB-2110-O00W)
Assistant Attorneys General

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Telephone: (205) 251-8100
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mtaunton@balch.com

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.

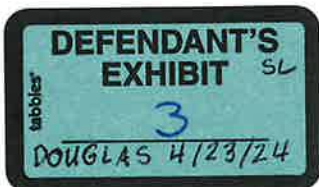
/s James W. Davis
James W. Davis
Counsel for Secretary Allen

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

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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,
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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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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
A. Barrett Bowdre (ASB-2087-K29V)
Deputy Solicitor General
Soren A. Geiger (ASB-0336-T31L)
Assistant Solicitor General
James W. Davis (ASB-4063-I58J)
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Brenton M. Smith (ASB-1656-X27Q)
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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**

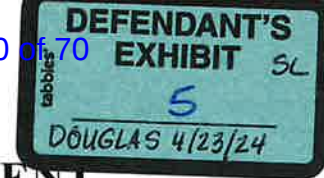
Section 5.1

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

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.

Stone000010

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

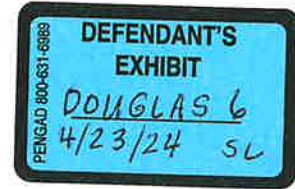
KHADIDAH STONE, et al.,

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 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 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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***Attorneys for Plaintiff Alabama State Conference
of the NAACP***

*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", 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

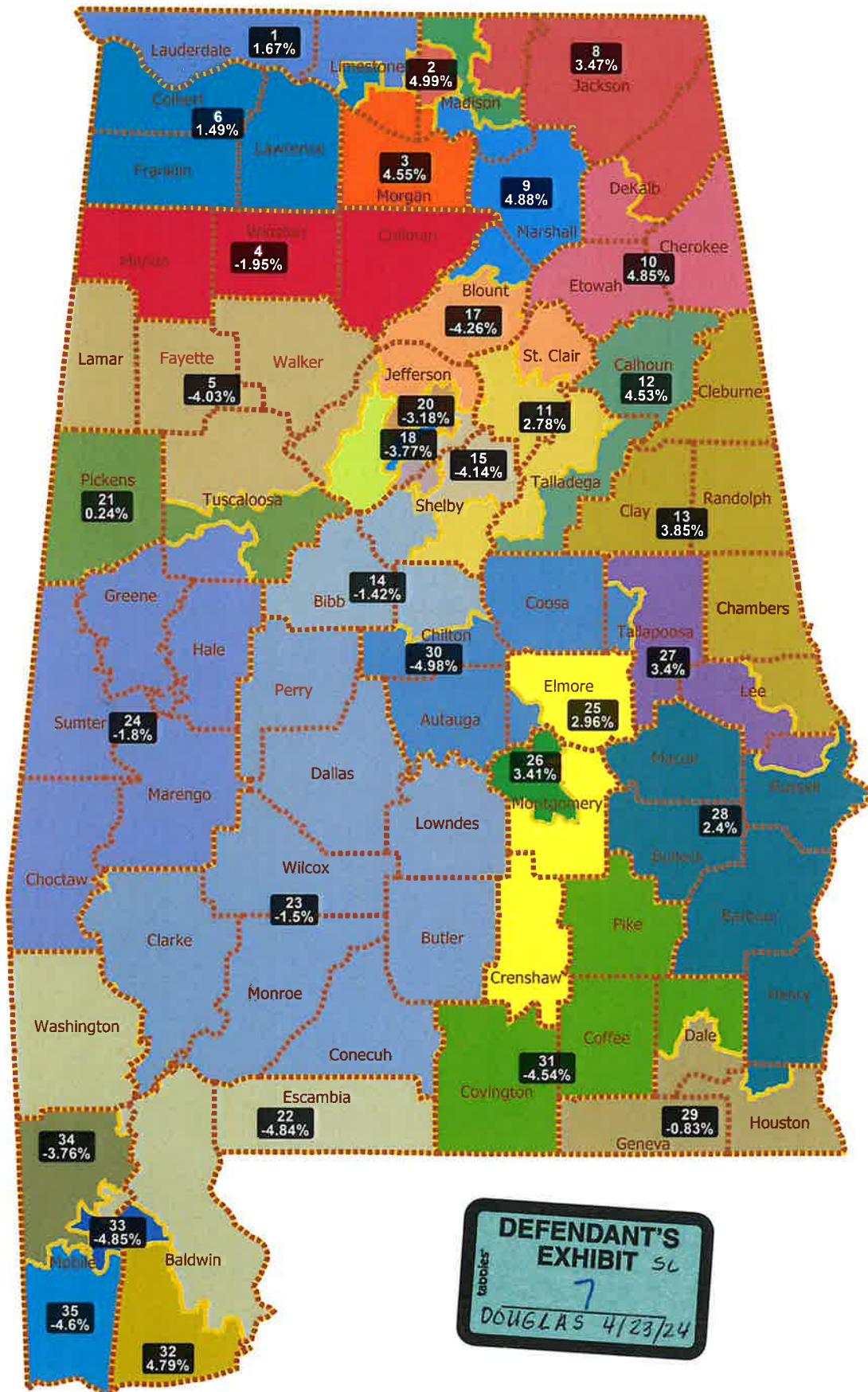
Dated: *March 26, 2024*

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



Plaintiffs' Exhibit No. 8

Randy Hinaman Deposition Transcript

RANDY HINAMAN
Khadidah Stone, et al. vs Wes Allen, et al.

April 17, 2024

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| <p>1 IN THE UNITED STATES DISTRICT COURT FOR</p> <p>2 THE NORTHERN DISTRICT OF ALABAMA</p> <p>3</p> <p>4 CASE NUMBER</p> <p>5 2:21-CV-01531-AMM</p> <p>6</p> <p>7</p> <p>8 KHADIDAH STONE, et al.,</p> <p>9 Plaintiff(s),</p> <p>10 vs.</p> <p>11 WES ALLEN, et al.,</p> <p>12 Defendant(s).</p> <p>13</p> <p>14 DEPOSITION TESTIMONY OF:</p> <p>15 RANDY HINAMAN</p> <p>16</p> <p>17 April 17, 2024</p> <p>18 9:08 A.M.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 COURT REPORTER:</p> <p>23 MADISON BORDEN, CCR</p> <p>24 The reading and signing of this deposition</p> <p>25 has not been waived.</p> | <p>1 grounds at the time of trial or at the</p> <p>2 time said deposition is offered in</p> <p>3 evidence, or prior thereto.</p> <p>4 In accordance with Rule 5(d)</p> <p>5 of the Alabama Rules of Civil Procedure,</p> <p>6 as amended, effective May 15, 1988, I,</p> <p>7 Madison Borden, am hereby delivering Davin</p> <p>8 Rosborough the original transcript of the</p> <p>9 oral testimony taken April 17, 2024, along</p> <p>10 with the Exhibits.</p> <p>11 Please be advised that this</p> <p>12 is the same and not retained by the Court</p> <p>13 Reporter, nor filed with the Court.</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>24</p> <p>25</p> |
| Page 2 | Page 4 |
| <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED</p> <p>3 by and between the parties through their</p> <p>4 respective counsel that the deposition of</p> <p>5 RANDY HINAMAN may be taken before Madison</p> <p>6 Borden, Certified Shorthand Reporter and</p> <p>7 Notary Public, State at Large, at the</p> <p>8 offices of Balch & Bingham, 455 Dexter</p> <p>9 Avenue, Suite 8000, Montgomery, Alabama,</p> <p>10 on April 17, 2024, commencing at</p> <p>11 approximately 9:08 a.m.</p> <p>12 IT IS FURTHER STIPULATED AND</p> <p>13 AGREED that the signature to and the</p> <p>14 reading of the deposition by the witness</p> <p>15 is not waived, the deposition to have the</p> <p>16 same force and effect as if full</p> <p>17 compliance had been had with all laws and</p> <p>18 rules of Court relating to the taking of</p> <p>19 depositions.</p> <p>20 IT IS FURTHER STIPULATED AND</p> <p>21 AGREED that it shall not be necessary for</p> <p>22 any objections to be made by counsel to</p> <p>23 any questions, except as to form or</p> <p>24 leading questions, and that counsel for</p> <p>25 the parties may make objections and assign</p> | <p>1 A P P E A R A N C E S</p> <p>2 FOR THE PLAINTIFF(S):</p> <p>3 Blayne Thompson</p> <p>4 Hogan Lovells US LLP</p> <p>5 609 Main Street, Suite 4200</p> <p>6 Houston, TX 77002</p> <p>7</p> <p>8 Davin Rosborough</p> <p>9 American Civil Liberties Union</p> <p>10 Foundation</p> <p>11 125 Broad Street</p> <p>12 New York, NY 10004</p> <p>13 Jacob Van Leer</p> <p>14 915 15th Street NW</p> <p>15 Washington, D.C. 20005</p> <p>16</p> <p>17 FOR THE DEFENDANT(S):</p> <p>18 Dorman Walker</p> <p>19 Balch & Bingham</p> <p>20 P.O. Box 78</p> <p>21 Montgomery, AL 36104</p> <p>22 Michael Tauton</p> <p>23 P.O. Box 306</p> <p>24 Birmingham, AL 35203-4642</p> <p>25</p> |

RANDY HINAMAN
 Khadidah Stone, et al. vs Wes Allen, et al.

April 17, 2024

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| <p>Page 5</p> <p>1 FOR THE ATTORNEY GENERAL'S OFFICE:</p> <p>2 Jim Davis</p> <p>3 P.O. Box 300152</p> <p>4 Montgomery, AL 36130-0152</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</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>24</p> <p>25</p> | <p>Page 7</p> <p>1 RANDY HINAMAN,</p> <p>2 having been duly sworn, was examined and</p> <p>3 testified as follows:</p> <p>4 THE COURT REPORTER: Usual</p> <p>5 stipulations?</p> <p>6 MR. THOMPSON: Yes.</p> <p>7 MR. WALKER: Yes. Which means</p> <p>8 read and sign -- I mean which means</p> <p>9 objection -- the only objection you need to</p> <p>10 make is to the -- I need to make is as to</p> <p>11 form.</p> <p>12 MR. THOMPSON: That works for me.</p> <p>13 MR. WALKER: And we would prefer</p> <p>14 that he read and sign.</p> <p>15 MR. THOMPSON: Before we begin,</p> <p>16 we -- the counsel for plaintiffs and</p> <p>17 defendants have discussed before this</p> <p>18 deposition about the scope of some of the</p> <p>19 questions specifically regarding the</p> <p>20 substance of conversations with legislature</p> <p>21 -- legislatures other than Senator</p> <p>22 McClendon and Representative Pringle. It's</p> <p>23 our understanding that Senator McClendon</p> <p>24 and Representative Pringle have waived</p> <p>25 legislative privilege, but it is</p> |
| <p>Page 6</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS:</p> <p>4 Randy Hinaman</p> <p>5</p> <p>6 EXAMINATION BY PAGE</p> <p>7 Mr. Thompson.....8</p> <p>8 Mr. Walker.....87</p> <p>9</p> <p>10</p> <p>11 PLAINTIFFS' EXHIBITS</p> <p>12 NO. DESCRIPTION PAGE</p> <p>13 Ex. 1 Notice 10</p> <p>14 Ex. 2 Subpoena 11</p> <p>15 Ex. 3 2021 AL Senate Plan 16</p> <p>16 Ex. 4 Senate Plan 2 16</p> <p>17 Ex. 5 2021 AL Senate Map 63</p> <p>18 Ex. 6 2017 Huntsville Map 64</p> <p>19 Ex. 7 Dave's Huntsville Map 71</p> <p>20 Ex. 8 Dave's Montgomery Map 76</p> <p>21 Ex. 9 2021 Senate Map 78</p> <p>22</p> <p>23 DEFENDANTS' EXHIBITS</p> <p>24 There were no Defendants' Exhibits marked</p> <p>25 to this deposition.</p> | <p>Page 8</p> <p>1 defendants' position that the other</p> <p>2 legislators have not at this point. And</p> <p>3 because of that, we are going to replace a</p> <p>4 -- or allow defendants to place a standing</p> <p>5 instruction not to answer on the basis of</p> <p>6 privilege any questions regarding any</p> <p>7 instructions received by any of those</p> <p>8 legislators or the substance of any</p> <p>9 discussions from those legislators</p> <p>10 regarding the redistricting process.</p> <p>11 Do I have that understanding</p> <p>12 correct?</p> <p>13 MR. WALKER: I would only add</p> <p>14 those legislators or members of their</p> <p>15 staff. I don't think it's an issue but</p> <p>16 just in case.</p> <p>17 MR. THOMPSON: And do we have an</p> <p>18 agreement here that there will be a</p> <p>19 standing instruction not to answer, and by</p> <p>20 doing that, that we will preserve our</p> <p>21 objections to any assertion of privilege?</p> <p>22 MR. WALKER: We do.</p> <p>23 EXAMINATION</p> <p>24 BY MR. THOMPSON:</p> <p>25 Q. Good morning.</p> |

RANDY HINAMAN
Khadidah Stone, et al. vs Wes Allen, et al.

April 17, 2024
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| <p style="text-align: right;">Page 9</p> <p>1 A. Good morning.</p> <p>2 Q. Will you please state your name</p> <p>3 for the record?</p> <p>4 A. Randy Hinaman.</p> <p>5 Q. Mr. Hinaman, you understand that</p> <p>6 you are testifying under oath right now?</p> <p>7 A. I do.</p> <p>8 Q. Is there anything that might</p> <p>9 prevent you from understanding my questions</p> <p>10 or answering truthfully today?</p> <p>11 A. No.</p> <p>12 Q. Are you being represented by a</p> <p>13 lawyer today?</p> <p>14 A. I am.</p> <p>15 Q. And who is that?</p> <p>16 A. Dorman Walker.</p> <p>17 Q. The same lawyer who represents</p> <p>18 the defendants in this lawsuit?</p> <p>19 A. Correct.</p> <p>20 Q. Are you paying Mr. Walker to be</p> <p>21 your lawyer today?</p> <p>22 A. I am not.</p> <p>23 Q. Do you assume that defendants or</p> <p>24 the State of Alabama is paying Mr. Walker</p> <p>25 to be your lawyer today?</p> | <p style="text-align: right;">Page 11</p> <p>1 being marked as Exhibit 2.</p> <p>2 (Exhibit Number 2 was marked for</p> <p>3 identification.)</p> <p>4 Q. And this is the subpoena to</p> <p>5 testify at a deposition in a civil action</p> <p>6 that you received regarding today. Have</p> <p>7 you seen these documents before?</p> <p>8 A. I have.</p> <p>9 Q. Who provided them to you?</p> <p>10 A. Dorman Walker.</p> <p>11 Q. And when did you receive them?</p> <p>12 A. Two weeks ago probably.</p> <p>13 Q. You see on Exhibit 2 there are --</p> <p>14 under the section titled production, there</p> <p>15 are three different numbered requests for</p> <p>16 documents. Do you see that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you have any documents to</p> <p>19 produce in response to these requests?</p> <p>20 A. I do not.</p> <p>21 Q. What did you do to search for</p> <p>22 those documents?</p> <p>23 A. I searched my e-mails and</p> <p>24 searched my phone, texts, and generally</p> <p>25 looked through my computer.</p> |
| <p style="text-align: right;">Page 10</p> <p>1 A. I assume that.</p> <p>2 Q. Now, we've done this a few times</p> <p>3 before, but just a quick refresher on the</p> <p>4 ground rules. I'll be asking questions</p> <p>5 today. If you don't understand a question,</p> <p>6 just let me know. If you answer a</p> <p>7 question, I will assume that you understood</p> <p>8 it; is that fair?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And also we have a court reporter</p> <p>11 here, so you may notice she's typing</p> <p>12 everything that you and I are saying, and</p> <p>13 so we are going to try not to talk over</p> <p>14 each other. So if you can wait until I'm</p> <p>15 done with the question, and I'll try to do</p> <p>16 the same with you to wait until you're done</p> <p>17 answering the question; is that fair?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Handing you what's being</p> <p>20 marked as Exhibit 1.</p> <p>21 (Exhibit Number 1 was marked for</p> <p>22 identification.)</p> <p>23 Q. That is a copy of the notice of</p> <p>24 deposition for today. At the same time, I</p> <p>25 am also going to hand you a copy of what is</p> | <p style="text-align: right;">Page 12</p> <p>1 Q. Is it your position that you did</p> <p>2 not have any written communications with</p> <p>3 either Senator McClendon or Representative</p> <p>4 Pringle regarding the 2021 Alabama state</p> <p>5 redistricting?</p> <p>6 A. That's correct.</p> <p>7 Q. And request number three on there</p> <p>8 is for any alternative versions of the 2021</p> <p>9 Alabama State Senate Map that you drew or</p> <p>10 reviewed. Were there any alternative</p> <p>11 versions of the 2021 Alabama State Senate</p> <p>12 Map that you drew?</p> <p>13 A. No. As we made changes to the</p> <p>14 map and met with senators and so forth, it</p> <p>15 would update every day, so the older</p> <p>16 versions would disappear. It was basically</p> <p>17 one map that was updated continuously.</p> <p>18 Q. There were no alternative maps</p> <p>19 that you prepared for the senate?</p> <p>20 A. No.</p> <p>21 Q. Did you review any alternative</p> <p>22 versions of the 2021 senate map?</p> <p>23 A. I did not.</p> <p>24 Q. Are you aware of whether there</p> <p>25 were any alternative versions of the 2021</p> |

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| <p style="text-align: right;">Page 13</p> <p>1 Alabama State Senate Map prepared?</p> <p>2 MR. WALKER: Go ahead. Object to</p> <p>3 the form. You may answer.</p> <p>4 A. I think there were one or two</p> <p>5 other maps that may -- I'm not sure they</p> <p>6 were even offered on the senate floor, but</p> <p>7 I never reviewed them.</p> <p>8 Q. Do you know anything else about</p> <p>9 those maps?</p> <p>10 A. I do not.</p> <p>11 Q. What did you do to prepare for</p> <p>12 your deposition today?</p> <p>13 A. Met with Dorman Walker and</p> <p>14 Michael Taunton yesterday.</p> <p>15 Q. Did you do anything else to</p> <p>16 prepare for your deposition other than meet</p> <p>17 with them yesterday?</p> <p>18 A. No. That's basically it.</p> <p>19 Q. How long did you meet yesterday?</p> <p>20 A. Two and a half hours.</p> <p>21 Q. Was there anyone else present?</p> <p>22 A. No.</p> <p>23 Q. Did you meet with anyone who was</p> <p>24 not an attorney?</p> <p>25 A. No.</p> | <p style="text-align: right;">Page 15</p> <p>1 took your deposition on August 9th, 2023,</p> <p>2 in the Milligan V. Merrill case. Do you</p> <p>3 recall that?</p> <p>4 A. I do.</p> <p>5 Q. Since your deposition on August</p> <p>6 9th, 2023 in the Milligan matter, have you</p> <p>7 been involved in any further redistricting</p> <p>8 work for the State of Alabama?</p> <p>9 THE WITNESS: Can I confer with</p> <p>10 my attorney for a second?</p> <p>11 MR. THOMPSON: Sure.</p> <p>12 MR. WALKER: I'm going to assert</p> <p>13 attorney-client privilege.</p> <p>14 Q. Are you going to follow your</p> <p>15 counsel's instruction?</p> <p>16 A. Yes.</p> <p>17 Q. Beyond anything that you did at</p> <p>18 the instruction of counsel, since your</p> <p>19 deposition on August 9th, 2023 in the</p> <p>20 Milligan matter, have you been involved in</p> <p>21 any further redistricting work for the</p> <p>22 State of Alabama?</p> <p>23 A. No.</p> <p>24 Q. You drafted the Alabama State</p> <p>25 Senate Map that was enacted in 2021,</p> |
| <p style="text-align: right;">Page 14</p> <p>1 Q. Did you review any documents?</p> <p>2 A. Looked over the guidelines.</p> <p>3 Q. Any other documents?</p> <p>4 A. No.</p> <p>5 Q. Have you discussed this case with</p> <p>6 anyone? And by this case, I mean the</p> <p>7 current lawsuit that we are in involving</p> <p>8 the 2021 Alabama State Senate Maps other</p> <p>9 than your lawyers yesterday.</p> <p>10 A. No.</p> <p>11 Q. Are you being compensated by</p> <p>12 anyone for being here today?</p> <p>13 A. Yes.</p> <p>14 Q. Who is compensating you?</p> <p>15 A. Balch.</p> <p>16 Q. That's Mr. Walker's law firm?</p> <p>17 A. Yes. Balch and Bingham.</p> <p>18 Q. How much are you being</p> <p>19 compensated?</p> <p>20 A. \$400 an hour.</p> <p>21 Q. If you are called to testify at</p> <p>22 trial, do you understand that you will be</p> <p>23 compensated for that as well?</p> <p>24 A. I haven't discussed that but...</p> <p>25 Q. All right. Mr. Hinaman, I last</p> | <p style="text-align: right;">Page 16</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Handing you what's being marked</p> <p>4 as Exhibit 3.</p> <p>5 (Exhibit Number 3 was marked for</p> <p>6 identification.)</p> <p>7 Q. This is a copy of the 2021</p> <p>8 Alabama State Senate Map taken from the</p> <p>9 redistricting committee's website. Do you</p> <p>10 see that?</p> <p>11 A. I do.</p> <p>12 Q. This is the map that you drew,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. You also drafted the prior</p> <p>16 Alabama State Senate Map that was enacted</p> <p>17 in 2011, correct?</p> <p>18 A. Correct.</p> <p>19 Q. That 2011 Alabama State Senate</p> <p>20 Map was then later changed in 2017 after</p> <p>21 the ALBC litigation; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Handing you what's being marked</p> <p>24 as Exhibit 4.</p> <p>25 (Exhibit Number 4 was marked for</p> |

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1 identification.)

2 Q. This is a copy of the 2017

3 Alabama State Senate Map as it was filed in

4 the ALBC litigation. Do you recognize this

5 map?

6 A. Yes.

7 Q. Did you draw this map?

8 A. I did.

9 Q. Okay. Turning back to the 2021

10 Alabama State Senate Map that you have as

11 Exhibit 3, when were you first approached

12 about drawing the 2021 senate map?

13 A. It would've been in the fall of

14 2020.

15 Q. Who approached you?

16 A. Dorman Walker.

17 Q. Anyone else?

18 A. I may have talked to the

19 committee chairs as well, Senator

20 McClendon, Representative Pringle.

21 Q. What were you asked to do at that

22 time?

23 A. I was asked to draw all four of

24 the maps that we had to draw the next year;

25 congressional, state board of education,

Page 18

1 state senate, state house.

2 Q. What instructions were you

3 provided at that time?

4 MR. WALKER: Objection as to any

5 instructions you received from me, not as

6 to any instructions you received from

7 Representative Pringle or Senator

8 McClendon.

9 A. I don't remember any specific

10 instructions.

11 MR. THOMPSON: And Dorman, I

12 understood that that was an instruction not

13 to answer based on the privilege as to --

14 MR. WALKER: I'm sorry. I'll

15 assert the privilege more clearly next

16 time.

17 MR. THOMPSON: That's fine.

18 Q. And, Mr. Hinaman, you intend to

19 follow that instruction, correct?

20 A. Yes.

21 Q. When were you officially retained

22 to draw these four maps?

23 A. I'm not sure I know exactly. I

24 would probably say November of 2020.

25 Q. Did you sign a contract?

Page 19

1 A. No.

2 Q. So to be clear, was there any

3 sort of contract that was governing your

4 assignment to draw the four maps for the

5 State of Alabama?

6 MR. WALKER: Objection to the

7 extent that that question calls for him to

8 form a legal conclusion as to whether or

9 not there was a contract. Otherwise, you

10 may answer.

11 A. There was no written contract. I

12 had an understanding of what my

13 responsibility is, to draw four maps.

14 Q. Was there a written contract that

15 you entered into at that time to draw the

16 congressional maps?

17 A. No.

18 Q. Was there a written contract that

19 your company entered into at that time to

20 sign the congressional map?

21 A. I don't believe so, no.

22 Q. What were the terms of your

23 compensation for drawing the 2021 senate

24 map?

25 A. I would draw the four maps and

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1 obviously work for the legislature to pass

2 them, make changes, so forth, and be

3 compensated \$200,000 for the process.

4 Q. Was any part of your compensation

5 contingent on anything?

6 A. No.

7 Q. Were you paid or retained by --

8 well, to clarify then, who was it that

9 retained you to draw these maps?

10 A. Dorman Walker retained me to draw

11 the maps.

12 Q. Anyone else?

13 A. No. Obviously I worked with the

14 leadership of two chairs of the

15 reapportionment committee, Senator

16 McClendon and Representative Pringle.

17 Q. Were the terms of your retention

18 any different for, say, the congressional

19 maps or the legislative maps?

20 A. No. It was a package deal.

21 Q. Was there anything else that you

22 agreed to do as part of this retention

23 other than drawing the four maps?

24 A. Obviously I was going to be here

25 when they were passed, so be available to

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| <p style="text-align: right;">Page 21</p> <p>1 make changes during the legislative session</p> <p>2 to pass the maps.</p> <p>3 Q. Did you have to do that for the</p> <p>4 2021 Alabama State Senate Map?</p> <p>5 A. We made changes right up until</p> <p>6 the bill was filed, but I don't think we</p> <p>7 made any changes after it was on the floor.</p> <p>8 THE COURT REPORTER: After what?</p> <p>9 THE WITNESS: It was on the</p> <p>10 floor.</p> <p>11 Q. When did you start drawing the</p> <p>12 2021 Alabama State Senate Map?</p> <p>13 A. I started drawing it the last</p> <p>14 week of August, which just by way of</p> <p>15 explanation, that was not the way it was</p> <p>16 envisioned. We were hoping to have census</p> <p>17 data by mid February of 2021, worst case,</p> <p>18 March 31 of 2021. But we didn't get the</p> <p>19 census data until, I think, mid August. So</p> <p>20 I'd envisioned spending most of that time</p> <p>21 drawing these maps. But as it turned out,</p> <p>22 we didn't have access until the census data</p> <p>23 got put into Maptitude, Maptitude into the</p> <p>24 reapportionment office. I wasn't able to</p> <p>25 draw a senate map or start working on</p> | <p style="text-align: right;">Page 23</p> <p>1 A. Obviously, you know, I knew what</p> <p>2 the guidelines were because they were</p> <p>3 passed in May, so I reviewed the guidelines</p> <p>4 and --</p> <p>5 Q. Anything else?</p> <p>6 A. No.</p> <p>7 Q. Did you gather any data before</p> <p>8 you started drawing the state senate map?</p> <p>9 A. No.</p> <p>10 Q. Other than when you were first</p> <p>11 approached about drawing the 2021 Alabama</p> <p>12 State Senate Map, did you meet with anyone</p> <p>13 else before you began drawing the map?</p> <p>14 A. Sorry, can you try that one</p> <p>15 again?</p> <p>16 Q. Sure. You said earlier that you</p> <p>17 were first approached about drawing the</p> <p>18 2021 state senate map in the fall of 2020</p> <p>19 by Dorman Walker, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Other than that, did you meet</p> <p>22 with anyone else regarding the</p> <p>23 redistricting process before you began</p> <p>24 drawing the 2021 state senate map?</p> <p>25 A. No.</p> |
| <p style="text-align: right;">Page 22</p> <p>1 actually drawing a map until the last week</p> <p>2 of August 2021.</p> <p>3 Q. And if I understand correctly</p> <p>4 from your prior testimony, as far as the</p> <p>5 congressional maps were concerned, you were</p> <p>6 able to at least do some preliminary work</p> <p>7 based on census estimates; is that right?</p> <p>8 A. That's correct.</p> <p>9 Q. Were you able to do any similar</p> <p>10 preliminary work for the Alabama State</p> <p>11 Senate Map based on any census estimates?</p> <p>12 A. No. I thought initially that</p> <p>13 maybe I could, but when I really looked at</p> <p>14 the granular nature of the data, we really</p> <p>15 couldn't go below the county level, which</p> <p>16 once you got to, you know, 35 senate</p> <p>17 districts there are a number of obviously</p> <p>18 county splits. It was just not useful</p> <p>19 frankly.</p> <p>20 Q. And you said you started the last</p> <p>21 week of August. Was that in 2020 or 2021?</p> <p>22 A. 2021.</p> <p>23 Q. Did you do anything to prepare</p> <p>24 before you started drawing the state senate</p> <p>25 map?</p> | <p style="text-align: right;">Page 24</p> <p>1 Q. You mentioned that you may have</p> <p>2 met with Senator McClendon and</p> <p>3 Representative Pringle though?</p> <p>4 A. Yeah. Not necessarily</p> <p>5 specifically about a senate map, but about</p> <p>6 the whole project of drawing the four maps.</p> <p>7 Q. And what did you discuss with</p> <p>8 them at that time?</p> <p>9 A. I don't have any recollection of</p> <p>10 the meeting other than I'm sure we talked</p> <p>11 about following the guidelines and meeting</p> <p>12 with members of the various maps.</p> <p>13 Q. Do you recall receiving any</p> <p>14 instructions from them about how to draw</p> <p>15 the state senate map?</p> <p>16 A. No.</p> <p>17 Q. Walk me through the process that</p> <p>18 you went through --</p> <p>19 A. Point of clarification. I mean,</p> <p>20 since you're talking just about the senate</p> <p>21 map, there was a general agreement between</p> <p>22 Senator McClendon, Representative Pringle</p> <p>23 that Representative Pringle would focus on</p> <p>24 the state house map, and Senator McClendon</p> <p>25 would not interact in that, and that</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 Senator McClendon would focus on the senate 2 map, and Representative Pringle would not 3 interact in that. So I never had any 4 discussions whatsoever with Representative 5 Pringle about the senate map. 6 Q. Thank you. And how were you 7 aware of that agreement or understanding? 8 A. That's what they told me. 9 Q. All right. So walk me through 10 the process that you went through in 11 drafting the 2021 state senate map for 12 Alabama starting from the beginning. 13 A. Okay. Well, starting from the 14 beginning, again, I was hopeful that maybe 15 I could rough out some portions of the map 16 based on estimates, but I found that to be 17 impractical, while it was possible somewhat 18 on the statewide level with the two 19 statewide maps, it was not really practical 20 in the senate map. So once we got the data 21 and it was in the system in the 22 reapportionment office the last week of 23 August, first thing I tried to determine is 24 what districts were underpopulated and what 25 districts were overpopulated, and after</p> | <p style="text-align: right;">Page 27</p> <p>1 running for re-election. 2 Q. When you met with these senators, 3 was your focus solely on making adjustments 4 for over and underpopulation? 5 A. Yes. 6 Q. Was Senator McClendon present for 7 those meeting with the various senators? 8 A. He was present for some of them. 9 Q. Do you recall which ones? 10 A. I do not. 11 Q. Did you meet with the senators 12 for districts two, seven, and eight which 13 are the districts surrounding Huntsville? 14 A. I did. 15 Q. How many times did you meet with 16 those senators? 17 A. I don't know, but a number -- 18 about three or four probably at least. 19 Q. Was Senator McClendon present for 20 those meetings? 21 A. I don't remember him being there, 22 but I can't tell you for sure he wasn't. 23 Q. Do you recall if anyone else was 24 present for those meetings? 25 A. No. Other than the -- the other</p> |
| <p style="text-align: right;">Page 26</p> <p>1 that, met with the various senators whose 2 districts were underpopulated or 3 overpopulated and talked about various 4 areas we could add or subtract from their 5 districts to bring the map into deviation. 6 Q. When were those meetings with the 7 various senators? 8 A. They started right -- I don't 9 know if they had any happening the last 10 week of August but certainly by the first 11 week of September and then continued until 12 -- I think we finalized the bill on, like, 13 October 28th, 27th, late October. 14 Q. Did you meet with every senator 15 to discuss changes that might be made to 16 their map or was it only to the senators 17 who had districts that were deemed by you 18 to be significantly over or underpopulated? 19 A. I was available to every senator, 20 and I think I met with most all of them, 21 certainly the ones that were -- some 22 obviously were retiring or running for 23 another office or whatever and had less 24 interest in the process. But I think I met 25 with virtually every senator who was</p> | <p style="text-align: right;">Page 28</p> <p>1 surrounding senators; Senator Orr, Senator 2 Scofield, they weren't at all of them, but 3 they may have been at one of them. 4 Q. So for these meetings that you 5 had with the senators, was it usually one 6 on one or were there often meetings where 7 you met with several senators at a time? 8 A. It would usually start one on 9 one, but then when it was obvious that two 10 senators were in the process of, you know, 11 trading some precincts, it was -- because 12 of the time constraints -- more efficient 13 to have them both there at the same time. 14 Q. Were these meetings always in 15 person? 16 A. No. They were occasionally done 17 over the Internet. Usually in person. 18 Q. And about how long would these 19 meetings typically take? 20 A. Half an hour. At the end of the 21 process, I think we actually were down to 22 15 minutes when we were just finalizing 23 things. But most of them were half an 24 hour. 25 Q. Were any staff members ever</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 present at these meetings?</p> <p>2 A. The head of the redistricting</p> <p>3 office, Donna Loftin, was.</p> <p>4 Q. Was she present for all of the</p> <p>5 meetings or just some of them?</p> <p>6 A. All is a dangerous word, but most</p> <p>7 of them.</p> <p>8 Q. So most of the meetings it was at</p> <p>9 least you and Donna?</p> <p>10 A. Correct.</p> <p>11 Q. And one or more senators?</p> <p>12 A. Correct.</p> <p>13 Q. Let's turn to the physical</p> <p>14 process of drafting the map. I think you</p> <p>15 mentioned a minute ago -- I'm pretty sure</p> <p>16 the answer. But you used the Maptitude</p> <p>17 software to draw the map, correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Did you draw the map in the</p> <p>20 reapportionment committee's office?</p> <p>21 A. Yes. In the conference room as</p> <p>22 well. We used the conference room for the</p> <p>23 most part.</p> <p>24 Q. At the reapportionment</p> <p>25 committee's office?</p> | <p style="text-align: right;">Page 31</p> <p>1 making any sort of adjustments to the 2017</p> <p>2 map before you met with any senators?</p> <p>3 A. No.</p> <p>4 Q. Once you started to meet with the</p> <p>5 senators, do you recall which areas of the</p> <p>6 map you started with in terms of making</p> <p>7 changes?</p> <p>8 A. Well, I think I started -- I know</p> <p>9 my first meeting with was with Senator</p> <p>10 Livingston, so we started with looking at</p> <p>11 his district and then moving from there.</p> <p>12 Q. Which district is that?</p> <p>13 A. District eight, North Alabama.</p> <p>14 Q. And after you met with Senator</p> <p>15 Livingston, what changes did you make to</p> <p>16 district eight?</p> <p>17 A. I don't remember specific</p> <p>18 changes.</p> <p>19 Q. Do you remember why you made</p> <p>20 those changes?</p> <p>21 A. I do not. I mean, it would've</p> <p>22 been population based.</p> <p>23 Q. Would there have been any other</p> <p>24 reason you made any changes to district</p> <p>25 eight other than for population reasons?</p> |
| <p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. And that was on the</p> <p>3 reapportionment committee's computers?</p> <p>4 A. Yes.</p> <p>5 Q. And that was the same place that</p> <p>6 you drew the congressional map, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you use the prior enacted</p> <p>9 senate map? And by that I mean the 2020 --</p> <p>10 excuse me. Start over.</p> <p>11 Did you use the prior enacted</p> <p>12 senate map? And by that I mean the 2017</p> <p>13 senate map as a starting point when drawing</p> <p>14 the 2021 map?</p> <p>15 A. Certainly. That's what the over</p> <p>16 and under numbers were based on.</p> <p>17 Q. What districts did you start with</p> <p>18 when drawing the 2021 map?</p> <p>19 A. Actually I think my first meeting</p> <p>20 was with Senator Livingston, but it was</p> <p>21 just a function of what senators' schedules</p> <p>22 met up. It was not an -- I didn't start in</p> <p>23 one corner and work out. It was just who</p> <p>24 was available to me.</p> <p>25 Q. Did you start drawing the maps or</p> | <p style="text-align: right;">Page 32</p> <p>1 A. No.</p> <p>2 Q. So walk me through the process</p> <p>3 after meeting with Senator Livingston</p> <p>4 making some adjustments to district eight</p> <p>5 -- I know there's a lot of districts. But</p> <p>6 what generally were your next steps that</p> <p>7 you took?</p> <p>8 A. Well, I couldn't tell you the</p> <p>9 order obviously. I met with, you know, a</p> <p>10 vast majority of the senators and adjusted</p> <p>11 the maps. If it was a simple, you know,</p> <p>12 move these two precincts, then sometimes it</p> <p>13 was done when they were there. If it was</p> <p>14 more complicated or we needed another</p> <p>15 senator to agree to those changes, then it</p> <p>16 was -- I would double back with the other</p> <p>17 senator. And, again, sometimes when we got</p> <p>18 close to the process at the end, I'd get</p> <p>19 both of them in the room if there was still</p> <p>20 not agreement on which precincts or which</p> <p>21 counties or whatever.</p> <p>22 Q. When you were making these</p> <p>23 changes, what information did you look at?</p> <p>24 A. On the computer?</p> <p>25 Q. Yes.</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 A. Total population and geography.</p> <p>2 Q. What was the source of that data?</p> <p>3 A. Census. Maptitude.</p> <p>4 Q. It's census data that is uploaded</p> <p>5 and available in the Maptitude software for</p> <p>6 you to see, right?</p> <p>7 A. Correct.</p> <p>8 Q. You didn't input any of that</p> <p>9 data?</p> <p>10 A. No.</p> <p>11 Q. Was one of your main priorities</p> <p>12 in drawing the 2021 Alabama State Senate</p> <p>13 Map to preserve the cores of the existing</p> <p>14 districts?</p> <p>15 A. Yes. It was part of the</p> <p>16 guidelines.</p> <p>17 Q. What was your goal in drawing the</p> <p>18 2021 Alabama State Senate Map?</p> <p>19 A. My goal was to meet with any</p> <p>20 senator who wanted to meet with me and to</p> <p>21 get the senate map within deviation and to</p> <p>22 have it passed on the senate floor.</p> <p>23 Q. Did anyone else assist you in</p> <p>24 drawing the map?</p> <p>25 A. Donna Loftin and Dorman Walker.</p> | <p style="text-align: right;">Page 35</p> <p>1 virtually every county probably change, and</p> <p>2 those lines have to be matched up, and the</p> <p>3 Census Bureau has to have those lines as</p> <p>4 well as Maptitude so that they can match</p> <p>5 the data to the state geography. I don't</p> <p>6 know much -- I mean, that's beyond my area</p> <p>7 of expertise.</p> <p>8 Q. Is Ms. Loftin responsible for</p> <p>9 drawing the precinct maps?</p> <p>10 A. No. She's I think responsible</p> <p>11 for getting the information from the</p> <p>12 county.</p> <p>13 Q. And providing that to the census?</p> <p>14 A. Yeah. And Maptitude.</p> <p>15 Q. Beyond providing information</p> <p>16 about the precinct lines, do you know if</p> <p>17 Ms. Loftin provided any other information</p> <p>18 to Maptitude?</p> <p>19 A. I don't know what she provided.</p> <p>20 Q. Did Ms. Loftin assist you in any</p> <p>21 way in actually drawing the map on the</p> <p>22 computer?</p> <p>23 A. No. But she would occasionally</p> <p>24 print out a map or -- no.</p> <p>25 Q. Did anyone else do the physical</p> |
| <p style="text-align: right;">Page 34</p> <p>1 Q. How did Donna Loftin assist you?</p> <p>2 A. She was -- took care of all the</p> <p>3 technical aspects of the Maptitude and</p> <p>4 printing maps and computer-related efforts.</p> <p>5 Q. Can you explain that a little bit</p> <p>6 more for me?</p> <p>7 A. Well, she's the one who -- I</p> <p>8 mean, she obviously worked with Maptitude</p> <p>9 on the census geography for Alabama, you</p> <p>10 know, precinct lines, county lines,</p> <p>11 whatever, and then worked with Maptitude in</p> <p>12 making sure they had the right information</p> <p>13 from the Census Bureau with the state to</p> <p>14 put that together, and then she manages the</p> <p>15 IT part of the computer.</p> <p>16 Q. Now, you said obviously in</p> <p>17 describing Ms. Loftin's role. I and others</p> <p>18 may not be as familiar. So can you explain</p> <p>19 a little bit more of what you're talking</p> <p>20 about there, your understanding of what</p> <p>21 Ms. Loftin did in preparing the census data</p> <p>22 and the Maptitude and all of that?</p> <p>23 A. I don't have any more knowledge</p> <p>24 of it than I know that over a ten-year</p> <p>25 period obviously precinct lines in</p> | <p style="text-align: right;">Page 36</p> <p>1 act of clicking buttons and changing things</p> <p>2 on the map other than you?</p> <p>3 A. No.</p> <p>4 Q. Other than the meetings that you</p> <p>5 described with the various senators</p> <p>6 throughout this process, did you meet with</p> <p>7 anyone else during this process as you were</p> <p>8 drawing the Alabama State Senate Map?</p> <p>9 A. Other than counsel, Dorman</p> <p>10 Walker, no.</p> <p>11 MR. WALKER: Blayne, were you</p> <p>12 talking about relating to the -- regarding</p> <p>13 the senate map?</p> <p>14 MR. THOMPSON: Correct.</p> <p>15 Q. I assume you met with other</p> <p>16 humans during that time.</p> <p>17 A. You'd been surprised. Not that</p> <p>18 many during those two months.</p> <p>19 Q. Beyond the meetings that you had</p> <p>20 had with the various senators and any</p> <p>21 discussions you had with Mr. Walker, did</p> <p>22 you get any other feedback during the</p> <p>23 process of drawing the state senate map</p> <p>24 about the map itself?</p> <p>25 A. No. But I'm not sure where I</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 would've gotten the feedback. I'm not sure 2 what your question is. 3 Q. Did you receive feedback on your 4 map while you were drawing it from the 5 various senators that you met with? 6 A. On their districts. 7 Q. Beyond that and any discussions 8 with your counsel, did you receive feedback 9 on your map from anyone else during the 10 process? 11 A. No. 12 Q. When did you first have an 13 initial map completed? 14 A. I don't know. It was a fluid 15 situation, and obviously we were doing four 16 maps at once so it was rather chaotic. So 17 as I said earlier, I don't think it was 18 really finalized until the last day -- late 19 October when we went to the reapportionment 20 committee with the map. 21 Q. You mentioned this earlier, and I 22 know we discussed it in your prior 23 depositions regarding the congressional 24 maps, so I think I know the answer, but 25 were there any drafts saved of any prior</p> | <p style="text-align: right;">Page 39</p> <p>1 map before it was completed when it was 2 still in draft form? 3 A. I do not. 4 Q. Do you know if any printouts of 5 any drafts of the state senate map from 6 2021 were saved? 7 A. I do not. 8 Q. Did you take any notes while you 9 were drafting the 2021 state senate map? 10 A. No. I mean, we would work -- 11 again, if it was a simple change, we'd just 12 make it, and there were no notes. If it 13 was more complicated, I may have jotted 14 down, change these two precincts and go 15 talk to the other senators, but nothing 16 survived the process. 17 Q. When did you first provide a 18 draft of the 2021 senate map to anyone to 19 review? 20 A. I can't -- I don't know an exact 21 date. 22 Q. And is that because as you were 23 going through the process, you were showing 24 various senators pieces of the map that 25 corresponded to their districts?</p> |
| <p style="text-align: right;">Page 38</p> <p>1 versions of the map? 2 A. No. 3 Q. Did you -- well, you mentioned 4 that Ms. Loftin printed out copies of the 5 map, correct? 6 A. Probably not the whole map. She 7 would print out -- if a senator came in, 8 can you give me what my district -- this 9 would be this map, 2017. Yeah. They 10 always want a map -- copy of their map. 11 And at the end of the process obviously 12 when we passed this map, they all wanted a 13 -- not all, but numerous of them wanted a 14 copy of the map. 15 Q. And when you said this map, the 16 first one you were referring to was -- 17 A. 2017. 18 Q. -- Exhibit 4, the 2017 map? 19 A. Yeah, the 2017 map. 20 Q. And the second one you were 21 referring to was the Exhibit 3, the 2021 22 map? 23 A. Correct. 24 Q. Do you recall if Ms. Loftin ever 25 printed out copies of the 2021 state senate</p> | <p style="text-align: right;">Page 40</p> <p>1 A. Correct. 2 Q. Do you recall at what point you 3 ever had a complete version of the map that 4 you were presenting to someone to review? 5 A. I don't. But, again, I don't 6 think -- I mean, my recollection is the map 7 wasn't finalized until literally hours 8 before I think the committee meeting -- I 9 mean, it was available maybe -- I think the 10 goal was to have it done 24 hours in 11 advance of that meeting. But I think we 12 just barely made that. 13 Q. Why is that? Why did it get so 14 close to the deadline? 15 A. Because we had such a compressed 16 time frame because the census data was six 17 months late. 18 Q. Any other reason? 19 A. No. We were doing four maps at 20 once obviously. 21 Q. Did you ever provide any drafts 22 of the map to Senator McClendon? 23 A. I'm sure I gave him the finished 24 product at the end but that would be it. 25 Q. When would that have been?</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 A. Again, it was about 24 hours 2 before the meeting somewhere in the last 3 week of October. 4 Q. Did he say anything to you, 5 provide you any feedback about the map? 6 A. No. 7 Q. Did he make any changes to the 8 map? 9 A. No. 10 Q. Did you make any changes to the 11 map based on any discussions you had with 12 Senator McClendon? 13 A. No. And as a side note, he 14 wasn't running for re-election, so I didn't 15 even really talk to him that much about his 16 specific district. 17 Q. You predicted where I was about 18 to go. So what district was Senator 19 McClendon? 20 A. I think it's 11. Yeah. 11. 21 Q. Did you have any meetings with 22 Senator McClendon specific to his district? 23 A. I think we met initially, and he 24 said that he had -- and I don't know if it 25 was public knowledge then, but I think</p> | <p style="text-align: right;">Page 43</p> <p>1 copy of that map to the reapportionment 2 committee? 3 A. Again, I think it was about 4 24 hours out from their meeting. 5 Q. Did you receive any feedback from 6 the reapportionment committee about the 7 map? 8 A. I did not. 9 Q. From the moment that that version 10 of the map was provided to the 11 reapportionment committee, did you make any 12 further changes to it between that time and 13 the time that it was enacted? 14 A. I don't believe so, no. 15 Q. Do you know if anyone made any 16 further changes to it? 17 A. Not to my knowledge. 18 Q. So to your knowledge, the version 19 of the 2021 Alabama State Senate Map that 20 you finalized hours before the deadline is 21 the exact same version that was ultimately 22 enacted; is that correct? 23 A. Yes, sir. 24 Q. Did you attend any of the public 25 hearings regarding the redistricting?</p> |
| <p style="text-align: right;">Page 42</p> <p>1 maybe it was, that he was not running 2 again, and that he was -- I mean, obviously 3 he wanted to keep the district somewhat 4 intact, but he wasn't that concerned if a 5 precinct here or there needed to be 6 changed. He wasn't very worried about it. 7 Q. Did he have any specific requests 8 or instructions to you regarding his 9 district? 10 A. He did not. 11 Q. Did he have any specific 12 instructions or requests to you about any 13 other districts? 14 A. He did not. 15 Q. When you said that you had a 16 quote, unquote, final version of the map 17 just hours before the deadline, did you 18 submit it to the reapportionment committee 19 or who did you submit it to? 20 A. I believe it was sent to every 21 member of the reapportionment committee. I 22 didn't physically do that myself so, but I 23 think Donna sent it to every member of the 24 reapportionment committee. 25 Q. Do you know when she provided a</p> | <p style="text-align: right;">Page 44</p> <p>1 A. I didn't -- some of those are 2 being held in the conference room that we 3 discussed where a number of -- a lot of the 4 map drawing was done. So I would 5 occasionally -- when they were going to 6 have a public hearing -- I would be in and 7 out of that room, and I listened to 8 snippets of it. But as for sitting through 9 any one specific one start to finish, no. 10 Q. Do you recall anything from any 11 of the time that you were in any of the 12 public hearings? 13 A. I recall some various discussions 14 about congressional changes and, you know, 15 so forth but nothing specific. 16 Q. Do you recall anything about the 17 senate districts from any of the public 18 hearings that you attended? 19 A. Not specifically. 20 Q. Generally? 21 A. Just generally I'm sure the -- as 22 with a lot of these maps, people -- whether 23 it was Muscle Shoals area wanted to be -- 24 areas expressed their concern for areas to 25 be kept together and not split up, least</p> |

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| <p style="text-align: right;">Page 45</p> <p>1 numbers of county splits, things like that.</p> <p>2 Q. Do you remember any specific</p> <p>3 regions or communities of interest that</p> <p>4 were brought up in the public hearings that</p> <p>5 people did not want to split?</p> <p>6 A. Not specifically, no.</p> <p>7 Q. Did anything that you had heard</p> <p>8 at any of the public hearings impact how</p> <p>9 you drew the map?</p> <p>10 A. The state senate map, I can't</p> <p>11 tell you it didn't, but I can't think of a</p> <p>12 specific example of where it did.</p> <p>13 Congressionally I can, but senate map, I</p> <p>14 don't remember a specific example.</p> <p>15 Q. Were you provided from anyone</p> <p>16 else any information about things that were</p> <p>17 said regarding the senate districts at the</p> <p>18 public hearings?</p> <p>19 A. No. And just to clarify, again,</p> <p>20 those were happening at the same time that</p> <p>21 I was also doing meetings. So it's not</p> <p>22 that I didn't have an interest in listening</p> <p>23 to every public hearing. We were just in a</p> <p>24 very compressed time frame. So if somebody</p> <p>25 wanted to schedule a meeting during a</p> | <p style="text-align: right;">Page 47</p> <p>1 process, we went back and looked at the</p> <p>2 districts after they were drawn, but not</p> <p>3 during the drawing process.</p> <p>4 Q. And when did you first pull up</p> <p>5 race on the computer to look at that data?</p> <p>6 A. I don't know specifically, but it</p> <p>7 would've been in the last day or two before</p> <p>8 the map was submitted.</p> <p>9 Q. When you did pull up race in the</p> <p>10 last day or two, what specifically were you</p> <p>11 looking at in terms of data?</p> <p>12 A. We'd be looking at BVAP, voting</p> <p>13 age -- black voting age population.</p> <p>14 Q. Did you look at the black voting</p> <p>15 age population for each district?</p> <p>16 A. Yes.</p> <p>17 Q. Are you familiar with black</p> <p>18 citizen voting age population?</p> <p>19 A. No.</p> <p>20 Q. So I assume you didn't --</p> <p>21 A. Familiar -- I've heard of it.</p> <p>22 I'm not familiar with it.</p> <p>23 Q. Did you look at black citizen</p> <p>24 voting age population when drawing your</p> <p>25 map?</p> |
| <p style="text-align: right;">Page 46</p> <p>1 hearing, I wasn't going to tell them no</p> <p>2 because we didn't have a lot of time.</p> <p>3 Q. And you don't recall making any</p> <p>4 changes to your map or drawing your map in</p> <p>5 any certain way based on any feedback</p> <p>6 received from public hearings; is that</p> <p>7 correct?</p> <p>8 A. The senate map, that's correct.</p> <p>9 MR. THOMPSON: I'm at a good</p> <p>10 breaking point. You want to take about a</p> <p>11 five, ten-minute break?</p> <p>12 MR. WALKER: Sure.</p> <p>13 (Whereupon, a recess was taken.)</p> <p>14 Q. Mr. Hinaman, did you consider</p> <p>15 race or racial demographic data in drawing</p> <p>16 the 2021 senate map?</p> <p>17 A. No. We drew the map race blind.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. It means when we were drawing the</p> <p>20 map, we didn't have race on the computer</p> <p>21 screen or any --</p> <p>22 Q. Did you have race up on the</p> <p>23 computer screen at any point before</p> <p>24 submitted the map?</p> <p>25 A. No. Well, at the end of the</p> | <p style="text-align: right;">Page 48</p> <p>1 A. No.</p> <p>2 Q. What was the source of the black</p> <p>3 voting age population data that you were</p> <p>4 looking at?</p> <p>5 A. Census Bureau.</p> <p>6 Q. Is that automatically populated</p> <p>7 into Maptitude?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you look at any other data</p> <p>10 regarding black voting age population?</p> <p>11 A. No.</p> <p>12 Q. Did you look at any other data</p> <p>13 regarding race?</p> <p>14 A. No.</p> <p>15 Q. Were you told that black or white</p> <p>16 voters should make up a particular</p> <p>17 percentage for each district?</p> <p>18 A. No.</p> <p>19 Q. So what specifically were you</p> <p>20 looking at when you were looking at the</p> <p>21 black voting age population?</p> <p>22 A. Well, at the end of the process</p> <p>23 after the map was mostly finalized or</p> <p>24 before final submission to the committee,</p> <p>25 Dorman Walker, counsel -- I looked at the</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 changes we had made to the majority black</p> <p>2 districts in making sure that they still</p> <p>3 looked like they would function as a</p> <p>4 majority black district.</p> <p>5 Q. And what did you find by looking</p> <p>6 at those?</p> <p>7 A. Found that the changes we made</p> <p>8 were not overly dramatic, so I don't think</p> <p>9 we were concerned that any of them would</p> <p>10 not function as a black district.</p> <p>11 Q. Were you only focused on the</p> <p>12 districts that were already majority black</p> <p>13 districts?</p> <p>14 MR. WALKER: Object to the form.</p> <p>15 You may answer.</p> <p>16 A. I believe those were the only</p> <p>17 ones that were still a majority black</p> <p>18 district or majority black districts in the</p> <p>19 new map. Meaning, if they were a majority</p> <p>20 black district in 2017, the senate map, I</p> <p>21 think they were majority black district in</p> <p>22 the 2021 map. I don't think there were any</p> <p>23 additional -- or any additions.</p> <p>24 Q. When you say any additions, you</p> <p>25 mean any new majority black districts?</p> | <p style="text-align: right;">Page 51</p> <p>1 your understanding was.</p> <p>2 A. My understanding was we're not</p> <p>3 looking at race.</p> <p>4 Q. Beyond any discussions with</p> <p>5 counsel, were you told that you should not</p> <p>6 look at race when drawing your map?</p> <p>7 A. No.</p> <p>8 Q. Beyond any discussions with</p> <p>9 counsel, were you told that you could look</p> <p>10 at race when drawing your map?</p> <p>11 A. No.</p> <p>12 Q. Beyond any discussions with</p> <p>13 counsel, were you told that you should not</p> <p>14 look at race when drawing your map?</p> <p>15 A. No.</p> <p>16 Q. So when you turned on the filter</p> <p>17 that shows the black voting age population</p> <p>18 of each district and looked at that</p> <p>19 information, did you make any changes to</p> <p>20 the map based on that information?</p> <p>21 A. I did not.</p> <p>22 Q. Did you provide any of that</p> <p>23 information about the black voting age</p> <p>24 population of the districts to Senator</p> <p>25 McClendon?</p> |
| <p style="text-align: right;">Page 50</p> <p>1 A. Correct. And obviously -- I</p> <p>2 mean, just to follow up on that, obviously</p> <p>3 the members of those districts, some of</p> <p>4 them wanted to know what their BVAP was.</p> <p>5 Q. Do you know why members would</p> <p>6 want to know that?</p> <p>7 A. No. But they -- some of them did</p> <p>8 ask me that.</p> <p>9 Q. Did you look at the BVAP, the</p> <p>10 black voting age population, of any</p> <p>11 nonmajority black districts?</p> <p>12 A. I'm sure I looked at all of them,</p> <p>13 but I didn't focus on any one in</p> <p>14 particular.</p> <p>15 Q. Were you told that you could</p> <p>16 consider race when drawing your map?</p> <p>17 A. Not in the initial drawing of the</p> <p>18 map, no.</p> <p>19 Q. You were not told that or were</p> <p>20 you told that you could not?</p> <p>21 A. I was told that we should draw</p> <p>22 them -- my counsel was told that we should</p> <p>23 draw them race neutral --</p> <p>24 MR. WALKER: Objection. Don't</p> <p>25 say what counsel told you. Provide what</p> | <p style="text-align: right;">Page 52</p> <p>1 A. Not specifically. I mean,</p> <p>2 obviously he had a copy of the map, but not</p> <p>3 specifically, no.</p> <p>4 Q. You said that obviously Senator</p> <p>5 McClendon had a copy of the map?</p> <p>6 A. Yeah, 24 hours out.</p> <p>7 Q. Did the copy of the map that he</p> <p>8 had show the black voting age population of</p> <p>9 each district?</p> <p>10 A. It probably did. I'm not sure</p> <p>11 what reports he had attached to that map,</p> <p>12 but I assume that there was one in there</p> <p>13 that did, yeah.</p> <p>14 Q. Did you discuss the black voting</p> <p>15 age population of any districts with</p> <p>16 Senator McClendon?</p> <p>17 A. I did not.</p> <p>18 Q. Beyond merely providing the black</p> <p>19 voting age population data to anyone who</p> <p>20 asked, did you have any discussions with</p> <p>21 anyone about the black voting age</p> <p>22 population of any of the districts?</p> <p>23 A. In the senate map, I don't</p> <p>24 believe I did, no.</p> <p>25 Q. Beyond any discussions with</p> |

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|---|---|
| <p style="text-align: right;">Page 53</p> <p>1 counsel --</p> <p>2 A. I mean, obviously individual</p> <p>3 senators would ask me -- a senator might</p> <p>4 say what's the BVAP in my district, and I</p> <p>5 would answer that.</p> <p>6 Q. Beyond that, no further</p> <p>7 discussions that you can recall --</p> <p>8 A. Right.</p> <p>9 Q. -- regarding BVAP?</p> <p>10 A. Correct.</p> <p>11 Q. Were you given instructions about</p> <p>12 a range of black voting age population that</p> <p>13 you were to try to meet with any of the</p> <p>14 districts?</p> <p>15 A. No.</p> <p>16 Q. Did you try to reach any certain</p> <p>17 black voting age population?</p> <p>18 A. No.</p> <p>19 Q. In drawing the map what, if</p> <p>20 anything, did you understand that you</p> <p>21 needed to do to ensure that your map</p> <p>22 complied with section two of the Voting</p> <p>23 Rights Act?</p> <p>24 A. Well, that compliance would be</p> <p>25 more of legal counsel's concern or focus</p> | <p style="text-align: right;">Page 55</p> <p>1 the districts changed, correct?</p> <p>2 A. Yes.</p> <p>3 Q. One of those demographics was</p> <p>4 that the black voting age population of the</p> <p>5 various districts changed, correct?</p> <p>6 A. Yes.</p> <p>7 Q. In the process of drawing the</p> <p>8 2021 map, did you look at the black voting</p> <p>9 age population of any of the districts as</p> <p>10 they previously existed on the 2017 map?</p> <p>11 A. No. As I said, the drawing</p> <p>12 process was race blind.</p> <p>13 Q. Until you had the final version,</p> <p>14 correct?</p> <p>15 A. Correct. Correct.</p> <p>16 Q. And you made no further changes</p> <p>17 even after you turned on the race?</p> <p>18 A. That's correct.</p> <p>19 Q. Would there have been -- at the</p> <p>20 time that you turned on race, would there</p> <p>21 have been any black voting age population</p> <p>22 levels that would have given you concern,</p> <p>23 either that they were too high or too low?</p> <p>24 A. Again, compliance with the VRA</p> <p>25 was more legal counsel's purview.</p> |
| <p style="text-align: right;">Page 54</p> <p>1 than mine.</p> <p>2 Q. That wasn't a specific focus of</p> <p>3 yours at any point?</p> <p>4 A. Well, it's part of the</p> <p>5 guidelines, to comply with the Voting</p> <p>6 Rights Act.</p> <p>7 Q. So what did you do to make sure</p> <p>8 that you were compliant with those</p> <p>9 guidelines?</p> <p>10 A. I had counsel review the various</p> <p>11 districts.</p> <p>12 Q. Anything else?</p> <p>13 A. No. Sorry. Shaking my head</p> <p>14 doesn't help her very much.</p> <p>15 Q. So your answer was no?</p> <p>16 A. No.</p> <p>17 Q. Would there be a level of black</p> <p>18 voting age population in a majority black</p> <p>19 district from a previous map that would</p> <p>20 cause you concern?</p> <p>21 A. A previous map?</p> <p>22 Q. So looking back at the 2017 map,</p> <p>23 would there be a -- let me clarify here.</p> <p>24 So with the new census data that</p> <p>25 came in 2020, the various demographics of</p> | <p style="text-align: right;">Page 56</p> <p>1 Q. So then explain to me what</p> <p>2 exactly were you looking for when you</p> <p>3 turned on the race data at the end of the</p> <p>4 map drawing process.</p> <p>5 A. I wasn't -- when I turned it on,</p> <p>6 I wasn't really looking -- I wasn't really</p> <p>7 looking at it. It was more counsel looking</p> <p>8 at it to make sure we complied with VRA.</p> <p>9 Q. And just to clarify and confirm</p> <p>10 so that I have everything straight, at the</p> <p>11 time that you -- the version of the map as</p> <p>12 it exists at the time you turned on race,</p> <p>13 were there any changes made to it at all</p> <p>14 after that until the time that it was</p> <p>15 enacted?</p> <p>16 A. No, there were no changes made.</p> <p>17 Q. So the final version of the map</p> <p>18 was completed before you ever looked at</p> <p>19 race; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know whether any</p> <p>22 performance analysis was done on any of the</p> <p>23 districts in your map?</p> <p>24 A. I don't. I'm not -- I don't</p> <p>25 know.</p> |

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57-60

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| <p style="text-align: right;">Page 57</p> <p>1 Q. Do you know if any racial 2 polarization analysis was done on any of 3 the districts in your map? 4 A. I do not know. 5 Q. Beyond adjusting for population 6 deviation, what other factors did you 7 consider when drawing the map? 8 A. Primarily geography, keeping 9 counties together when possible, not 10 splitting precincts where possible. 11 Q. Anything else? 12 A. I mean, obviously individual 13 senators may have had their own set of 14 things they were concerned about, but those 15 were my issues. 16 Q. Were you instructed to follow the 17 same redistricting guidelines that you used 18 when drawing the 2021 congressional map? 19 A. Well, obviously deviation is 20 different, but same guidelines. 21 Q. And just for the record, explain 22 the difference in the deviation 23 requirements for the senate map and 24 congressional map. 25 A. Yeah. The senate map deviation</p> | <p style="text-align: right;">Page 59</p> <p>1 split counties, precincts, communities of 2 interest where possible, right? 3 A. Correct. 4 Q. One of the other policies under 5 the redistricting guidelines is that all 6 districts should be reasonably compact, 7 correct? 8 A. Correct. 9 Q. Do you think that all of the 10 senate districts in the 2021 senate map are 11 reasonably compact? 12 A. I do. 13 Q. Do you think that the 2021 senate 14 map as you drew it complies with all of the 15 redistricting guidelines? 16 A. I do. 17 Q. Did you consider any other 18 factors when drawing your map? 19 A. No. I mean, obviously there are 20 other things in the guidelines we haven't 21 discussed, but I didn't consider any other 22 factors. For example, not pairing 23 (unintelligible) when possible. 24 Q. Beyond the redistricting 25 guidelines and any specific guidance that</p> |
| <p style="text-align: right;">Page 58</p> <p>1 is plus or minus five percent, whereas the 2 congressional map deviation is zero or one. 3 Q. And those redistricting 4 guidelines that you followed are the ones 5 that were passed on May 5th of 2021, 6 correct? 7 A. Correct. 8 Q. Your birthday? 9 A. Yes. 10 Q. Did you follow those 11 redistricting guidelines when drawing your 12 map? 13 A. Yes. 14 Q. Were you instructed to prioritize 15 any of the factors in the redistricting 16 guidelines over any others? 17 A. No. 18 Q. Did you place a higher priority 19 on any factor over another? 20 A. No. 21 Q. You mentioned population 22 deviation being one of the factors of the 23 redistricting guidelines, correct? 24 A. Correct. 25 Q. You also mentioned not wanting to</p> | <p style="text-align: right;">Page 60</p> <p>1 you got from the various senators, were 2 there any other factors that you took into 3 account when drawing the senate map? 4 A. No. 5 Q. Is it true that a primary concern 6 in drawing the senate map was whether the 7 senate would pass it? 8 A. I don't know about a primary 9 concern, but obviously any map becomes a 10 bill, which has to be passed by their body 11 and signed into law. 12 Q. Was that a focus of yours in any 13 way when drawing the map, whether or not 14 the map would pass? 15 A. Not specifically. I mean, 16 obviously I think republicans had the 17 27-day political advantage, so I was pretty 18 confident that a map would pass. 19 Q. Did you draw your map in any 20 certain way in a specific effort to ensure 21 that it would pass? 22 A. No. Other than obviously if I 23 could accommodate if a senator's wishes for 24 his or her district I, within reason, tried 25 to accommodate them.</p> |

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61-64

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| <p style="text-align: right;">Page 61</p> <p>1 Q. Did any specific request or</p> <p>2 instructions from any of the instructors</p> <p>3 ever take priority for you over the</p> <p>4 redistricting guidelines?</p> <p>5 A. No. I'm not who an instructor</p> <p>6 is. Are you saying a senator?</p> <p>7 Q. Any requests, desires, feedback,</p> <p>8 instructions, any of that that you received</p> <p>9 from any of the senators, did any of those</p> <p>10 considerations ever take priority over the</p> <p>11 factors in the redistricting guidelines?</p> <p>12 A. No.</p> <p>13 Q. I want to focus now on a few</p> <p>14 specific districts. Specifically the</p> <p>15 districts around Huntsville which you have</p> <p>16 Exhibit 3 in front of you which is the 2021</p> <p>17 map. And I want to talk about districts</p> <p>18 two, seven, and eight around Huntsville.</p> <p>19 Do you see those?</p> <p>20 A. Yes.</p> <p>21 Q. Would you agree that the city of</p> <p>22 Huntsville is a community of interest?</p> <p>23 A. I would.</p> <p>24 Q. Would you agree that specifically</p> <p>25 the center of the city of Huntsville could</p> | <p style="text-align: right;">Page 63</p> <p>1 the URL for that is davesredistricting.org.</p> <p>2 You've heard of that?</p> <p>3 A. I have.</p> <p>4 Q. What is your understanding of</p> <p>5 what that website is?</p> <p>6 A. My understanding is I guess it</p> <p>7 allows folks to draw districts.</p> <p>8 Q. You said you've never personally</p> <p>9 used that website?</p> <p>10 A. I haven't, no.</p> <p>11 Q. Have you ever relied on that</p> <p>12 website for anything?</p> <p>13 A. No.</p> <p>14 Q. Do you have any understanding of</p> <p>15 whether the data on that website is</p> <p>16 accurate or reliable?</p> <p>17 A. No idea.</p> <p>18 Q. I'm going to hand you a few more</p> <p>19 exhibits here. First, handing you what's</p> <p>20 been labeled as Exhibit 5.</p> <p>21 (Exhibit Number 5 was marked for</p> <p>22 identification.)</p> <p>23 Q. Exhibit 5 is a zoomed in view of</p> <p>24 the 2021 Alabama State Senate Map focusing</p> <p>25 on the region around the city of</p> |
| <p style="text-align: right;">Page 62</p> <p>1 be a community of interest?</p> <p>2 MR. WALKER: Object to the form.</p> <p>3 You can answer.</p> <p>4 A. Not sure I know what you mean by</p> <p>5 the center of the city of Huntsville. But</p> <p>6 I think the city of Huntsville is a</p> <p>7 community of interest.</p> <p>8 Q. Would you agree that the black</p> <p>9 community in the city of Huntsville is a</p> <p>10 community of interest?</p> <p>11 A. Yes.</p> <p>12 Q. Why do you say that?</p> <p>13 A. My understanding of definition of</p> <p>14 community of interest, they would qualify</p> <p>15 as such.</p> <p>16 Q. What's your understanding of the</p> <p>17 definition of a community of interest?</p> <p>18 A. It's rather broad, but it can be</p> <p>19 any group, either social, economic, racial,</p> <p>20 that share the same values or concerns.</p> <p>21 Q. Are you familiar with the website</p> <p>22 called Dave's Redistricting?</p> <p>23 A. Never been on it, but I'm</p> <p>24 familiar. I've heard of it.</p> <p>25 Q. And that -- just for the record,</p> | <p style="text-align: right;">Page 64</p> <p>1 Huntsville. Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And I'll represent for the record</p> <p>4 that this was pulled from the website I</p> <p>5 just described, Dave's Redistricting.</p> <p>6 A. Okay.</p> <p>7 Q. I'm also handing you what's been</p> <p>8 marked as Exhibit 6.</p> <p>9 (Exhibit Number 6 was marked for</p> <p>10 identification.)</p> <p>11 Q. Exhibit 6 is a similar view of</p> <p>12 the districts surrounding Huntsville as</p> <p>13 they existed in the 2017 Alabama State</p> <p>14 Senate Map. Do you see that?</p> <p>15 A. I do.</p> <p>16 Q. I'll represent for the record</p> <p>17 that Exhibit 6 and 7 were both pulled from</p> <p>18 Dave's Redistricting. Looking at</p> <p>19 Exhibit 6, does that appear to be an</p> <p>20 accurate depiction of the district</p> <p>21 surrounding the city of Huntsville as they</p> <p>22 exist in the 2021 senate map?</p> <p>23 A. It appears. The best I can tell</p> <p>24 it appears to be, yes.</p> <p>25 Q. Same question with Exhibit 7.</p> |

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65-68

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| <p style="text-align: right;">Page 65</p> <p>1 Does that appear to be an accurate 2 depiction of the districts surrounding the 3 city of Huntsville as they existing in 4 the 2017 senate map -- 5 MR. WALKER: I think you're off a 6 number. It's 5 and 6. 7 MR. THOMPSON: Thank you. 8 A. Yes. 9 Q. So let's start over just for the 10 clarity of the record. 11 A. Okay. 12 Q. So Exhibit 5 is a copy of a 13 zoomed in portion of the districts around 14 the city of Huntsville as they exist in the 15 2017 state senate map. Do you see that? 16 A. I do. 17 Q. Do you agree that that appears to 18 be an accurate representation of those 19 districts from the 2021 map? 20 A. To the best of my knowledge at 21 this level, yeah. I mean, obviously I'm 22 not looking at -- 23 Q. Correct. 24 A. -- the computer screen or 25 details.</p> | <p style="text-align: right;">Page 67</p> <p>1 little bit of two, but mostly seven, picked 2 up that part of senate district one. So 3 that required there to be further changes 4 in the senate district seven. In addition, 5 you know, on the '17 map, senate district 6 eight sort of goes into, I guess, that 7 would be south Huntsville sort of where 8 senate district eight wraps around 9 underneath seven. And that feature was 10 sort of eliminated in the senate district 11 seven map in 2021. 12 To my knowledge, there may be one 13 split precinct in there, but I think those 14 are all whole precincts in senate district 15 seven. There may be one split for 16 deviation purposes, but it doesn't appear 17 so -- or doesn't jump out at me anyway. 18 Q. Let me break that down just a 19 little bit. So you were talking about 20 district one. 21 A. Right. 22 Q. Under the 2017 map, district one 23 came in between districts two and seven -- 24 A. Yeah. 25 Q. -- for a good portion there.</p> |
| <p style="text-align: right;">Page 66</p> <p>1 Q. Same questions with Exhibit 6. 2 Does Exhibit 6 appear to be an accurate 3 representation of the districts surrounding 4 the city of Huntsville as they existed in 5 the 2017 Alabama State Senate Map? 6 A. Again, it appears to be. 7 Q. So if you can just set both of 8 those side by side, I just kind of want to 9 walk through these with you. So looking at 10 the prior district seven as it's shown in 11 Exhibit 6, you took what was a fairly 12 compact district around the city of 13 Huntsville and somewhat stretched it out in 14 a somewhat crescent shape. Do you see 15 that? 16 A. Yes. 17 Q. Why did you make that change? 18 MR. WALKER: Objection to form. 19 You may answer. 20 A. Well, as you may notice, senate 21 district one on the 2017 map used to go 22 into Madison County, and in trying to limit 23 county splits, senate district one no 24 longer goes into Madison County. Instead 25 district seven for the most part -- a</p> | <p style="text-align: right;">Page 68</p> <p>1 A. Correct. And that would be an 2 additional split of Madison County by 3 having that additional senate district in 4 there. So it was a positive feature of the 5 2021 map to not have an additional senator 6 split into Madison County. 7 Q. Were there any other reasons that 8 you, for lack of better word, eliminated 9 that portion of district one that existed 10 between districts two and seven in the 2021 11 map? 12 A. Yeah. Just -- I mean, it was -- 13 it's not necessary to have an additional 14 county split to have the proper population 15 instead of district one. 16 Q. You also mentioned that -- I 17 think you used the word that there was this 18 feature of district eight below district 19 seven in the 2017 map, correct? 20 A. Correct. 21 Q. And you said that that was 22 eliminated in the 2021 map. 23 A. Correct. 24 Q. What was the reason for that 25 change?</p> |

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69-72

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| <p style="text-align: right;">Page 69</p> <p>1 A. Just that's obviously 2 geographically stretched out probably a 3 little further than it needed to. So that 4 also is the senator from senate district 5 seven that lives in the southern portion of 6 that district so this is where -- not sure 7 I can answer based on conversations with 8 people -- senators. 9 Q. And by that, I assume you're 10 referring to that there were instructions 11 you received from one of the senators that 12 you're not going to go into because of the 13 assertion of privilege, correct? 14 A. Correct. 15 Q. In the prior map, also district 16 seven seemed to encompass much more of the 17 city of Huntsville, whereas in the current 18 map, it gets more squeezed into where it 19 goes narrowly through the middle of the 20 city of Huntsville, while district eight 21 comes into the city of Huntsville and takes 22 over some of those precincts. Do you see 23 that? 24 A. I do. 25 Q. Why did you make that change?</p> | <p style="text-align: right;">Page 71</p> <p>1 control over the shape of various 2 precincts. So that protrusion there is a 3 precinct line. 4 Q. Was there any other reason for 5 that protrusion other than just following 6 the precinct lines? 7 A. No. 8 Q. Are you familiar with what the 9 BVAP levels are around the city of 10 Huntsville? 11 A. In these districts? 12 Q. Correct. 13 A. In the senate districts? 14 Q. Correct. 15 A. Not off the top of my head. 16 Q. Handing you what's been marked as 17 Exhibit 7. 18 (Exhibit Number 7 was marked for 19 identification.) 20 Q. This is also data that was pulled 21 from the Dave's Redistricting website that 22 I mentioned, and it shows the black voting 23 age population of the precincts surrounding 24 the city of Huntsville. Do you see that? 25 A. The shaded ones essentially?</p> |
| <p style="text-align: right;">Page 70</p> <p>1 MR. WALKER: Objection to form. 2 You may answer. 3 A. Well, again, adding more area to 4 the northern part of senate district seven 5 and also eliminated the feature of senate 6 district eight coming underneath senate 7 district seven meant that senate district 8 eight had to come into somewhere. I had to 9 take more of senate district seven. So, 10 again, some of that was conversations 11 inherent to the individual members. 12 Q. One other change that I noticed 13 was in the middle of where districts two 14 and seven meet around the city of 15 Huntsville. There's this, again, lack of 16 better word, a finger of district two that 17 extends into district seven, and right 18 below that, there's a similar finger of 19 district seven extended into district two. 20 Do you see the area I'm talking about? 21 A. I'm assuming right in there. Is 22 that what you're talking about? 23 Q. That's correct. 24 A. Yeah. That's -- of course, those 25 are precinct lines. I don't have any</p> | <p style="text-align: right;">Page 72</p> <p>1 Q. In addition to showing the 2 percentage of black voting age population, 3 there is also shading which corresponds to 4 those percentages. Where darker shading 5 corresponds to a higher percentage, and 6 lighter shading refers to a lighter -- 7 lower percentage of the black voting age 8 population. Do you see that? 9 A. I do. 10 Q. Were you aware of this 11 concentrated black community in the city of 12 Huntsville? 13 A. I knew there was substantial 14 African American community in the city of 15 Huntsville. I was not an expert on 16 precinct by precinct numbers, but, yes. 17 Q. Were you aware of this 18 concentrated black community in the city of 19 Huntsville when you were drawing the 2021 20 senate map? 21 A. I knew there was a number of 22 African Americans that lived in the city of 23 Huntsville, yes. 24 Q. Do you agree that this black 25 community in Huntsville could be considered</p> |

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73-76

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| <p style="text-align: right;">Page 73</p> <p>1 a community of interest?</p> <p>2 A. Yes.</p> <p>3 Q. Do you think it is a community of</p> <p>4 interest?</p> <p>5 A. Yes.</p> <p>6 Q. Now, putting Exhibit 7 side by</p> <p>7 side with Exhibit 5, which is the districts</p> <p>8 around the city of Huntsville from the 2021</p> <p>9 map, were you aware when you were drawing</p> <p>10 the 2021 state senate map that your map</p> <p>11 splits this black community into three</p> <p>12 separate districts?</p> <p>13 A. I wasn't focused on that, no.</p> <p>14 Q. Were you aware of that?</p> <p>15 A. No, not really.</p> <p>16 Q. Did you consider keeping this</p> <p>17 community together in the same district?</p> <p>18 A. I did not.</p> <p>19 Q. Why not?</p> <p>20 A. You know, it's -- with all of the</p> <p>21 guidelines, you make trade-offs, and I</p> <p>22 thought that lowering the number of</p> <p>23 senators in Madison County was a positive</p> <p>24 element. Not having the wraparound</p> <p>25 underneath district seven was probably a</p> | <p style="text-align: right;">Page 75</p> <p>1 A. No.</p> <p>2 Q. And you can turn your focus back</p> <p>3 to Exhibit 5. In drawing districts two,</p> <p>4 seven, and eight in the 2021 senate map,</p> <p>5 were you told to keep any precincts or</p> <p>6 regions together?</p> <p>7 A. No.</p> <p>8 Q. Were you told to keep any</p> <p>9 specific communities of interest together?</p> <p>10 A. No.</p> <p>11 Q. Did you make an effort to keep</p> <p>12 any specific communities of interest</p> <p>13 together?</p> <p>14 A. No.</p> <p>15 Q. Were you told by anyone that</p> <p>16 there were certain aspects of districts</p> <p>17 two, seven, or eight that you shouldn't</p> <p>18 touch?</p> <p>19 MR. WALKER: Before you -- let me</p> <p>20 just reemphasize the objection to any</p> <p>21 testimony from legislators, other than the</p> <p>22 ones we've waived for privilege.</p> <p>23 Q. Beyond any discussions that you</p> <p>24 had with any legislators who have not</p> <p>25 waived legislative privilege -- meaning,</p> |
| <p style="text-align: right;">Page 74</p> <p>1 positive element. So obviously, you know,</p> <p>2 you have trade-offs you make in drawing any</p> <p>3 map.</p> <p>4 Q. When you turned race on when</p> <p>5 drawing -- let me start over.</p> <p>6 When you turned race on at the</p> <p>7 end of drawing the 2021 senate map, did you</p> <p>8 notice that you had split this black</p> <p>9 community in the city of Huntsville into</p> <p>10 three different districts?</p> <p>11 A. No. Because really I was looking</p> <p>12 at BVAP by senate district, not by the city</p> <p>13 of Huntsville for example.</p> <p>14 Q. Did you not look at BVAP by</p> <p>15 precinct?</p> <p>16 A. No, I didn't.</p> <p>17 Q. When you looked at BVAP, it was</p> <p>18 only by district?</p> <p>19 A. District, yes, sir.</p> <p>20 Q. Did you do anything to ensure</p> <p>21 that splitting this black community into</p> <p>22 three separate districts did not violate</p> <p>23 section two of the Voting Rights Act?</p> <p>24 MR. WALKER: Objection to form.</p> <p>25 You may answer.</p> | <p style="text-align: right;">Page 76</p> <p>1 any legislators other than Senator</p> <p>2 McClendon -- were you told that there were</p> <p>3 certain aspects of districts two, seven, or</p> <p>4 eight that you should not touch?</p> <p>5 A. No.</p> <p>6 Q. Were you told that there were any</p> <p>7 certain aspects of districts two, seven,</p> <p>8 and eight -- with the same caveats -- that</p> <p>9 you had to make?</p> <p>10 A. No.</p> <p>11 Q. Set those aside. Now, I want to</p> <p>12 turn our focus to the districts surrounding</p> <p>13 Montgomery. Handing you what's been marked</p> <p>14 as Exhibit 8.</p> <p>15 (Exhibit Number 8 was marked for</p> <p>16 identification.)</p> <p>17 Q. Similar to the last exhibit that</p> <p>18 we looked at, Exhibit 7, Exhibit 8 contains</p> <p>19 a depiction of the region around the city</p> <p>20 of Montgomery. This was pulled from Dave's</p> <p>21 Redistricting and shows the black voting</p> <p>22 age population both in terms of percentages</p> <p>23 and corresponding shading of the various</p> <p>24 precincts surrounding the city of</p> <p>25 Montgomery. Do you see that?</p> |

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77-80

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| <p style="text-align: right;">Page 77</p> <p>1 A. I do.</p> <p>2 Q. You see that here around the city</p> <p>3 of Montgomery, again, there is a</p> <p>4 significant black population, correct?</p> <p>5 A. Correct.</p> <p>6 Q. In fact, it looks like there are</p> <p>7 more than about 20 or so precincts around</p> <p>8 the city of Montgomery that all have a</p> <p>9 majority black voting age population. Do</p> <p>10 you see that?</p> <p>11 A. I haven't counted them but looks</p> <p>12 reasonable.</p> <p>13 Q. And some of these precincts are</p> <p>14 overwhelmingly black majority. You've got</p> <p>15 precincts -- it looks like there is one</p> <p>16 that's 95.2 percent, another one that's</p> <p>17 95.4 percent, one that's as high as</p> <p>18 96.5 percent. Do you see those numbers?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Now, your map packs all but two</p> <p>21 of those majority black districts into</p> <p>22 district 26. Do you see that?</p> <p>23 A. Not specifically, but I'll take</p> <p>24 your word for that.</p> <p>25 Q. Do you disagree with that?</p> | <p style="text-align: right;">Page 79</p> <p>1 identification.)</p> <p>2 Q. Again, this is pulled from Dave's</p> <p>3 Redistricting. Exhibit 9 is a zoomed in</p> <p>4 portion of the 2021 senate map showing in</p> <p>5 different colors the senate districts from</p> <p>6 the 2021 senate map around the city of</p> <p>7 Montgomery. Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. So you can set this Exhibit 9</p> <p>10 side by side with Exhibit 8 to be able to</p> <p>11 more clearly see the senate districts. Can</p> <p>12 you see that?</p> <p>13 A. I do.</p> <p>14 Q. Does that help to see the</p> <p>15 district lines clearer?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So with that said, do you agree</p> <p>18 with me that your map packs all but two of</p> <p>19 those majority black precincts that we see</p> <p>20 in Exhibit 8 all into district 26?</p> <p>21 MR. WALKER: Object to the form.</p> <p>22 You may answer.</p> <p>23 A. This puts all but two of them,</p> <p>24 yes.</p> <p>25 Q. Looking at Exhibit 8, the way</p> |
| <p style="text-align: right;">Page 78</p> <p>1 A. No, I don't. I'm just --</p> <p>2 MR. WALKER: Objection to form.</p> <p>3 A. I can't prove that by what you</p> <p>4 just handed me but...</p> <p>5 Q. Well, it's a little difficult to</p> <p>6 see on this map --</p> <p>7 A. There are --</p> <p>8 Q. -- but there is a darker line</p> <p>9 around the precincts that shows the</p> <p>10 districts.</p> <p>11 A. Oh, that's a district line?</p> <p>12 Q. Yes.</p> <p>13 A. Yeah, it's hard for me --</p> <p>14 Q. And if you need to -- I know it's</p> <p>15 difficult to see -- you can also put this</p> <p>16 side by side with Exhibit 3. Actually, you</p> <p>17 know what, let me do you one better.</p> <p>18 A. I'm not disagreeing with you. I</p> <p>19 just said I couldn't discern that from that</p> <p>20 map.</p> <p>21 Q. I understand. I just want to</p> <p>22 make this easy for you to see. I'm going</p> <p>23 to hand you what's been marked as</p> <p>24 Exhibit 9.</p> <p>25 (Exhibit Number 9 was marked for</p> | <p style="text-align: right;">Page 80</p> <p>1 that the black community is distributed</p> <p>2 here, it's fairly uniform across the city</p> <p>3 of Montgomery with the exception of this</p> <p>4 little pocket directly northeast of</p> <p>5 downtown Montgomery where we have a few</p> <p>6 precincts that are predominantly white. Do</p> <p>7 you see that?</p> <p>8 A. Yeah. I mean, there are also</p> <p>9 some precincts that are predominantly white</p> <p>10 on the western fringe of Montgomery County</p> <p>11 that are also 26 I guess.</p> <p>12 Q. Right. I just mean in terms of</p> <p>13 the black community that we see here, it's</p> <p>14 almost completely shaded with a majority</p> <p>15 black district throughout with the</p> <p>16 exception of a small whole in the middle of</p> <p>17 it where there are some white communities.</p> <p>18 Do you see what I'm referring to?</p> <p>19 A. Yes.</p> <p>20 Q. And your map has this little</p> <p>21 extension that goes into the city of</p> <p>22 Montgomery, district 25 extending into the</p> <p>23 center of the city of Montgomery. Do you</p> <p>24 see that?</p> <p>25 A. I do.</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 Q. And that extension reaches in and 2 pulls in three of the six predominantly 3 white precincts in the center of the city 4 of Montgomery, correct? 5 A. Yeah. Two -- I think one's 6 probably split. Maybe I'm wrong. But I 7 see two whole ones. That other piece, I'm 8 not sure if that's a whole precinct or not, 9 but maybe it is. 10 Q. Why did you draw this extension 11 into the center of the city of Montgomery 12 that pulls in these predominantly white 13 precincts? 14 A. Again, based on discussions. 15 Q. Beyond any discussion -- and when 16 you say it was based on discussion that you 17 had with certain legislators, correct? 18 A. Correct. 19 Q. Other than Senator McClendon? 20 A. Correct. 21 Q. Was that decision based on 22 anything else? 23 A. No. 24 Q. Looking at that extension into 25 the city of Montgomery, it includes the</p> | <p style="text-align: right;">Page 83</p> <p>1 Museum of Fine Arts precinct. Does that 2 sound right to you perhaps? You can't 3 recall? 4 A. Can't recall. 5 MR. THOMPSON: And also, for the 6 record, I'll say that my understanding is 7 that the one that's 55.5 percent BVAP is 8 the Wares Ferry Road Elementary School. I 9 might actually be off on those two. Do I 10 have those backwards? Let's take a quick 11 break, and I can make sure that I have the 12 right name for those for the record. 13 THE WITNESS: Okay. 14 (Whereupon, a recess was taken.) 15 Q. Mr. Hinaman, in drawing the 2021 16 Alabama State Senate Map, did you assess 17 whether you could create another majority 18 black senate district in the Montgomery 19 area? 20 A. I did not. 21 Q. Did you assess whether the black 22 voting age population is large enough and 23 compact enough to be able to do that? 24 A. I did not. 25 Q. Do you know whether the black</p> |
| <p style="text-align: right;">Page 82</p> <p>1 only two majority black precincts in the 2 city of Montgomery. Do you see that? 3 A. No. I'm not sure what you're 4 referring to on that. 5 MR. WALKER: Object to form. 6 Q. Looking at Exhibit 8 -- 7 A. Right. 8 Q. -- you can see the various 9 precincts here -- 10 A. Yeah. 11 Q. -- with their corresponding black 12 voting age percentages, correct? 13 A. Correct. 14 Q. Out of all of these, only two of 15 them are in district 25, correct? 16 A. Correct. The one that's 55.5 and 17 72.3, those are the two you're referring 18 to? 19 Q. That's right. 20 A. Right. 21 Q. Do you know the names of those 22 precincts? 23 A. I do not off the top of my head. 24 Q. For the record, I believe the one 25 that is 72.3 percent BVAP is the Montgomery</p> | <p style="text-align: right;">Page 84</p> <p>1 voting age population is large enough and 2 compact enough to be able to do that? 3 A. I've seen yours or someone's 4 alternate maps that create I think very 5 close if not two majority districts. 6 Q. When did you see that map? 7 A. During this litigation at some 8 point. 9 Q. Do you recall when? 10 A. No. 11 Q. Who provided you a copy of that 12 map? 13 A. Counsel. 14 Q. And you reviewed that map? 15 A. I haven't reviewed it. I've seen 16 it. 17 Q. Did you have any thoughts on that 18 map when you looked at it? 19 A. No. 20 Q. Do you agree that it's possible 21 to create an additional majority black 22 senate district in the Montgomery area 23 while still following the redistricting 24 committee's guidelines? 25 A. I don't know about the last part</p> |

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85-88

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| <p style="text-align: right;">Page 85</p> <p>1 of that. Again, I didn't draw that map, so</p> <p>2 I don't know what guidelines or rules or</p> <p>3 theories went into it.</p> <p>4 Q. Did you see anything about the</p> <p>5 plaintiffs' map that did not comply with</p> <p>6 the redistricting guidelines?</p> <p>7 A. Again, I didn't review the map.</p> <p>8 Q. Nothing stood out to you when you</p> <p>9 looked at it?</p> <p>10 MR. WALKER: Object to form.</p> <p>11 A. I didn't review the map.</p> <p>12 Q. But you did look at it?</p> <p>13 A. I saw it.</p> <p>14 Q. So explain to me a little bit</p> <p>15 about your experience with this map. You</p> <p>16 looked at it, what does that mean?</p> <p>17 MR. WALKER: Hang on just a</p> <p>18 second. Off the record.</p> <p>19 (Whereupon, a recess was taken.)</p> <p>20 Q. Mr. Hinaman, in drawing districts</p> <p>21 25 and 26 around the city of Montgomery,</p> <p>22 were you asked to keep any precincts or</p> <p>23 regions together?</p> <p>24 A. No.</p> <p>25 Q. Were you asked to keep any</p> | <p style="text-align: right;">Page 87</p> <p>1 A. Yes.</p> <p>2 MR. THOMPSON: As always, thank</p> <p>3 you for your time. That's all the</p> <p>4 questions I have at this point.</p> <p>5 MR. WALKER: Give us just a</p> <p>6 second, and we'll step outside. Be right</p> <p>7 back.</p> <p>8 (Whereupon, a recess was taken.)</p> <p>9 EXAMINATION</p> <p>10 BY MR. WALKER:</p> <p>11 Q. Mr. Hinaman, let me ask you about</p> <p>12 one or two things, please. Just now we</p> <p>13 were talking with plaintiffs' counsel --</p> <p>14 you were talking with plaintiffs' counsel</p> <p>15 about Defendants' Exhibit 8 which purports</p> <p>16 to depict -- oh, plaintiffs' -- and I did</p> <p>17 write defendants on this. Defendant 8</p> <p>18 which purports to depict from Dave's</p> <p>19 Redistricting various Montgomery area</p> <p>20 precincts and their BVAP level.</p> <p>21 Specifically you were asked about two</p> <p>22 precincts, one of which has a BVAP of 41.3,</p> <p>23 and the other one 31.2. Do you recall</p> <p>24 those questions from plaintiffs' counsel?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 86</p> <p>1 communities of interest together?</p> <p>2 A. No.</p> <p>3 Q. Were you told that there were</p> <p>4 certain aspects of district 25 or 26 that</p> <p>5 you should not touch?</p> <p>6 A. No.</p> <p>7 Q. Were you told that there were</p> <p>8 certain aspects of districts 25 or 26 that</p> <p>9 you had to do?</p> <p>10 A. No. And just one more piece on</p> <p>11 your --</p> <p>12 Q. Exhibit 8?</p> <p>13 A. Exhibit 8. Obviously when we</p> <p>14 were drawing this map, we did not have race</p> <p>15 on, so I didn't have the benefit of your</p> <p>16 numbers or shading as you do.</p> <p>17 Q. And similar to when you looked at</p> <p>18 the city of Huntsville, when you did turn</p> <p>19 on the race data when drawing or evaluating</p> <p>20 the 2021 senate map, you did not have that</p> <p>21 data by precinct level? You looked at it</p> <p>22 only by district level, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Does that go for the entirety of</p> <p>25 the state of Alabama?</p> | <p style="text-align: right;">Page 88</p> <p>1 Q. Okay. At any time you gave</p> <p>2 consideration to these districts when you</p> <p>3 were drawing the plan, did you have race</p> <p>4 on?</p> <p>5 A. No.</p> <p>6 Q. So at any time you were looking</p> <p>7 at these districts, you were not aware of</p> <p>8 their BVAPs; is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And above them, they appear to be</p> <p>11 two other precincts that have lower BVAPs</p> <p>12 of 21.9 and 28.1. Do you see those?</p> <p>13 A. Yes.</p> <p>14 Q. And did you put those in senate</p> <p>15 district 25 or 26?</p> <p>16 A. They're in senate district 26.</p> <p>17 Q. Okay. And in which district?</p> <p>18 A. 26.</p> <p>19 Q. Okay.</p> <p>20 MR. WALKER: Thank you very much.</p> <p>21 That's all I have.</p> <p>22 MR. THOMPSON: That's all.</p> <p>23 MR. WALKER: One more.</p> <p>24 Q. Were the senators who represent</p> <p>25 SD25 and SD26 aware of the changes you made</p> |

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| <p style="text-align: right;">Page 89</p> <p>1 when you drew the 2021 plan?</p> <p>2 MR. THOMPSON: Objection. Calls</p> <p>3 for speculation.</p> <p>4 Q. You may answer the question.</p> <p>5 A. Yes. They were in the room when</p> <p>6 these plans were drawn.</p> <p>7 MR. WALKER: Thank you. That's</p> <p>8 all I have.</p> <p>9 (The deposition of RANDY HINAMAN</p> <p>10 was concluded at 11:21 a.m.)</p> <p>11 --oOo--</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>24</p> <p>25</p> | <p style="text-align: right;">Page 91</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3</p> <p>4 Our Assignment No. J11123488</p> <p>5 Case Caption: KHADIDAH STONE, et al.</p> <p>6 vs. WES ALLEN, et al.</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9 I declare under penalty of perjury</p> <p>10 that I have read the entire transcript of</p> <p>11 my Deposition taken in the captioned matter</p> <p>12 or the same has been read to me, and</p> <p>13 the same is true and accurate, save and</p> <p>14 except for changes and/or corrections, if</p> <p>15 any, as indicated by me on the DEPOSITION</p> <p>16 ERRATA SHEET hereof, with the understanding</p> <p>17 that I offer these changes as if still under</p> <p>18 oath.</p> <p>19 Signed on the _____ day of</p> <p>20 _____, 2024.</p> <p>21</p> <p>22 _____</p> <p>23 RANDY HINAMAN</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 90</p> <p>1 C E R T I F I C A T E</p> <p>2 State of Alabama</p> <p>3 Lee County</p> <p>4 I, Madison Borden, do hereby</p> <p>5 certify that I recorded, by means of</p> <p>6 stenotype, the foregoing proceedings at the</p> <p>7 time and place stated in the caption</p> <p>8 hereof, that the foregoing represents a</p> <p>9 full, true, and correct transcript of the</p> <p>10 proceedings on said occasion.</p> <p>11 I further certify that I am</p> <p>12 neither of counsel nor of kin to any</p> <p>13 parties, nor interested in the outcome of</p> <p>14 this case.</p> <p>15 I further certify that I am a</p> <p>16 duly licensed Court Reporter, as displayed</p> <p>17 by my license number below, by the Alabama</p> <p>18 Board of Court Reporting.</p> <p>19 So certified on April 30, 2024.</p> <p>20</p> <p>21</p> <p>22 <i>Madison Borden</i></p> <p>23</p> <p>24 MADISON BORDEN, CCR</p> <p>25 CCR#687, Expires 9/30/24</p> | <p style="text-align: right;">Page 92</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 RANDY HINAMAN</p> |

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| <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 _____</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 RANDY HINAMAN</p> | <p>Page 93</p> |
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Plaintiffs' Exhibit No. 9

Exhibits to Randy Hinaman Deposition

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

KHADIDAH STONE, et al.,

Plaintiffs,

v.

2:21-CV-01531-AMM

WES ALLEN, et al.,

Defendants.

NOTICE OF DEPOSITION OF RANDY HINAMAN

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, counsel for Plaintiffs in the above-captioned matter will take the deposition of Randy Hinaman. The deposition will be held on April 17, 2024, beginning at 9 am CT, at the offices of Balch & Bingham, 455 Dexter Ave., Ste. 8000, Montgomery, AL 36104, by agreement of the parties. The deposition will be recorded stenographically by a certified court reporter, and may be recorded by video and audio by a certified videographer. The deposition will take place in-person and/or by videoconference and will continue from day to day, or according to a schedule mutually agreed upon by the parties, until completed.



DATED this 3rd day of April, 2024.

/s/ Alison Mollman

Alison Mollman
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*Admitted *pro hac vice*
+ Practice limited to federal court

CERTIFICATE OF SERVICE

I certify that on April 3, 2024, I served the foregoing by electronic mail to all counsel of record for the Plaintiffs.

/s/ Davin Rosborough
Davin Rosborough

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Alabama



KHADIDAH STONE, ET AL.,

Plaintiff

v.

WES ALLEN, ET AL.,

Defendant

Civil Action No. 2:21-cv-01531-AMM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Randy Hinaman

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: 455 Dexter Ave., Ste. 8000
Montgomery, AL 36104

Date and Time:
04/17/2024 9:00a

The deposition will be recorded by this method: Court Reporter/Videographer

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

- 1) All communications with Senator McClendon or Representative Pringle regarding 2021 Alabama state senate redistricting;
- 2) All communications with any individual or entity outside of the Alabama state legislature regarding 2021 Alabama state senate redistricting.
- 3) Any alternative versions of the 2021 Alabama state senate map that you drew or reviewed.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/11/2024

CLERK OF COURT

OR

/s/Nicki L. Lawsen

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiffs
, who issues or requests this subpoena, are:

Nicki Lawsen, Esq.; 301 19th Street North, Birmingham, AL 35203; nlawsen@wigginschilds.com; 205-314-0500

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT

2

Randy Hinaman

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 2:21-cv-01531-AMM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
 - (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
 - (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

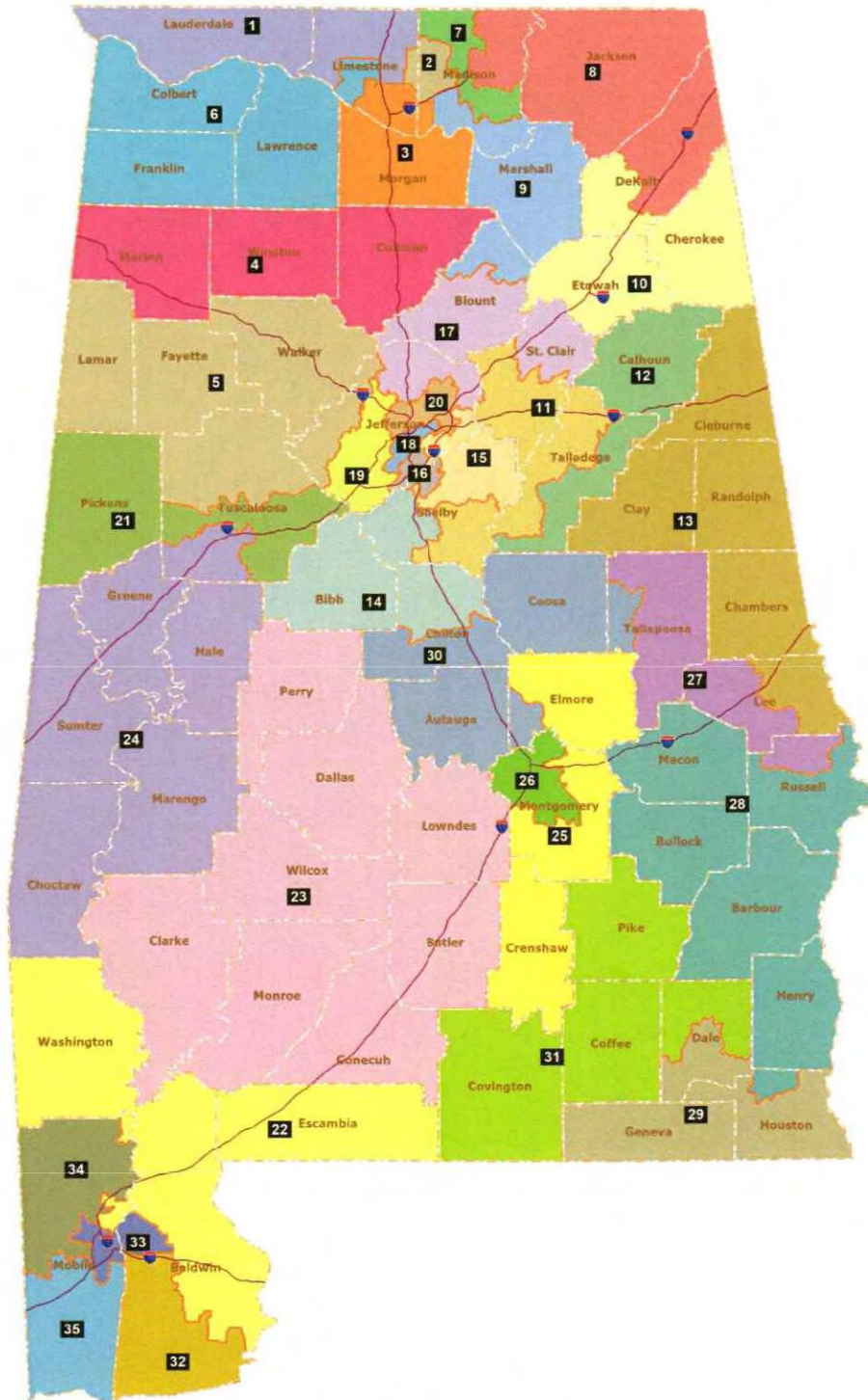
- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

2021 Alabama Senate Plan



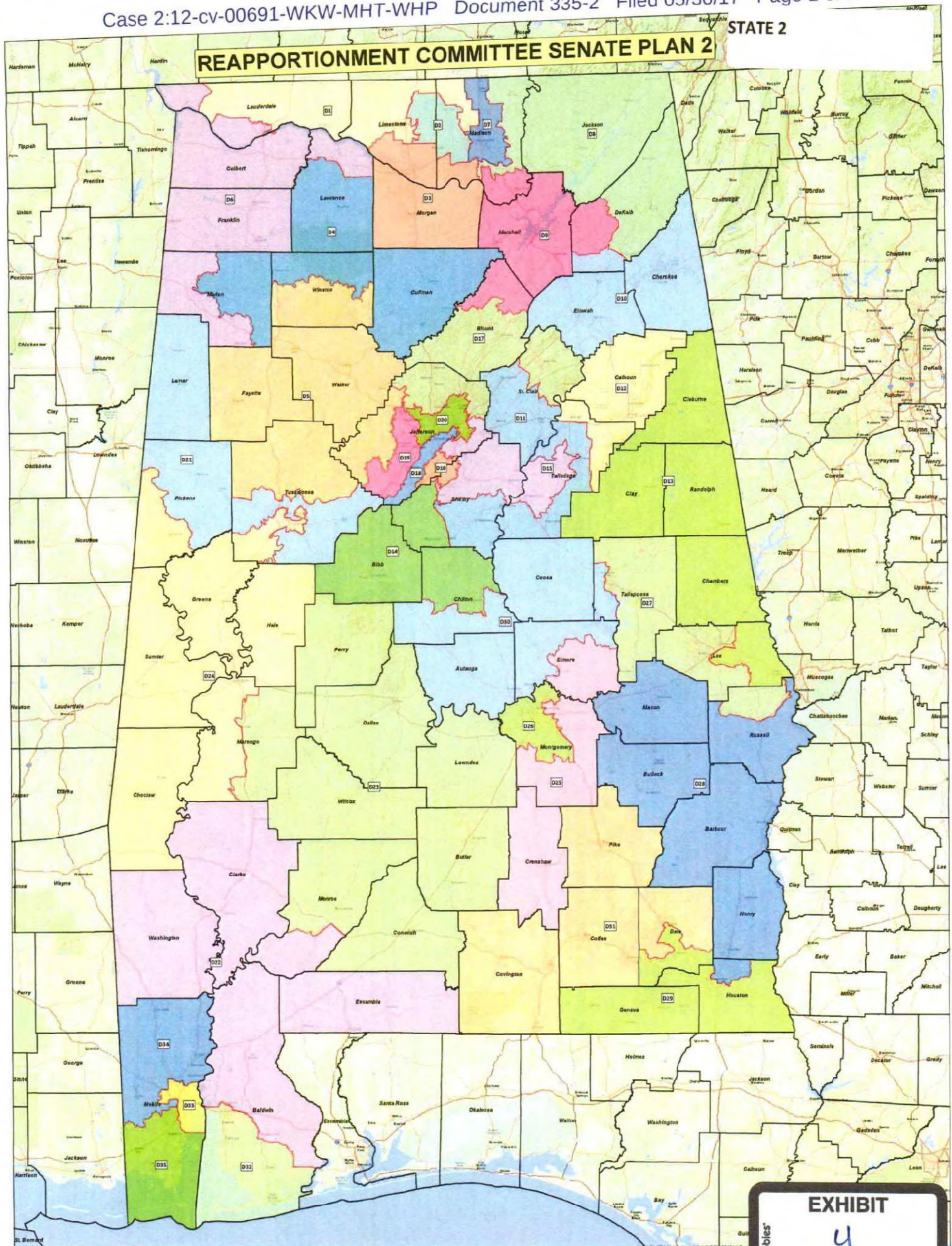
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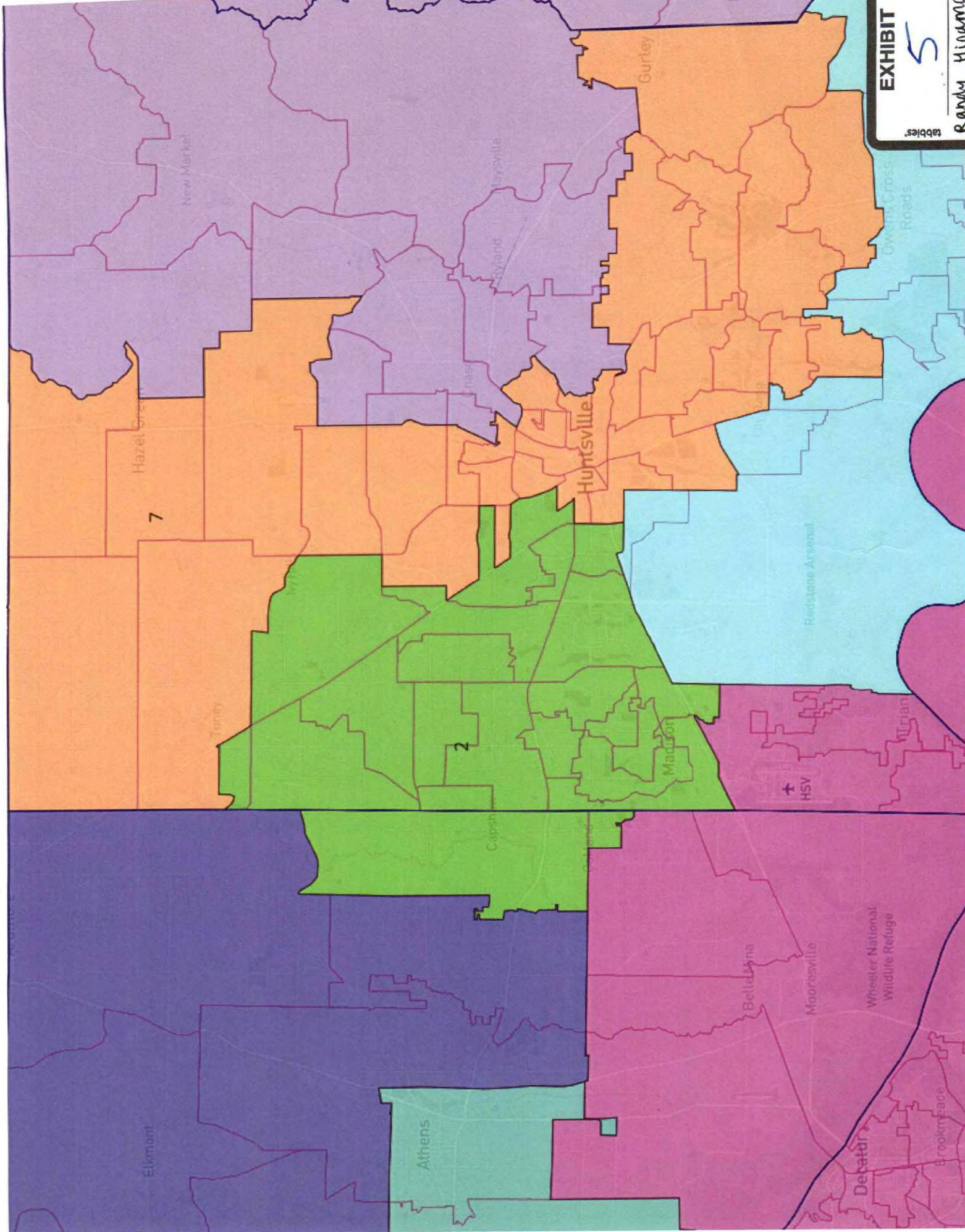
EXHIBIT

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Randy Hinaman





EXHIBIT

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Tables

Randy Hinamiah

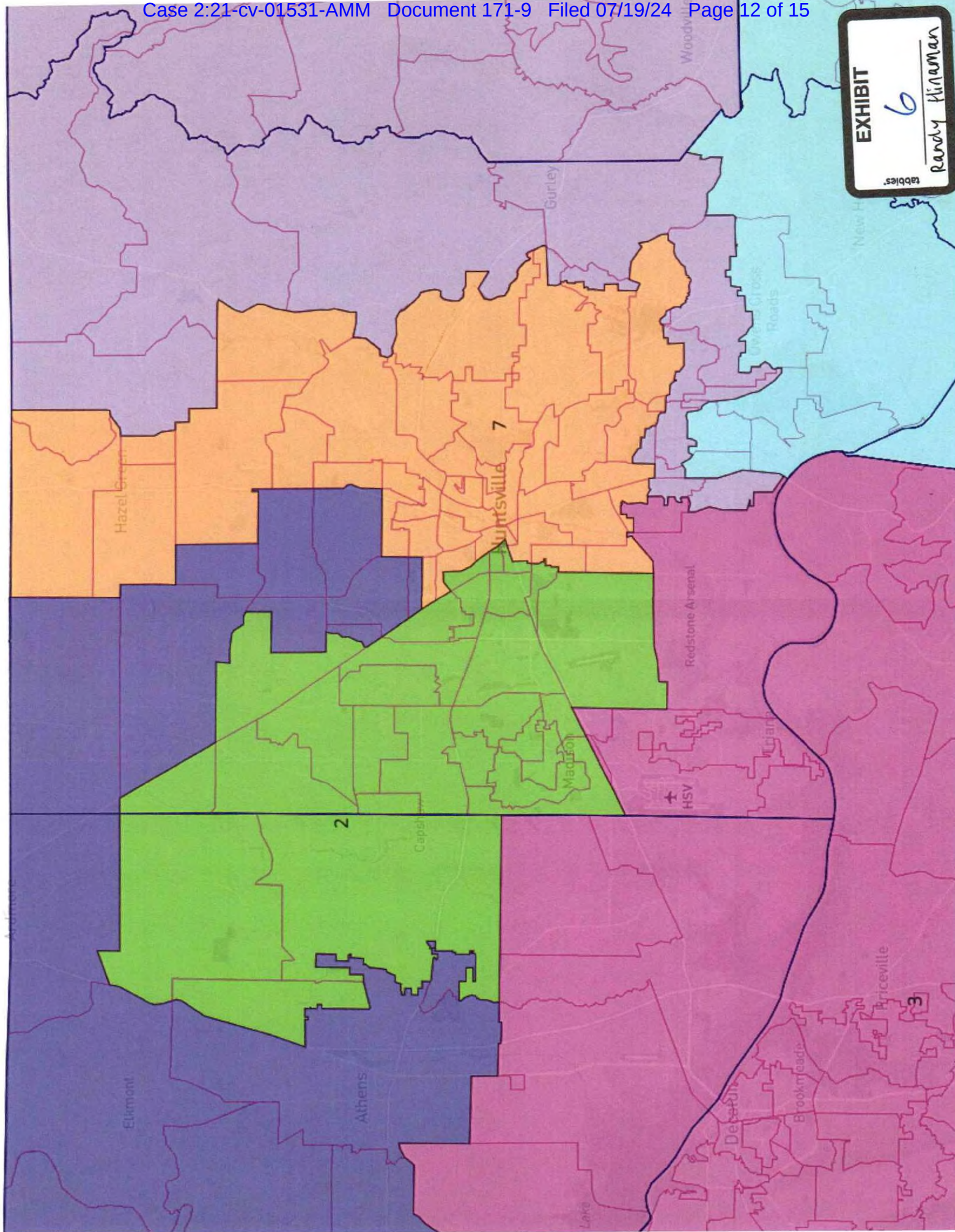
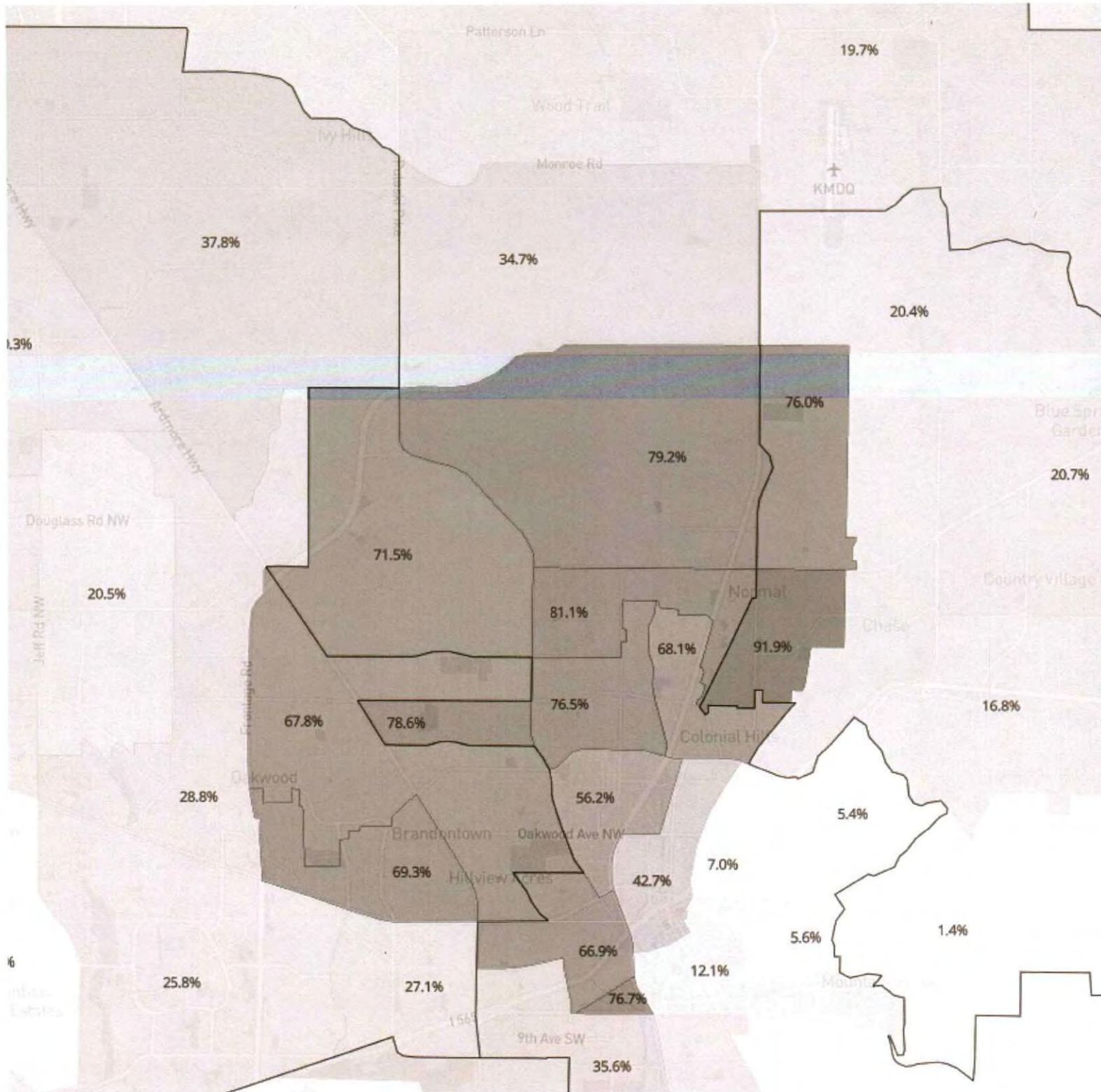
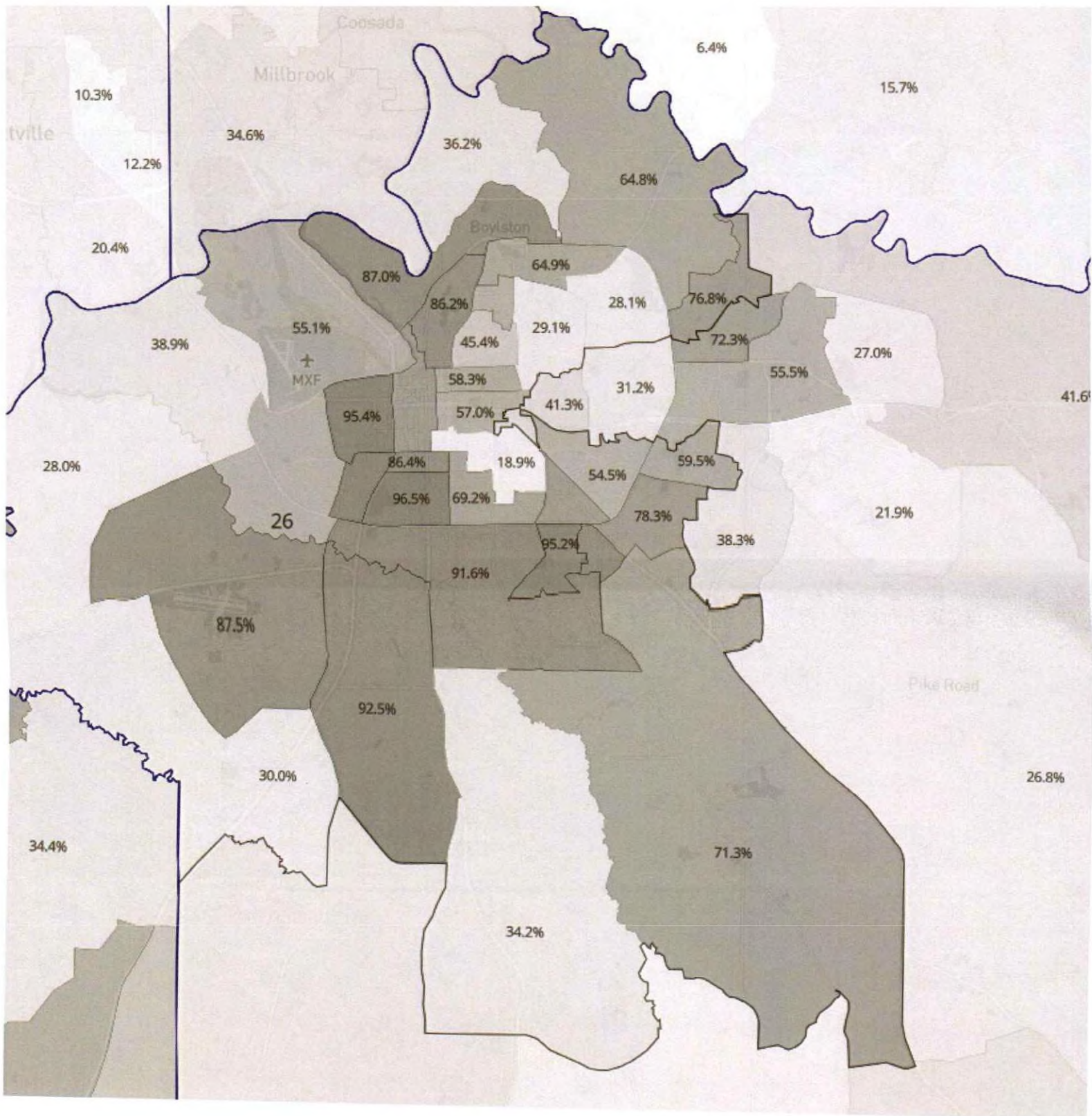


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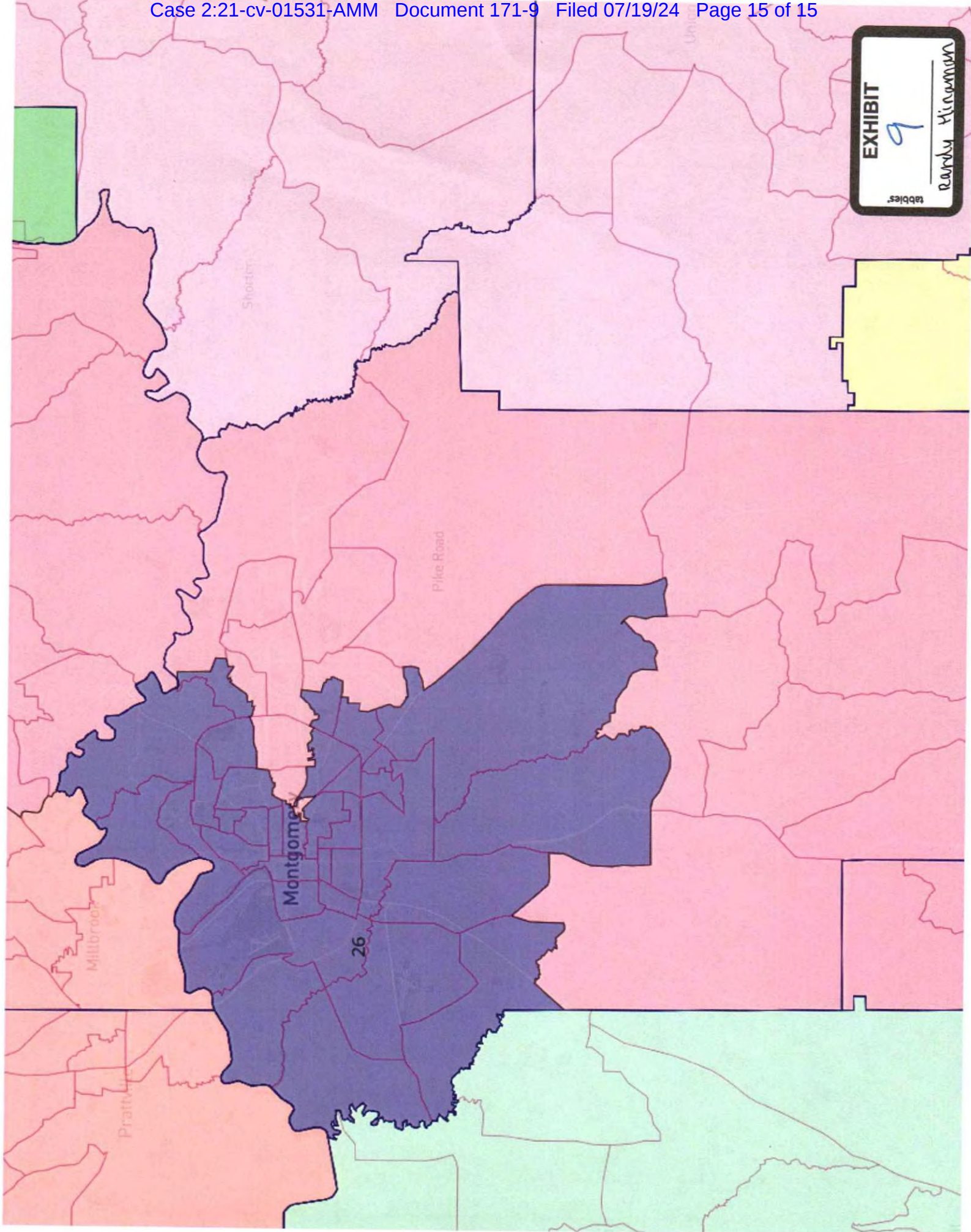


EXHIBIT

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tabbles

Randy Vineman



Plaintiffs' Exhibit No. 10

Jim McClendon Deposition Transcript

JIM MCCLENDON
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|---|---|
| <p>1 IN THE UNITED STATES COURT 2 FOR THE NORTHERN DISTRICT OF ALABAMA</p> <p>3 KHADIDAH STONE, ET AL.,) 4) 5 PLAINTIFFS,) 6) 7) CASE NO. 8) 2:21-CV-01531-AMM 9) 10) 11) 12 WES ALLEN, ET AL.,) 13) 14) DEPOSITION OF: 15 DEFENDANTS.) JIM MCCLENDON</p> <p>16 S T I P U L A T I O N S</p> <p>17 IT IS STIPULATED AND AGREED, by and 18 between the parties through their respective 19 counsel, that the deposition of: 20 JIM MCCLENDON 21 may be taken before Dannah Moody, Commissioner and 22 Notary Public, State at Large, at the offices of 23 St. Clair County District Courthouse, 100 6th 24 Avenue, Ashville, Alabama 35953, on the 18th day 25 of April 2024, commencing at approximately 10:00 a.m.</p> | <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 Davin Rosborough 4 Attorney at Law 5 American Civil Liberties Union Foundation 6 125 Broad Street 7 New York, New York 10004 8 drosborough@aclu.org 9 212-549-2500 10 Jacob Van Leer 11 Attorney at Law 12 American Civil Liberties Union Foundation 13 915 15th Street Northwest 14 Washington, D.C. 20005 15 jvanleer@aclu.org 16 212-549-2500</p> <p>17 FOR THE DEFENDANTS:</p> <p>18 Dorman Walker 19 Attorney at Law 20 Balch & Bingham, LLP 21 445 Dexter Avenue, Suite 8000 22 Montgomery, Alabama 36104 23 dwalker@balch.com 24 334-834-6500</p> <p>25 Michael Taunton 26 Attorney at Law 27 Balch & Bingham, LLP 28 1901 Sixth Avenue North, Suite 1500 29 Birmingham, Alabama 35203 30 mtaunton@balch.com 31 205-226-3451</p> <p>32 Ben Seiss 33 Attorney at Law 34 Office of the Attorney General 35 501 Washington Avenue 36 PO Box 300152 37 Montgomery, Alabama 36130 38 ben.seiss@alabamaag.gov</p> |
| Page 2 | Page 4 |
| <p>1 IT IS FURTHER STIPULATED AND AGREED that 2 the signature to and reading of the deposition by 3 the witness is waived, the deposition to have the 4 same force and effect as if full compliance had 5 been had with all laws and rules of Court relating 6 to the taking of depositions.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED that 8 it shall not be necessary for any objections to be 9 made by counsel to any questions, except as to form 10 or leading questions, and that counsel for the 11 parties may make objections and assign grounds at 12 the time of the trial, or at the time said 13 deposition is offered in evidence, or prior 14 thereto.</p> | <p>1 EXAMINATION INDEX</p> <p>2 Examination by Mr. Rosborough 5 3 Examination by Mr. Walker 83 4 Examination by Mr. Rosborough 85</p> <p>5 EXHIBIT INDEX</p> <p>6 PX-1 Public Hearing Transcript Excerpt 26 7 PX-2 Talking Points 30 8 PX-3 Redistricting Guidelines 36 9 PX-4 Functionality Examination 40 10 PX-5 Committee Meeting Transcript Excerpt 43 11 PX-6 2021 Senate Map 51 12 PX-7 2017 Senate Map 51 13 PX-8 Census Placed By District and By County 55 14 PX-9 Resident Kirkpatrick's Letter 62 15 PX-10 Public Hearing Transcript Excerpt 64 16 PX-11 Prior State Senate Districts-Huntsville 67 17 PX-12 2021 State Senate Districts-Huntsville 68 18 PX-13 2021 State Senate Map Boundaries 69 19 PX-14 Resident Baker's Letter 73 20 PX-15 Congressional Redistricting Excerpt 77 21 PX-16 Caucus Case Transcript Excerpt 80</p> |

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| <p style="text-align: right;">Page 5</p> <p>1 I, Dannah Moody, a Court Reporter of 2 Birmingham, Alabama, and a Notary Public for the 3 State of Alabama at Large, acting as Commissioner, 4 certify that on this date, pursuant to Rule 30 of 5 the Alabama Rules of Civil Procedure and the 6 foregoing stipulation of counsel, there came before 7 me on the 18th day of April 2024, at the offices of 8 St. Clair County District Courthouse, 100 6th 9 Avenue, Ashville, Alabama 35953, commencing at 10 10:00 a.m., JIM MCCLENDON, witness in the above 11 cause, for oral examination, whereupon the 12 following proceedings were had: 13 JIM MCCLENDON, 14 having been duly sworn, was examined and 15 testified as follows: 16 EXAMINATION 17 BY MR. ROSBOROUGH: 18 Q. Good morning, Senator McClendon. 19 A. Good morning. 20 Q. I appreciate your time. 21 A. What's your first name again? 22 Q. I'm sorry. I'm Davin Rosborough. 23 A. Davin? Got it. Okay. Thank you, Davin. 24 Q. Thank you. Appreciate you being here 25 today especially in your retirement. You</p> | <p style="text-align: right;">Page 7</p> <p>1 question. If that sounds okay? 2 A. Sounds fine. 3 Q. Great. All right. Senator McClendon, 4 without disclosing the content of any discussions 5 with your attorney, what did you do to prepare for 6 your deposition today? 7 A. My attorney and I met Monday of this week 8 and just talked about it, but that was about it. 9 Q. Okay. Are the attorneys you met with 10 present in this room? 11 A. Yes. 12 Q. Okay. Was anyone else present for the 13 preparation? 14 A. No. 15 Q. Did you discuss your testimony today with 16 anyone who's not an attorney? 17 A. No. Well, I told my wife where I was 18 going to be, but, you know, nobody else. 19 Q. Okay. Did you review any documents in 20 preparation for your testimony today? 21 A. I did look at -- I think I looked at one 22 page, a map, that my attorney showed me to look at. 23 It had to do with -- I think it's the two of the 24 Senate districts in north Alabama. And we also 25 looked at a map of what I think must be 25 --</p> |
| <p style="text-align: right;">Page 6</p> <p>1 understand you're testifying under oath today? 2 A. I do. 3 Q. Is there anything that might prevent you 4 from understanding my questions or answering 5 truthfully today? 6 A. No. 7 Q. You've been deposed before, correct? 8 A. I have. 9 Q. Okay. Do you recall how many times? 10 A. No, I don't. 11 Q. More than once, is it fair to say? 12 A. More than once. 13 Q. Okay. I'll just go over a few ground 14 rules just because it's probably been a little bit. 15 I'll ask questions. If you don't understand the 16 question, let me know. If you answer the question, 17 I'll assume that you understood the question. Is 18 that fair? 19 A. Fair. 20 Q. Also the court reporter here is typing 21 everything that you and I are saying, so it's 22 important that we do our best for only one of us to 23 speak at a time so please allow me to finish my 24 questions and sentences and I will allow you to 25 finish your answers before jumping into the next</p> | <p style="text-align: right;">Page 8</p> <p>1 Senate district 25, but that's it. We didn't -- 2 that was all. 3 Q. Okay. Did you do anything else to prepare 4 for the deposition today? 5 A. No. 6 Q. All right. I know you've been deposed 7 before so I won't spend too much time on 8 background, but you're from St. Clair County, 9 Alabama; is that correct? 10 A. That's correct. 11 Q. How much of your life have you spent here? 12 A. Way over half. You know, I had a period 13 of time, left for college. And then I was in the 14 military, and then I lived in other places, but I'm 15 back to my home farm. 16 Q. And where else within Alabama have you 17 lived? 18 A. I lived in Leeds, Alabama, lived in 19 Mountain Brook, Alabama, and had a house on Logan 20 Martin Lake that was really a vacation home. I 21 lived in Guntersville for a short stretch waiting 22 to be drafted. 23 Q. Okay. Other than the places you've lived 24 in Alabama, are there other parts of the state you 25 feel you've got familiarity with?</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. And what other parts of the state do you</p> <p>3 feel like you have familiarity with?</p> <p>4 A. Well, not all of it, but a lot of it.</p> <p>5 It's kind of hard for me to answer that question.</p> <p>6 Hey, I lived in Mobile for a while.</p> <p>7 Q. Okay.</p> <p>8 A. Was born there. I don't know how long I</p> <p>9 was there, but I know I had to be a while.</p> <p>10 Q. You lived in Mobile in early childhood?</p> <p>11 A. Yes. Or infancy.</p> <p>12 Q. Okay. What would you say your level of</p> <p>13 familiarity is with the Montgomery area?</p> <p>14 A. I'm not sure how to answer that question.</p> <p>15 I'd say fairly familiar. I have a general --</p> <p>16 general idea about Montgomery. I mean, I was down</p> <p>17 there in the legislature for 20 years.</p> <p>18 Q. Are there any particular parts in the</p> <p>19 Montgomery area you feel more familiar with than</p> <p>20 others?</p> <p>21 A. Yeah. Downtown around the Capital.</p> <p>22 Q. Okay. Are you -- what is your level of</p> <p>23 familiarity, if any, with the Huntsville area?</p> <p>24 A. Not as much as the Montgomery area. I</p> <p>25 can't even remember the last time I was in</p> | <p style="text-align: right;">Page 11</p> <p>1 help and he told me he was powerless.</p> <p>2 Q. Do you remember the identity of that</p> <p>3 representative?</p> <p>4 A. I do.</p> <p>5 Q. And who was that?</p> <p>6 A. Do you really want to put that in here? I</p> <p>7 mean, does it help you at all?</p> <p>8 Q. I'd like to know the answer to the</p> <p>9 question.</p> <p>10 A. Dave Thomas.</p> <p>11 Q. Dave Thomas. Okay. And was</p> <p>12 Representative Thomas a Republican or Democrat?</p> <p>13 A. Republican.</p> <p>14 Q. Okay. Is it fair to say that you ran</p> <p>15 in -- you posed a primary challenge to</p> <p>16 Representative Thomas?</p> <p>17 A. Correct. Well, actually no. He dropped</p> <p>18 out.</p> <p>19 Q. Okay. So did you run in the Republican</p> <p>20 primary for --</p> <p>21 A. Yes. I'm sorry. I didn't mean to</p> <p>22 interrupt you. I apologize.</p> <p>23 Q. It's okay. Did you have any opposition in</p> <p>24 the primary?</p> <p>25 A. I did.</p> |
| <p style="text-align: right;">Page 10</p> <p>1 Huntsville.</p> <p>2 Q. What, if any, is your familiarity with the</p> <p>3 Decatur area?</p> <p>4 A. Minimal.</p> <p>5 Q. Okay. Have you noticed any trends in the</p> <p>6 Huntsville area over the past decade or so?</p> <p>7 A. Increasing population.</p> <p>8 Q. Okay. Anything else?</p> <p>9 A. No, I don't think so. I'm not sure what</p> <p>10 you're after.</p> <p>11 Q. When did you first seek elective office?</p> <p>12 A. 2001.</p> <p>13 Q. And what office were you seeking?</p> <p>14 A. Alabama House of Representatives.</p> <p>15 Q. What district were you running for?</p> <p>16 A. 50.</p> <p>17 Q. And why did you decide to run for Alabama</p> <p>18 State House?</p> <p>19 A. I'm trying -- I got very disgusted with my</p> <p>20 state representative.</p> <p>21 Q. Do you recall why you were disgusted with</p> <p>22 your state representative?</p> <p>23 A. Of course, I do.</p> <p>24 Q. And why was that?</p> <p>25 A. I had an issue and I asked him for some</p> | <p style="text-align: right;">Page 12</p> <p>1 Q. And who was opposing you, if you remember?</p> <p>2 A. His last name was Routin.</p> <p>3 Q. Okay.</p> <p>4 A. From Pell City.</p> <p>5 Q. What was the result of the primary?</p> <p>6 A. I won.</p> <p>7 Q. You then presumably you moved on to the</p> <p>8 general election?</p> <p>9 A. Correct.</p> <p>10 Q. Did you have a general election opponent</p> <p>11 in that race?</p> <p>12 A. I think I did. I think I did.</p> <p>13 Q. And what was the result of that election?</p> <p>14 A. I won.</p> <p>15 Q. Okay. How long did you hold that office?</p> <p>16 A. Three terms.</p> <p>17 Q. During your time as a state representative</p> <p>18 in the House, when did you first become involved in</p> <p>19 redistricting?</p> <p>20 A. 20 -- well, for the -- 2010 census.</p> <p>21 Q. And how did you first become involved in</p> <p>22 redistricting?</p> <p>23 A. I was House chair.</p> <p>24 Q. Did you seek out that position for --</p> <p>25 affirmatively or was it offered to you?</p> |

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|---|---|
| <p style="text-align: right;">Page 13</p> <p>1 A. It was offered to me.</p> <p>2 Q. And any reason you decided to accept that</p> <p>3 role?</p> <p>4 A. Yeah. I was very curious about the</p> <p>5 process.</p> <p>6 Q. What was your role as the House co-chair</p> <p>7 of the apportionment committee for the 2010 cycle?</p> <p>8 A. Correction. House chair of</p> <p>9 reapportionment.</p> <p>10 Q. Thank you. Let me ask that again. What</p> <p>11 was your role as the House chair for the</p> <p>12 reapportionment committee for the 2010 cycle?</p> <p>13 A. To work with any of the House members that</p> <p>14 wanted to work with me and coordinate with the map</p> <p>15 drawer and to consult with the attorney that we</p> <p>16 were staying in the boundaries set by the</p> <p>17 Constitution and by the courts.</p> <p>18 Q. And do you recall who the map drawer was</p> <p>19 for that cycle?</p> <p>20 A. I do.</p> <p>21 Q. And who was that?</p> <p>22 A. Randy Hinaman.</p> <p>23 Q. When did you decide to run for Senate in</p> <p>24 Alabama?</p> <p>25 A. I ran in -- I don't know. Maybe 2013 or</p> | <p style="text-align: right;">Page 15</p> <p>1 A. I think there was just one. Yeah. I</p> <p>2 think there was just one.</p> <p>3 Q. And how did you fare in the primary?</p> <p>4 A. I won.</p> <p>5 Q. Okay. Do you recall if you faced a</p> <p>6 general election opponent in 2014?</p> <p>7 A. I did.</p> <p>8 Q. Okay. And do you recall who your opponent</p> <p>9 was?</p> <p>10 A. I cannot remember his name. I remember he</p> <p>11 lived in Moody, but I can't remember his name.</p> <p>12 Q. And how did you fare in that race?</p> <p>13 A. I won.</p> <p>14 Q. How did you become the Senate Chair of the</p> <p>15 Reapportionment Committee?</p> <p>16 A. I was -- actually I was elected by the</p> <p>17 Republican Caucus members, but was really promoted</p> <p>18 but the pro tem since I was the only one that had</p> <p>19 experience in the process.</p> <p>20 Q. Do you recall approximately when you were</p> <p>21 appointed to that role or elected to that role as</p> <p>22 it may be?</p> <p>23 A. Not too long after we organized in 2014,</p> <p>24 so I would say probably 20 -- 2014.</p> <p>25 Q. And did you run for re-election in 2018?</p> |
| <p style="text-align: right;">Page 14</p> <p>1 something like that. I ran in 2014. Is that</p> <p>2 right? Yeah. Let's see. Yeah.</p> <p>3 Q. To the best of your recollection.</p> <p>4 A. 2002 plus 12, 2014. So I must have made</p> <p>5 the decision to 2013.</p> <p>6 Q. Why did you decide to run for Senate?</p> <p>7 A. I felt like I could be more effective for</p> <p>8 my district as a Senator than I was as a House</p> <p>9 member.</p> <p>10 Q. And why did you feel that you could be</p> <p>11 more effective as a Senator for your district?</p> <p>12 A. Just the rules of the House versus the</p> <p>13 rules of the Senate, the way it operated.</p> <p>14 Q. Can you say a little bit more about that?</p> <p>15 What about the Senate rules made it easier for you</p> <p>16 to be effective?</p> <p>17 A. One Senator can have far more influence on</p> <p>18 the body than one House member. An easy example</p> <p>19 would be a House member can be at the mic for</p> <p>20 ten minutes more than once and the Senator can be</p> <p>21 there for almost unlimited hours.</p> <p>22 Q. Okay. And did you face any primary</p> <p>23 opponents when you ran for Senate in 2014?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall how many opponents?</p> | <p style="text-align: right;">Page 16</p> <p>1 A. I did.</p> <p>2 Q. Do you recall if you had any primary</p> <p>3 opponents?</p> <p>4 A. You know, I did. I can't remember who it</p> <p>5 was.</p> <p>6 Q. Do you recall if you had a general</p> <p>7 election opponent in 2018?</p> <p>8 A. I just don't know.</p> <p>9 Q. Okay. When did you decide not to seek</p> <p>10 re-election for the following term?</p> <p>11 A. For this last election. Well, I announced</p> <p>12 it probably a year prior to qualifying time.</p> <p>13 Q. And what was the reason or reasons you</p> <p>14 decided not to run for re-election?</p> <p>15 A. Well, 20 years in Montgomery, that was</p> <p>16 enough.</p> <p>17 Q. Can you say a little bit more about that?</p> <p>18 What do you mean by 20 years in Montgomery was</p> <p>19 enough?</p> <p>20 A. I don't know. That pretty much wraps it</p> <p>21 up. I served in the House and I served in the</p> <p>22 Senate and served a number of leadership roles and</p> <p>23 it was just time for somebody else.</p> <p>24 Q. Senator, what was your role in the 2021</p> <p>25 State Legislature of redistricting process?</p> |

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| <p style="text-align: right;">Page 17</p> <p>1 A. Well, once again, I was -- this time I was 2 Senate Chair of redistricting. And my role really 3 was to work with my fellow senators, all -- both 4 parties that wanted somebody to work with them and 5 to interact with our map drawer and to consult with 6 my attorney to make sure we were in compliance with 7 what we needed to be in compliance with. 8 Q. Okay. And you mentioned the map drawer, 9 who was the map drawer? 10 A. Randy Hinaman. 11 Q. What were your interactions -- you 12 mentioned interactions with the other senators of 13 both parties, can you describe those a little bit 14 more? 15 A. Sure. I would -- one thing I worked at 16 was those that wanted to meet with the map drawer 17 to try to work -- coordinate their schedules, tell 18 them when they could be down there, check with the 19 map drawer to see what his schedule was, and then 20 to -- sometimes to discuss options that they had 21 and always to review population shifts in their 22 district to know if they need a bigger district or 23 smaller district or to get back in the compliance. 24 Q. Do you recall approximately how many 25 Senators you met with during that process?</p> | <p style="text-align: right;">Page 19</p> <p>1 was in and out a good bit. But not necessarily 2 just for his district, but to sort of familiarize 3 himself with the process. 4 Q. Okay. Do you recall the topics of 5 conversation in the meetings with Senators Givhan 6 and Butler? 7 A. Well, the topic was where the lines are 8 going to go. What precincts go where, but that was 9 -- that was what the discussion was. It wasn't 10 about fishing. 11 Q. Okay. Do you recall whether the 12 committee -- let me pause there. When I say the 13 committee, will you understand that I'm referring 14 to the Reapportionment Committee of which you were 15 a co-chair in the 2021 cycle? 16 A. Chair. 17 Q. Well, Senate chair, but a committee 18 co-chair, correct? 19 A. No. 20 Q. No. Both just chairs. Okay. I will 21 strike the word co-chair from my vocabulary for the 22 rest of the day. 23 Do you recall as a chair of the -- well, 24 let me step back. You understand when I'm 25 referring to the committee in this context that I'm</p> |
| <p style="text-align: right;">Page 18</p> <p>1 A. You know, I don't. I can't give you a 2 number on that, but, you know, I was -- I was 3 available. I wouldn't say -- we could put it this 4 way. I met with everybody that wanted to meet with 5 me and probably most of them did. I either met or 6 interacted with them and made arrangements for them 7 to work with the attorney and the map drawer. 8 Q. Okay. Do you recall if you met with 9 either of the Senators from the Montgomery area, 10 specifically Senate Districts 25 and 26? 11 A. I just don't recall. I just don't recall. 12 I would think so if I was guessing, but we can't do 13 that. 14 Q. Okay. Do you recall if you met with any 15 of the Senators from the greater Huntsville area? 16 A. I do remember two of them. They were down 17 several times to work on it. 18 Q. And which two do you recall meeting with? 19 A. Givhan and Butler. Now Livingston's 20 district was adjacent and probably continuous up 21 there so he was in on it. But Livingston, I had 22 kind of anointed Livingston to follow me in that 23 role because by that time I knew I was not coming 24 back. And so I wanted to get somebody kind of 25 broken in a little bit for the job. So Livingston</p> | <p style="text-align: right;">Page 20</p> <p>1 referring to the Reapportionment Committee in 2021 2 of which you were a chair? 3 A. I got it. 4 Q. Okay. Do you recall whether the committee 5 held public hearings in advance of the 6 redistricting special session in 2021? 7 A. Yes. 8 Q. What do you recall about those hearings? 9 A. They were done electronically. It was 10 great. It was masterful. 11 Q. Did you participate in all of those public 12 hearings? 13 A. I did. 14 Q. Do you recall when those hearings occurred 15 in relation to when the State Senate map was 16 publicly released? 17 A. Yes. 18 Q. And what is your recollection? 19 A. All the meetings was prior to finalization 20 of the map. 21 Q. From your perspective what was the purpose 22 of holding these public hearings? 23 A. Input from the public. 24 Q. Do you recall receiving feedback from the 25 public?</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. How, if at all, did you incorporate that</p> <p>3 feedback during the districting process</p> <p>4 specifically for the State Senate map?</p> <p>5 A. Well, the members of the committee</p> <p>6 listened -- first, we had a transcript of</p> <p>7 everything that was made for review. We paid</p> <p>8 attention to what people had to say. That was the</p> <p>9 purpose of it, is to get input. And so -- and</p> <p>10 frequently input would be from not just citizens</p> <p>11 but public officials, you know, from cities that</p> <p>12 don't want their city broken up and that sort of</p> <p>13 thing. So, yeah, we just --</p> <p>14 Q. Did you discuss any of that feedback</p> <p>15 specifically with the map drawer, Mr. Hinaman?</p> <p>16 A. I think in general, yes. I can't recall</p> <p>17 any specific conversations.</p> <p>18 Q. Do you recall if there were specific</p> <p>19 points of public feedback that you conveyed to</p> <p>20 Mr. Hinaman at all?</p> <p>21 A. No.</p> <p>22 Q. At what point did you begin working on the</p> <p>23 redistricting process for the Alabama State Senate</p> <p>24 map that led to the current map?</p> <p>25 A. We didn't -- it may have been July or</p> | <p style="text-align: right;">Page 23</p> <p>1 Q. And do you recall specifically if that --</p> <p>2 the existing lines were the starting point in</p> <p>3 constructing the new --</p> <p>4 A. Well, they're just some of the things that</p> <p>5 went into it. Where did the incumbent legislators</p> <p>6 live. We didn't want to draw them out of their</p> <p>7 district. So there's a number of factors that go</p> <p>8 in there.</p> <p>9 Q. Would you -- would it be fair to say that</p> <p>10 keeping the districts as similar as possible was a</p> <p>11 top priority for you in drawing the State Senate</p> <p>12 map?</p> <p>13 MR. WALKER: Object to the form. You may</p> <p>14 answer.</p> <p>15 THE WITNESS: I may answer?</p> <p>16 MR. WALKER: You may answer.</p> <p>17 A. So ask it again. Let's get it right.</p> <p>18 Q. Would it be fair to say that keeping the</p> <p>19 districts as similar as possible, and I'm referring</p> <p>20 to the State Senate districts, was a top priority</p> <p>21 for you in enacting the 2021 map?</p> <p>22 MR. WALKER: Same objection. You may</p> <p>23 answer.</p> <p>24 A. No.</p> <p>25 Q. Why wouldn't that be fair to say?</p> |
| <p style="text-align: right;">Page 22</p> <p>1 maybe August before we got information from the</p> <p>2 Census Bureau, so without that information you</p> <p>3 can't do anything. So it was late. It was very</p> <p>4 late.</p> <p>5 Q. Do you recall any steps you took in your</p> <p>6 role as a chair of the committee for the 2021</p> <p>7 process before that census data came in?</p> <p>8 A. Well, from a housekeeping standpoint we</p> <p>9 had new facilities. No. Answer to your question</p> <p>10 is no.</p> <p>11 Q. Okay. Do you recall if the committee met</p> <p>12 to consider or pass guidelines -- redistricting</p> <p>13 guidelines before the Census Bureau statistics came</p> <p>14 in?</p> <p>15 A. We did met, and we did adopt guidelines --</p> <p>16 had a discussion of adopting, but I don't recall if</p> <p>17 we had the data at that point or if we did it prior</p> <p>18 to receiving the data.</p> <p>19 Q. How did you begin the process of creating</p> <p>20 a new State Senate map in 2021?</p> <p>21 A. Well, we had guidelines to go by. One of</p> <p>22 those guidelines is we try to keep the districts</p> <p>23 similar if possible, particularly on behalf of the</p> <p>24 voter, so that's a good starting point, is where</p> <p>25 the existing lines.</p> | <p style="text-align: right;">Page 24</p> <p>1 A. Because there's a number of guidelines we</p> <p>2 had to go by. None of them are specifically a top</p> <p>3 priority, and, you know, they all have to be</p> <p>4 considered.</p> <p>5 Q. Of the priorities you had laid out in the</p> <p>6 guidelines, are there any that were more important</p> <p>7 than others to you in your role as chair?</p> <p>8 A. I can't think of any.</p> <p>9 Q. You -- am I correct you testified that</p> <p>10 Randy Hinaman did the actual drawing of the 2021</p> <p>11 State Senate map?</p> <p>12 A. Correct.</p> <p>13 Q. What guidance did you provide to</p> <p>14 Mr. Hinaman when he started the process?</p> <p>15 A. Very little, if any.</p> <p>16 Q. Okay. Do you recall anything that you</p> <p>17 said to him as he began the process?</p> <p>18 A. No.</p> <p>19 Q. Okay. Do you recall instructing him about</p> <p>20 any particular priorities that you had for the map?</p> <p>21 A. No.</p> <p>22 Q. Do you recall providing Mr. Hinaman with</p> <p>23 any district specific instructions?</p> <p>24 A. No.</p> <p>25 Q. Do you recall providing Mr. Hinaman with</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 any region specific instructions?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of any guidance that</p> <p>4 Mr. Hinaman received in drawing the map besides any</p> <p>5 guidance that you provided him?</p> <p>6 A. Yes.</p> <p>7 Q. And what other guidance was that?</p> <p>8 A. Our attorney.</p> <p>9 Q. Okay. Beyond your attorney, are you aware</p> <p>10 of any other guidance Mr. Hinaman received in</p> <p>11 drawing the map?</p> <p>12 A. I'm not sure if this answers your</p> <p>13 question, but each legislature, each Senator had</p> <p>14 some ideas. Well, most of them had an idea of</p> <p>15 where they -- so they would make suggestions. I</p> <p>16 don't know if that's guidance in the way that</p> <p>17 you're talking about or not.</p> <p>18 Q. Outside of yourself, your attorney, the</p> <p>19 committee's attorney, and other Senators, are you</p> <p>20 aware of any guidance that Mr. Hinaman received in</p> <p>21 drawing the 2021 State Senate map?</p> <p>22 A. You know, there was a consultant, and I</p> <p>23 think he was in Atlanta. And if I recall</p> <p>24 correctly, if there was some changes that were</p> <p>25 questionable from a Constitutional standpoint,</p> | <p style="text-align: right;">Page 27</p> <p>1 I'll represent to you these are excerpts of a full</p> <p>2 document rather than a full transcript.</p> <p>3 A. Well, yeah, I think I know what it is.</p> <p>4 Q. Okay. And what do you believe this is?</p> <p>5 A. This was one of the hearings that we held</p> <p>6 open to seeking public comment in the redistricting</p> <p>7 process.</p> <p>8 Q. Okay. And to the best of your</p> <p>9 recollection were you present whether online or in</p> <p>10 person at this hearing?</p> <p>11 A. I think I was.</p> <p>12 Q. If you could turn to -- I think it's the</p> <p>13 second page in the exhibit, but it's marked page 19</p> <p>14 in the top right.</p> <p>15 A. Yeah.</p> <p>16 Q. And if you see a few lines down there</p> <p>17 begins a statement by hearing officer. Do you see</p> <p>18 that?</p> <p>19 A. The lines are numbered. What number are</p> <p>20 you talking about?</p> <p>21 Q. Starting on line 4.</p> <p>22 A. I got it.</p> <p>23 Q. Do you recall who the hearing officer was?</p> <p>24 A. Well --</p> <p>25 Q. Well, let me refer you to the second page</p> |
| <p style="text-align: right;">Page 26</p> <p>1 he was somebody we could refer that data to and get</p> <p>2 an outside opinion. But I really didn't</p> <p>3 participate in that process, so I'm not that</p> <p>4 familiar with it.</p> <p>5 Q. Do you recall if that consultant was</p> <p>6 Dr. Hood from the University of Georgia?</p> <p>7 A. I don't recall.</p> <p>8 Q. Okay. Were there any other map drawers</p> <p>9 involved in the process of drawing the 2021 State</p> <p>10 Senate map beyond Mr. Hinaman?</p> <p>11 A. There were other maps submitted to the</p> <p>12 committee, but not -- but Mr. Hinaman didn't draw</p> <p>13 them.</p> <p>14 Q. Do you recall specifically any other State</p> <p>15 Senate maps that were submitted to the committee?</p> <p>16 A. I know Senator Singleton offered a map.</p> <p>17 I'm thinking maybe Representative England did. I</p> <p>18 know we had one map offered by one of the Democrats</p> <p>19 that pitted a bunch of Republican Senators running</p> <p>20 against each other.</p> <p>21 Q. Okay. Senator, I'd like to hand you what</p> <p>22 we can mark as Exhibit 1.</p> <p>23 (Plaintiffs' Exhibit 1 was marked for</p> <p>24 identification.)</p> <p>25 Q. Senator, do you recognize this document?</p> | <p style="text-align: right;">Page 28</p> <p>1 if that helps to refresh your recollection, the</p> <p>2 back of the first page there.</p> <p>3 A. Hearing officer. Yes, I know him.</p> <p>4 Q. Okay. Who was the hearing officer?</p> <p>5 A. Mr. Dorman Walker.</p> <p>6 Q. Okay. In response to a question the</p> <p>7 hearing officer, Mr. Walker, says -- I'm going to</p> <p>8 refer you down to line 13, part way through.</p> <p>9 Districts will be drawn without looking at party</p> <p>10 affiliation or without looking at race for the most</p> <p>11 part. Did I read that correctly?</p> <p>12 A. That's what it says, yes.</p> <p>13 Q. Does that accurately reflect in your</p> <p>14 experience how the Senate map drawing process went?</p> <p>15 A. Yes, it does.</p> <p>16 Q. Okay. Is it true then that in your</p> <p>17 experience partisanship was not a factor in drawing</p> <p>18 the 2021 State Senate districts?</p> <p>19 A. Race was not. Is that what partisanship</p> <p>20 is? I don't understand.</p> <p>21 Q. No. Separately -- let's break those down</p> <p>22 separately. So let me then ask you, you just</p> <p>23 testified then race was not a part of the</p> <p>24 consideration in drawing the State Senate districts</p> <p>25 in 2021; is that correct?</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Putting aside race, the statement</p> <p>3 we just read says that districts will be drawn</p> <p>4 without looking at party affiliation. What do you</p> <p>5 take that to -- what did you take that to mean in</p> <p>6 the process of drawing the 2021 State Senate</p> <p>7 districts?</p> <p>8 A. Well, it seems pretty self-explanatory.</p> <p>9 When we were drawing the maps, you could see data</p> <p>10 displayed as you moved the lines. Race was not</p> <p>11 displayed.</p> <p>12 Q. Was partisanship data displayed?</p> <p>13 A. No.</p> <p>14 Q. Okay. In terms of race, when during the</p> <p>15 process of drawing the State Senate districts, if</p> <p>16 at all, did you consider race?</p> <p>17 A. Race was not considered.</p> <p>18 Q. Okay. Do you recall testifying -- now,</p> <p>19 I'm taking you back a little bit, and you can put</p> <p>20 that aside if you'd like -- in the Alabama</p> <p>21 Legislature Black Caucus case in the previous</p> <p>22 decade?</p> <p>23 A. We'll try.</p> <p>24 Q. Okay. Do you recall testifying then that</p> <p>25 you started the districting process by looking at</p> | <p style="text-align: right;">Page 31</p> <p>1 Q. Okay. Does it refresh your recollection</p> <p>2 if I say that you had testified during the</p> <p>3 deposition in the Milligan case a couple of years</p> <p>4 ago that these were talking points you were</p> <p>5 provided by your attorney when the issue of the map</p> <p>6 -- congressional map in that case, but the maps</p> <p>7 came before the Senate as a body?</p> <p>8 A. I really don't remember.</p> <p>9 Q. Okay. Let's turn to the page with -- in</p> <p>10 the bottom right corner, ends in 534, the top says</p> <p>11 Hassell Senate Plan Number 1 prepared with</p> <p>12 McClendon Senate Plan Number 1.</p> <p>13 A. Okay.</p> <p>14 Q. All right.</p> <p>15 A. Go ahead.</p> <p>16 Q. Do you recall having seen these talking</p> <p>17 points before?</p> <p>18 A. I think so, yes.</p> <p>19 Q. Okay. What, if any, is your recollection?</p> <p>20 A. This was a plan -- Hassell plan. See, I</p> <p>21 didn't remember the name of it. Was introduced --</p> <p>22 I don't know who introduced it. But in any event</p> <p>23 the important point pairs eight incumbent Senators</p> <p>24 in four different districts. So it pitted a number</p> <p>25 of incumbents against each other, which was</p> |
| <p style="text-align: right;">Page 30</p> <p>1 the minority districts in 2011 or 2012?</p> <p>2 A. I don't recall that statement or process.</p> <p>3 Q. Okay. Did the map drawing process in 2021</p> <p>4 start by looking at majority black voting age</p> <p>5 population districts to the best of your knowledge?</p> <p>6 A. No.</p> <p>7 Q. Okay. If you know, do you recall how the</p> <p>8 process for creating the 2021 map did start? State</p> <p>9 Senate map I should say.</p> <p>10 A. Like we previously discussed the starting</p> <p>11 point is existing lines.</p> <p>12 Q. Okay. I'm going to hand over what we'll</p> <p>13 mark as Exhibit 2.</p> <p>14 (Plaintiffs' Exhibit 2 was marked for</p> <p>15 identification.)</p> <p>16 Q. Senator McClendon, do you recognize this</p> <p>17 document?</p> <p>18 A. No.</p> <p>19 Q. If I told you that these were talking</p> <p>20 points provided by your attorney when the issue of</p> <p>21 the maps came before the Senate as a body, does</p> <p>22 that refresh your recollection?</p> <p>23 A. You know, so -- okay. Make a statement or</p> <p>24 ask a question. Do it again anyway since I've had</p> <p>25 a chance to look at this.</p> | <p style="text-align: right;">Page 32</p> <p>1 contrary to the guidelines that we operate under.</p> <p>2 Q. Okay. And when this refers to the</p> <p>3 McClendon Senate Plan Number 1, do you recall if</p> <p>4 that's ultimately the plan that passed and became</p> <p>5 the 2021 Senate map?</p> <p>6 A. I believe that's correct.</p> <p>7 Q. Okay. If you could look part way down the</p> <p>8 page. It's the third line under county and</p> <p>9 precinct splits.</p> <p>10 A. Yeah.</p> <p>11 Q. It says there, the McClendon Plan does a</p> <p>12 much better job of respecting communities of</p> <p>13 interest and keeping counties whole.</p> <p>14 A. Yeah.</p> <p>15 Q. Do you recall why you believed your -- the</p> <p>16 McClendon Plan did a better job -- a much better</p> <p>17 job of respecting communities of interest than the</p> <p>18 I guess the Hassell Senate Plan Number 1?</p> <p>19 A. Well, on keeping counties whole that's</p> <p>20 just a mathematical thing. Pretty simple. And</p> <p>21 communities of interest, that's not -- that's a</p> <p>22 little bit more than mathematical, but it's pretty</p> <p>23 easy to see when you split up a city multiple ways,</p> <p>24 but -- so okay. Ask me the question. I think I'm</p> <p>25 wandering around.</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 Q. Do you recall -- do you recall what this 2 meant to you that the McClendon Plan did a much 3 better job of respecting communities of interest? 4 A. Communities of interest, keeping those 5 together is a part of the guidelines that we 6 adopted early on. 7 Q. And we'll come back to this a little bit 8 more, but how did you evaluate what constituted 9 communities of interest when working on the 2021 10 State Senate map? 11 A. You know, that's just looking at the map 12 and seeing -- seeing what -- sort of seeing where 13 the lines go and seeing if you can avoid breaking 14 these areas up. 15 Q. And what sort of areas that you're talking 16 about avoiding breaking up would you consider 17 communities of interest? 18 A. Well, I think a good example could be 19 rural versus cities or urban areas, even perhaps 20 downtown versus residential areas. 21 Q. Okay. So in general -- for instance, 22 keeping the downtown area together versus splitting 23 it and pairing it with a suburban and rural area 24 would better reflect communities of interest? Is 25 that -- am I understanding that correctly?</p> | <p style="text-align: right;">Page 35</p> <p>1 voter has lived -- a great example is this blowing 2 up our congressional districts recently. We had 3 people that had always been in congressional one 4 and no longer. So knowing -- knowing what district 5 you vote in, for example, and knowing being 6 familiar with those people running for office. 7 That's helpful from the voter standpoint. 8 It's also helpful from the officeholder 9 standpoint. If he's taken on projects that may 10 take multiple terms to get completed, so it doesn't 11 make any sense to rearrange -- dramatically 12 rearrange districts unless it's absolutely 13 necessary. 14 Q. Okay. And right below that, do you see 15 where it says McClendon's SDs 4, 5, and 6 are 16 largely combined into Hassell SD 2? 17 A. I see that. 18 Q. And do you know what part of the state 19 those districts are in? 20 A. The Senate districts are from top to 21 bottom, aren't they, from north to south? So I 22 guess they're northern districts. 23 Q. Do you recall whether this Hassell Plan 24 was -- well, let me step back there. Do you recall 25 anything about those specific districts in your</p> |
| <p style="text-align: right;">Page 34</p> <p>1 A. Let me think about that. I'm getting in 2 the weeds here, and I'm making up stuff. So I'm 3 not too sure about that. Let's go back. And I 4 think easier to focus on urban versus rural. 5 That's a little easier for me to understand. 6 Q. Okay. So let's talk about then in general 7 was your view that keeping urban areas together and 8 keeping rural areas together to the extent possible 9 better reflected communities of interest in the 10 state? 11 A. Yeah. I can go along with that. 12 Q. Moving down the document a little bit 13 here. The next header says significantly changes 14 shapes of Senate districts. Do you see where that 15 is? 16 A. I do. 17 Q. All right. And the first line says, first 18 look at the Hassell Plan shows that it makes major 19 changes to Senatorial districts from the top to 20 bottom of the state. Why would -- well, let me ask 21 you first. Did you see making major changes to the 22 Senatorial districts as problematic? 23 A. Yes. 24 Q. And why is that? 25 A. Well, for one standpoint is the voter. A</p> | <p style="text-align: right;">Page 36</p> <p>1 plan versus the Hassell Plan? 2 A. No. 3 Q. Okay. You can put that to the side. 4 We're going to now hand over what we'll mark as 5 Exhibit 3. 6 (Plaintiffs' Exhibit 3 was marked for 7 identification.) 8 Q. Senator, do you recognize this document? 9 A. I do. 10 Q. And what is it? 11 A. It's the guidelines that was adopted by 12 the Redistricting Committee. 13 Q. These are the guidelines adopted by the 14 Redistricting Committee for the 2021 maps? 15 A. Yeah. 16 Q. Okay. 17 A. I believe that's the case. 18 Q. As Senate chair what was your role in the 19 adoption or selection of these criteria? 20 A. Well, I chaired the meeting where they 21 were discussed and voted on by the members of that 22 committee including myself. 23 Q. And do you recall where these criteria for 24 redistricting were derived from? 25 A. I do.</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 Q. And where is that?</p> <p>2 A. They were derived from the previous</p> <p>3 guidelines, which we did ten years before. We went</p> <p>4 in and did a little fine tuning, but that was the</p> <p>5 basis for them, is the ones we had used before.</p> <p>6 Q. Okay. Do you happen to recall where the</p> <p>7 previous guidelines were derived from?</p> <p>8 A. No.</p> <p>9 Q. All right. I'd like you to look down the</p> <p>10 page -- first page here to subsection F under</p> <p>11 section 2, criteria for redistricting. Do you see</p> <p>12 where it says districts shall be drawn in</p> <p>13 compliance with the Voting Rights Act of 1965 as</p> <p>14 amended. The Redistricting Plan shall neither have</p> <p>15 the purpose nor effect of diluting minority voting</p> <p>16 strength and shall comply with Section 2 of the</p> <p>17 Voting Rights Act in the United States</p> <p>18 Constitution?</p> <p>19 A. I do see that, yes.</p> <p>20 Q. Okay. In your view what did it mean for</p> <p>21 the map to comply with Section 2 of the Voting</p> <p>22 Rights Act?</p> <p>23 A. I don't know right now. I don't exactly</p> <p>24 know what Section 2 is.</p> <p>25 Q. Okay. Let me ask more broadly. In your</p> | <p style="text-align: right;">Page 39</p> <p>1 A. If the attorney provided instructions?</p> <p>2 Q. If you provided instructions.</p> <p>3 A. Ask me that again now. I'm lost.</p> <p>4 Q. Sure. I'm not asking you to reveal any</p> <p>5 conversations with your attorney. I'm asking if</p> <p>6 you recall if you personally provided any</p> <p>7 instructions to Mr. Hinaman on compliance with the</p> <p>8 Voting Rights Act?</p> <p>9 A. You're asking me if I advised the map</p> <p>10 drawer. The answer would be no.</p> <p>11 Q. Okay. Did you personally do any work to</p> <p>12 monitor whether Mr. Hinaman's work complied with</p> <p>13 the Voting Rights Act?</p> <p>14 A. No.</p> <p>15 Q. Do you recall -- well, let me step back.</p> <p>16 Are you familiar -- strike that.</p> <p>17 Have you heard of the term racial</p> <p>18 polarization analysis?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any understanding without,</p> <p>21 getting into the technical aspects of it, of</p> <p>22 generally what that -- what that term refers to?</p> <p>23 A. No.</p> <p>24 Q. Okay. What is your understanding of the</p> <p>25 role that racial polarization analysis plays in the</p> |
| <p style="text-align: right;">Page 38</p> <p>1 view for the 2021 cycle, what did it mean for the</p> <p>2 map to comply with the Voting Rights Act more</p> <p>3 broadly?</p> <p>4 A. In my view the Voting Rights Act -- well,</p> <p>5 it was put in place to prevent discrimination</p> <p>6 against groups of people. So to be in compliance</p> <p>7 with it was to avoid -- avoid any discrimination on</p> <p>8 voting.</p> <p>9 Q. Okay. And was trying to ensure that the</p> <p>10 State Senate map complied with the Voting Rights</p> <p>11 Act one of your responsibilities as chair?</p> <p>12 A. Yes.</p> <p>13 Q. How did you determine, if at all, whether</p> <p>14 the State Senate map complied with the Voting</p> <p>15 Rights Act?</p> <p>16 A. I turned to my attorney, and I asked him</p> <p>17 his opinion on what we did.</p> <p>18 Q. Outside of conversations with your</p> <p>19 attorney, did you take any other steps to determine</p> <p>20 whether or not the map complied with the Voting</p> <p>21 Rights Act?</p> <p>22 A. No.</p> <p>23 Q. Do you recall if you provided Mr. Hinaman</p> <p>24 any instructions about compliance with the Voting</p> <p>25 Rights Act?</p> | <p style="text-align: right;">Page 40</p> <p>1 map drawing process, if any?</p> <p>2 A. My understanding at the time was if there</p> <p>3 appeared to be a conflict or if drawing of the map</p> <p>4 could have been contrary to the Voting Rights Act</p> <p>5 or Constitution that my attorney had -- and the map</p> <p>6 drawer had a specialist somewhere in another state,</p> <p>7 I think Atlanta, that they would consult with to</p> <p>8 see if that particular instance was a problem.</p> <p>9 Q. Okay. And did you leave that</p> <p>10 determination to your attorney to make?</p> <p>11 A. Yes.</p> <p>12 Q. I'd like to hand over an exhibit that</p> <p>13 we'll mark as Exhibit 4.</p> <p>14 (Plaintiffs' Exhibit 4 was marked for</p> <p>15 identification.)</p> <p>16 Q. Do you recognize this document?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Do you have any understanding of</p> <p>19 what this -- well, let me direct you to the first</p> <p>20 page. The title reads on the first page, Proposed</p> <p>21 Alabama State Senate District 18 Functionality</p> <p>22 Examination. Do you have any recollection of what</p> <p>23 that meant?</p> <p>24 A. I do not.</p> <p>25 Q. Do you recall seeing this document during</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 the 2021 districting process?</p> <p>2 A. I do not.</p> <p>3 Q. Okay. Do you have any knowledge of</p> <p>4 whether this is the analysis that the consultant in</p> <p>5 Georgia read?</p> <p>6 A. Ask me that again.</p> <p>7 Q. Sure. You mentioned that there was an</p> <p>8 outside consultant in Georgia you believed that ran</p> <p>9 analysis when necessary.</p> <p>10 A. Yeah.</p> <p>11 Q. Do you believe that this is the product</p> <p>12 from that consultant?</p> <p>13 A. I don't know.</p> <p>14 Q. Okay. If you look down at the bottom of</p> <p>15 the page on that first page under summary, it says</p> <p>16 from the analysis run there is no racial</p> <p>17 polarization voting present in proposed SD 18.</p> <p>18 Majority of both black and white voters supported</p> <p>19 Biden in 2020 and Maddox in 2018. Do you have any</p> <p>20 recollection of reviewing this during the</p> <p>21 districting process in 2021?</p> <p>22 A. I do not.</p> <p>23 Q. Do you have any recollection of whether</p> <p>24 this analysis of whether racial polarized voting</p> <p>25 was present in proposed SD 18 affected the drawing</p> | <p style="text-align: right;">Page 43</p> <p>1 a five to ten minute break?</p> <p>2 MR. WALKER: Sure.</p> <p>3 (A recess was taken.)</p> <p>4 Q. Senator McClendon, we're going to hand you</p> <p>5 a document that we'll mark as Exhibit 5.</p> <p>6 (Plaintiffs' Exhibit 5 was marked for</p> <p>7 identification.)</p> <p>8 Q. Do you recognize this document as excerpts</p> <p>9 of a transcript from the October 26, 2021</p> <p>10 reapportionment committee meeting?</p> <p>11 A. I do.</p> <p>12 Q. Do you recall what the purpose of that</p> <p>13 meeting was?</p> <p>14 A. October 26th, it must have been to adopt a</p> <p>15 -- the maps for the House and Senate to present to</p> <p>16 the -- actually to present to one of the standing</p> <p>17 committees of the legislature.</p> <p>18 Q. Okay. If you look at the bottom of page</p> <p>19 8, going over to page 9.</p> <p>20 A. Yes.</p> <p>21 Q. Do you see where Representative England</p> <p>22 states the question, I asked you you're assuring me</p> <p>23 right now that a racial polarization study has been</p> <p>24 done. And it says Mr. Chairman. Is that you, do</p> <p>25 you believe?</p> |
| <p style="text-align: right;">Page 42</p> <p>1 of the State Senate map?</p> <p>2 A. I do not, no.</p> <p>3 Q. If you flip through the document, is it</p> <p>4 correct that the functionality -- don't worry,</p> <p>5 we're not going to walk through all these. Is it</p> <p>6 correct that the functionality examination for</p> <p>7 proposed Alabama Senate District 18 is the only</p> <p>8 Senate district functionality examination in this</p> <p>9 document?</p> <p>10 A. I have no clue.</p> <p>11 Q. Okay. Do you recall whether any</p> <p>12 functionality examinations were performed for other</p> <p>13 State Senate districts?</p> <p>14 A. I do not recall.</p> <p>15 Q. Putting aside this document, do you recall</p> <p>16 whether any sort of racial polarization analysis</p> <p>17 was conducted on any specific State Senate</p> <p>18 districts?</p> <p>19 A. I do not recall.</p> <p>20 Q. Do you -- so you do not recall one way or</p> <p>21 another whether any State Senate districts had</p> <p>22 racial polarization analyses conducted?</p> <p>23 A. Correct.</p> <p>24 MR. ROSBOROUGH: Okay. We've been going</p> <p>25 for about an hour. Is now a good time to get take</p> | <p style="text-align: right;">Page 44</p> <p>1 A. I believe it is, yeah.</p> <p>2 Q. Okay. And you say according to my</p> <p>3 attorney, yes. And then Representative England</p> <p>4 says, okay. And then you say, according to the</p> <p>5 committee's attorney; is that correct?</p> <p>6 A. There it is right there. All of that</p> <p>7 looks correct to me.</p> <p>8 Q. Okay. Does this -- what do you recall if</p> <p>9 anything about this exchange?</p> <p>10 A. Nothing.</p> <p>11 Q. When you're answering Representative</p> <p>12 England regarding racial polarization study, do you</p> <p>13 have any idea what that is referring to?</p> <p>14 A. I do -- I do not.</p> <p>15 Q. Is it possible that it's the document we</p> <p>16 were just looking at, Exhibit Number 4?</p> <p>17 A. I don't know. Yeah. I guess it's</p> <p>18 possible, but I don't know.</p> <p>19 Q. Okay. If you want to flip over to -- a</p> <p>20 few pages, the bottom of what's marked as page 18</p> <p>21 in the bottom right corner.</p> <p>22 A. Okay.</p> <p>23 Q. Do you see the last entry where it says,</p> <p>24 Senator McClendon, starting with can I ask</p> <p>25 something?</p> |

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| <p style="text-align: right;">Page 45</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. And you state there, can I ask</p> <p>3 something? The question you're asking, the answer</p> <p>4 is our attorney, mine and your attorney, sent that</p> <p>5 data off for districts that it looked like they</p> <p>6 might be possibly a racial issue. Did I read that</p> <p>7 correctly?</p> <p>8 A. You read that correctly.</p> <p>9 Q. Okay. Do you recall what you meant when</p> <p>10 you said that the attorney sent off data for</p> <p>11 districts where it looked like there might possibly</p> <p>12 be a racial issue?</p> <p>13 A. I really don't remember this conversation.</p> <p>14 Q. Okay. So if you flip -- same part of the</p> <p>15 -- part of the same statement there, but if you</p> <p>16 flip over to the next page, page 19.</p> <p>17 A. Yeah.</p> <p>18 Q. So I'm going to read the last couple of</p> <p>19 sentences. And if necessary to make changes in</p> <p>20 those districts just try to stay in compliance with</p> <p>21 the Voting Rights Act that we made those moves. So</p> <p>22 you can ask that question about any one district</p> <p>23 and I will answer that by saying any district that</p> <p>24 looks like it needed to be done we did it. Did I</p> <p>25 read that correctly?</p> | <p style="text-align: right;">Page 47</p> <p>1 the State Senate map to reflect an attempt to</p> <p>2 comply with the Voting Rights Act?</p> <p>3 A. Everything he did. If he made a change,</p> <p>4 he and the attorney talked about the change.</p> <p>5 Q. Were you involved in any discussions with</p> <p>6 Mr. Hinaman about compliance with the Voting Rights</p> <p>7 Act?</p> <p>8 A. No.</p> <p>9 Q. Okay. After there was a full draft map of</p> <p>10 the State Senate for Mr. Hinaman, do you recall if</p> <p>11 any changes were made at that point to address</p> <p>12 concerns under the Voting Rights Act?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Okay. Thank you. You can put that</p> <p>15 transcript aside. Actually if you would turn back</p> <p>16 to the redistricting guidelines, which I think we</p> <p>17 have as Exhibit Number 3.</p> <p>18 So, Senator, turning back to the</p> <p>19 redistricting guidelines, I'm looking down at the</p> <p>20 bottom of page 2. So this is in -- it would be J</p> <p>21 iii.</p> <p>22 A. Yeah.</p> <p>23 Q. Concerning communities of interest.</p> <p>24 A. Yeah.</p> <p>25 Q. The guidelines state districts shall</p> |
| <p style="text-align: right;">Page 46</p> <p>1 A. You read that just -- same thing I've got.</p> <p>2 Q. Okay. Do you recall what you meant by</p> <p>3 that?</p> <p>4 A. I do not.</p> <p>5 Q. Do you recall if any changes were made</p> <p>6 to -- let me step back for a second. When did you</p> <p>7 -- when do you recall seeing a full State Senate</p> <p>8 map from Mr. Hinaman in regards to this -- in</p> <p>9 proximity to the special session?</p> <p>10 A. I don't know exactly.</p> <p>11 MR. WALKER: Do you mean when it was</p> <p>12 completed?</p> <p>13 MR. ROSBOROUGH: Let me rephrase that.</p> <p>14 No. You're right. Let me ask a better question.</p> <p>15 Q. Do you recall approximately how long</p> <p>16 before that special session for redistricting</p> <p>17 started you saw a full draft map of the State</p> <p>18 Senate from Mr. Hinaman?</p> <p>19 A. It wasn't too long before this meeting</p> <p>20 because similarly we were running very tight time</p> <p>21 frame. We couldn't have this meeting until we had</p> <p>22 a map. So it wasn't far in advance of this</p> <p>23 meeting.</p> <p>24 Q. Do you recall -- do you know if any</p> <p>25 changes were made while Mr. Hinaman was drafting</p> | <p style="text-align: right;">Page 48</p> <p>1 respect communities of interest, neighborhoods, and</p> <p>2 political subdivisions to the extent practicable</p> <p>3 and in compliance with paragraphs A through I. A</p> <p>4 community of interest is defined as an area with</p> <p>5 recognized similarities of interest, including but</p> <p>6 not limited to ethnic, racial, economic, tribal,</p> <p>7 social, geographic, or historical identities. The</p> <p>8 term communities of interest may in certain</p> <p>9 circumstances include political subdivisions such</p> <p>10 as counties, voting precincts, municipalities,</p> <p>11 tribal lands and reservations, or school districts.</p> <p>12 Is that -- did I read that correctly?</p> <p>13 A. Yes.</p> <p>14 Q. How in drawing the 2021 State Senate map,</p> <p>15 did you attempt to respect communities of interest?</p> <p>16 A. Well --</p> <p>17 MR. WALKER: Objection to the form, but</p> <p>18 you may answer the question.</p> <p>19 A. We just did our best not to break up</p> <p>20 communities of interest. It's kind of a vague</p> <p>21 answer, but it's kind of a vague question.</p> <p>22 Q. All right. Well, fair enough. Let me do</p> <p>23 better. In seeking not to break up community's of</p> <p>24 interest, how did you define what was a communities</p> <p>25 of interest that you were avoiding breaking up?</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 A. Well, this -- what you just read helps 2 give you some starting points on identifying, you 3 know, you could say city limits is a community of 4 interest, but it would be a lot more than that. 5 County lines could be communities of interest and 6 school districts. That's about as specific as I 7 can get. There's certainly not a one clear cut 8 short brief definition. 9 Q. Okay. Do you recall any ethnic or racial 10 identities that were taken into account in 11 considering communities of interest? 12 A. No. 13 Q. Do you recall any economic identities that 14 were taken into account when considering 15 communities of interest? 16 A. No. 17 Q. Do you recall any tribal identities taken 18 into interest when considering communities of 19 interest? 20 A. No. 21 Q. Do you recall any social identities taken 22 into account when considering communities of 23 interest? 24 A. No. I'm not even sure what that means. 25 Q. Okay. And do you recall any historical</p> | <p style="text-align: right;">Page 51</p> <p>1 Q. Okay. All right. You can set that back 2 aside. Senator, we're going to hand over two 3 exhibits in succession here. The first one we're 4 going to mark as Exhibit 6. 5 (Plaintiffs' Exhibit 6 was marked for 6 identification.) 7 Q. And the second one we're going to mark as 8 Exhibit 7. 9 (Plaintiffs' Exhibit 7 was marked for 10 identification.) 11 Q. Okay. Senator McClendon, first turning to 12 Exhibit 6. Do you recognize what this is? 13 A. I believe it's the Senate map we 14 ultimately approved. 15 Q. And when you say the Senate map you 16 ultimately approved, do you mean the 2021? 17 A. Yes. 18 Q. Okay. Turning to the other exhibit we 19 just handed you, Exhibit 7, do you recognize this 20 as the prior Senate map that was enacted in 2017 21 after the ALDC litigation? 22 A. I just don't know. 23 Q. Okay. I'll represent to you then for 24 purposes of our conversation that this Exhibit 7 25 was the -- pulled from the docket in ALDC case as</p> |
| <p style="text-align: right;">Page 50</p> <p>1 identities taken into account in considering 2 communities of interest? 3 A. No. 4 Q. Finally, do you recall any geographic 5 identities taken into account when considering 6 communities of interest? 7 A. I do remember in the northern part of the 8 state, the Tennessee river, there were -- there 9 could be communities of interest on both sides of 10 the river, for example. But that's really about 11 the best example I -- or only example I can give 12 you. The Shoals area, they call it. 13 Q. And do you recall -- do you recall 14 anything more about how you accounted for the 15 communities of interest in the Shoals area? You're 16 referring to like Lawrence County and that sort of 17 area? 18 A. They -- they mentioned it at public 19 hearings. I think they mentioned it at public 20 hearings. I don't know how else I would've been 21 aware of it. 22 Q. Just to be clear that's the only specific 23 geographic community of interest that you recall at 24 this time taking account of? 25 A. Yes.</p> | <p style="text-align: right;">Page 52</p> <p>1 the 2017 State Senate map, that that was enacted 2 after the resolution of the case. So even if you 3 don't remember that, if you could assume that for 4 purpose of our discussion, does that sound right? 5 A. To the one that says Reapportionment 6 Committee Senate Plan 2? 7 Q. That's correct. 8 A. Was the -- what now? 9 Q. The 2017 Senate -- so the Senate plan that 10 was in place prior to the 2021 map. 11 A. Okay. Stop. Got it. 12 Q. All right. Do you recall the process of 13 drawing the State Senate map in 2021 after -- at 14 the end of the ALDC litigation? Let me strike that 15 and step back because there's -- 16 You were part of the reapportionment 17 process in 2011 and 2012, correct? 18 A. Correct. 19 Q. And is it correct that in 2012 I believe 20 the legislature enacted and the Governor signed a 21 State Senate plan? 22 A. She did sign a plan. I don't remember 23 exactly when she was, but could've been '12. 24 Q. 2011, 2012 range? 25 A. Somewhere, yeah.</p> |

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| <p style="text-align: right;">Page 53</p> <p>1 Q. Okay. Do you recall that there was 2 litigation which stretched over a number of years 3 challenging the -- 4 A. Yeah. 5 Q. -- State House and State Senate plans? Do 6 you recall that ultimately after remand from the 7 Supreme Court, the three-judge district court found 8 that certain districts had been racially 9 gerrymandered including three in the State Senate 10 map that then needed to be -- that caused the State 11 Senate map to needed to be redrawn? 12 A. Man, only vaguely. 13 Q. Okay. I'll represent to you that this was 14 pulled from the docket in that case then as the map 15 that was redrawn in 2017 after that ruling. 16 A. Okay. 17 Q. So for purposes of our discussion I can 18 ask even if you don't personally remember to assume 19 that this is the prior map that was in place when 20 the 2021 cycle started. Is that fair? 21 A. Which one is -- are you talking about? 22 Q. I'm sorry. Yes. The one that says 23 Reapportionment Committee Senate Plan 2. 24 A. Got it. 25 Q. That's the prior map, so starting 2021</p> | <p style="text-align: right;">Page 55</p> <p>1 Q. Do you agree with me to the best of your 2 recollection that this is the map that you helped 3 pass in the Senate that was signed by the Governor 4 in the 2021 redistrict cycle? 5 A. I think that's the case. 6 Q. Okay. And then I'll represent to you for 7 purposes of our discussion that the other exhibit, 8 Exhibit 7, was the prior map. It was the map that 9 was in place -- 10 A. Okay. 11 Q. -- at the beginning of the redistricting 12 cycle in 2012. 13 A. All right. 14 Q. Do you recall any major changes that were 15 made to the State Senate map in the 2021 cycle? 16 A. No. 17 Q. Okay. Senator, do you recall what 18 changes, if any, were made in the Montgomery area 19 to the State Senate districts particularly 25 and 20 26 when you were chair in the 2021 cycle? 21 A. No. 22 Q. I'm going to hand you what we'll mark as 23 Exhibit 8. 24 (Plaintiffs' Exhibit 8 was marked for 25 identification.)</p> |
| <p style="text-align: right;">Page 54</p> <p>1 this was the map that was in place. 2 A. Okay. 3 Q. And then Exhibit 6 is the -- I believe you 4 identified as the 2021 Senate plan that was enacted 5 when you were -- 6 A. That was the map prior to this map 7 (indicating)? 8 Q. That was the map after -- wait. I'm 9 sorry. Not sure which ones you're pointing at. 10 The Exhibit 6 that's labeled 2021 Alabama State 11 Senate Plan, that was the map that -- 12 A. Prior to this map (indicating). 13 Q. -- followed this one (indicating), 14 correct? 15 A. Okay. Your witness has been lost here in 16 this process. 17 Q. I don't want to spend too much time here 18 because I don't even have that many questions on 19 these broad maps. 20 A. Okay. 21 Q. But I want to make sure though that we're 22 on the same page as I do ask any questions. So 23 Exhibit 6, the one that reads 2021 Alabama State 24 Senate Plan. 25 A. Yes.</p> | <p style="text-align: right;">Page 56</p> <p>1 Q. And Exhibit 8, the title states Census 2 Placed By District and By County and plan name 2021 3 Alabama Senate Plan. Do you see that? 4 A. Okay. Wait a minute. 5 Q. Sure. 6 A. Alabama Senate Plan. Where am I going to 7 see that? 8 MR. WALKER: Right here (indicating). 9 A. There it is. Yeah. I got it. 10 Q. Very small print. All right. And I'll 11 represent to you that this was produced to us in 12 this case by defendants and that this was a file 13 generated by -- from the Maptitude software that 14 Mr. Hinaman uses. 15 A. Okay. 16 Q. If you flip forward to page -- I think 17 it's page 14 of 19. In the bottom corner, it'll 18 say -- it'll be the number ending in 94. 19 A. Okay. I got you. 20 Q. Okay. And have you seen this document 21 before? 22 A. I don't think I have. 23 Q. Okay. I'll represent to you at least for 24 the purposes of these questions that this document 25 breaks down the percentage by white or black racial</p> |

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| <p style="text-align: right;">Page 57</p> <p>1 populations of specific census places that are</p> <p>2 present in a given senatorial district. If you</p> <p>3 look at district -- do you see District 25 about</p> <p>4 two-thirds of the way down the page?</p> <p>5 A. I do see 25.</p> <p>6 Q. Okay. Do you see part way down where</p> <p>7 Montgomery is listed?</p> <p>8 A. I do see Montgomery.</p> <p>9 Q. Okay. And if you scroll over it looks</p> <p>10 like -- and let me ask you -- do you recall which</p> <p>11 State Senate District 25 is? Is that Senator</p> <p>12 Barfoot's district?</p> <p>13 A. I believe 25 is Barfoot, yes.</p> <p>14 Q. Okay. Now, if you scroll -- if you look</p> <p>15 over from where it says Montgomery, do you see</p> <p>16 there's a figure showing that 42.79 percent of the</p> <p>17 white population of the district of Montgomery is</p> <p>18 in District 25 whereas only 20.41 percent black</p> <p>19 population of the district of the City of</p> <p>20 Montgomery is in District 25. Do you see what I'm</p> <p>21 referring to?</p> <p>22 A. Yeah. I don't think -- I really don't</p> <p>23 understand what this is about. Take for example</p> <p>24 Luverne right above it. Okay. 17.15 makes up</p> <p>25 100 percent and 8.61 makes up 100 percent. What is</p> | <p style="text-align: right;">Page 59</p> <p>1 location, and the lines are similar to where it was</p> <p>2 before. So if you -- I guess it's just the way</p> <p>3 people -- where they are that live in that district</p> <p>4 and the way it has been historically.</p> <p>5 Q. Okay. And if you flip over to the next</p> <p>6 page where it says District 26.</p> <p>7 A. Yeah.</p> <p>8 Q. And do you see that for that district 51</p> <p>9 -- I'm sorry. 57.21 percent of the white</p> <p>10 population of Montgomery is in that district</p> <p>11 whereas 79.59 percent of the black population of</p> <p>12 district -- of Montgomery is in District 26?</p> <p>13 A. I see that.</p> <p>14 Q. Okay. Do you have any understanding --</p> <p>15 and is it your understanding that Districts 25 and</p> <p>16 26 are the two Senate districts that make up</p> <p>17 Montgomery County?</p> <p>18 A. Well, I wasn't aware that that was the</p> <p>19 only two in Montgomery, but I know where they are.</p> <p>20 I know they're in Montgomery.</p> <p>21 Q. Thinking about these two districts</p> <p>22 together, do you have any idea why the -- such a</p> <p>23 large percent of the black population of Montgomery</p> <p>24 as opposed to the white population is in District</p> <p>25 26 and vice versa for District 25?</p> |
| <p style="text-align: right;">Page 58</p> <p>1 that about?</p> <p>2 Q. Right. So I'll represent to you for the</p> <p>3 purposes of this document and these questions that</p> <p>4 the percent represents the percent of that racial</p> <p>5 group in that town that is present in the district.</p> <p>6 So in other words, all of the white --</p> <p>7 A. I got it.</p> <p>8 Q. All the white citizens of Luverne and all</p> <p>9 of the black citizens of Luverne are present in</p> <p>10 District 25 rather than being split between</p> <p>11 districts.</p> <p>12 A. I got it.</p> <p>13 Q. So then referring back to Montgomery, do</p> <p>14 you see where it says that 42.79 percent of the</p> <p>15 white residents of Montgomery as opposed to 20.41</p> <p>16 percent of the black residents of Montgomery are</p> <p>17 located in District 25?</p> <p>18 A. I see that.</p> <p>19 Q. Do you have any understanding of why a</p> <p>20 much larger proportion -- more than twice in</p> <p>21 proportion percentage of white Montgomery residents</p> <p>22 are in District 25 as opposed to black residents?</p> <p>23 A. You know, I fall back on -- and I don't</p> <p>24 have those maps in front of me, but I could look at</p> <p>25 them and see if the district is similar in shape,</p> | <p style="text-align: right;">Page 60</p> <p>1 A. I do not.</p> <p>2 Q. Okay. Do you recall examining the racial</p> <p>3 breakdown of those two districts in the 2021</p> <p>4 redistricting cycle?</p> <p>5 A. No. We didn't do race.</p> <p>6 Q. Okay. And similarly you have no</p> <p>7 recollection to the best of your knowledge of any</p> <p>8 sort of functionality or racially polarized voting</p> <p>9 analysis being performed regarding either or both</p> <p>10 of those districts?</p> <p>11 A. No knowledge.</p> <p>12 Q. Okay. Senator, do you recall from --</p> <p>13 happy to look back at the guidelines -- that</p> <p>14 compactness is one of the criteria for --</p> <p>15 THE WITNESS: Can we take a one minute</p> <p>16 break and let me send a text to my wife?</p> <p>17 MR. ROSBOROUGH: Absolutely.</p> <p>18 (Off the record.)</p> <p>19 Q. Senator, do you recall that compactness is</p> <p>20 one of the districting requirements that's</p> <p>21 identified in the committee's districting</p> <p>22 guidelines?</p> <p>23 A. I do.</p> <p>24 Q. Okay. Would you say that all of the State</p> <p>25 Senate districts in the 2021 plan are reasonably</p> |

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| <p style="text-align: right;">Page 61</p> <p>1 geographically compact to the best of your</p> <p>2 understanding?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Now, we were just talking about</p> <p>5 State Senate Districts 25 and 26, correct?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Looking at the -- maybe let's go back to</p> <p>8 Exhibit 6, which is the map of the 2021 plan.</p> <p>9 A. Uh-huh.</p> <p>10 Q. So looking at Exhibit 6, do you have --</p> <p>11 can you locate District 25 on that map?</p> <p>12 A. I see it.</p> <p>13 Q. Okay. Do you -- if I were to represent to</p> <p>14 you that District 25 is one of the least compact</p> <p>15 districts in the state, do you have an idea on why</p> <p>16 that might be the case?</p> <p>17 A. You know, if I understand this other map,</p> <p>18 I would say the one that preceded the map on</p> <p>19 Exhibit 6, I'd say District 25 looks very much the</p> <p>20 same as it did on the previous map.</p> <p>21 Q. Okay. Do you have any understanding of</p> <p>22 why in its previous form District 25 might have</p> <p>23 been one of least compact districts of the state?</p> <p>24 A. No.</p> <p>25 Q. We're going to hand over what we'll mark</p> | <p style="text-align: right;">Page 63</p> <p>1 compilation?</p> <p>2 A. A compilation.</p> <p>3 Q. Okay. Did you -- do you recall reading</p> <p>4 all of the different transcripts and letters and</p> <p>5 submissions?</p> <p>6 A. I read a lot, but I don't know if I read</p> <p>7 them all.</p> <p>8 Q. Okay. Do you recall providing some or all</p> <p>9 of this material to Mr. Hinaman?</p> <p>10 A. No.</p> <p>11 Q. All right. If you want to look at this</p> <p>12 specific -- the specific letter, Exhibit 9, if you</p> <p>13 look down in the third paragraph, which starts with</p> <p>14 first. The writer Ms. Kirkpatrick refers to State</p> <p>15 Senate Districts 25 and 26, correct?</p> <p>16 A. Yeah. That's what it says.</p> <p>17 Q. And those were the two districts which are</p> <p>18 both in Montgomery that we were just discussing?</p> <p>19 A. Yes.</p> <p>20 Q. And I'm going to skip down to the third</p> <p>21 line that's starting part way through, State Senate</p> <p>22 25, however, is this oddly shaped district that</p> <p>23 ranges from the northern edge of Elmore County all</p> <p>24 the way down to all of Crenshaw County to the</p> <p>25 south. Along the way District 25 grabs a chunk of</p> |
| <p style="text-align: right;">Page 62</p> <p>1 as Exhibit 9.</p> <p>2 (Plaintiffs' Exhibit 9 was marked for</p> <p>3 identification.)</p> <p>4 Q. Feel free to take a moment to look at</p> <p>5 that. And when you're ready -- feel free to take</p> <p>6 your time, but when you're ready, do you recall</p> <p>7 seeing this document before?</p> <p>8 A. I do not.</p> <p>9 Q. Do you recall seeing documents like this</p> <p>10 during the 2021 redistricting process?</p> <p>11 A. Yes, I do.</p> <p>12 Q. And what do you understand this to be?</p> <p>13 A. This appears to be one of the residents, a</p> <p>14 citizen, giving her opinion of the Senate map.</p> <p>15 Q. Okay. And when you received either at the</p> <p>16 hearings or in written form afterwards like this</p> <p>17 following up feedback, how, if, at all, did you</p> <p>18 incorporate that into the map drawing process?</p> <p>19 A. You know, I think that was really a</p> <p>20 document compiled that was provided to members of</p> <p>21 the committee to accumulate the opinions that we</p> <p>22 gathered from around the state. I think that's the</p> <p>23 case.</p> <p>24 Q. Is it your recollection that what you're</p> <p>25 referring to is some sort of summary or just a</p> | <p style="text-align: right;">Page 64</p> <p>1 east Montgomery and most of the City of Pike Road.</p> <p>2 Both areas that are relatively densely populated</p> <p>3 and predominantly white.</p> <p>4 What is your -- do you recall hearing that</p> <p>5 characterization of District 25?</p> <p>6 A. No, I don't.</p> <p>7 Q. What is your reaction to that</p> <p>8 characterization?</p> <p>9 A. You know, it's really easy to draw very</p> <p>10 handsome districts if you could just disregard the</p> <p>11 rest of the state.</p> <p>12 Q. Okay. Do you agree that the parts of east</p> <p>13 Montgomery and most of the City of Pike Road that</p> <p>14 are in District 25 are predominantly white?</p> <p>15 A. I just -- I don't know.</p> <p>16 Q. Okay. That's fine. The beginning of the</p> <p>17 next paragraph says the current squiggly line drawn</p> <p>18 between State Senate Districts 25 and 26 is drawn</p> <p>19 along racial and party lines. Do you agree with</p> <p>20 that characterization?</p> <p>21 A. I have no idea.</p> <p>22 Q. Okay. All right. You can put that aside.</p> <p>23 We're going the hand over what we'll mark as</p> <p>24 Exhibit 10.</p> <p>25 (Plaintiffs' Exhibit 10 was marked for</p> |

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| <p style="text-align: right;">Page 65</p> <p>1 identification.)</p> <p>2 Q. I'll represent to you again that these are</p> <p>3 excerpts and not the whole transcript here, but do</p> <p>4 you recognize what this document is an excerpt of?</p> <p>5 A. Yes.</p> <p>6 Q. And what is it?</p> <p>7 A. Look at the title page. A reapportionment</p> <p>8 committee public hearing and it's got the date and</p> <p>9 the location is in the State House.</p> <p>10 Q. Okay. And were you present either in</p> <p>11 person or virtually for this hearing?</p> <p>12 A. Yes, I was.</p> <p>13 Q. Okay. If you look to what's marked in the</p> <p>14 top right corner as page 23.</p> <p>15 A. Yes.</p> <p>16 Q. You see there's testimony from a Reverend</p> <p>17 Rayford Mack. Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. If you flip over to the next page,</p> <p>20 page 24, where his testimony continues, if you look</p> <p>21 down to the -- midway down the page to line 15.</p> <p>22 A. Uh-huh.</p> <p>23 Q. Do you see Reverend Mack's statement about</p> <p>24 State District 25 and 26 packing black voters in</p> <p>25 ways that do not reflect communities of interest</p> | <p style="text-align: right;">Page 67</p> <p>1 recollection did the committee not make any changes</p> <p>2 to the map to reflect that criticism?</p> <p>3 A. We didn't use race.</p> <p>4 Q. Okay. You can put that aside. Thank you.</p> <p>5 Still going -- doing okay? Want to take a break?</p> <p>6 (Discussion off the record.)</p> <p>7 Q. I'm going to hand over an exhibit that we</p> <p>8 will mark as Exhibit 11.</p> <p>9 (Plaintiffs' Exhibit 11 was marked for</p> <p>10 identification.)</p> <p>11 Q. Okay. Senator McClendon, do you recognize</p> <p>12 the geographic area that this document is looking</p> <p>13 at?</p> <p>14 A. Well, I see right in the middle it says</p> <p>15 Huntsville. That's a clue.</p> <p>16 Q. Okay. And I'll represent to you that this</p> <p>17 is a representation of the State Senate districts</p> <p>18 in the Huntsville area that were in place going</p> <p>19 into the 2021 redistricting session so the</p> <p>20 districts in place from 2017 to '21.</p> <p>21 A. Okay. This was prior to --</p> <p>22 Q. Prior to the '21 cycle.</p> <p>23 A. All right. I'm with you.</p> <p>24 Q. All right. Does that -- from your</p> <p>25 recollection, does that seem feasible to you?</p> |
| <p style="text-align: right;">Page 66</p> <p>1 and numbers necessary to comply with the voting --</p> <p>2 looks look some of the text is cut off -- with the</p> <p>3 voting rights?</p> <p>4 A. I see that. I see those words, that</p> <p>5 sentence, yes.</p> <p>6 Q. Do you recall testimony like this about</p> <p>7 black voters being packed in unnecessarily large</p> <p>8 numbers into State Senate District 26?</p> <p>9 A. I remember hearing that phrase.</p> <p>10 Q. Okay. And do you remember any actions</p> <p>11 that you took in response to that feedback?</p> <p>12 A. I don't recall any changes coming about</p> <p>13 because of that accusation. We heard it so often.</p> <p>14 It was -- but no. Answer to your question, no.</p> <p>15 Q. Okay. Why did -- why were no changes made</p> <p>16 in response to that accusation about the</p> <p>17 unnecessarily large number of black voters in</p> <p>18 Senate District 26?</p> <p>19 A. Say it again.</p> <p>20 Q. Sure. Do you recall why -- I believe you</p> <p>21 just testified a moment ago that you don't recall</p> <p>22 making any changes in response to that criticism</p> <p>23 that there were an unnecessarily large amount of</p> <p>24 black voters placed in District 26.</p> <p>25 So my question is, why to the best of your</p> | <p style="text-align: right;">Page 68</p> <p>1 A. Feasible.</p> <p>2 Q. Okay. All right. Now we're going to hand</p> <p>3 over what we'll mark as Exhibit 12.</p> <p>4 (Plaintiffs' Exhibit 12 was marked for</p> <p>5 identification.)</p> <p>6 Q. And, Senator, do you recognize this map as</p> <p>7 representing a similar geographical area to the</p> <p>8 previous one?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. I'll represent to you that this is</p> <p>11 a map poll of the State Senate districts from the</p> <p>12 same applications Dave's redistricting website of</p> <p>13 the State Senate districts of the 2021 map in the</p> <p>14 Huntsville area. Does that seem feasible to you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Looking with these two maps in</p> <p>17 front of you, do you recall changes that were made</p> <p>18 to the State Senate districts in the Huntsville</p> <p>19 area in the 2021 cycle?</p> <p>20 A. I recall that changes were made because of</p> <p>21 an increase in population.</p> <p>22 Q. Okay. Do you remember any factors you</p> <p>23 considered in making changes to the Huntsville area</p> <p>24 State Senate district other than addressing</p> <p>25 population issues?</p> |

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| <p style="text-align: right;">Page 69</p> <p>1 A. No. That was the -- that was the issue, 2 was increase in population. 3 Q. Okay. So you don't recall any other 4 particular factors that were taken into account in 5 making changes to the Huntsville area districts 6 other than addressing the change in population 7 that's reflected in the 2020 Census? 8 A. Change in population and getting the 9 Senators, the incumbents, happy with what they had 10 to deal with. 11 Q. Okay. So I think -- I just want to make 12 sure the record is clear. You've mentioned to the 13 best of your recollection the changes in the 14 Huntsville districts addressed population deviation 15 and the wishes of the State Senators in that area, 16 correct? 17 A. Correct. 18 Q. Were there any other considerations in 19 drawing the Huntsville area State Senate districts 20 in 2021 that you can remember? 21 A. No. 22 Q. I'm going to hand over now what we'll mark 23 as Exhibit 13. 24 (Plaintiffs' Exhibit 13 was marked for 25 identification.)</p> | <p style="text-align: right;">Page 71</p> <p>1 middle of Huntsville. Does that -- is that fair -- 2 you're fine to assume that for the purposes of my 3 questions? 4 A. I'll go along with your statement. 5 Q. Okay. And I'll represent to you as well 6 that -- do you see these numerical values within 7 the different precincts on the districts? 8 A. I do. 9 Q. Okay. I'll represent to you that from 10 this same application, Dave's Redistricting, that 11 these are the black voting age population 12 percentages of each district. Is that -- will you 13 take that assumption for purposes of my question? 14 A. I don't understand. 15 MR. WALKER: Precinct. 16 A. I don't understand. 17 Q. Yeah. On the precinct level. 18 A. Okay. When I look at this number, 19 79.2 percent right in the middle of the page on 20 Exhibit 13. 21 Q. Sure. 22 A. What does that mean? 23 Q. If you look at the boundaries of that 24 particular gray figure there in the middle, which 25 is within State Senate District 7, I'll represent</p> |
| <p style="text-align: right;">Page 70</p> <p>1 Q. And, Senator McClendon, does this appear 2 to you to be similar lines in the City of 3 Huntsville to the 2021 state district -- State 4 Senate districts we were just looking at in 5 Exhibit 11? 6 A. Well -- 7 Q. I'm sorry. My apologies. In Exhibit 12. 8 A. I'm looking at -- I've got Exhibit 12 and 9 Exhibit 13. And I'm -- 10 Q. I'll represent to you that the darker 11 black or grey lines represent the district 12 boundaries in this map. 13 A. I would say I'm having a struggle -- 14 Q. Okay. 15 A. -- making these two maps be of the same. 16 Q. If I tell you this one is focused in just 17 on the sort of center of Huntsville, does that 18 help? 19 A. No. 20 Q. Okay. 21 A. I'm trying. 22 Q. That's fine. I'll represent to you for 23 the purposes of my questions that this is a map 24 that shows some of the boundaries between Districts 25 2, 7, and 8 in the 2021 State Senate map in the</p> | <p style="text-align: right;">Page 72</p> <p>1 to you that that represents the black voting age 2 population percentage of that particular precinct. 3 So you see the sort of lighter shaded 4 lines to the left, the bottom, and the top of that 5 grey area and then the harder darker line on the 6 right side that those represent the boundaries of 7 that precinct, which has a black voting population 8 age of 79.2. 9 A. Okay. I finally figured out where this 13 10 fits on this map. So now -- 11 Q. Okay. 12 A. Why don't you start from there or 13 something? 14 Q. Sure, sure. So I'm just going to 15 represent to you that -- as we said the darker 16 lines on here show the divisions between the 2021 17 plan between State Senate Districts 2, 7, and 8. 18 And that the lighter boundaries and in some cases 19 they correspond with darker boundaries represent 20 precinct boundaries. 21 A. Okay. 22 Q. And within each precinct boundary, there 23 is a numerical figure which represents the black 24 voting age percentage of that particular precinct. 25 A. Okay.</p> |

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| <p style="text-align: right;">Page 73</p> <p>1 Q. Okay. Do you recall reviewing black 2 voting age populations of the various precincts in 3 the Huntsville area? 4 A. I do not. 5 Q. Do you believe you did review black voting 6 age population for those precincts? 7 A. No. 8 Q. Okay. Now do you recall any feedback or 9 criticism of the 2021 State Senate map that the 10 Huntsville State Senate boundaries broke up a 11 substantial black community in the middle of 12 Huntsville into three separate State Senate 13 districts? 14 A. No, I do not recall that. 15 Q. Okay. I'm going to -- keep this document 16 by your side, if you will. I'm going to hand over 17 what we'll mark as Exhibit 14. 18 (Plaintiffs' Exhibit 14 was marked for 19 identification.) 20 Q. All right. And when you're ready, feel 21 free to take time to look at this, but when you're 22 ready, Senator, just let me know if you recognize 23 this document? 24 A. I do not recognize this document. 25 Q. Do you recognize what type of document</p> | <p style="text-align: right;">Page 75</p> <p>1 A. Uh-huh. 2 Q. All right. And then if you scroll down to 3 the third full paragraph of the text of the letter 4 in the second sentence the letter says, the 5 cracking of communities of interest in State Senate 6 Districts 2, 7, and 3 have resulted -- and have 7 resulted in my community being underfunded and 8 poorly represented. This cracking has diluted the 9 minority vote as the lines are drawn right in the 10 center of Madison County's black communities. Do 11 you recall receiving feedback like that during the 12 2021 session? 13 A. I guess we're back to the cracking and 14 packing discussion. But yes, I heard those -- I 15 heard those terms. 16 Q. Okay. Do you recall hearing those terms 17 or criticisms specifically regarding the Huntsville 18 State Senate area districts? 19 A. Perhaps. 20 Q. Okay. 21 A. Perhaps. Not vividly. 22 Q. Do you recall you or the committee taking 23 any action to address those comments or concerns in 24 the Huntsville area? 25 A. Well, number one, we didn't use race in</p> |
| <p style="text-align: right;">Page 74</p> <p>1 this is? 2 A. I do. 3 Q. And what type of document is it? 4 A. Similar to the last one I looked at where 5 one of the -- some citizen that lives in the -- 6 whatever district this is -- okay -- in Senate 7 7 made their comments on September 16th. Let me look 8 at -- 9 Q. Sure. Take your time. 10 A. -- what their purpose of the letter was. 11 Q. Okay. 12 MR. WALKER: Take your time. 13 A. I guess the heart of this one is when 14 these -- when we had our public meetings. 15 Q. Okay. And when you mean public meetings, 16 you mean those -- 17 A. Hearings. 18 Q. For the 2021 cycle. 19 A. Public hearings to discuss the 20 redistricting. 21 Q. And this -- this person, Ms. Baker, states 22 they're a resident of Madison County, correct? 23 A. Yes. 24 Q. And they live in State Senate District 7, 25 correct?</p> | <p style="text-align: right;">Page 76</p> <p>1 our maps. Race didn't show up when we were drawing 2 the districts. And number two, at the point, you 3 know, September 16th we hadn't come forward 4 publicly with a map anyway. So the answer -- I 5 think the answer to your question is no, but I'm 6 not -- okay. 7 Q. Okay. Senator McClendon, we spoke earlier 8 a little bit about racial polarization analysis. 9 Do you recall that? 10 A. I do recall that. 11 Q. Do you recall -- well, let me go back. 12 Do you have an understanding as -- from 13 your work in the redistricting process of the term 14 or the phrase racial polarization in voting? 15 A. No, I don't. 16 Q. Okay. Do you have any idea what that 17 phrase refers to? 18 A. Yes, I do. 19 Q. Okay. What is that idea? 20 A. Well, it has to do with using race and 21 discriminating. And in our case we had an expert 22 on the outside that come give us advice if it 23 looked like we were perhaps violating that concept. 24 Q. Okay. And the expert on the outside, what 25 do you recall from working with that person, if at</p> |

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| <p style="text-align: right;">Page 77</p> <p>1 all?</p> <p>2 A. Our attorney dealt with that person.</p> <p>3 Q. Okay. You had no direct contact with that</p> <p>4 person?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. Just give me one second. We're</p> <p>7 going to hand you what we'll mark as Exhibit 15.</p> <p>8 (Plaintiffs' Exhibit 15 was marked for</p> <p>9 identification.)</p> <p>10 Q. I'll represent to you like some of these</p> <p>11 other documents these are excerpts and not a full</p> <p>12 transcript. But when you get a moment and had a</p> <p>13 chance to look at that, let me know if you</p> <p>14 recognize what this is.</p> <p>15 A. Okay. Proceed.</p> <p>16 Q. Okay. Do you recall testifying in a</p> <p>17 deposition in the congressional redistricting case</p> <p>18 in late 2021?</p> <p>19 A. I do.</p> <p>20 Q. Okay. And does this appear to represent</p> <p>21 excerpts of the transcript from that deposition?</p> <p>22 A. I haven't read it all, but I guess so.</p> <p>23 Q. Okay. Feel free to take time to look and,</p> <p>24 again, these are -- this is not the full</p> <p>25 transcript. These are just excerpts from that</p> | <p style="text-align: right;">Page 79</p> <p>1 this deposition.</p> <p>2 A. Okay.</p> <p>3 Q. And you look down to line 9.</p> <p>4 A. Yes.</p> <p>5 Q. You were asked the question, and in that</p> <p>6 time have you gained a general view of what the</p> <p>7 Democratic party in Alabama supports and what the</p> <p>8 Republican party in Alabama supports? And you</p> <p>9 answered yes. Do you -- is that -- do you still</p> <p>10 have a feeling like you have a sense of generally</p> <p>11 what each party represents in Alabama?</p> <p>12 A. I do.</p> <p>13 Q. Okay. And then if you turn to -- do you</p> <p>14 recall that in this testimony you were asked</p> <p>15 questions about several different issues about that</p> <p>16 where parties might differ?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. And one of those, for instance, was</p> <p>19 views of preservation of confederate monuments.</p> <p>20 Does that ring a bell?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Do you agree that black and white</p> <p>23 voters in Alabama in general have different views</p> <p>24 on the preservation of confederate monuments?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 78</p> <p>1 transcript for the sake of the trees.</p> <p>2 A. Let's assume this is correct.</p> <p>3 Q. Okay. You do recall testifying at a</p> <p>4 deposition in that case in late 2021, correct?</p> <p>5 A. I do.</p> <p>6 Q. Okay. If you would turn to page 87 of the</p> <p>7 transcript, lower right 87.</p> <p>8 A. Okay.</p> <p>9 Q. Do you recall -- if you look at line 11,</p> <p>10 you were asked the question, and so you are</p> <p>11 assuming that black voters would vote for a black</p> <p>12 representative. And you answered, that's pretty --</p> <p>13 a pretty safe bet here in Alabama. Did I read that</p> <p>14 correctly?</p> <p>15 A. Yes, you did.</p> <p>16 Q. Okay. Is -- was your testimony there that</p> <p>17 based on your experience that black voters in</p> <p>18 Alabama tend to vote for black candidates?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And how if at all does that relate</p> <p>21 to your understanding of racially polarized voting</p> <p>22 in Alabama?</p> <p>23 A. I don't know. I don't know what the link</p> <p>24 is there.</p> <p>25 Q. Okay. Now, if you turn to page 108 in</p> | <p style="text-align: right;">Page 80</p> <p>1 Q. Okay. And similarly there was questions</p> <p>2 about differences in views about the prevalence of</p> <p>3 racial discrimination in Alabama.</p> <p>4 Would you agree that black and white</p> <p>5 voters in Alabama in general have differing views</p> <p>6 about the prevalence of racial discrimination?</p> <p>7 MR. WALKER: Let me make an objection to</p> <p>8 the form, but you may answer the question.</p> <p>9 A. Okay.</p> <p>10 Q. Do you want me to restate that?</p> <p>11 A. No. I'll agree.</p> <p>12 Q. Okay. Can you think of any other issues</p> <p>13 related to race where black and white Alabamians</p> <p>14 might have differing views based on your</p> <p>15 experience?</p> <p>16 A. No.</p> <p>17 Q. Okay. You testified at trial in the</p> <p>18 Alabama Legislature Black Caucus case a number of</p> <p>19 years ago. Do you recall that generally?</p> <p>20 A. Generally, yes.</p> <p>21 Q. Okay. Do you recall being asked the</p> <p>22 question -- well, let's just make this easier.</p> <p>23 Let's use the transcript. We're going to hand over</p> <p>24 what we'll mark as Exhibit 16.</p> <p>25 (Plaintiffs' Exhibit 16 was marked for</p> |

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| | |
|---|---|
| <p style="text-align: right;">Page 81</p> <p>1 identification.)</p> <p>2 Q. Senator, do you recognize what this</p> <p>3 document is?</p> <p>4 A. I think I do, yes.</p> <p>5 Q. Okay. And what do you believe it to be?</p> <p>6 A. I think it's a, like, transcript of a</p> <p>7 redistricting case around the 2010 Census and map</p> <p>8 drawing.</p> <p>9 Q. Okay. Is this the -- do you believe this</p> <p>10 is Alabama Legislature Black Caucus case that was</p> <p>11 referred to?</p> <p>12 A. I do.</p> <p>13 Q. Let me -- and feel free to take a look at</p> <p>14 whatever you want to in there, but I'm going to,</p> <p>15 when you're ready, ask you to turn to page --</p> <p>16 what's in the top right marked as page 3-239.</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. And do you see just starting right</p> <p>19 at the top of that page on line 1, you were asked,</p> <p>20 isn't it true, what I mean, Dr. McClendon, isn't it</p> <p>21 true that we were all raised in a racist political</p> <p>22 and social culture? And answered, you know, I</p> <p>23 think you're probably right. Do you recall that</p> <p>24 testimony?</p> <p>25 A. No, I don't recall it, but I see it here.</p> | <p style="text-align: right;">Page 83</p> <p>1 EXAMINATION</p> <p>2 BY MR. WALKER:</p> <p>3 Q. Senator McClendon, you were asked -- I'm</p> <p>4 going to ask you some questions about parts of your</p> <p>5 testimony earlier today. Okay.</p> <p>6 A. Fine.</p> <p>7 Q. And you were asked about communities of</p> <p>8 interest and rural areas and urban areas. Do you</p> <p>9 know whether it is sometimes necessary to combine</p> <p>10 urban areas and rural areas in order to get</p> <p>11 population necessary for the idea for a district?</p> <p>12 A. Yeah. You have to do that sometimes in</p> <p>13 order to meet your -- the number of people you need</p> <p>14 in that district, so yeah, joining rural and urban</p> <p>15 has to be done. You have to ignore some of the</p> <p>16 others in order to meet the population requirement.</p> <p>17 Q. And those instances, combining rural and</p> <p>18 urban areas serve the goal of compactness?</p> <p>19 MR. ROSBOROUGH: I object to the form.</p> <p>20 A. Yes.</p> <p>21 Q. You were asked earlier about what</p> <p>22 considerations you knew went into the drawing of</p> <p>23 the 2021 Huntsville area Senate districts and you</p> <p>24 listed some factors, but you didn't list the</p> <p>25 guidelines. Were the guidelines considered when</p> |
| <p style="text-align: right;">Page 82</p> <p>1 I don't doubt it.</p> <p>2 Q. Okay. What did you mean in agreeing to</p> <p>3 the statement that you were -- you and the</p> <p>4 questioner were raised in a racist, political, and</p> <p>5 social culture?</p> <p>6 A. I went to a white high school.</p> <p>7 Q. Was that high school segregated based on</p> <p>8 race?</p> <p>9 A. There was no blacks. It was all white.</p> <p>10 That's racial.</p> <p>11 Q. Are there other aspects of, you know,</p> <p>12 being raised in a racist, political, and social</p> <p>13 culture you can think of?</p> <p>14 A. No.</p> <p>15 MR. ROSBOROUGH: Senator McClendon, I</p> <p>16 thank you very much. Subject to hearing what other</p> <p>17 attorneys have to say, those are all my questions</p> <p>18 for you today.</p> <p>19 THE WITNESS: You're very welcome.</p> <p>20 MR. WALKER: Just a second.</p> <p>21 MR. ROSBOROUGH: If you want to take five</p> <p>22 and think about it, that's fine.</p> <p>23 MR. WALKER: Okay. Give me -- maybe</p> <p>24 shorten this up.</p> <p>25 (A recess was taken.)</p> | <p style="text-align: right;">Page 84</p> <p>1 the 2021 Senate districts were drawn?</p> <p>2 A. Yes.</p> <p>3 Q. And you were also asked about whether</p> <p>4 specific communities of interest or type of</p> <p>5 community interests were taken into account. Do</p> <p>6 you recall that testimony?</p> <p>7 A. I do.</p> <p>8 Q. Just because you don't recall whether or</p> <p>9 not a specific community of interest or type of</p> <p>10 community of interest was taken into account that</p> <p>11 doesn't mean that it wasn't in fact taken into</p> <p>12 account, does it?</p> <p>13 MR. ROSBOROUGH: I object to the form.</p> <p>14 A. Yes, yes. It was taken into account.</p> <p>15 Q. Let me ask you: Could -- was one of the</p> <p>16 purposes for Senators meeting with Randy Hinaman to</p> <p>17 tell him about communities of interest that they</p> <p>18 wanted to preserve in their districts?</p> <p>19 A. Yes.</p> <p>20 MR. ROSBOROUGH: I object to the form.</p> <p>21 Q. And do you expect that that occurred --</p> <p>22 MR. ROSBOROUGH: I object to the form.</p> <p>23 Q. -- when Senators met with Mr. Hinaman?</p> <p>24 A. It happened all the time.</p> <p>25 Q. Earlier you were asked about attending</p> |

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1 public hearings and receiving public input as part
2 of the 2021 redistricting cycle. Do you recall
3 that testimony?
4 A. I do.
5 Q. Did Mr. Hinaman attend those public
6 hearings?
7 A. No.
8 Q. Even if he did not attend the public
9 hearings, do you know whether he could have
10 received that feedback from Senators in the
11 relevant districts?
12 A. He probably did.
13 MR. WALKER: Okay. Unless Mr. Rosborough
14 has anything else, I believe we're done.
15 MR. ROSBOROUGH: I just have one or two
16 follow-up questions. Very briefly.
17 EXAMINATION
18 BY MR. ROSBOROUGH:
19 Q. Were you present for some of the meetings
20 that Mr. Hinaman had with Senators?
21 A. Yes.
22 Q. And do you recall any specific discussions
23 of communities of interest in those meetings?
24 A. No.
25 MR. ROSBOROUGH: Thank you. That's all I

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1 have.
2 COURT REPORTER: Do you want an electronic
3 copy?
4 MR. ROSBOROUGH: Electronic copy only.
5 Thank you.
6 MR. WALKER: Electronic, please.
7 (The deposition of JIM MCCLENDON was
8 concluded at 12:46 p.m.)
9 --oOo--
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1 C E R T I F I C A T E
2
3 STATE OF ALABAMA)
4)
5 ETOWAH COUNTY)
6
7 I hereby certify that the above and
8 foregoing proceedings were taken down by me in
9 stenotype, and the questions and answers thereto
10 were reduced to computer print under my
11 supervision, and that the foregoing represents a
12 true and correct transcript of the proceedings
13 given by said witness upon said hearing.
14 I further certify that I am neither of
15 counsel nor of kin to the parties to the action,
16 nor am I in anywise interested in the result of
17 said cause.
18 Signed the 30th day of April 2024.
19
20 
21 /s/Dannah Moody
22 Dannah Moody
23 ACCR #688 - Expires September 30th, 2024
24 CCR, Commissioner State of Alabama
25 My Commission Expires April 7th, 2026

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1 Reference No.: 11122258
2
3 Case: Khadidah Stone, et al. vs Wes Allen, et al.
4
5 DECLARATION UNDER PENALTY OF PERJURY
6
7 I declare under penalty of perjury that
8 I have read the entire transcript of my Depo-
9 sition taken in the captioned matter or the
10 same has been read to me, and the same is
11 true and accurate, save and except for
12 changes and/or corrections, if any, as indi-
13 cated by me on the DEPOSITION ERRATA SHEET
14 hereof, with the understanding that I offer
15 these changes as if still under oath.
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12 Jim McClendon
13
14 NOTARIZATION OF CHANGES
15 (If Required)
16
17 Subscribed and sworn to on the ____ day of
18
19 _____, 20____ before me,
20
21 (Notary Sign)_____
22
23 (Print Name) _____ Notary Public,
24
25 in and for the State of _____

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| | |
|--|----------------|
| <p>1 Reference No.: 11122258 Case: Khadidah Stone, et al. vs Wes Allen, et al.</p> <p>2</p> <p>3 Page No. _____ Line No. _____ Change to: _____</p> <p>4 _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7 _____</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10 _____</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13 _____</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16 _____</p> <p>17 Reason for change: _____</p> <p>18 Page No. _____ Line No. _____ Change to: _____</p> <p>19 _____</p> <p>20 Reason for change: _____</p> <p>21 Page No. _____ Line No. _____ Change to: _____</p> <p>22 _____</p> <p>23 Reason for change: _____</p> <p>24</p> <p>SIGNATURE: _____ DATE: _____</p> <p>25 Jim McClendon</p> | <p>Page 89</p> |
| <p>1 Reference No.: 11122258 Case: Khadidah Stone, et al. vs Wes Allen, et al.</p> <p>2</p> <p>3 Page No. _____ Line No. _____ Change to: _____</p> <p>4 _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7 _____</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10 _____</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13 _____</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16 _____</p> <p>17 Reason for change: _____</p> <p>18 Page No. _____ Line No. _____ Change to: _____</p> <p>19 _____</p> <p>20 Reason for change: _____</p> <p>21 Page No. _____ Line No. _____ Change to: _____</p> <p>22 _____</p> <p>23 Reason for change: _____</p> <p>24</p> <p>SIGNATURE: _____ DATE: _____</p> <p>25 Jim McClendon</p> | <p>Page 90</p> |

Plaintiffs' Exhibit No. 11

Exhibits 1-5 to Jim McClendon Deposition

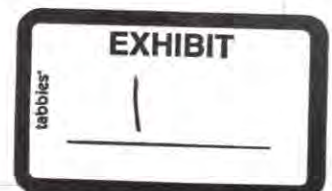
1 PERMANENT LEGISLATIVE COMMITTEE ON

2
3 REAPPORTIONMENT PUBLIC HEARINGS

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10 NORTHWEST SHOALS COMMUNITY COLLEGE
11 REDISTRICTING PUBLIC HEARING

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13 September 1, 2021

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22 REPORTED BY: Jan A. Mann, CSR
23 Veritext Legal Solutions
24 260 North Joachim Street
25 Mobile, Alabama 36603



A P P E A R A N C E S

HEARING OFFICER:

Mr. Dorman Walker

SENATE CHAIR OF REDISTRICTING:

Mr. Jim McClendon

HOUSE CHAIR OF REDISTRICTING:

Mr. Chris Pringle

1 sorry. Ask your question again, please, sir.

2 MR. SMITH: Okay. The other question was
3 will the redistricting be done by party or race?

4 HEARING OFFICER: Districting will comply
5 with the federal and state constitutions and federal
6 laws, principally the Voting Rights Act which -- all of
7 which forbid redistricting on the basis of race except
8 where the state has a strong basis in evidence for
9 complying with Section 2 of the Voting Rights Act to
10 draw a majority black district.

11 And in those circumstances where the
12 state does have a strong basis in evidence, it will draw
13 majority blank districts. Districts will be drawn
14 without looking at party affiliation or without looking
15 at race for the most part. Only in narrow circumstances
16 allowed by the Supreme Court will race be considered but
17 after districts have been drawn.

18 MR. SMITH: Okay. Thank you.

19 HEARING OFFICER: Thank you. And I want
20 to say that I actually missed part of what I should have
21 said when I started out that there are guidelines that
22 are posted on the redistricting committee website that
23 tell you what the guidelines are for the committee to
24 draw districts. And generally these are that all
25 districts must be contiguous; that is, every district

1 must be connected to every other district. Districts,
2 compact districts are favored over less compact
3 districts.

4 We try to preserve the cores of existing
5 districts when we draw new districts. We try to protect
6 and preserve communities' interests. We also do not
7 allow contests between incumbents and try to minimize
8 the number of counties in each district.

9 Sometimes those various goals come into
10 conflict, and when they do, it's left up to the
11 legislative side which one to prioritize but overarching
12 all of this of course and not subject to being
13 prioritized because it's always overarching is
14 compliance with the federal constitution and with laws
15 such as the Voting Rights Act. Anyone else who would
16 like to speak?

17 MR. SMITH: Excuse me. I didn't get the
18 name of the person that's doing the talking in that
19 time.

20 HEARING OFFICER: Me are you saying?

21 MR. SMITH: Whoever is doing the talking,
22 what's your name and title?

23 HEARING OFFICER: My name is Dorman
24 Walker. I'm a lawyer hired by the committee and serving
25 as the hearing officer.

C E R T I F I C A T E

STATE OF ALABAMA)

MOBILE COUNTY)

I hereby certify that the above
proceedings were taken down by me and transcribed by me
and that the above is a true and correct transcript of
the said proceedings.

I further certify that I am neither of
counsel nor of kin to the parties nor in anywise
financially interested in the outcome of this case.



JAN A. MANN

COMMISSIONER - NOTARY PUBLIC

ACCR NO. 321

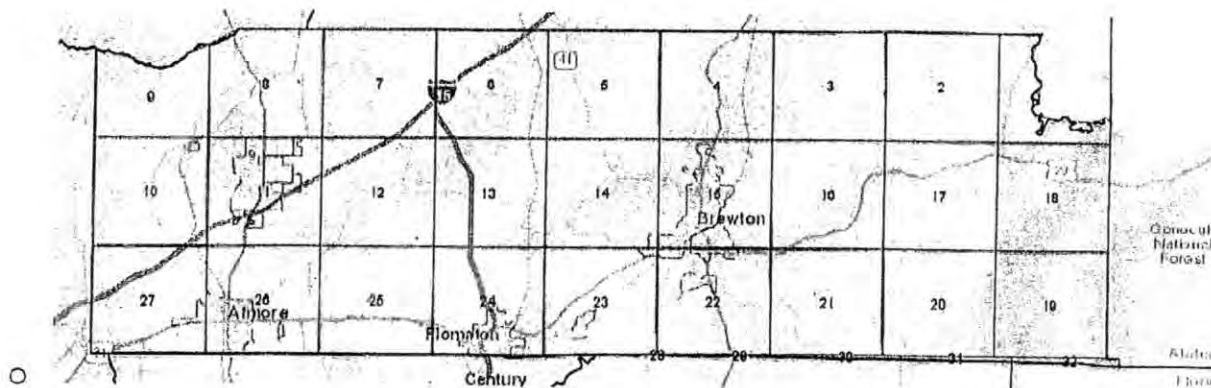
TALK POINTS FOR LIKELY ISSUES, No. 1

- The Barry Moore Congressional Plan
 - Sen. Will Barfoot (SD25, Crenshaw, Elmore, and Montgomery) and Rep. Mike Holmes (HD31, Elmore) are sponsoring an alternative Congressional Plan for Congressman Barry Moore.
 - This plan, called "The Preferred Congressional Plan for Alabama," originally differs from the Committee's plan in several respects, but Rep. Holmes will offer an improved version called the "Holmes Congressional Plan 1," that is identical to the Committee's plan **except** that takes a county split that the Committee's plan has in Moore's district, CD2, and transfers it to Terri Sewell's district, CD7.
 - In the Committee's plan, Moore has a sliver of east Escambia County populated by 739 people. In Moore's plan, that county split is moved to Monroe County, where it gives Sewell an additional 739 voters.
 - Under the Committee's plan, Moore has 2 county splits and Sewell has 3. Under Moore's plan, he has only 1 county split and Sewell has 4 – more than any other Member of Congress.
 - Moore's only stated argument for relocating the split is that with Escambia County, his district has the most counties of all districts: 16. The unstated argument, of course, is that Sewell is a Democrat and too bad if she gets dumped on.
 - The problem, of course, is that Sewell is not only a Democrat, she's Black, and this may look like race discrimination to a federal court. In fact, the number of splits in Terri Sewell's district was the first



objection brought up by Black Committee members when the Reapportionment Committee met Tuesday.

- Bill Harris, Moore's District Director explained why Moore did not want the Escambia County split: it's an additional county that Moore has to service and each additional county takes more work for Moore and his staff, and he already has 15 counties. But this same argument works for Sewell. Each new county split is more work for her, no less than Moore, and she already has 3 splits. No other Member has more than 2.
- Also, the part of Escambia County given to Moore has no incorporated cities, and a great deal of it is in the Conecuh National Forest:



- The burden of representing this sparsely populated, unorganized area of Escambia County is a light one. There is no civic group or city council, *etc.*, that has to be courted.
- There's no doubt that adding another county split to Sewell's district – especially if done in committee or on the floor – will be argued as racially discriminatory by plaintiffs attacking the Moore Plan if the Legislature adopts it in favor of the Committee Plan.

- We can't say if that claim will be successful. It depends in large part on how skillfully it is argued, but clearly, if the Legislature adopts the Moore Plan instead of the Committee Plan, it puts an unnecessary lighting rod on CD7 that is sure to draw attention from the three-judge court or the Supreme Court, and will give them one more reason to see the plan as racially biased. Should that happen, we'll be having a special session to correct the plan, and possibly new elections.

TALK POINTS FOR LIKELY ISSUES, No. 3

- The League of Women Voter's Plan
- The League of Women Voter's Plan is a whole-county plan. It does not split any county. But it has a lot of problems.
- The plan puts two incumbents in the same district, CD3. Rep. Mike Rogers lives in Calhoun County, and Rep. Gary Palmer lives in Shelby County. Both counties are in CD3. This violates section II(j)((i), which says: "Contest between incumbent shall be avoided whenever possible."
- Section 2 of the Voting Rights Act requires the Legislature to draw a majority-Black district when it's possible to do so, generally speaking, and the Reapportionment Committee's Congressional Plan demonstrates that it's possible to draw one. In the Committee's plan, CD7 is majority Black and has a strong Black Voting Age Population, or "BVAP" of 54.____% The LWV's plan has no majority-Black district. Instead, it has only two districts – CD6 and CD7 - with high BVAPs compared to the other Congressional Districts. Thus the LWV Plan violates Section 2 of the Voting Rights Act.
- CD6 consists of 4 whole counties: Jefferson, Bibb, Hale, and Perry. Terri Sewell lives in this district. The BVAP for CD6 is 40.44%, which is well below a majority.
- CD7 is made up of 18 counties: Bullock, Butler, Choctaw, Clarke, Conecuh, Crenshaw, Dallas, Greene, Lowndes, Macon, Marengo, Monroe, Montgomery, Pickens, Sumter, Tuscaloosa, Washington, and Wilcox. Eighteen counties is far more than any other districts has.
 - CD1 has only 4,

- CD2 has 12,
 - CD3 has 11,
 - CD4 has 12,
 - CD 5 has 6, and , as I've mentioned,
 - CD 6 has only 4.
 - The BVAP for CD7 is only 45.82% - better than CD6 but still less than a majority. And unlike CD6, in which Representative Terri Sewell resides, there is no incumbent in CD7. It seems unlikely that a Black Democrat candidate without the strength of incumbency will carry a district that is only 45.82% BVAP. It seems more than likely that CD7 is not a Black district at all.
- CD7 violates the race-neutral criteria in the Reapportionment Committee's Redistricting Guidelines in several ways:
 - Guideline II(h) says: "Districts will be composed of contiguous and reasonably compact geography." CD7 is contiguous, but it is not reasonably compact. It starts in Tuscaloosa and executes a huge curve south and then east, ending in Macon and Bullock Counties, just short of the Georgia line.
 - Guideline II(j)(iv) says: "The Legislature shall try to minimize the number of counties in each district." It's apparent that no attempt was made to minimize the number of counties in CD7. To the contrary, the LWV *maximized* the number of counties in CD7 in order to get as many Black persons in the districts as possible.

- Guideline II(j)(iv) says: "The Legislature shall try to preserve the cores of existing districts." CD 7 as drawn by the LWV does not do that. Existing CD7 has 10 whole counties and 4 split counties. The LWV plan adds to CD7 7 completely new counties – Bullock, Butler, Conecuh, Crenshaw, Macon, Monroe, and Washington – and removes 3 counties – Hale, Jefferson, which is the population core of the existing CD7, and Perry. So, the LWV's CD7 does not preserve the core of the existing CD7.
- The LWV Plan does not preserve the core of existing CD2. At present, CD 2 has 14 whole counties and part of another, Montgomery. The whole counties are: Autauga, Barbour, Bullock, Butler, Crenshaw, Coffee, Conecuh, Covington, Dale, Elmore, Geneva, Henry, Houston, and Pike. The LWV's proposed CD2 loses 7 of these counties – Autauga, Bullock, Butler, Crenshaw, Conecuh, Elmore, and Montgomery. It retains only 7 of its current counties – Barbour, Covington, Coffee, Dale, Geneva, Henry, Houston, and Pike. And it picks up an additional 5 completely new counties – Chambers, Elmore, Lee, Russell, and Tallapoosa. The LWV's CD2 does not preserve the core of the existing district.
- The LWV plan also does not preserve the core of CD3. Presently, CD 3 has 11 whole counties – Calhoun, Chambers, Clay, Cleburne, Lee, Macon, Randolph, Russell, St. Clair, Talladega, and Tallapoosa – and parts of two other counties – Cherokee and Montgomery. But as drawn by the LVW, CD# has 11 whole counties, of which only 6 are in the present CD6. These are Calhoun, Cherokee, Clay, Cleburne, Randolph, and Talladega. CD 3 gains 5 entirely new counties – Autauga, Chilton, Coosa, Etowah, and Shelby, and loses 7 that it currently includes – Lee, Chambers, Macon, Montgomery, Russell,

St. Clair, and Tallapoosa. The LWV's CD3 does not preserve the core of the existing district.

○

- CD6 and CD7 are both racial gerrymanders. A district is racially gerrymandered when a substantial number of people have been included in it, or excluded from it, because of race. There is no way these districts were drawn race-blind. In fact, CD6 and CD7 are drawn as they are *because of race*. Not only that, but in order to draw these districts, as we've just seen the LWV trampled on or subordinated the Legislature's race-neutral criteria.
- Drawing districts to have a Black population majority might be OK if it were done in order to comply with Section 2 of the Voting Rights Act and there were a strong basis in evidence to support it. But the Voting Rights Act does not apply to districts like CD6 and CD7 that are below 50% BVAP. CD6 and CD7 are not majority-Black districts; they are what are called "influence districts," and the Voting Rights Act does not apply to them. It necessarily follow that CD6 and CD7 violate the Equal Protection Clause, because they classify voters by race without a compelling state interest in doing so.
- The LWV Plan violates the Guidelines, and the law, in another way. Guideline II(b) says: "Congressional districts shall have minimal population deviation." The Committee's plan complies with this requirement. Six of the Committee's Congressional Districts has the same population, and the other Congressional District has one additional person. But instead of minimal deviation, the LWV Plan has a total deviation of 2.47%. That would be OK if it were any type of plan *except* a Congressional plan, but Congressional plans must have zero deviation. 2.47% is well in excess of what the Guidelines and Supreme Court case law allow. This deviation will not pass muster in federal court.

- The LWV is aware of the problem caused by their plan's excessive total deviation. And they will make the argument that this excessive total deviation is allowed by a case the Supreme Court decided in 2012 called *Tennant v. Jefferson County [West Virginia] Commission*. The Tarrant case is very specific to the facts the Court was considering in that case, and that case does not apply to Alabama. The LWV argues in the complaint they filed in federal court that their plan's excessive total deviation "can be justified as a remedy of the racial gerrymander preserved in the 2011 plan and by Alabama's historic policy of preserving whole counties." This is just an argument, and it's one that have not been tested in federal court. We believe it's wrong, and that in Alabama, congressional plan must have minimal deviation.

TALK POINTS FOR LIKELY ISSUES, No. 4

- The Faulkner Congressional District Plan No. 1
 - The Faulkner Congressional Plan No. 1 changes the Committee's Plan in Jefferson County only.
 - The Faulkner Plan takes Homewood out of CD7, which is represented by Terri Sewell, and put it in CD6, represented by Gary Palmer.
 - If this plan is passed, it will be sued as violating the Voting Right Act. In response to such a lawsuit, the State might argue that taking Homewood from CD7 and putting it in CD6 is politically motivated, but there is a strong possibility that a court would the change view it as racially motivated. If so, it's a fair conclusion that the court would find that the reassignment of Homewood was a race-conscious change made without the necessary "strong basis in evidence." This would lead to a holding that the plan violates the Voting Rights Act and the Equal Protection Clause.
 - In addition, the Faulkner Plan increases CD7's BVAP from 54.22% to 57.58%. This increase in Black BVAP is likely to draw an allegation that more Black residents have been put into CD7 than are necessary, which is called "packing," and which violates the Voting Rights Act and the Equal Protection Clause.

The Jabo Waggoner Substitute Plan

Q: Why was it OK to have Homewood in CD6 and the Centerpoint precincts in CD7 in 2010 but now it's not OK?

A: Two factors are involved. First, in three cases after the 2010 Census, the Supreme Court required that districts be drawn race-blind, and so the Congressional Plan was. Second, there was a need to add 53,000+ people to CD7, and most of them had to come from Jefferson County, given that many of the other counties in CD7 lost population under the 2020 Census. Together, these factors led to the inclusion of population-dense Homewood into CD7. In addition, it was necessary to give the CD7 incursion into Jefferson County more of an East-West shape, rather than a North South shape, in order to prevent claims that this part of Jefferson County was a racial gerrymander. This is a consequence of the fact that Section 5 is no longer enforceable, and explains why what was OK in 2010 and was approved by the Justice Department then is not OK in 2020, and would not be approved by the Justice Department today. Consequently, when these changes were made, the tip of the 2010 incursion – the Centerpoint Precincts – were not needed and were put into C6.

Q: Why can't they just be switched back?

A: The two Homewood Precincts are majority white. The four Centerpoint-area precincts are majority black. Switching black and white precincts at this point, after the plan was drawn race-blind, would be a race-conscious action that would violate Section 2 of the Voting Rights Act unless it were done in fulfillment of a "compelling state interest." Under the Voting Rights Act, the State has no compelling interest in making these race-conscious reassignments.

**Hassell Senate Plan No. 1 Compared
with
McClendon Senate Plan No. 1**

Pairing Incumbents in the Same Districts

The Hassell Plan pairs 8 incumbent Senators in 4 districts:

- 14 – Pairs Senators Chambless and Weaver
- 27 – Pairs Senators Price and Watley
- 17 – Pairs Senators Reed and Shellnut
- 8 – Pairs Senators Butler and Givhan

The McClendon Plan, which the Senate has passed, does not pair any incumbents.

County and Precincts Splits

The Hassell Plan splits 31 counties and 320 precincts.

The McClendon Plan splits 19 counties and 13 precincts.

The McClendon Plan does a much better job of respecting communities of interest and keeping counties whole.

Significantly Changes Shapes of Senate Districts

A cursory look at the Hassell Plan shows that it makes major changes to Senatorial Districts, from top to bottom of the State. Just a few examples:

McClendon's SDs 4, 5, and 6 are largely combined into Hassell SD 2.

The Jefferson County Districts are more or less redrawn.

SD 34 goes from being part of Mobile County to including parts of Clarke, Choctaw, and Mobile Counties and all of Washington County.

Many more changes are apparent merely by looking at the two maps. The McClendon Plan is based on repeated meetings with Senators over the past 2 and a half months; working with Senators to give them what they wanted or to work out compromises. There's no indication that Hassell met with anyone, or has Senatorial buy-in to his plan. If the House starts changing Senate Districts that Senators have agreed to, it can only expect that the Senate will do likewise to House Districts.

Committee Draft Congressional Plan

Talking Points

1. In developing this plan, all Congressional Representatives were met with in person and then subsequently over the phone or on Microsoft Teams until their concerns had been addressed. An exception is Representative Mo Brooks, who is running for another office. He did not want to meet in person and sent a staff member in his stead. All Representatives had input into this plan.
2. This plan meets our Committee Guidelines.
 - a. It complies with Section II of the Voting Rights Act and the Equal Protection Clause.
 - b. There is minimal population deviation between the districts. Six of the districts are at ideal population -- 717,754 and the 2nd District is one person over.
 - c. It respects counties to the extent possible given the requirement for equal population.
 - d. It does not require any incumbents to run against each other.
 - e. All districts are contiguous and reasonably compact.
 - f. It respects communities of interest.
 - g. It preserves the cores of existing districts.
3. It splits a minimum number of counties and VTDs (or precincts) -- 6 counties are split and 7 VTDs are split to get to zero deviation. An improvement over current law which splits 7 counties.

Splits are:

 - Lauderdale County between districts 4 and 5
 - Tuscaloosa County between districts 4 and 7
 - Jefferson County between districts 6 and 7
 - Chilton County between districts 3 and 6
 - Montgomery County between districts 2 and 7
 - Escambia County between districts 1 and 2
4. This plan contains one majority-black district with a BVAP of 54.22%.

Hatcher Congressional Plan No. 1

- This plan purports to have two majority-Black districts. These are CDs 2 and 7. CD7 has a BVAP of 52.55%, but CD2's BVAP is only 50.05%. That means CD2 is a majority-Black district by only .05% . This is not a functional majority, and given the margin of error in the Census data, it may not even be a majority-Black district at all. By comparison, the Reapportionment Committee's plan, which the House has passed, has one majority-Black district with a strong BVAP of 54.22. So the Hatcher Congressional Plan reduces the BVAP of CD7 in order to draw a district, CD2, as only marginally majority-Black. Reducing the BVAP of CD7 to create a majority-Black district that may not in fact be majority-Black is likely to draw a "cracking" lawsuit in violation of the Voting Rights Act.
- The Hatcher Congressional Plan No. 1 splits 13 counties. The Reapportionment Committee's plan has only 6 county splits.
- The Hatcher Congressional Plan No. 1 puts two pairs of incumbents in the same district. CD1 contains the residences of both Rep. Carl and Rep. Moore. In addition, it puts Rep. Sewell and Rep. Palmer both in CD6.

REAPPORTIONMENT COMMITTEE REDISTRICTING GUIDELINES

May 5, 2021

I. POPULATION

The total Alabama state population, and the population of defined subunits thereof, as reported by the 2020 Census, shall be the permissible data base used for the development, evaluation, and analysis of proposed redistricting plans. It is the intention of this provision to exclude from use any census data, for the purpose of determining compliance with the one person, one vote requirement, other than that provided by the United States Census Bureau.

II. CRITERIA FOR REDISTRICTING

a. Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

b. Congressional districts shall have minimal population deviation.

c. Legislative and state board of education districts shall be drawn to achieve substantial equality of population among the districts and shall not exceed an overall population deviation range of $\pm 5\%$.

d. A redistricting plan considered by the Reapportionment Committee shall comply with the one person, one vote principle of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

e. The Reapportionment Committee shall not approve a redistricting plan that does not comply with these population requirements.

f. Districts shall be drawn in compliance with the Voting Rights Act of 1965, as amended. A redistricting plan shall have neither the purpose nor the effect of diluting minority voting strength, and shall comply with Section 2 of the Voting Rights Act and the United States Constitution.

g. No district will be drawn in a manner that subordinates race-neutral districting criteria to considerations of race, color, or membership in a language-minority group, except that race, color, or membership in a language-minority group may predominate over race-neutral districting criteria to comply with Section 2 of the Voting Rights Act, provided there is a strong basis in evidence in support of such a race-based choice. A strong basis in evidence exists when there is good reason to believe that race must be used in order to satisfy the Voting Rights Act.



1 h. Districts will be composed of contiguous and reasonably compact
2 geography.

3 i. The following requirements of the Alabama Constitution shall be complied
4 with:

5 (i) Sovereignty resides in the people of Alabama, and all districts should be
6 drawn to reflect the democratic will of all the people concerning how their
7 governments should be restructured.

8 (ii) Districts shall be drawn on the basis of total population, except that voting
9 age population may be considered, as necessary to comply with Section 2 of the
10 Voting Rights Act or other federal or state law.

11 (iii) The number of Alabama Senate districts is set by statute at 35 and, under
12 the Alabama Constitution, may not exceed 35.

13 (iv) The number of Alabama Senate districts shall be not less than one-fourth or
14 more than one-third of the number of House districts.

15 (v) The number of Alabama House districts is set by statute at 105 and, under
16 the Alabama Constitution, may not exceed 106.

17 (vi) The number of Alabama House districts shall not be less than 67.

18 (vii) All districts will be single-member districts.

19 (viii) Every part of every district shall be contiguous with every other part of the
20 district.

21 j. The following redistricting policies are embedded in the political values,
22 traditions, customs, and usages of the State of Alabama and shall be observed to
23 the extent that they do not violate or subordinate the foregoing policies prescribed
24 by the Constitution and laws of the United States and of the State of Alabama:

25 (i) Contests between incumbents will be avoided whenever possible.

26 (ii) Contiguity by water is allowed, but point-to-point contiguity and long-lasso
27 contiguity is not.

28 (iii) Districts shall respect communities of interest, neighborhoods, and political
29 subdivisions to the extent practicable and in compliance with paragraphs a
30 through i. A community of interest is defined as an area with recognized
31 similarities of interests, including but not limited to ethnic, racial, economic, tribal,
32 social, geographic, or historical identities. The term communities of interest may,
33 in certain circumstances, include political subdivisions such as counties, voting

precincts, municipalities, tribal lands and reservations, or school districts. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people.

(iv) The Legislature shall try to minimize the number of counties in each district.

(v) The Legislature shall try to preserve the cores of existing districts.

(vi) In establishing legislative districts, the Reapportionment Committee shall give due consideration to all the criteria herein. However, priority is to be given to the compelling State interests requiring equality of population among districts and compliance with the Voting Rights Act of 1965, as amended, should the requirements of those criteria conflict with any other criteria.

g. The criteria identified in paragraphs j(i)-(vi) are not listed in order of precedence, and in each instance where they conflict, the Legislature shall at its discretion determine which takes priority.

III. PLANS PRODUCED BY LEGISLATORS

1. The confidentiality of any Legislator developing plans or portions thereof will be respected. The Reapportionment Office staff will not release any information on any Legislator's work without written permission of the Legislator developing the plan, subject to paragraph two below.

2. A proposed redistricting plan will become public information upon its introduction as a bill in the legislative process, or upon presentation for consideration by the Reapportionment Committee.

3. Access to the Legislative Reapportionment Office Computer System, census population data, and redistricting work maps will be available to all members of the Legislature upon request. Reapportionment Office staff will provide technical assistance to all Legislators who wish to develop proposals.

4. In accordance with Rule 23 of the Joint Rules of the Alabama Legislature "[a]ll amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office." Amendments or revisions must be part of a whole plan. Partial plans are not allowed.

5. In accordance with Rule 24 of the Joint Rules of the Alabama Legislature, "[d]rafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, shall be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data System at least ten (10) days prior to introduction."

IV. REAPPORTIONMENT COMMITTEE MEETINGS AND PUBLIC HEARINGS

1. All meetings of the Reapportionment Committee and its sub-committees will be open to the public and all plans presented at committee meetings will be made available to the public.

2. Minutes of all Reapportionment Committee meetings shall be taken and maintained as part of the public record. Copies of all minutes shall be made available to the public.

3. Transcripts of any public hearings shall be made and maintained as part of the public record, and shall be available to the public.

4. All interested persons are encouraged to appear before the Reapportionment Committee and to give their comments and input regarding legislative redistricting. Reasonable opportunity will be given to such persons, consistent with the criteria herein established, to present plans or amendments redistricting plans to the Reapportionment Committee, if desired, unless such plans or amendments fail to meet the minimal criteria herein established.

5. Notice of all Reapportionment Committee meetings will be posted on monitors throughout the Alabama State House, the Reapportionment Committee's website, and on the Secretary of State's website. Individual notice of Reapportionment Committee meetings will be sent by email to any citizen or organization who requests individual notice and provides the necessary information to the Reapportionment Committee staff. Persons or organizations who want to receive this information should contact the Reapportionment Office.

V. PUBLIC ACCESS

1. The Reapportionment Committee seeks active and informed public participation in all activities of the Committee and the widest range of public information and citizen input into its deliberations. Public access to the Reapportionment Office computer system is available every Friday from 8:30 a.m. to 4:30 p.m. Please contact the Reapportionment Office to schedule an appointment.

2. A redistricting plan may be presented to the Reapportionment Committee by any individual citizen or organization by written presentation at a public meeting or by submission in writing to the Committee. All plans submitted to the Reapportionment Committee will be made part of the public record and made available in the same manner as other public records of the Committee.

1 3. Any proposed redistricting plan drafted into legislation must be offered by a
2 member of the Legislature for introduction into the legislative process.

3 4. A redistricting plan developed outside the Legislature or a redistricting plan
4 developed without Reapportionment Office assistance which is to be presented for
5 consideration by the Reapportionment Committee must:

6 a. Be clearly depicted on maps which follow 2020 Census geographic
7 boundaries;

8 b. Be accompanied by a statistical sheet listing total population for each district
9 and listing the census geography making up each proposed district;

10 c. Stand as a complete statewide plan for redistricting.

11 d. Comply with the guidelines adopted by the Reapportionment Committee.

12 5. Electronic Submissions

13 a. Electronic submissions of redistricting plans will be accepted by the
14 Reapportionment Committee.

15 b. Plans submitted electronically must also be accompanied by the paper
16 materials referenced in this section.

17 c. See the Appendix for the technical documentation for the electronic
18 submission of redistricting plans.

19 6. Census Data and Redistricting Materials

20 a. Census population data and census maps will be made available through the
21 Reapportionment Office at a cost determined by the Permanent Legislative
22 Committee on Reapportionment.

23 b. Summary population data at the precinct level and a statewide work maps
24 will be made available to the public through the Reapportionment Office at a cost
25 determined by the Permanent Legislative Committee on Reapportionment.

26 c. All such fees shall be deposited in the state treasury to the credit of the
27 general fund and shall be used to cover the expenses of the Legislature.

28 **Appendix.**

29 **ELECTRONIC SUBMISSION OF REDISTRICTING PLANS** 30 **REAPPORTIONMENT COMMITTEE - STATE OF ALABAMA**

1

2 The Legislative Reapportionment Computer System supports the electronic
3 submission of redistricting plans. The electronic submission of these plans must
4 be via email or a flash drive. The software used by the Reapportionment Office is
5 Maptitude.

6 The electronic file should be in DOJ format (Block, district # or district #,
7 Block). This should be a two column, comma delimited file containing the FIPS
8 code for each block, and the district number. Maptitude has an automated plan
9 import that creates a new plan from the block/district assignment list.

10 Web services that can be accessed directly with a URL and ArcView
11 Shapefiles can be viewed as overlays. A new plan would have to be built using this
12 overlay as a guide to assign units into a blank Maptitude plan. In order to analyze
13 the plans with our attribute data, edit, and report on, a new plan will have to be
14 built in Maptitude.

15 In order for plans to be analyzed with our attribute data, to be able to edit,
16 report on, and produce maps in the most efficient, accurate and time saving
17 procedure, electronic submissions are REQUIRED to be in DOJ format.

18 Example: (DOJ FORMAT BLOCK, DISTRICT #)

19 SSCCTTTTTTBBBBDDDD

20 SS is the 2 digit state FIPS code

21 CCC is the 3 digit county FIPS code

22 TTTTTT is the 6 digit census tract code

23 BBBB is the 4 digit census block code

24 DDDD is the district number, right adjusted

25 **Contact Information:**

26 Legislative Reapportionment Office

27 Room 317, State House

28 11 South Union Street

29 Montgomery, Alabama 36130

30 (334) 261-0706

1 For questions relating to reapportionment and redistricting, please contact:

2 Donna Overton Loftin, Supervisor

3 Legislative Reapportionment Office

4 donna.overton@alsenate.gov

5 Please Note: The above e-mail address is to be used only for the purposes of
6 obtaining information regarding redistricting. Political messages, including those
7 relative to specific legislation or other political matters, cannot be answered or
8 disseminated via this email to members of the Legislature. Members of the
9 Permanent Legislative Committee on Reapportionment may be contacted through
10 information contained on their Member pages of the Official Website of the
11 Alabama Legislature, legislature.state.al.us/aliswww/default.aspx.

Proposed Alabama Senate District 18 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed Senate District 18 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9756 [.9630, .9851] | .0206 [.0112, .0330] | .0038 [.0017, .0066] |
| White | .5513 [.5281, .5742] | .4374 [.4144, .4607] | .0113 [.0060, .0178] |
| Other | .2204 [.0640, .4586] | .5689 [.3157, .7473] | .2107 [.1318, .3012] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

2018 Gubernatorial Election

The estimates in Table 2 below for proposed House District 83 are based on the results from the 2018 gubernatorial contest.

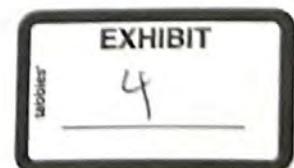
Table 2. Estimated Vote Share by Race, 2018 Gubernatorial Election

| Racial Group | Democratic Vote (Maddox) | Republican Vote (Ivey) |
|--------------|-----------------------------|---------------------------|
| Black | .9690 [.9545, .9806] | .0310 [.0194, .0455] |
| White | .6618 [.6401, .6869] | .3382 [.3131, .3599] |
| Other | .3812 [.1097, .7060] | .6188 [.2940, .8903] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

Summary

From the analyses run, there is no racially polarized voting present in proposed SD 18. A majority of both black and white voters supported Biden in 2020 and Maddox in 2018. Thus, there is no empirical support to substantiate the second prong of the *Gingles* test.



Proposed Alabama House District 32 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed House District 32 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9493 [.8923, .9839] | .0468 [.0124, .1035] | .0039 [.0010, .0086] |
| White | .1103 [.0793, .1468] | .8872 [.8509, .9183] | .0024 [.0007, .0050] |
| Other | .3415 [.0955, .5951] | .3077 [.0833, .5610] | .3508 [.2039, .5234] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed HD 32 is 48.81% black voting age population; 46.04% white voting age population, and 5.15% other voting age population. These figures represent the potential voting electorate for HD 32.

Table 2. Racial Breakdown for Proposed HD 32

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 48.81% | 17,757 |
| White VAP | 46.04% | 16,749 |
| Other VAP | 5.15% | 1,874 |
| Total | | 36,380 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed HD 32 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed HD 32

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 17,757 | 53.75% | 9,544 |
| White VAP | 16,749 | 62.51% | 10,470 |
| Other VAP | 1,874 | 42.15% | 790 |
| Total | 36,380 | | 20,804 |

Having come up with an estimate of what the electorate for proposed HD 32 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate vote shares by party (see Table 4).

1 Table 4. Estimated Vote by Party for Proposed HD 32

| | (D) | (R) | (I) |
|-----------------|--------|--------|-------|
| Black | 9,061 | 447 | 37 |
| White | 1,155 | 9,288 | 25 |
| Other | 270 | 243 | 277 |
| Total | 10,485 | 9,978 | 339 |
| Vote Percentage | 50.40% | 47.96% | 1.63% |

2
3 Having produced an estimate of the number of Democratic votes, the last step in the process
4 would be to simply divide this number by the size of the estimated electorate (10,485/20,804) in
5 order to determine the percentage of votes a Democratic candidate would receive in proposed
6 HD 32. At 48.81% BVAP, proposed HD 32 would yield an estimated Democratic vote
7 percentage of **50.40%** based on the results of the 2020 presidential election.
8

9 2018 Gubernatorial Election

10 The estimates in Table 5 below for proposed House District 32 are based on the results from the
11 2018 gubernatorial contest.
12

13 Table 5. Estimated Vote Share by Race, 2018 Gubernatorial Election

| Racial Group | Democratic Vote (Maddox) | Republican Vote (Ivey) |
|--------------|-----------------------------|---------------------------|
| Black | .9386 [.8800, .9805] | .0614 [.0195, .1200] |
| White | .1922 [.1655, .252] | .8078 [.7748, .8345] |
| Other | .5202 [.1672, .8753] | .4798 [.1247, .8328] |

14 Notes: Entries are EI point estimates with 95% confidence intervals in brackets.
15

16 As displayed in Table 6 below, the proposed HD 32 is 48.81% black voting age population;
17 46.04% white voting age population, and 5.15% other voting age population. These figures
18 represent the potential voting electorate for HD 32.
19

20 Table 6. Racial Breakdown for Proposed HD 32

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 48.81% | 17,757 |
| White VAP | 46.04% | 16,749 |
| Other VAP | 5.15% | 1,874 |
| Total | | 36,380 |

21
22 Next, I will make use of historical registration and turnout data from the Alabama Secretary of
23 State in order to estimate the number of each racial group. Data in Table 7 below are from the
24 2018 general election. The table below indicates what the electorate in proposed HD 32 might
25 resemble in a general election scenario.
26

Table 7. Turnout by Race for Proposed HD 32

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 17,757 | 0.4397 | 7,808 |
| White VAP | 16,749 | 0.4834 | 8,097 |
| Other VAP | 1,874 | 0.3007 | 563 |
| Total | 36,380 | | 16,468 |

Having come up with an estimate of what the electorate for proposed HD 32 might resemble, one can now combine these data with the estimated vote percentages by race in Table 5 in order to estimate vote shares by party (see Table 8).

Table 8. Estimated Vote by Party for Proposed HD 32

| | (D) | (R) |
|-----------------|--------|--------|
| Black | 7,328 | 479 |
| White | 1,556 | 6540 |
| Other | 293 | 270 |
| Total | 9,178 | 7,290 |
| Vote Percentage | 55.73% | 44.27% |

Having produced an estimate of the number of Democratic votes, the last step in the process would be to simply divide this number by the size of the estimated electorate (9,178/16,468) in order to determine the percentage of votes a Democratic candidate would receive in proposed HD 32. At 48.81% BVAP, proposed HD 32 would yield an estimated Democratic vote percentage of **55.73%** based on the results of the 2018 gubernatorial election.

Summary

EI point estimates do come with a degree of uncertainty. Knowing this, a 95% confidence interval can be calculated (the assumption being that one can be 95% certain that the true value of the point estimate lies within the range of the confidence interval). If we recalculate the Democratic vote share for proposed HD 32 using the lower bounds for the Democratic vote share estimates by racial group (see Tables 1 and 5), then the estimated Democratic vote in the district drops to 45.29% using 2020 election data or 50.43% using 2018 election data.

If the Black VAP percentage of HD 32 is increased to 51.00% (and the white VAP concomitantly lowered to 43.85%), using the 2020 presidential election as an example, the estimated Democratic vote share in proposed HD 32 would increase to 52.09%.

Proposed Alabama House District 68 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed House District 68 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9703 [.9459, .9865] | .0255 [.0092, .0500] | .0042 [.0023, .0066] |
| White | .0322 [.149, .0563] | .9652 [.9411, .9824] | .0026 [.0013, .0043] |
| Other | .4680 [.1909, .7229] | .3717 [.1313, .6484] | .1603 [.0786, .2751] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed HD 68 is 48.30% black voting age population; 48.23% white voting age population, and 3.47% other voting age population. These figures represent the potential voting electorate for HD 68.

Table 2. Racial Breakdown for Proposed HD 68

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 48.30% | 18,311 |
| White VAP | 48.23% | 18,285 |
| Other VAP | 3.47% | 1,316 |
| Total | | 37,912 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed HD 68 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed HD 68

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 18,311 | 59.01% | 10,806 |
| White VAP | 18,285 | 69.19% | 12,651 |
| Other VAP | 1,316 | 40.99% | 539 |
| Total | 37,912 | | 23,996 |

Having come up with an estimate of what the electorate for proposed HD 68 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate vote shares by party (see Table 4).

1 Table 4. Estimated Vote by Party for Proposed HD 68

| | (D) | (R) | (I) |
|-----------------|--------|--------|-------|
| Black | 10,485 | 276 | 45 |
| White | 407 | 12,211 | 33 |
| Other | 252 | 200 | 86 |
| Total | 11,144 | 12,687 | 165 |
| Vote Percentage | 46.44% | 52.87% | 0.69% |

2
3 Having produced an estimate of the number of Democratic votes, the last step in the process
4 would be to simply divide this number by the size of the estimated electorate (11,144/23,996) in
5 order to determine the percentage of votes a Democratic candidate would receive in proposed
6 HD 68. At 48.30% BVAP, proposed HD 68 would yield an estimated Democratic vote
7 percentage of 46.44% based on the results of the 2020 presidential election.

8 2018 Gubernatorial Election

9 The estimates in Table 5 below for proposed House District 68 are based on the results from the
10 2018 gubernatorial contest.

11 Table 5. Estimated Vote Share by Race, 2018 Gubernatorial Election

| Racial Group | Democratic Vote (Maddox) | Republican Vote (Ivey) |
|--------------|-----------------------------|---------------------------|
| Black | .9665 [.9435, .9828] | .0335 [.0172, .0566] |
| White | .0827 [.0627, .1050] | .9173 [.8950, .9373] |
| Other | .5173 [.1890, .8307] | .4827 [.1693, .8110] |

12 Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

13
14 As displayed in Table 6 below, the proposed HD 68 is 48.30% black voting age population;
15 48.23% white voting age population, and 3.47% other voting age population. These figures
16 represent the potential voting electorate for HD 68.

17 Table 6. Racial Breakdown for Proposed HD 68

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 48.30% | 18,311 |
| White VAP | 48.23% | 18,285 |
| Other VAP | 3.47% | 1,316 |
| Total | | 37,912 |

18
19
20 Next, I will make use of historical registration and turnout data from the Alabama Secretary of
21 State in order to estimate the number of each racial group. Data in Table 7 below are from the
22 2018 general election. The table below indicates what the electorate in proposed HD 68 might
23 resemble in a general election scenario.

1 Table 7. Turnout by Race for Proposed HD 68

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 18,311 | 50.45% | 9,239 |
| White VAP | 18,285 | 57.21% | 10,461 |
| Other VAP | 1,316 | 32.44% | 427 |
| Total | 37,912 | | 20,127 |

2
3 Having come up with an estimate of what the electorate for proposed HD 68 might resemble, one
4 can now combine these data with the estimated vote percentages by race in Table 1 in order to
5 estimate vote shares by party (see Table 8).
6

7 Table 8. Estimated Vote by Party for Proposed HD 68

| | (D) | (R) |
|-----------------|--------|--------|
| Black | 8,929 | 310 |
| White | 865 | 9,596 |
| Other | 221 | 206 |
| Total | 10,015 | 10,112 |
| Vote Percentage | 49.76% | 50.24% |

8
9 Having produced an estimate of the number of Democratic votes, the last step in the process
10 would be to simply divide this number by the size of the estimated electorate (10,015/20,127) in
11 order to determine the percentage of votes a Democratic candidate would receive in proposed
12 HD 68. At 48.30% BVAP, proposed HD 68 would yield an estimated Democratic vote
13 percentage of 49.76% based on the results of the 2018 gubernatorial election.
14
15

16 Summary

17 Extremely high levels of racially polarized voting are present in proposed HD 68. In addition,
18 analysis using turnout data indicate that using the 2020 presidential returns or the 2018
19 gubernatorial returns would result in a Democratic vote share of less than 50.01%.
20

21 One additional point to mention concerns the Census Bureau's use of differential privacy as
22 related to various types of data, including racial data. Due to the application of this technique, the
23 actual racial makeup in a specific Census geography is not ascertainable. So, a district drawn to
24 be 51.0% black voting age population may in reality fall above or below that figure. There is no
25 margin of error for the Census Bureau's redistricting data, so it is impossible to know the
26 precision of these data.
27

28 If the Black VAP percentage is increased to 54.00% (and the white VAP concomitantly lowered
29 to 42.53%), using the 2020 presidential election as an example, the estimated Democratic vote
30 share in proposed HD 68 would increase to 51.39%.

Proposed Alabama House District 82 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed House District 82 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9495 [.8909, .9833] | .0450 [.0122, .1033] | .0054 [.0008, .0175] |
| White | .2321 [.1822, .2880] | .7634 [.7076, .8133] | .0045 [.0004, .0419] |
| Other | .3469 [.0703, .6552] | .3632 [.0808, .6700] | .2899 [.1052, .4935] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed HD 82 is 50.85% black voting age population; 39.28% white voting age population, and 9.87% other voting age population. These figures represent the potential voting electorate for HD 82.

Table 2. Racial Breakdown for Proposed HD 82

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 50.85% | 19,609 |
| White VAP | 39.28% | 15,148 |
| Other VAP | 9.87% | 3,806 |
| Total | | 38,563 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed HD 82 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed HD 82

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 19,609 | 48.75% | 9,560 |
| White VAP | 15,148 | 59.87% | 9,069 |
| Other VAP | 3,806 | 40.38% | 1,537 |
| Total | 38,563 | | 20,166 |

Having come up with an estimate of what the electorate for proposed HD 82 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate vote shares by party (see Table 4).

1 Table 4. Estimated Vote by Party for Proposed HD 82

| | (D) | (R) | (I) |
|-----------------|--------|--------|-------|
| Black | 9,077 | 430 | 52 |
| White | 2105 | 6,923 | 41 |
| Other | 533 | 558 | 446 |
| Total | 11,715 | 7,912 | 538 |
| Vote Percentage | 58.09% | 39.23% | 2.67% |

2
3 Having produced an estimate of the number of Democratic votes, the last step in the process
4 would be to simply divide this number by the size of the estimated electorate (11,715/20,166) in
5 order to determine the percentage of votes a Democratic candidate would receive in proposed
6 HD 82. At 50.85% BVAP, proposed HD 82 would yield an estimated Democratic vote
7 percentage of **58.09%** based on the results of the 2020 presidential election.

8 9 2018 Gubernatorial Election

10 The estimates in Table 5 below for proposed House District 82 are based on the results from the
11 2018 gubernatorial contest.

12
13 Table 5. Estimated Vote Share by Race, 2018 Gubernatorial Election

| Racial Group | Democratic Vote (Maddox) | Republican Vote (Ivey) |
|--------------|-----------------------------|---------------------------|
| Black | .9221 [.8547, .9638] | .0779 [.0362, .1453] |
| White | .3260 [.2837, .3846] | .6740 [.6154, .7163] |
| Other | .5033 [.1154, .8904] | .4967 [.1096, .8846] |

14 Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

15
16 As displayed in Table 6 below, the proposed HD 82 is 50.85% black voting age population;
17 39.28% white voting age population, and 9.87% other voting age population. These figures
18 represent the potential voting electorate for HD 82.

19
20 Table 6. Racial Breakdown for Proposed HD 82

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 50.85% | 19,609 |
| White VAP | 39.28% | 15,148 |
| Other VAP | 9.87% | 3,806 |
| Total | | 38,563 |

21
22 Next, I will make use of historical registration and turnout data from the Alabama Secretary of
23 State in order to estimate the number of each racial group. Data in Table 7 below are from the
24 2018 general election. The table below indicates what the electorate in proposed HD 82 might
25 resemble in a general election scenario.

1 Table 7. Turnout by Race for Proposed HD 82

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 19,609 | 39.74% | 7,793 |
| White VAP | 15,148 | 44.99% | 6,815 |
| Other VAP | 3,806 | 29.53% | 1,124 |
| Total | 38,563 | | 15,732 |

2
3 Having come up with an estimate of what the electorate for proposed HD 82 might resemble, one
4 can now combine these data with the estimated vote percentages by race in Table 1 in order to
5 estimate vote shares by party (see Table 8).
6

7 Table 8. Estimated Vote by Party for Proposed HD 82

| | (D) | (R) |
|-----------------|--------|--------|
| Black | 7,186 | 607 |
| White | 2,222 | 4,593 |
| Other | 566 | 558 |
| Total | 9,973 | 5,759 |
| Vote Percentage | 63.39% | 36.61% |

8
9 Having produced an estimate of the number of Democratic votes, the last step in the process
10 would be to simply divide this number by the size of the estimated electorate (9,973/15,732) in
11 order to determine the percentage of votes a Democratic candidate would receive in proposed
12 HD 82. At 50.85% BVAP, proposed HD 82 would yield an estimated Democratic vote
13 percentage of **63.39%** based on the results of the 2018 gubernatorial election.
14

15 One additional point to mention concerns the Census Bureau's use of differential privacy as
16 related to various types of data, including racial data. Due to the application of this technique, the
17 actual racial makeup in a specific Census geography is not ascertainable. So, a district drawn to
18 be 51.0% black voting age population may in reality fall above or below that figure. There is no
19 margin of error for the Census Bureau's redistricting data, so it is impossible to know the
20 precision of these data.
21

22 Summary

23 Proposed HD 82, drawn race-blind, is 50.85% BVAP. Racially polarized voting patterns are
24 present in proposed HD82. Nevertheless, based on analyses of the 2020 presidential and the 2018
25 gubernatorial election, the estimated Democratic vote share ranged between 58.1% and 63.4%.
26

Proposed Alabama House District 83 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed House District 83 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9394 [.8648, .9844] | .0541 [.0098, .1290] | .0065 [.0012, .0150] |
| White | .2034 [.1373, .2728] | .7921 [.7228, .8577] | .0046 [.0007, .0107] |
| Other | .4136 [.1233, .7056] | .3761 [.1076, .6755] | .2103 [.0688, .3735] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed HD 83 is 50.27% black voting age population; 40.31% white voting age population, and 9.42% other voting age population. These figures represent the potential voting electorate for HD 83.

Table 2. Racial Breakdown for Proposed HD 83

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 50.27% | 18,876 |
| White VAP | 40.31% | 15,136 |
| Other VAP | 9.42% | 3,537 |
| Total | | 37,549 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed HD 83 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed HD 83

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 18,876 | 49.67% | 9,375 |
| White VAP | 15,136 | 59.92% | 9,069 |
| Other VAP | 3,537 | 40.59% | 1,436 |
| Total | 37,549 | | 19,880 |

Having come up with an estimate of what the electorate for proposed HD 83 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate vote shares by party (see Table 4).

Table 4. Estimated Vote by Party for Proposed HD 83

| | (D) | (R) | (I) |
|-----------------|--------|--------|-------|
| Black | 8,807 | 507 | 61 |
| White | 1,845 | 7,184 | 42 |
| Other | 594 | 540 | 302 |
| Total | 11,245 | 8,231 | 405 |
| Vote Percentage | 56.57% | 41.40% | 2.04% |

Having produced an estimate of the number of Democratic votes, the last step in the process would be to simply divide this number by the size of the estimated electorate (11,245/19,880) in order to determine the percentage of votes a Democratic candidate would receive in proposed HD 83. At 50.27% BVAP, proposed HD 83 would yield an estimated Democratic vote percentage of **56.57%** based on the results of the 2020 presidential election.

2018 Gubernatorial Election

The estimates in Table 5 below for proposed House District 83 are based on the results from the 2018 gubernatorial contest.

Table 5. Estimated Vote Share by Race, 2018 Gubernatorial Election

| Racial Group | Democratic Vote (Maddox) | Republican Vote (Ivey) |
|--------------|-----------------------------|---------------------------|
| Black | .9486 [.8910, .9848] | .0514 [.0152, .1090] |
| White | .2113 [.1679, .2702] | .7887 [.7298, .8321] |
| Other | .4914 [.1347, .8402] | .5086 [.1598, .8653] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 6 below, the proposed HD 83 is 50.27% black voting age population; 40.31% white voting age population, and 9.42% other voting age population. These figures represent the potential voting electorate for HD 83.

Table 6. Racial Breakdown for Proposed HD 83

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 50.27% | 18,876 |
| White VAP | 40.31% | 15,136 |
| Other VAP | 9.42% | 3,537 |
| Total | | 37,549 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 7 below are from the 2018 general election. The table below indicates what the electorate in proposed HD 83 might resemble in a general election scenario.

1 Table 7. Turnout by Race for Proposed HD 83

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 18,876 | 39.62% | 7,479 |
| White VAP | 15,136 | 47.07% | 7,124 |
| Other VAP | 3,537 | 31.80% | 1,125 |
| Total | 37,549 | | 15,728 |

2
3 Having come up with an estimate of what the electorate for proposed HD 83 might resemble, one
4 can now combine these data with the estimated vote percentages by race in Table 1 in order to
5 estimate vote shares by party (see Table 8).
6

7 Table 8. Estimated Vote by Party for Proposed HD 83

| | (D) | (R) |
|-----------------|--------|--------|
| Black | 7,095 | 384 |
| White | 1,505 | 5,619 |
| Other | 553 | 572 |
| Total | 9,153 | 6,575 |
| Vote Percentage | 58.19% | 41.81% |

8
9 Having produced an estimate of the number of Democratic votes, the last step in the process,
10 would be to simply divide this number by the size of the estimated electorate (9,153/15,728) in
11 order to determine the percentage of votes a Democratic candidate would receive in proposed
12 HD 83. At 50.27% BVAP, proposed HD 83 would yield an estimated Democratic vote
13 percentage of **58.19%** based on the results of the 2018 gubernatorial election.
14

15 One additional point to mention concerns the Census Bureau's use of differential privacy as
16 related to various types of data, including racial data. Due to the application of this technique, the
17 actual racial makeup in a specific Census geography is not ascertainable. So, a district drawn to
18 be 51.0% black voting age population may in reality fall above or below that figure. There is no
19 margin of error for the Census Bureau's redistricting data, so it is impossible to know the
20 precision of these data.
21

22 Summary

23 Proposed HD 83, drawn race-blind, is 50.27% BVAP. Racially polarized voting patterns are
24 present in proposed HD 83. Nevertheless, based on analyses of the 2020 presidential and the
25 2018 gubernatorial election, the estimated Democratic vote share ranged between 56.6% and
26 58.2%.

Proposed Alabama SBOE District 4 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed SBOE District 4 are based on the results from the 2020 presidential contest.

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9814 [.9749, .9866] | .0160 [.0108, .0225] | .0026 [.0018, .0035] |
| White | .2150 [.2014, .2288] | .7796 [.7659, .7934] | .0053 [.0039, .0068] |
| Other | .3328 [.1263, .5388] | .3493 [.1587, .5305] | .3179 [.2365, .4541] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed SBOE 4 is 51.21% black voting age population; 41.03% white voting age population, and 7.76% other voting age population. These figures represent the potential voting electorate for SBOE 4.

Table 2. Racial Breakdown for Proposed SBOE 4

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 51.21% | 243,017 |
| White VAP | 41.03% | 194,707 |
| Other VAP | 7.76% | 36,825 |
| Total | | 474,549 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed SBOE 4 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed SBOE 4

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 243,017 | 60.50% | 147,026 |
| White VAP | 194,707 | 61.72% | 120,167 |
| Other VAP | 36,825 | 46.77% | 17,223 |
| Total | 474,549 | | 284,415 |

Having come up with an estimate of what the electorate for proposed SBOE 4 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate votes shares by party (see Table 4).

1 Table 4. Estimated Vote by Party for Proposed SBOE 4

| | (D) | (R) | (I) |
|-----------------|---------|---------|-------|
| Black | 144,292 | 2,352 | 382 |
| White | 25,836 | 93,682 | 637 |
| Other | 5,732 | 6,016 | 5,475 |
| Total | 175,859 | 102,050 | 6,494 |
| Vote Percentage | 61.83% | 35.88% | 2.28% |

2

3 Having produced an estimate of the number of Democratic votes, the last step in the process
 4 would be to simply divide this number by the size of the estimated electorate (175,859/284,415)
 5 in order to determine the percentage of votes a Democratic candidate would receive in proposed
 6 SBOE 4. At 51.21% BVAP, proposed SBOE 4 would yield an estimated Democratic vote
 7 percentage of **61.83%** based on the results of the 2020 presidential election.

8

9 **Summary**

10 Proposed SBOE 4, drawn race-blind, is 51.21% BVAP. Racially polarized voting patterns are
 11 present in proposed SBOE 4. Based on the analysis of the 2020 presidential election, the
 12 estimated Democratic vote share is 61.83%.

13

Proposed Alabama SBOE District 5 Functionality Examination

2020 Presidential Election

Using a statistical method known as Ecological Inference we can derive vote estimates by racial group from precinct-level data. The estimates in Table 1 below for proposed SBOE District 5 are based on the results from the 2020 presidential contest.¹

Table 1. Estimated Vote Share by Race, 2020 Presidential Election

| Racial Group | Democratic Vote (Biden) | Republican Vote (Trump) | Independent Vote (Jorgenson) |
|--------------|----------------------------|----------------------------|---------------------------------|
| Black | .9844 [.9809, .9874] | .0119 [.0092, .0154] | .0036 [.0028, .0046] |
| White | .0775 [.0680, .0880] | .9185 [.9080, .9280] | .0040 [.0030, .0051] |
| Other | .5175 [.3277, .6669] | .2032 [.0626, .3858] | .2792 [.2368, .3325] |

Notes: Entries are EI point estimates with 95% confidence intervals in brackets.

As displayed in Table 2 below, the proposed SBOE 5 is 51.27% black voting age population; 42.70% white voting age population, and 6.03% other voting age population. These figures represent the potential voting electorate for SBOE 5.

Table 2. Racial Breakdown for Proposed SBOE 5

| Racial Group | Percent | Number of Voters |
|--------------|---------|------------------|
| Black VAP | 51.27% | 247,203 |
| White VAP | 42.70% | 205,882 |
| Other VAP | 6.03% | 29,074 |
| Total | | 482,159 |

Next, I will make use of historical registration and turnout data from the Alabama Secretary of State in order to estimate the number of each racial group. Data in Table 3 below are from the 2020 general election. The table below indicates what the electorate in proposed SBOE 5 might resemble in a general election scenario.

Table 3. Turnout by Race for Proposed SBOE 5

| Racial Group | Electorate | Turnout Percent | Number of Voters |
|--------------|------------|-----------------|------------------|
| Black VAP | 247,203 | 54.70% | 135,208 |
| White VAP | 205,882 | 65.00% | 133,827 |
| Other VAP | 29,074 | 44.13% | 12,830 |
| Total | 482,159 | | 281,866 |

Having come up with an estimate of what the electorate for proposed SBOE 5 might resemble, one can now combine these data with the estimated vote percentages by race in Table 1 in order to estimate votes shares by party (see Table 4).

¹Due to data limitations, Washington County was included in the analysis as a pseudo-precinct.

Table 4. Estimated Vote by Party for Proposed SBOE 5

| | (D) | (R) | (I) |
|-----------------|---------|---------|-------|
| Black | 133,099 | 1,609 | 487 |
| White | 10,372 | 122,921 | 535 |
| Other | 6,640 | 2,607 | 3,582 |
| Total | 150,110 | 127,137 | 4,604 |
| Vote Percentage | 53.26% | 45.11% | 1.63% |

Having produced an estimate of the number of Democratic votes, the last step in the process would be to simply divide this number by the size of the estimated electorate (150,110/281,866) in order to determine the percentage of votes a Democratic candidate would receive in proposed SBOE 5. At 51.27% BVAP, proposed SBOE 5 would yield an estimated Democratic vote percentage of **53.26%** based on the results of the 2020 presidential election.

Summary

Proposed SBOE 5, drawn race-blind, is 51.21% BVAP. Extremely high levels of racially polarized voting are present in proposed SBOE 5. Based on the analysis of the 2020 presidential election, the estimated Democratic vote share is 53.26%.²

²If we recalculate the Democratic vote share for proposed SBOE 5 using the lower bounds for the Democratic vote share estimates by racial group (see Tables 1 and 5), then the estimated Democratic vote in the district still constitutes a majority (51.76%) using 2020 election data.

**TRANSCRIPT OF
REAPPORTIONMENT COMMITTEE
MEETING
OCTOBER 26, 2021**

EXHIBIT

5

Reapportionment Committee Meeting
October 26, 2021
Transcript by TransPerfect

MALE 4: Yeah, we can see it. Not the small one where we don't know what it's touching and what it's doing, but actually a large one that deals which shows the precincts.

MR. CHAIRMAN: The map is on the board, ladies and gentlemen, I'm hoping the people online can see it. Can they see the map online?

MALE 5: Yes.

MR. CHAIRMAN: These maps are drawn in this room using the staff here and our lawyer that we've hired has done redistricting for 25 years, has worked with us and told us that he thinks these maps comply with section to the Voting Rights Act and the Fourteenth Amendment to the Constitution.

REPRESENTATIVE ENGLAND: Can you explain it now?

MR. CHAIRMAN: I'm not the attorney, but Dorman Walker sat here and went through every one of this our attorney. You know Dorman, he's done this for 25 years.

[OVERLAY]

REPRESENTATIVE ENGLAND: Again, can I say that I was appointed to this committee.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: You stated that it complies with the Voting Rights Act. You also stated that it complies with the Fourteenth Amendment Equal Protection, so I'm asking you how. I just want to make this -- that's obviously --

[OVERLAY]

MR. CHAIRMAN: Okay, representative. That's fine, let's do this.

REPRESENTATIVE ENGLAND: That's a very component of this.

MR. CHAIRMAN: I understand that and I see where you're going and let's do this. You tell me where it doesn't, how's that?

REPRESENTATIVE ENGLAND: First and foremost, if we didn't do a racial polarization study you don't know how it applies. I'll ask you this question, you and the attorney that you consulted, have you all done a racial polarization study?

MR. CHAIRMAN: Yeah, the guy in Georgia did one. It was sent to him Friday and he came back.

REPRESENTATIVE ENGLAND: So, who's the guy in Georgia? Can we see the results of that study?

Reapportionment Committee Meeting
October 26, 2021
Transcript by TransPerfect

MR. CHAIRMAN: The attorney has hired a consultant out of Georgia and he's looked at it.

REPRESENTATIVE ENGLAND: Can we—

MR. CHAIRMAN: There's nothing that's going to be hidden. We're getting it to you as fast as we have it of course.

REPRESENTATIVE ENGLAND: Okay.

MR. CHAIRMAN: We don't have it. You understand, I had to do 28 public hearings. I had to meet with 105 house members, 35 senators, seven members of congress and eight members of the schoolboard and many of these people we met with multiple, multiple times to try and work this out, all in a very short period of time. We didn't have the luxury they had a couple of years ago, having two years to do this. We had about three months.

REPRESENTATIVE ENGLAND: I could understand your frustration, but as the Chair, you're in charge with the responsibility of answering these questions.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: So, I sympathize with the smaller shortened timeframe, but I do still get as a response -- as part of my responsibility as being a member of this committee is to ask these questions and to get answers because I'm not just asking for me. Because remember, the entire State of Alabama, the first time they lay my eyes on this map was yesterday. I think it's pretty legitimate for us to have these questions since we could not get access to this information before. One of the ways --

[OVERLAY]

MR. CHAIRMAN: The first time I saw it was yesterday too.

REPRESENTATIVE ENGLAND: That makes me feel worse, but to be quite honest with you. So, you ask me, I'll point out just that one thing. I need you to help me understand if a racial polarization study was done. I need to know who did it. I need to know what the results are, so I can tell you if I believe that one that matches up with the standards that have been set by federal courts in the Supreme Court, because very recently we had issues with the Supreme Court. We just lost the lawsuit behind some of this stuff, so I need to have something so I can draw some comparative analysis between the two. So, on record, you're telling me that a racial polarization study has been done?

MR. CHAIRMAN: Our attorney looked at it and assured us that we are in compliance with Section 2 of the Voting Rights Act.

REPRESENTATIVE ENGLAND: The question I asked you, you're assuring me right now that a racial polarization study has been done?

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MR. CHAIRMAN: According to my attorney, yes.

REPRESENTATIVE ENGLAND: Okay.

MR. CHAIRMAN: According to the committee's attorney.

[00:20:00]

It's the attorney that's done reapportionment for 25 years.

REPRESENTATIVE ENGLAND: Okay. And you can provide that information to us so we can draw an analysis between the maps, the numbers and the study?

MR. CHAIRMAN: I have no problem when you look at all of our reports.

REPRESENTATIVE ENGLAND: All right. You said also that this map was prepared here in-house?

MR. CHAIRMAN: Yeah, it was drawn right here in this room.

REPRESENTATIVE ENGLAND: All right.

MR. CHAIRMAN: I mean, you sat here with us, and I know several times why we drew these maps.

REPRESENTATIVE ENGLAND: No. Actually, I've only seen my district up until yesterday when I got the maps.

MR. CHAIRMAN: No. I sat here when you're on a call.

REPRESENTATIVE ENGLAND: No. On that call, we looked at my district.

MR. CHAIRMAN: Yeah.

REPRESENTATIVE ENGLAND: Period. I haven't seen a map. This is the first time I've actually seen a physical copy of the map since yesterday. Now, that I've answered your question, can you answer mine? What other ways does this map --

MR. CHAIRMAN: Let me report. On district seven, there was not a functional analysis done on it simply because it was drawn blind, the race was turned off on the drawing, and after the district was drawn and we looked at the black voting age population, it was determined there was no reason to do an analysis on it.

REPRESENTATIVE ENGLAND: So, you have not done analysis on that?

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MR. CHAIRMAN: I just found out seven because of the BVAP, no analysis was deemed necessary.

REPRESENTATIVE ENGLAND: So, we don't know if it complies with the Voting Rights Act just based on an attorney's opinion?

MR. CHAIRMAN: Yeah. I mean, it complies.

REPRESENTATIVE ENGLAND: We don't know that.

MR. CHAIRMAN: Well, the attorney that his committee hired says it does.

REPRESENTATIVE ENGLAND: But he also didn't do what's necessary to figure that out. Interestingly enough, the only district –

MR. CHAIRMAN: The BVAP of that district is 54.2%.

REPRESENTATIVE ENGLAND: But again, the study demonstrates how much of that actual percentage is a voting percentage. So, there's a difference between just throwing out a percentage and actually knowing if that's functional or not. And also, interestingly enough, the Seventh Congressional District is the only district that splits counties. Is there a particular reason for that?

MR. CHAIRMAN: That's not true. I just told you, I just run off of the county to split.

REPRESENTATIVE ENGLAND: There's one in District One, you have one in the Escambia County?

MR. CHAIRMAN: No. Lauderdale is split between four and five, Tuscaloosa is split between four and seven, Jefferson is split between six and seven, Chilton is split between three and six, Montgomery is split between two and seven, Escambia is split between one and two.

REPRESENTATIVE ENGLAND: I'm sorry.

MR. CHAIRMAN: Every district has at least one split.

REPRESENTATIVE ENGLAND: I'll rephrase. Seven has the most splits. That correct?

MR. CHAIRMAN: One, two, three. Yes, sir.

REPRESENTATIVE ENGLAND: All right. Is there any particular reason why seven has the most splits?

MR. CHAIRMAN: No. Because four has got two, two has two, three has one, and one has one.

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SENATOR MCCLENDON: I don't have a bill before you because I can't get a bill draft until after it comes out to LSA, and I can't see anything to LSA until it comes out of here.

SENATOR SMITHERMAN: Unless I'm going to be on what -- we vote now. Whether we vote now today, I would like for it to be vetted the same way that you said that it could be vetted in those committees. Why? One of the main reasons we are supposed to have the experts in here. Our reapportionment director will not be on the floor. If it's not a public hearing, she cannot come on the senate floor. This lawyer cannot come on the senate floor itself. This is where the work has to be done to answer those questions in this committee. Not out there. You all know the rules. I don't have to even speak them. The people can't come out there. They are going to be out there. It's going to be somebody at the mic going to be saying the same thing. Well, they did it. And the answer is goes they did it. I would like to know how you came about it. Whatever the process to get to what you said that they say, "Okay to." And this is the place that it should be done right in here, and that's all that I'm asking. The exposure of the process and information be brought out in here so questions and follow up questions can be addressed to that information.

SENATOR MCCLENDON: Yes, Ms. Hall.

REPRESENTATIVE HALL: I needed to go back to make sure I have the correct information as relates to what you said about the racially polarized voting study that was done. Did you say it was done?

SENATOR MCCLENDON: Because of the black age voting population in Congressional District 7, there was not one needed because it was over 54% black voting age population.

REPRESENTATIVE HALL: So you're saying that we don't have a black, we don't have a polarization, racially polarization study?

SENATOR MCCLENDON: None. Because the voting age is 54. What is it? I got it right here.

REPRESENTATIVE HALL: And you use District 7 as the basis for not having such a study done?

SENATOR MCCLENDON: The black voting age population of the district is sufficient enough to where you don't need a study done on it.

REPRESENTATIVE HALL: Are you saying that would not be a part or should not have been a part of this process?

SENATOR MCCLENDON: Once we drew the process, once we drew the plan with no race on the computer --

[00:45:00]

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-- then after the plan was drawn, we turned on the race and we looked at District 7 and saw that it had a black voting age population that was sufficient enough to not require an analysis. And we put any more African-Americans on the race. We're afraid we'd be sued for packing.

REPRESENTATIVE HALL: So that was just District 7. What about the other districts? If we did those on these, I really would like -- I was trying to get that information. I'd like to have that information. I'm requesting that information.

SENATOR MCCLENDON: The demographics of the district. Yeah. It's right here, it's in your folder.

REPRESENTATIVE HALL: So you're saying the data that we have makes of the --?

SENATOR MCCLENDON: Yeah. Here's the data right here. It's in your folder. It shows you the percentage of African-Americans of whites, the 18 plus populations, everything. It tells you to give you all that information.

REPRESENTATIVE HALL: I just want to make sure what you're saying that the data that we're receiving here today on each one of the districts provides us the data that we would have received or that would be received as a part of a racial polarization voting study.

SENATOR MCCLENDON: I'm being told that at 54 plus percent of the African-American vote, it was high enough not to warrant a polarization study. It was a majority-minority district.

REPRESENTATIVE HALL: And that came from our attorney or the committee's attorney?

SENATOR MCCLENDON: Yes. That came from the committee's attorney. Yes, ma'am.

REPRESENTATIVE HALL: And so, at this point, we do not have that.

SENATOR MCCLENDON: Not on District 7. No, ma'am. Yes. Chris. The representative of England, I'm sorry.

REPRESENTATIVE ENGLAND: All right. You're referring to that -- as if the District 7 was the only district that you did not do that on. So did you do that on other districts?

SENATOR MCCLENDON: We have the breakdown of black and white population.

REPRESENTATIVE ENGLAND: No, not that. I'm talking about you mentioning that racial - that you didn't do the study on seven. Did you do it on any other district?

SENATOR MCCLENDON: Can I ask something? The question you're asking, the answer is our attorney, mine and your attorney set that data off for districts that it looked like there might possibly be a racial issue. And we did that on all of these maps that we've done today. So he received the information on those districts where it looked like it could possibly be questionable, and wherever it was questionable, if necessary, we made adjustments. So the answer to your

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question would be a general statement that in any districts where it looked like it possibly was an issue, we had those districts analyzed. And if necessary to make changes in those districts to try to stay in compliance with the Voting Rights Act, then we made those moves. So you can ask that question about any one district and I will answer that by saying any district that looked like it needed to be done, we did it.

REPRESENTATIVE ENGLAND: It would appear that District 7 would look like that would need to be done if the methodology that you said you used was, we didn't think about race and then we drew the map, and then we said, "Okay, well, this is a result." So it appears to me that if we're doing this in the logical way, that District 7 just -- as it appears on a map, would produce a certain percentage. Now, according to what you've been telling me, that the percentage is not the decision that you made looking at it on the paper and saying that 54% is enough, you actually consulted with an attorney to make sure. So it would appear to me that if you're applying the logic that you just gave me that if we just looked at the district to see if it was in compliance, we would actually do District 7 before we did the others. So I would like to request that study be done on District 7. And what is the relationship between the 54% that you're citing and the actual results or potential results of a racial polarization study? What is the relationship between those two?

[00:50:00]

SENATOR MCCLENDON: I got no clue.

REPRESENTATIVE ENGLAND: And that's the point.

SENATOR MCCLENDON: That's, that's the reason why we have the expert.

REPRESENTATIVE ENGLAND: Again, but hold on. That's point. If you can't explain to me why the 54% that you're telling us satisfies the threshold that you have not created or satisfied yet, that would probably make it necessary for you to conduct a study to see if that 54% actually represent, which represents what you think it does. So for -- I would like to request as a member of the committee that that study be done on the Congressional District 7. I would also like to request because the way you keep describing the map itself, is that Districts 1 through 6 may have caused the question or may not have caused to question so there is a situation where that same study may have been done on the other districts. I would also like to see that information as well. Can I get that? First, can I get the study done on Congressional District 7 to make sure that the 54% represents what you think you're saying? And then also, can I get this, the results of the studies that they've been done on other district? Because Senator McClendon, you represented that they had been. So I would like to see that data as well. Is that possible?

SENATOR MCCLENDON: Is there a particular percentage you'd be interested in seeing in District 7?

REPRESENTATIVE ENGLAND: That's the whole point. I want the study done so I'll know. I'm not going to -- I can't just blindly tell you what are percentage I would need in an area to make sure that it complies with the Voting Rights Act, one, but two, it is a -- I guess what you

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would consider a safe majority-minority district. That's the whole point of the study. So I would like the study to be done on Congressional District 7 and I would also like for you to give me the results of the other studies on the other districts that you mentioned may or may not have caused to you some consternation.

SENATOR MCCLENDON: Okay, Mr. England, here's what I'll do. I'll request a study on District 7 for you, and I'll request the study be done on Senator Singleton's bill that he introduced also. How's that?

REPRESENTATIVE ENGLAND: Yes.

SENATOR MCCLENDON: It's possible to do it. I mean, we're going to talk about it. Okay. I'll do on both of them.

REPRESENTATIVE ENGLAND: To also kind of take a step back, this process isn't result-oriented. Meaning, that we're not collected here to go over the data and the maps just to meet the deadline. We are actually supposed to do some qualitative work on the information that you provided us so we don't send maps or information to LRS to be drawn up into something that can't pass. I mean, and I get it. I mean, we work with deadlines all the time, but this committee structure was set up especially for this component because it's actually a joint committee for the house and the senate that goes over all four maps. So we can actually take a deep dive in that information, in the data and actually produce a map that actually satisfies all the things that you've been mentioning since the very beginning about keeping counties whole, about not splitting precincts, about making sure that equal protection is valid and making sure that the Voting Right Act is complied with. That's what this process is for, is to vet the information that we're getting. Because we may go through this process and discover that some of the is corrupted and it's not reliable or, we may actually if we had done a racial polarization study, we may actually find out that that 54% that you're talking about doesn't actually represent the information that you're giving us, and that you have made an assumption that could jeopardize an entire map. So again, not trying to diminish the effort, the herculean effort that you had to undertake to get us to this point, the point here isn't just to get it done so we can get a bill prepared. The point here is to actually vet the information so we know what we're actually doing in this process.

SENATOR MCCLENDON: I understand, and I tell you we're going to spend a lot of time on this differential privacy, and that's going to come up sooner or later. Senator Smitherman?

SENATOR SMITHERMAN: I would just -- if you all, I would like to know first on any of the congressional districts, did you all receive a written report regarding the study that he is requesting on 7? We say it that on some of them, it was done. All right. So whatever ones that were done, do we have a written report from that attorney, from whoever it is that we had to do it. We are saying that it was done on A B, C, or D. Do we have anything in writing that was sent to this committee to you all or sent to the community itself that would suggest that that is actually a fact? That's the first question. Do we have anything?

[00:55:13]

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SENATOR MCCLENDON: When we saw that 54% plus in the Seventh District majority-minority, we didn't think it needed a racial polarization analyzation and a lot to be analyzed and we didn't request racial voting polarization study on the majority of white districts.

SENATOR SMITHERMAN: Okay. So we don't have that, that's the correct answer. We don't have anything in writing that's been sent to you all regarding that you should --

SENATOR MCCLENDON: I have not seen anything.

SENATOR SMITHERMAN: Okay. All right. So we can't hold out then that that has been done. Okay. So that's the first thing. The second thing is this. We have an attorney that as you say very capable of being able to do what's necessary. I cannot understand the most important, the most important and really the only opportunity we as a committee member while we are going through these maps. I cannot understand for the love of life why he is not even sitting over there or he is not on Zoom. That doesn't make any sense. We are asking questions and we can't, you all cannot give the detail. I didn't say it to generalization, but you cannot give the detailed answer -- we keep telling them whether attorney need, an attorney and that's fine. Because if that's the answer. But then, that attorney need to be over there to answer what you just said that he did. I mean, that's an attorney for the committee and that is the most important meeting that he could ever be at being able to get him on there to give those responses as to the things that you all don't have first of all, documentation and secondly, that he in fact was the person who created, who suggested it and it was adopted to present to us by you all. So I'm asking to get him on here. I don't care if the phone.

SENATOR MCCLENDON: [INDISCERNIBLE 00:57:18]

SENATOR SMITHERMAN: Yeah. I don't care if you get the phone or we can't Zoom, we deserve to have those people in here where we can ask those questions to get answers. Thank you.

SENATOR MCCLENDON: Yes, Ms. Hall?

REPRESENTATIVE HALL: Thank you. You indicated in your report about meeting with all of the members of congress, except for one. Are you able to tell me that once the maps were drawn, did they have an opportunity to view this map? And, what was their impression?

SENATOR MCCLENDON: They all saw. The one that we didn't meet was Mo Brooks because he's no longer running. But they've all had the opportunity to look at them and make suggestions, make requests in what they would like to see in their district, yes.

REPRESENTATIVE HALL: And did they indicate that they felt that what you've presented is fair and --?

SENATOR MCCLENDON: To the best of my knowledge, yes. I was not in the meetings.



I, Anders Nelson, hereby certify that the document "Reapportionment committee 10.26.21" is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders
Nelson

Digitally signed by Anders
Nelson
Date: 2021.12.14 15:46:45
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Anders Nelson
Project Manager

December 14, 2021

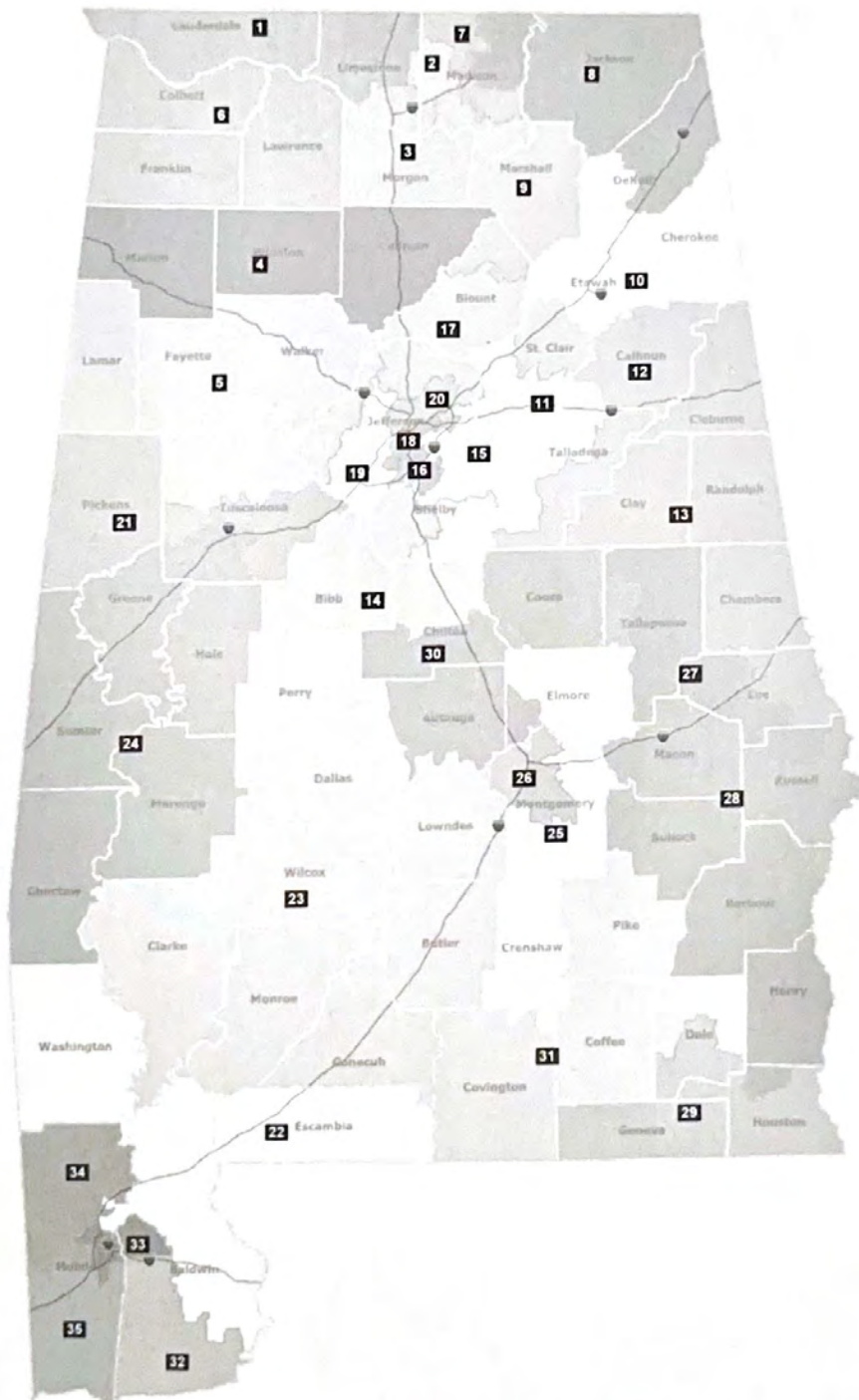
Plaintiffs' Exhibit No. 12

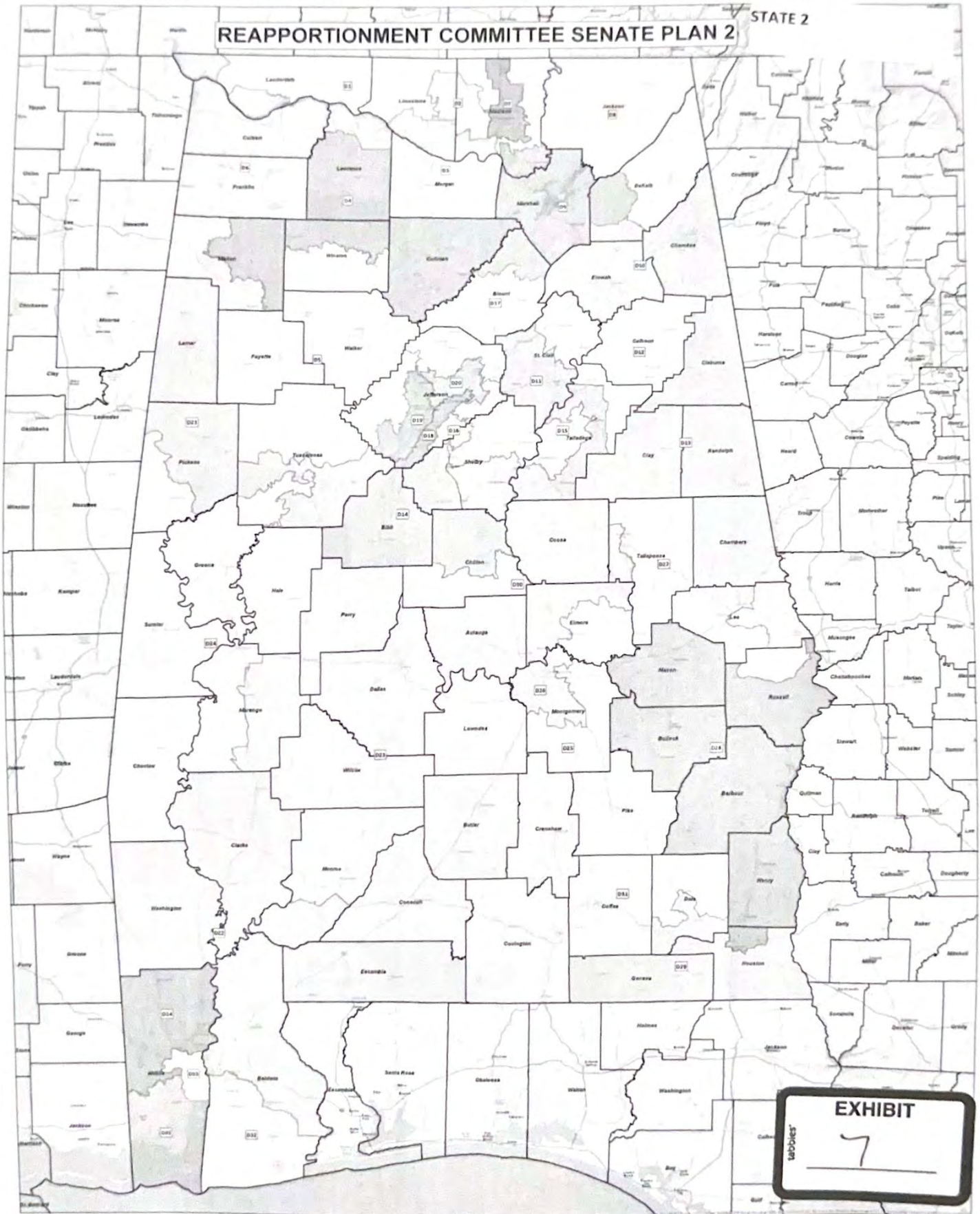
Exhibits 6-15 to Jim McClendon Deposition

EXHIBIT

6

2021 Alabama Senate Plan





User:

Plan Name: 2021 Alabama Senate Plan

Plan Type:

Census Place by District and by County

Thursday, February 24, 2022

1:59 PM

| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| District 1 | 121,263 | | 12,323 | |
| Anderson AL | 237 | 100.00% | 0 | 0.00% |
| Ardmore AL | 1,160 | 100.00% | 37 | 100.00% |
| Athens AL | 6,531 | 37.11% | 618 | 14.30% |
| Elkmont AL | 374 | 100.00% | 35 | 100.00% |
| Florence AL | 28,416 | 100.00% | 7,578 | 100.00% |
| Huntsville AL | 42 | 0.03% | 9 | 0.01% |
| Killen AL | 910 | 100.00% | 29 | 100.00% |
| Lester AL | 107 | 100.00% | 0 | 0.00% |
| Lexington AL | 695 | 100.00% | 1 | 100.00% |
| Rogersville AL | 1,122 | 100.00% | 65 | 100.00% |
| St. Florian AL | 547 | 100.00% | 6 | 100.00% |
| Underwood-Petersville AL | 2,609 | 100.00% | 222 | 100.00% |
| Waterloo AL | 175 | 100.00% | 0 | 0.00% |
| Total District 1 | 42,925 | | 8,600 | |
| District 2 | 86,841 | | 41,842 | |
| Harvest AL | 3,173 | 100.00% | 1,930 | 100.00% |
| Huntsville AL | 20,463 | 16.82% | 20,851 | 33.05% |
| Madison AL | 33,315 | 87.83% | 7,505 | 88.76% |
| Total District 2 | 56,951 | | 30,286 | |
| District 3 | 104,879 | | 22,332 | |
| Athens AL | 58 | 0.33% | 9 | 0.21% |
| Decatur AL | 33,190 | 100.00% | 13,441 | 100.00% |
| Eva AL | 564 | 100.00% | 0 | 0.00% |
| Falkville AL | 1,101 | 100.00% | 25 | 100.00% |
| Hartselle AL | 13,505 | 100.00% | 711 | 100.00% |
| Huntsville AL | 7,515 | 6.18% | 3,891 | 6.17% |
| Madison AL | 4,615 | 12.17% | 950 | 11.24% |
| Mooreville AL | 41 | 100.00% | 1 | 100.00% |
| Priceville AL | 3,069 | 100.00% | 124 | 100.00% |
| Somerville AL | 732 | 100.00% | 19 | 100.00% |
| Triana AL | 1,177 | 100.00% | 1,221 | 100.00% |
| Trinity AL | 1,889 | 99.95% | 225 | 100.00% |
| Total District 3 | 67,456 | | 20,617 | |
| District 4 | 127,214 | | 2,184 | |
| Addison AL | 624 | 100.00% | 0 | 0.00% |
| Arab AL | 18 | 0.23% | 1 | 2.50% |
| Arley AL | 320 | 100.00% | 0 | 0.00% |

Mapitude
Your location. Your data.

EXHIBIT

8

STONE DC 000084

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|-------------------------|----------------|---------------|--------------|---------------|
| Baileyton AL | 600 | 100.00% | 1 | 100.00% |
| Bear Creek AL | 975 | 100.00% | 5 | 100.00% |
| Berlin AL | 386 | 100.00% | 3 | 100.00% |
| Brilliant AL | 792 | 100.00% | 1 | 100.00% |
| Colony AL | 31 | 100.00% | 220 | 100.00% |
| Cullman AL | 16,069 | 100.00% | 242 | 100.00% |
| Dodge City AL | 518 | 100.00% | 1 | 100.00% |
| Double Springs AL | 1,053 | 100.00% | 2 | 100.00% |
| East Point AL | 153 | 100.00% | 0 | 0.00% |
| Fairview AL | 448 | 100.00% | 2 | 100.00% |
| Garden City AL | 501 | 100.00% | 3 | 100.00% |
| Glen Allen AL | 50 | 14.01% | 0 | 0.00% |
| Good Hope AL | 2,091 | 100.00% | 19 | 100.00% |
| Guin AL | 1,815 | 100.00% | 230 | 100.00% |
| Gu-Win AL | 123 | 100.00% | 3 | 100.00% |
| Hackleburg AL | 1,341 | 100.00% | 5 | 100.00% |
| Haleyville AL | 3,722 | 100.00% | 50 | 100.00% |
| Hamilton AL | 5,964 | 100.00% | 496 | 100.00% |
| Hanceville AL | 2,827 | 100.00% | 123 | 100.00% |
| Holly Pond AL | 770 | 100.00% | 0 | 0.00% |
| Joppa AL | 348 | 75.16% | 0 | 0.00% |
| Lynn AL | 591 | 100.00% | 0 | 0.00% |
| Natural Bridge AL | 31 | 100.00% | 0 | 0.00% |
| Nauvoo AL | 0 | 0.00% | 0 | 0.00% |
| South Vinemont AL | 426 | 100.00% | 1 | 100.00% |
| Twin AL | 345 | 100.00% | 1 | 100.00% |
| West Point AL | 545 | 100.00% | 1 | 100.00% |
| Winfield AL | 3,586 | 84.20% | 256 | 93.09% |
| Total District 4 | 47,063 | | 1,666 | |
| District 5 | 119,367 | | 9,741 | |
| Adamsville AL | 16 | 0.92% | 0 | 0.00% |
| Beaverton AL | 173 | 100.00% | 6 | 100.00% |
| Belk AL | 178 | 100.00% | 0 | 0.00% |
| Berry AL | 1,037 | 100.00% | 85 | 100.00% |
| Birmingham AL | 28 | 0.06% | 0 | 0.00% |
| Carbon Hill AL | 1,523 | 100.00% | 113 | 100.00% |
| Coker AL | 185 | 22.34% | 9 | 40.91% |
| Cordova AL | 1,442 | 100.00% | 195 | 100.00% |
| Detroit AL | 175 | 100.00% | 47 | 100.00% |
| Dora AL | 1,830 | 100.00% | 326 | 100.00% |
| Eldridge AL | 130 | 100.00% | 4 | 100.00% |
| Fayette AL | 2,942 | 100.00% | 1,066 | 100.00% |
| Glen Allen AL | 307 | 85.99% | 29 | 100.00% |
| Graysville AL | 8 | 0.63% | 1 | 0.19% |
| Gu-Win AL | 0 | 0.00% | 0 | 0.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|-------------------------|---------------|---------------|---------------|---------------|
| Jasper AL | 11,225 | 100.00% | 1,905 | 100.00% |
| Kansas AL | 168 | 100.00% | 3 | 100.00% |
| Kennedy AL | 354 | 100.00% | 72 | 100.00% |
| Millport AL | 662 | 100.00% | 299 | 100.00% |
| Nauvoo AL | 176 | 100.00% | 1 | 100.00% |
| Northport AL | 6,018 | 29.84% | 664 | 8.52% |
| Oakman AL | 572 | 100.00% | 156 | 100.00% |
| Parrish AL | 655 | 100.00% | 252 | 100.00% |
| Sipsey AL | 247 | 100.00% | 100 | 100.00% |
| Sulligent AL | 1,468 | 100.00% | 346 | 100.00% |
| Sumiton AL | 2,176 | 100.00% | 113 | 100.00% |
| Sylvan Springs AL | 2 | 0.14% | 0 | 0.00% |
| Tuscaloosa AL | 363 | 0.75% | 25 | 0.06% |
| Vernon AL | 1,513 | 100.00% | 294 | 100.00% |
| West Jefferson AL | 389 | 100.00% | 3 | 100.00% |
| Winfield AL | 673 | 15.80% | 19 | 6.91% |
| Total District 5 | 36,635 | | 6,133 | |
| District 6 | 107,900 | | 18,207 | |
| Athens AL | 11,012 | 62.56% | 3,696 | 85.50% |
| Belgreen AL | 166 | 100.00% | 0 | 0.00% |
| Cherokee AL | 734 | 100.00% | 181 | 100.00% |
| Courtland AL | 281 | 100.00% | 241 | 100.00% |
| Hatton AL | 191 | 100.00% | 0 | 0.00% |
| Hillsboro AL | 49 | 100.00% | 338 | 100.00% |
| Hodges AL | 258 | 100.00% | 1 | 100.00% |
| Leighton AL | 331 | 100.00% | 291 | 100.00% |
| Littleville AL | 941 | 100.00% | 10 | 100.00% |
| Moulton AL | 2,495 | 100.00% | 416 | 100.00% |
| Muscle Shoals AL | 11,893 | 100.00% | 2,818 | 100.00% |
| North Courtland AL | 7 | 100.00% | 464 | 100.00% |
| Phil Campbell AL | 904 | 100.00% | 2 | 100.00% |
| Red Bay AL | 2,896 | 100.00% | 32 | 100.00% |
| Russellville AL | 5,981 | 100.00% | 893 | 100.00% |
| Sheffield AL | 6,250 | 100.00% | 2,362 | 100.00% |
| Spruce Pine AL | 179 | 100.00% | 3 | 100.00% |
| Town Creek AL | 584 | 100.00% | 344 | 100.00% |
| Trinity AL | 1 | 0.05% | 0 | 0.00% |
| Tuscumbia AL | 6,421 | 100.00% | 2,012 | 100.00% |
| Vina AL | 311 | 100.00% | 3 | 100.00% |
| Total District 6 | 51,885 | | 14,107 | |
| District 7 | 98,153 | | 33,995 | |
| Gurley AL | 646 | 100.00% | 71 | 100.00% |
| Hazel Green AL | 2,812 | 84.62% | 311 | 86.15% |
| Huntsville AL | 71,104 | 58.44% | 28,951 | 45.89% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|-------------------------|----------------|---------------|---------------|---------------|
| Meridianville AL | 5,091 | 98.02% | 2,049 | 98.84% |
| Moores Mill AL | 1,063 | 23.79% | 235 | 16.24% |
| Owens Cross Roads AL | 118 | 5.79% | 6 | 2.97% |
| Total District 7 | 80,834 | | 31,623 | |
| District 8 | 117,795 | | 12,006 | |
| Bridgeport AL | 1,863 | 100.00% | 191 | 100.00% |
| Collinsville AL | 0 | 0.00% | 0 | 0.00% |
| Dutton AL | 304 | 100.00% | 0 | 0.00% |
| Fort Payne AL | 10,192 | 100.00% | 508 | 100.00% |
| Fyffe AL | 823 | 96.71% | 11 | 100.00% |
| Gurley AL | 0 | 0.00% | 0 | 0.00% |
| Hammondville AL | 396 | 100.00% | 3 | 100.00% |
| Hazel Green AL | 511 | 15.38% | 50 | 13.85% |
| Henagar AL | 2,063 | 100.00% | 6 | 100.00% |
| Hollywood AL | 687 | 100.00% | 140 | 100.00% |
| Huntsville AL | 2,457 | 2.02% | 4,332 | 6.87% |
| Hytov AL | 386 | 100.00% | 1 | 100.00% |
| Ider AL | 673 | 100.00% | 3 | 100.00% |
| Langston AL | 241 | 100.00% | 5 | 100.00% |
| Mentone AL | 294 | 100.00% | 2 | 100.00% |
| Meridianville AL | 103 | 1.98% | 24 | 1.16% |
| Moores Mill AL | 3,405 | 76.21% | 1,212 | 83.76% |
| New Market AL | 1,233 | 100.00% | 96 | 100.00% |
| Paint Rock AL | 165 | 100.00% | 0 | 0.00% |
| Pine Ridge AL | 191 | 100.00% | 2 | 100.00% |
| Pisgah AL | 614 | 100.00% | 5 | 100.00% |
| Pleasant Groves AL | 392 | 100.00% | 0 | 0.00% |
| Powell AL | 750 | 100.00% | 40 | 100.00% |
| Rainsville AL | 4,886 | 100.00% | 30 | 100.00% |
| Scottsboro AL | 13,115 | 100.00% | 766 | 100.00% |
| Section AL | 683 | 100.00% | 5 | 100.00% |
| Shiloh AL | 279 | 100.00% | 5 | 100.00% |
| Skyline AL | 692 | 100.00% | 3 | 100.00% |
| Stevenson AL | 1,423 | 100.00% | 262 | 100.00% |
| Sylvania AL | 1,505 | 100.00% | 9 | 100.00% |
| Valley Head AL | 524 | 100.00% | 8 | 100.00% |
| Woodville AL | 701 | 100.00% | 4 | 100.00% |
| Total District 8 | 51,551 | | 7,723 | |
| District 9 | 115,046 | | 8,027 | |
| Albertville AL | 13,830 | 100.00% | 1,095 | 100.00% |
| Altoona AL | 0 | 0.00% | 0 | 0.00% |
| Arab AL | 7,710 | 99.77% | 39 | 97.50% |
| Blountsville AL | 1,258 | 92.50% | 10 | 90.91% |
| Boaz AL | 6,456 | 86.68% | 215 | 97.73% |

Census Place by District and by County

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| | White | % of District | Black | % of District |
|-------------------------|----------------|---------------|---------------|---------------|
| Douglas AL | 675 | 100.00% | 3 | 100.00% |
| Grant AL | 979 | 100.00% | 4 | 100.00% |
| Guntersville AL | 7,042 | 100.00% | 758 | 100.00% |
| Huntsville AL | 20,096 | 16.52% | 5,051 | 8.01% |
| Joppa AL | 115 | 24.84% | 1 | 100.00% |
| New Hope AL | 2,582 | 100.00% | 38 | 100.00% |
| Owens Cross Roads AL | 1,919 | 94.21% | 196 | 97.03% |
| Redstone Arsenal AL | 486 | 100.00% | 225 | 100.00% |
| Sardis City AL | 4 | 0.24% | 0 | 0.00% |
| Snead AL | 889 | 100.00% | 6 | 100.00% |
| Susan Moore AL | 666 | 100.00% | 6 | 100.00% |
| Union Grove AL | 66 | 100.00% | 0 | 0.00% |
| Total District 9 | 64,773 | | 7,647 | |
| District 10 | 117,298 | | 16,384 | |
| Altoona AL | 835 | 95.54% | 15 | 100.00% |
| Attalla AL | 4,418 | 100.00% | 780 | 100.00% |
| Ballplay AL | 1,339 | 100.00% | 4 | 100.00% |
| Boaz AL | 992 | 13.32% | 5 | 2.27% |
| Bristow Cove AL | 564 | 100.00% | 0 | 0.00% |
| Broomtown AL | 156 | 100.00% | 1 | 100.00% |
| Carlisle-Rockledge AL | 1,908 | 100.00% | 29 | 100.00% |
| Cedar Bluff AL | 1,596 | 100.00% | 140 | 100.00% |
| Centre AL | 3,101 | 100.00% | 259 | 100.00% |
| Coats Bend AL | 1,079 | 100.00% | 141 | 100.00% |
| Collinsville AL | 1,168 | 100.00% | 144 | 100.00% |
| Crossville AL | 1,545 | 100.00% | 6 | 100.00% |
| Egypt AL | 760 | 100.00% | 4 | 100.00% |
| Fyffe AL | 28 | 3.29% | 0 | 0.00% |
| Gadsden AL | 17,543 | 100.00% | 12,110 | 100.00% |
| Gallant AL | 822 | 100.00% | 2 | 100.00% |
| Gaylesville AL | 159 | 100.00% | 0 | 0.00% |
| Geraldine AL | 841 | 100.00% | 4 | 100.00% |
| Glencoe AL | 4,863 | 99.69% | 157 | 100.00% |
| Hokes Bluff AL | 4,188 | 100.00% | 57 | 100.00% |
| Ivalee AL | 890 | 100.00% | 11 | 100.00% |
| Lakeview AL | 135 | 100.00% | 1 | 100.00% |
| Leesburg AL | 839 | 100.00% | 11 | 100.00% |
| Lookout Mountain AL | 1,369 | 100.00% | 12 | 100.00% |
| New Union AL | 900 | 100.00% | 5 | 100.00% |
| Piedmont AL | 0 | 0.00% | 0 | 0.00% |
| Rainbow City AL | 8,046 | 100.00% | 1,124 | 100.00% |
| Reece City AL | 550 | 100.00% | 13 | 100.00% |
| Ridgeville AL | 19 | 100.00% | 49 | 100.00% |
| Sand Rock AL | 568 | 100.00% | 1 | 100.00% |
| Sardis City AL | 1,673 | 99.76% | 3 | 100.00% |

Census Place by District and by County

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| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| Southside AL | 8,433 | 98.26% | 214 | 93.04% |
| Spring Garden AL | 199 | 100.00% | 9 | 100.00% |
| Tidmore Bend AL | 985 | 100.00% | 50 | 100.00% |
| Walnut Grove AL | 729 | 100.00% | 1 | 100.00% |
| Whitesboro AL | 1,961 | 100.00% | 17 | 100.00% |
| Total District 10 | 75,201 | | 15,379 | |
| District 11 | 108,122 | | 29,242 | |
| Argo AL | 3,679 | 98.63% | 317 | 98.45% |
| Bon Air AL | 118 | 100.00% | 41 | 100.00% |
| Calera AL | 4,689 | 49.74% | 2,749 | 52.59% |
| Chelsea AL | 193 | 1.60% | 22 | 1.59% |
| Childersburg AL | 2,615 | 100.00% | 1,936 | 100.00% |
| Columbiana AL | 3,175 | 100.00% | 1,003 | 100.00% |
| Fayetteville AL | 574 | 42.30% | 5 | 35.71% |
| Leeds AL | 1,750 | 19.48% | 148 | 7.76% |
| Lincoln AL | 4,748 | 100.00% | 1,734 | 100.00% |
| Margaret AL | 3,678 | 100.00% | 1,025 | 100.00% |
| Mignon AL | 4 | 0.55% | 2 | 0.59% |
| Moody AL | 10,666 | 100.00% | 1,345 | 100.00% |
| Oak Grove AL | 443 | 100.00% | 92 | 100.00% |
| Odenville AL | 4,059 | 100.00% | 459 | 100.00% |
| Oxford AL | 48 | 0.31% | 1 | 0.03% |
| Pell City AL | 10,060 | 100.00% | 2,019 | 100.00% |
| Ragland AL | 0 | 0.00% | 0 | 0.00% |
| Riverside AL | 1,820 | 100.00% | 257 | 100.00% |
| Shelby AL | 811 | 100.00% | 63 | 100.00% |
| Springville AL | 4,348 | 100.00% | 205 | 100.00% |
| Sylacauga AL | 677 | 9.01% | 324 | 7.49% |
| Talladega AL | 6,750 | 99.81% | 8,274 | 100.00% |
| Trussville AL | 65 | 0.30% | 22 | 0.76% |
| Vincent AL | 0 | 0.00% | 0 | 0.00% |
| Wilsonville AL | 1,635 | 100.00% | 85 | 100.00% |
| Total District 11 | 66,605 | | 22,128 | |
| District 12 | 103,388 | | 34,321 | |
| Alexandria AL | 3,405 | 100.00% | 410 | 100.00% |
| Anniston AL | 9,163 | 100.00% | 10,643 | 100.00% |
| Childersburg AL | 0 | 0.00% | 0 | 0.00% |
| Choccolocco AL | 2,421 | 100.00% | 203 | 100.00% |
| Fayetteville AL | 783 | 57.70% | 9 | 64.29% |
| Glencoe AL | 15 | 0.31% | 0 | 0.00% |
| Hobson City AL | 103 | 100.00% | 612 | 100.00% |
| Jacksonville AL | 7,946 | 100.00% | 5,123 | 100.00% |
| Mignon AL | 729 | 99.45% | 339 | 99.41% |
| Munford AL | 1,092 | 100.00% | 191 | 100.00% |

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|--------------------------|----------------|---------------|---------------|---------------|
| Nances Creek AL | 388 | 100.00% | 2 | 100.00% |
| Ohatchee AL | 1,061 | 100.00% | 36 | 100.00% |
| Oxford AL | 15,606 | 99.69% | 3,663 | 99.97% |
| Piedmont AL | 4,020 | 100.00% | 453 | 100.00% |
| Saks AL | 6,594 | 100.00% | 2,366 | 100.00% |
| Southside AL | 149 | 1.74% | 16 | 6.96% |
| Sylacauga AL | 6,836 | 90.99% | 3,999 | 92.51% |
| Talladega AL | 13 | 0.19% | 0 | 0.00% |
| Talladega Springs AL | 130 | 100.00% | 11 | 100.00% |
| Waldo AL | 160 | 100.00% | 91 | 100.00% |
| Weaver AL | 2,546 | 100.00% | 462 | 100.00% |
| West End-Cobb Town AL | 2,248 | 100.00% | 615 | 100.00% |
| White Plains AL | 803 | 100.00% | 25 | 100.00% |
| Total District 12 | 66,211 | | 29,269 | |
| District 13 | 103,758 | | 34,198 | |
| Abanda AL | 95 | 100.00% | 34 | 100.00% |
| Ashland AL | 1,321 | 100.00% | 506 | 100.00% |
| Cusseta AL | 117 | 100.00% | 19 | 100.00% |
| Delta AL | 242 | 100.00% | 8 | 100.00% |
| Edwardsville AL | 191 | 100.00% | 2 | 100.00% |
| Five Points AL | 53 | 100.00% | 60 | 100.00% |
| Fredonia AL | 175 | 100.00% | 17 | 100.00% |
| Fruithurst AL | 230 | 100.00% | 1 | 100.00% |
| Graham AL | 161 | 100.00% | 21 | 100.00% |
| Heflin AL | 2,942 | 100.00% | 306 | 100.00% |
| Hollins AL | 466 | 100.00% | 28 | 100.00% |
| Hollis Crossroads AL | 544 | 100.00% | 46 | 100.00% |
| Huguley AL | 1,653 | 100.00% | 685 | 100.00% |
| La Fayette AL | 726 | 100.00% | 1,866 | 100.00% |
| Lanett AL | 2,216 | 100.00% | 4,120 | 100.00% |
| Lineville AL | 1,436 | 100.00% | 826 | 100.00% |
| Millerville AL | 288 | 100.00% | 8 | 100.00% |
| Morrison Crossroads AL | 199 | 100.00% | 4 | 100.00% |
| Opelika AL | 5,143 | 34.00% | 5,523 | 45.98% |
| Penton AL | 138 | 100.00% | 19 | 100.00% |
| Phenix City AL | 4,185 | 25.89% | 1,742 | 9.15% |
| Ranburne AL | 391 | 100.00% | 3 | 100.00% |
| Roanoke AL | 2,876 | 100.00% | 2,137 | 100.00% |
| Rock Mills AL | 551 | 100.00% | 12 | 100.00% |
| Smiths Station AL | 3,966 | 100.00% | 1,005 | 100.00% |
| Standing Rock AL | 124 | 100.00% | 1 | 100.00% |
| Valley AL | 5,797 | 100.00% | 3,754 | 100.00% |
| Wadley AL | 383 | 100.00% | 224 | 100.00% |
| Waverly AL | 89 | 63.57% | 7 | 50.00% |
| Wedowee AL | 505 | 100.00% | 181 | 100.00% |

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|--------------------------|---------------|---------------|---------------|---------------|
| Woodland AL | 205 | 100.00% | 5 | 100.00% |
| Total District 13 | 37,408 | | 23,170 | |
| District 14 | 101,477 | | 20,907 | |
| Alabaster AL | 22,323 | 100.00% | 5,356 | 100.00% |
| Brantleyville AL | 634 | 100.00% | 44 | 100.00% |
| Brent AL | 1,523 | 100.00% | 1,292 | 100.00% |
| Calera AL | 4,738 | 50.26% | 2,478 | 47.41% |
| Centreville AL | 1,944 | 100.00% | 685 | 100.00% |
| Clanton AL | 3,501 | 56.41% | 631 | 38.64% |
| Columbiana AL | 0 | 0.00% | 0 | 0.00% |
| Helena AL | 14,296 | 93.19% | 2,110 | 62.08% |
| Hoover AL | 2,605 | 4.09% | 484 | 3.10% |
| Jemison AL | 1,965 | 100.00% | 402 | 100.00% |
| Montevallo AL | 4,525 | 100.00% | 1,652 | 100.00% |
| Pea Ridge AL | 735 | 100.00% | 9 | 100.00% |
| Pelham AL | 6,832 | 41.78% | 1,751 | 56.10% |
| Thorsby AL | 1,733 | 100.00% | 112 | 100.00% |
| Vance AL | 62 | 4.01% | 3 | 0.86% |
| West Blocton AL | 975 | 100.00% | 162 | 100.00% |
| Wilton AL | 380 | 100.00% | 133 | 100.00% |
| Woodstock AL | 1,221 | 91.53% | 37 | 94.87% |
| Total District 14 | 69,992 | | 17,341 | |
| District 15 | 111,571 | | 11,811 | |
| Alabaster AL | 0 | 0.00% | 0 | 0.00% |
| Birmingham AL | 6,943 | 14.71% | 1,304 | 0.95% |
| Brook Highland AL | 2,864 | 59.92% | 452 | 31.79% |
| Chelsea AL | 11,900 | 98.40% | 1,360 | 98.41% |
| Dunnavant AL | 859 | 100.00% | 14 | 100.00% |
| Eagle Point AL | 2,477 | 100.00% | 111 | 100.00% |
| Harpersville AL | 1,212 | 100.00% | 304 | 100.00% |
| Highland Lakes AL | 4,467 | 100.00% | 384 | 100.00% |
| Homewood AL | 2,302 | 12.47% | 63 | 1.20% |
| Hoover AL | 6,588 | 10.35% | 494 | 3.16% |
| Irondale AL | 2,046 | 26.80% | 313 | 7.70% |
| Leeds AL | 7,232 | 80.52% | 1,759 | 92.24% |
| Meadowbrook AL | 1,747 | 21.62% | 80 | 12.21% |
| Mountain Brook AL | 20,431 | 95.75% | 91 | 94.79% |
| Pelham AL | 8,182 | 50.04% | 1,263 | 40.47% |
| Shoal Creek AL | 1,498 | 100.00% | 59 | 100.00% |
| Sterrett AL | 655 | 100.00% | 20 | 100.00% |
| Trussville AL | 4,550 | 21.35% | 899 | 31.18% |
| Vandiver AL | 991 | 100.00% | 31 | 100.00% |
| Vestavia Hills AL | 10,854 | 33.09% | 479 | 26.00% |
| Vincent AL | 1,505 | 100.00% | 392 | 100.00% |

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|---------------------------|----------------|------------------|---------------|------------------|
| Westover AL | 1,490 | 100.00% | 95 | 100.00% |
| Wilsonville AL | 0 | 0.00% | 0 | 0.00% |
| Total District 15 | 100,793 | | 9,967 | |
| District 16 | 103,023 | | 22,017 | |
| Bessemer AL | 8 | 0.16% | 0 | 0.00% |
| Birmingham AL | 766 | 1.62% | 327 | 0.24% |
| Brook Highland AL | 1,916 | 40.08% | 970 | 68.21% |
| Homewood AL | 7,097 | 38.46% | 3,072 | 58.57% |
| Hoover AL | 49,618 | 77.94% | 13,359 | 85.52% |
| Indian Springs Village AL | 2,270 | 100.00% | 32 | 100.00% |
| Meadowbrook AL | 6,332 | 78.38% | 575 | 87.79% |
| Mountain Brook AL | 58 | 0.27% | 0 | 0.00% |
| Pelham AL | 1,337 | 8.18% | 107 | 3.43% |
| Vestavia Hills AL | 21,947 | 66.91% | 1,363 | 74.00% |
| Total District 16 | 91,349 | | 19,805 | |
| District 17 | 114,303 | | 10,495 | |
| Allgood AL | 262 | 100.00% | 7 | 100.00% |
| Altoona AL | 39 | 4.46% | 0 | 0.00% |
| Argo AL | 51 | 1.37% | 5 | 1.55% |
| Ashville AL | 1,689 | 100.00% | 407 | 100.00% |
| Birmingham AL | 0 | 0.00% | 0 | 0.00% |
| Blountsville AL | 102 | 7.50% | 1 | 9.09% |
| Clay AL | 3,790 | 67.57% | 1,709 | 45.09% |
| Cleveland AL | 972 | 100.00% | 5 | 100.00% |
| County Line AL | 274 | 100.00% | 4 | 100.00% |
| Fultondale AL | 0 | 0.00% | 0 | 0.00% |
| Garden City AL | 0 | 0.00% | 0 | 0.00% |
| Gardendale AL | 12,204 | 98.94% | 2,355 | 97.76% |
| Graysville AL | 1 | 0.08% | 0 | 0.00% |
| Hayden AL | 1,226 | 100.00% | 19 | 100.00% |
| Highland Lake AL | 396 | 100.00% | 0 | 0.00% |
| Irondale AL | 145 | 1.90% | 421 | 10.36% |
| Kimberly AL | 3,395 | 100.00% | 235 | 100.00% |
| Locust Fork AL | 1,099 | 100.00% | 10 | 100.00% |
| Morris AL | 2,104 | 100.00% | 45 | 100.00% |
| Mount Olive AL | 4,055 | 100.00% | 120 | 100.00% |
| Nectar AL | 347 | 100.00% | 0 | 0.00% |
| Odenville AL | 0 | 0.00% | 0 | 0.00% |
| Oneonta AL | 5,165 | 100.00% | 416 | 100.00% |
| Pinson AL | 1,241 | 30.59% | 416 | 17.43% |
| Ragland AL | 1,388 | 100.00% | 180 | 100.00% |
| Remlap AL | 2,337 | 100.00% | 38 | 100.00% |
| Rosa AL | 338 | 100.00% | 4 | 100.00% |
| Smoke Rise AL | 1,575 | 100.00% | 4 | 100.00% |

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|--------------------------|---------------|------------------|---------------|------------------|
| Steele AL | 897 | 100.00% | 4 | 100.00% |
| Trafford AL | 501 | 100.00% | 60 | 100.00% |
| Trussville AL | 16,695 | 78.34% | 1,959 | 67.95% |
| Warrior AL | 2,547 | 100.00% | 466 | 100.00% |
| Total District 17 | 64,835 | | 8,890 | |
| District 18 | 47,899 | | 76,769 | |
| Bessemer AL | 0 | 0.00% | 0 | 0.00% |
| Birmingham AL | 32,187 | 68.18% | 73,430 | 53.48% |
| Homewood AL | 9,054 | 49.07% | 2,110 | 40.23% |
| Hoover AL | 4,348 | 6.83% | 978 | 6.26% |
| Irondale AL | 947 | 12.41% | 200 | 4.92% |
| Mountain Brook AL | 848 | 3.97% | 5 | 5.21% |
| Total District 18 | 47,384 | | 76,723 | |
| District 19 | 46,448 | | 79,429 | |
| Adamsville AL | 1,718 | 98.68% | 2,295 | 99.22% |
| Bessemer AL | 5,131 | 99.84% | 18,185 | 100.00% |
| Birmingham AL | 632 | 1.34% | 15,415 | 11.23% |
| Brighton AL | 126 | 100.00% | 1,810 | 100.00% |
| Brookside AL | 893 | 100.00% | 267 | 100.00% |
| Cardiff AL | 50 | 100.00% | 0 | 0.00% |
| Concord AL | 1,555 | 100.00% | 37 | 100.00% |
| Edgewater AL | 183 | 100.00% | 521 | 100.00% |
| Fairfield AL | 231 | 100.00% | 9,503 | 100.00% |
| Forestdale AL | 401 | 23.46% | 790 | 9.62% |
| Gardendale AL | 43 | 0.35% | 9 | 0.37% |
| Graysville AL | 1,269 | 99.30% | 539 | 99.81% |
| Helena AL | 1,045 | 6.81% | 1,289 | 37.92% |
| Hoover AL | 505 | 0.79% | 306 | 1.96% |
| Hueytown AL | 8,810 | 100.00% | 6,513 | 100.00% |
| Lake View AL | 81 | 3.07% | 211 | 30.10% |
| Lipscomb AL | 304 | 100.00% | 1,291 | 100.00% |
| Maytown AL | 260 | 100.00% | 30 | 100.00% |
| McCalla AL | 7,386 | 100.00% | 4,608 | 100.00% |
| McDonald Chapel AL | 253 | 100.00% | 363 | 100.00% |
| Midfield AL | 463 | 100.00% | 4,399 | 100.00% |
| Minor AL | 603 | 100.00% | 358 | 100.00% |
| Mulga AL | 647 | 100.00% | 104 | 100.00% |
| North Johns AL | 70 | 100.00% | 50 | 100.00% |
| Pleasant Grove AL | 3,272 | 100.00% | 5,923 | 100.00% |
| Rock Creek AL | 1,352 | 100.00% | 32 | 100.00% |
| Sylvan Springs AL | 1,474 | 99.86% | 49 | 100.00% |
| Total District 19 | 38,757 | | 74,897 | |
| District 20 | 33,843 | | 91,707 | |

Census Place by District and by County

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| | White | % of District | Black | % of District |
|--------------------------|---------------|--------------------------|---------------|--------------------------|
| Adamsville AL | 7 | 0.40% | 18 | 0.78% |
| Birmingham AL | 6,653 | 14.09% | 46,820 | 34.10% |
| Brookside AL | 0 | 0.00% | 0 | 0.00% |
| Center Point AL | 2,921 | 100.00% | 12,184 | 100.00% |
| Clay AL | 1,819 | 32.43% | 2,081 | 54.91% |
| Forestdale AL | 1,308 | 76.54% | 7,418 | 90.38% |
| Fultondale AL | 4,990 | 100.00% | 3,145 | 100.00% |
| Gardendale AL | 88 | 0.71% | 45 | 1.87% |
| Grayson Valley AL | 2,306 | 100.00% | 3,131 | 100.00% |
| Irondale AL | 4,495 | 58.89% | 3,130 | 77.02% |
| Pinson AL | 2,816 | 69.41% | 1,971 | 82.57% |
| Tarrant AL | 1,659 | 100.00% | 3,111 | 100.00% |
| Trussville AL | 2 | 0.01% | 3 | 0.10% |
| Total District 20 | 29,064 | | 83,057 | |
| District 21 | 95,839 | | 32,565 | |
| Aliceville AL | 425 | 100.00% | 1,691 | 100.00% |
| Brookwood AL | 2,104 | 100.00% | 240 | 100.00% |
| Carrollton AL | 479 | 100.00% | 401 | 100.00% |
| Coaling AL | 1,521 | 100.00% | 306 | 100.00% |
| Coker AL | 643 | 77.66% | 13 | 59.09% |
| Cottondale AL | 1,517 | 92.84% | 554 | 52.61% |
| Ethelsville AL | 42 | 100.00% | 4 | 100.00% |
| Gordo AL | 887 | 100.00% | 643 | 100.00% |
| Holt AL | 930 | 93.94% | 1,734 | 97.03% |
| Lake View AL | 2,560 | 96.93% | 490 | 69.90% |
| Macedonia AL | 25 | 100.00% | 210 | 100.00% |
| McMullen AL | 0 | 0.00% | 28 | 100.00% |
| Memphis AL | 3 | 100.00% | 24 | 100.00% |
| Northport AL | 14,152 | 70.16% | 7,125 | 91.48% |
| Pickensville AL | 206 | 100.00% | 342 | 100.00% |
| Reform AL | 658 | 100.00% | 785 | 100.00% |
| Tuscaloosa AL | 36,217 | 74.73% | 11,056 | 26.94% |
| Vance AL | 1,485 | 95.99% | 346 | 99.14% |
| Woodstock AL | 113 | 8.47% | 2 | 5.13% |
| Total District 21 | 63,967 | | 25,994 | |
| District 22 | 98,837 | | 24,044 | |
| Atmore AL | 3,217 | 100.00% | 4,575 | 100.00% |
| Bay Minette AL | 4,590 | 100.00% | 2,871 | 100.00% |
| Brewton AL | 2,818 | 100.00% | 2,152 | 100.00% |
| Calvert AL | 156 | 100.00% | 62 | 100.00% |
| Chatom AL | 724 | 100.00% | 314 | 100.00% |
| Chickasaw AL | 2,269 | 71.13% | 1,521 | 54.75% |
| Creola AL | 0 | 0.00% | 0 | 0.00% |
| Cullomburg AL | 17 | 26.15% | 2 | 3.85% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| Deer Park AL | 50 | 100.00% | 79 | 100.00% |
| East Brewton AL | 1,533 | 100.00% | 556 | 100.00% |
| Elberta AL | 1,360 | 78.03% | 31 | 86.11% |
| Fairford AL | 87 | 100.00% | 12 | 100.00% |
| Flomaton AL | 960 | 100.00% | 381 | 100.00% |
| Foley AL | 334 | 2.19% | 9 | 0.38% |
| Fruitdale AL | 123 | 100.00% | 31 | 100.00% |
| Hobson AL | 100 | 100.00% | 0 | 0.00% |
| Leroy AL | 580 | 100.00% | 160 | 100.00% |
| Lillian AL | 1,192 | 100.00% | 17 | 100.00% |
| Loxley AL | 1,519 | 53.56% | 226 | 57.95% |
| Malcolm AL | 57 | 100.00% | 63 | 100.00% |
| McIntosh AL | 65 | 100.00% | 120 | 100.00% |
| Millry AL | 281 | 100.00% | 151 | 100.00% |
| Mobile AL | 0 | 0.00% | 0 | 0.00% |
| Mount Vernon AL | 52 | 18.12% | 570 | 56.60% |
| Movico AL | 3 | 14.29% | 20 | 8.16% |
| Perdido AL | 604 | 100.00% | 50 | 100.00% |
| Pollard AL | 85 | 100.00% | 24 | 100.00% |
| Riverview AL | 145 | 100.00% | 5 | 100.00% |
| Robertsdale AL | 5,389 | 100.00% | 518 | 100.00% |
| Saraland AL | 3,740 | 30.03% | 543 | 23.82% |
| Satsuma AL | 5,705 | 99.18% | 525 | 99.24% |
| Silverhill AL | 668 | 99.70% | 15 | 100.00% |
| Sims Chapel AL | 102 | 100.00% | 1 | 100.00% |
| Spanish Fort AL | 19 | 0.23% | 1 | 0.16% |
| St. Stephens AL | 280 | 100.00% | 126 | 100.00% |
| Stapleton AL | 1,958 | 100.00% | 44 | 100.00% |
| Stockton AL | 491 | 100.00% | 37 | 100.00% |
| Summerdale AL | 1,113 | 88.12% | 47 | 85.45% |
| Tibbie AL | 48 | 100.00% | 0 | 0.00% |
| Vinegar Bend AL | 21 | 100.00% | 144 | 100.00% |
| Total District 22 | 42,455 | | 16,003 | |
| District 23 | 56,550 | | 79,598 | |
| Beatrice AL | 61 | 100.00% | 136 | 100.00% |
| Benton AL | 39 | 100.00% | 0 | 0.00% |
| Boykin AL | 5 | 100.00% | 197 | 100.00% |
| Camden AL | 726 | 100.00% | 1,146 | 100.00% |
| Carlton AL | 23 | 100.00% | 16 | 100.00% |
| Castleberry AL | 297 | 100.00% | 168 | 100.00% |
| Catherine AL | 22 | 100.00% | 42 | 100.00% |
| Coffeeville AL | 117 | 100.00% | 126 | 100.00% |
| Evergreen AL | 1,192 | 100.00% | 2,098 | 100.00% |
| Excel AL | 454 | 100.00% | 47 | 100.00% |
| Fort Deposit AL | 245 | 100.00% | 948 | 100.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| Frisco City AL | 486 | 100.00% | 607 | 100.00% |
| Fulton AL | 193 | 100.00% | 24 | 100.00% |
| Georgiana AL | 325 | 100.00% | 965 | 100.00% |
| Gordonville AL | 1 | 100.00% | 232 | 100.00% |
| Greenville AL | 2,644 | 100.00% | 4,315 | 100.00% |
| Grove Hill AL | 945 | 100.00% | 791 | 100.00% |
| Hayneville AL | 126 | 100.00% | 700 | 100.00% |
| Jackson AL | 2,394 | 100.00% | 2,160 | 100.00% |
| Lowndesboro AL | 73 | 100.00% | 12 | 100.00% |
| Marion AL | 873 | 100.00% | 2,192 | 100.00% |
| McKenzie AL | 349 | 100.00% | 133 | 100.00% |
| Megargel AL | 52 | 100.00% | 2 | 100.00% |
| Monroeville AL | 2,165 | 100.00% | 3,550 | 100.00% |
| Mosses AL | 8 | 100.00% | 809 | 100.00% |
| Oak Hill AL | 7 | 100.00% | 6 | 100.00% |
| Orrville AL | 60 | 100.00% | 76 | 100.00% |
| Peterman AL | 70 | 100.00% | 9 | 100.00% |
| Pine Apple AL | 91 | 100.00% | 45 | 100.00% |
| Pine Hill AL | 323 | 100.00% | 410 | 100.00% |
| Repton AL | 113 | 100.00% | 112 | 100.00% |
| Rockville AL | 41 | 100.00% | 5 | 100.00% |
| Selma AL | 2,593 | 100.00% | 14,806 | 100.00% |
| Selmont-West Selmont AL | 66 | 100.00% | 2,046 | 100.00% |
| Thomasville AL | 1,585 | 100.00% | 1,945 | 100.00% |
| Uniontown AL | 162 | 100.00% | 1,914 | 100.00% |
| Uriah AL | 198 | 100.00% | 41 | 100.00% |
| Valley Grande AL | 2,773 | 100.00% | 1,272 | 100.00% |
| Vredenburgh AL | 16 | 100.00% | 206 | 100.00% |
| Whatley AL | 100 | 100.00% | 57 | 100.00% |
| White Hall AL | 22 | 100.00% | 766 | 100.00% |
| Yellow Bluff AL | 3 | 100.00% | 205 | 100.00% |
| Total District 23 | 22,038 | | 45,337 | |
| District 24 | 52,550 | | 81,611 | |
| Akron AL | 19 | 100.00% | 199 | 100.00% |
| Bellamy AL | 32 | 100.00% | 323 | 100.00% |
| Boligee AL | 26 | 100.00% | 270 | 100.00% |
| Butler AL | 1,194 | 100.00% | 594 | 100.00% |
| Cottondale AL | 117 | 7.16% | 499 | 47.39% |
| Cuba AL | 266 | 100.00% | 34 | 100.00% |
| Cullomburg AL | 48 | 73.85% | 50 | 96.15% |
| Dayton AL | 10 | 100.00% | 18 | 100.00% |
| Demopolis AL | 2,931 | 100.00% | 3,890 | 100.00% |
| Emelle AL | 3 | 100.00% | 26 | 100.00% |
| Epes AL | 11 | 100.00% | 259 | 100.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| Eutaw AL | 448 | 100.00% | 2,416 | 100.00% |
| Faunsdale AL | 60 | 100.00% | 22 | 100.00% |
| Forkland AL | 44 | 100.00% | 391 | 100.00% |
| Gainesville AL | 32 | 100.00% | 139 | 100.00% |
| Geiger AL | 27 | 100.00% | 110 | 100.00% |
| Gilbertown AL | 656 | 100.00% | 61 | 100.00% |
| Greensboro AL | 649 | 100.00% | 1,505 | 100.00% |
| Holt AL | 60 | 6.06% | 53 | 2.97% |
| Linden AL | 838 | 100.00% | 1,036 | 100.00% |
| Lisman AL | 16 | 100.00% | 393 | 100.00% |
| Livingston AL | 1,202 | 100.00% | 2,034 | 100.00% |
| Moundville AL | 1,444 | 100.00% | 1,453 | 100.00% |
| Myrtlewood AL | 62 | 100.00% | 5 | 100.00% |
| Nanafalia AL | 36 | 100.00% | 35 | 100.00% |
| Needham AL | 70 | 100.00% | 0 | 0.00% |
| Newbern AL | 42 | 100.00% | 88 | 100.00% |
| Panola AL | 2 | 100.00% | 65 | 100.00% |
| Pennington AL | 116 | 100.00% | 209 | 100.00% |
| Providence AL | 138 | 100.00% | 19 | 100.00% |
| Putnam AL | 42 | 100.00% | 114 | 100.00% |
| Silas AL | 257 | 100.00% | 104 | 100.00% |
| Sweet Water AL | 203 | 100.00% | 9 | 100.00% |
| Thomaston AL | 164 | 100.00% | 159 | 100.00% |
| Toxey AL | 101 | 100.00% | 39 | 100.00% |
| Tuscaloosa AL | 11,883 | 24.52% | 29,965 | 73.00% |
| Union AL | 0 | 0.00% | 176 | 100.00% |
| York AL | 209 | 100.00% | 2,163 | 100.00% |
| Total District 24 | 23,458 | | 48,925 | |
| District 25 | 89,225 | | 43,412 | |
| Blue Ridge AL | 1,323 | 100.00% | 56 | 100.00% |
| Brantley AL | 452 | 100.00% | 343 | 100.00% |
| Dozier AL | 152 | 100.00% | 118 | 100.00% |
| Eclectic AL | 919 | 100.00% | 189 | 100.00% |
| Emerald Mountain AL | 2,525 | 100.00% | 488 | 100.00% |
| Glenwood AL | 98 | 100.00% | 40 | 100.00% |
| Holtville AL | 4,294 | 100.00% | 318 | 100.00% |
| Luverne AL | 1,715 | 100.00% | 861 | 100.00% |
| Montgomery AL | 25,091 | 42.79% | 24,685 | 20.41% |
| Petrey AL | 52 | 100.00% | 8 | 100.00% |
| Pike Road AL | 5,248 | 96.59% | 2,522 | 84.35% |
| Redland AL | 3,866 | 100.00% | 857 | 100.00% |
| Rutledge AL | 223 | 100.00% | 104 | 100.00% |
| Tallassee AL | 2,037 | 61.69% | 851 | 76.39% |
| Wetumpka AL | 4,703 | 100.00% | 1,902 | 100.00% |
| Total District 25 | 52,698 | | 33,342 | |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|---------------|---------------|---------------|
| District 26 | 36,846 | | 98,846 | |
| Montgomery AL | 33,546 | 57.21% | 96,265 | 79.59% |
| Pike Road AL | 185 | 3.41% | 468 | 15.65% |
| Total District 26 | 33,731 | | 96,733 | |
| District 27 | 96,733 | | 32,131 | |
| Alexander City AL | 1,119 | 12.83% | 25 | 0.51% |
| Auburn AL | 48,918 | 100.00% | 14,009 | 100.00% |
| Camp Hill AL | 107 | 100.00% | 875 | 100.00% |
| Dadeville AL | 1,580 | 100.00% | 1,371 | 100.00% |
| Daviston AL | 159 | 100.00% | 8 | 100.00% |
| Goldville AL | 48 | 100.00% | 4 | 100.00% |
| Hackneyville AL | 337 | 100.00% | 0 | 0.00% |
| Jacksons' Gap AL | 507 | 100.00% | 207 | 100.00% |
| Ladonia AL | 2,410 | 100.00% | 429 | 100.00% |
| Loachapoka AL | 102 | 100.00% | 44 | 100.00% |
| New Site AL | 682 | 100.00% | 69 | 100.00% |
| Notasulga AL | 26 | 4.71% | 22 | 6.90% |
| Opelika AL | 9,982 | 66.00% | 6,488 | 54.02% |
| Phenix City AL | 681 | 4.21% | 487 | 2.56% |
| Reeltown AL | 592 | 100.00% | 142 | 100.00% |
| Tallassee AL | 1,265 | 38.31% | 263 | 23.61% |
| Waverly AL | 51 | 36.43% | 7 | 50.00% |
| Total District 27 | 68,566 | | 24,450 | |
| District 28 | 58,053 | | 78,043 | |
| Abbeville AL | 1,165 | 100.00% | 1,039 | 100.00% |
| Bakerhill AL | 133 | 100.00% | 66 | 100.00% |
| Blue Springs AL | 68 | 100.00% | 7 | 100.00% |
| Clayton AL | 780 | 100.00% | 1,427 | 100.00% |
| Clio AL | 348 | 100.00% | 466 | 100.00% |
| Cowarts AL | 19 | 1.26% | 1 | 0.37% |
| Dothan AL | 8,282 | 20.45% | 13,689 | 57.29% |
| Eufaula AL | 5,717 | 100.00% | 6,097 | 100.00% |
| Fitzpatrick AL | 59 | 100.00% | 15 | 100.00% |
| Franklin AL | 98 | 100.00% | 475 | 100.00% |
| Haleburg AL | 108 | 100.00% | 1 | 100.00% |
| Headland AL | 3,552 | 100.00% | 1,173 | 100.00% |
| Hurtsboro AL | 139 | 100.00% | 188 | 100.00% |
| Kinsey AL | 1,027 | 100.00% | 1,027 | 100.00% |
| Louisville AL | 199 | 100.00% | 171 | 100.00% |
| Midway AL | 18 | 100.00% | 395 | 100.00% |
| Newville AL | 268 | 100.00% | 212 | 100.00% |
| Notasulga AL | 526 | 95.29% | 297 | 93.10% |
| Phenix City AL | 11,298 | 69.90% | 16,814 | 88.29% |
| Shorter AL | 85 | 100.00% | 270 | 100.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|----------------|---------------|---------------|---------------|
| Tuskegee AL | 200 | 100.00% | 8,885 | 100.00% |
| Union Springs AL | 357 | 100.00% | 2,550 | 100.00% |
| Webb AL | 930 | 100.00% | 222 | 100.00% |
| Total District 28 | 35,376 | | 55,487 | |
| District 29 | 103,643 | | 24,604 | |
| Ashford AL | 1,663 | 100.00% | 458 | 100.00% |
| Avon AL | 413 | 100.00% | 27 | 100.00% |
| Black AL | 206 | 100.00% | 3 | 100.00% |
| Clayhatchee AL | 413 | 100.00% | 6 | 100.00% |
| Coffee Springs AL | 183 | 100.00% | 0 | 0.00% |
| Columbia AL | 529 | 100.00% | 117 | 100.00% |
| Cottonwood AL | 704 | 100.00% | 278 | 100.00% |
| Cowarts AL | 1,488 | 98.74% | 270 | 99.63% |
| Daleville AL | 2,820 | 100.00% | 1,133 | 100.00% |
| Dothan AL | 32,214 | 79.55% | 10,207 | 42.71% |
| Enterprise AL | 384 | 2.16% | 84 | 1.43% |
| Eunola AL | 251 | 100.00% | 17 | 100.00% |
| Fort Rucker AL | 423 | 13.26% | 44 | 12.79% |
| Geneva AL | 3,286 | 100.00% | 603 | 100.00% |
| Gordon AL | 88 | 100.00% | 192 | 100.00% |
| Grimes AL | 308 | 100.00% | 214 | 100.00% |
| Hartford AL | 1,939 | 100.00% | 458 | 100.00% |
| Level Plains AL | 1,219 | 100.00% | 293 | 100.00% |
| Madrid AL | 228 | 100.00% | 19 | 100.00% |
| Malvern AL | 1,323 | 100.00% | 82 | 100.00% |
| Midland City AL | 1,201 | 100.00% | 838 | 100.00% |
| Napier Field AL | 299 | 100.00% | 69 | 100.00% |
| Newton AL | 1,300 | 100.00% | 184 | 100.00% |
| Ozark AL | 7,067 | 85.21% | 4,459 | 92.84% |
| Pinckard AL | 481 | 100.00% | 65 | 100.00% |
| Rehobeth AL | 1,550 | 100.00% | 100 | 100.00% |
| Samson AL | 1,317 | 100.00% | 300 | 100.00% |
| Slocumb AL | 1,499 | 100.00% | 348 | 100.00% |
| Taylor AL | 1,878 | 100.00% | 207 | 100.00% |
| Total District 29 | 66,674 | | 21,075 | |
| District 30 | 93,388 | | 31,847 | |
| Alexander City AL | 7,605 | 87.17% | 4,886 | 99.49% |
| Autaugaville AL | 225 | 100.00% | 531 | 100.00% |
| Billingsley AL | 103 | 100.00% | 19 | 100.00% |
| Clanton AL | 2,705 | 43.59% | 1,002 | 61.36% |
| Coosada AL | 700 | 100.00% | 446 | 100.00% |
| Deatsville AL | 1,116 | 100.00% | 419 | 100.00% |
| Elmore AL | 786 | 100.00% | 359 | 100.00% |
| Equality AL | 123 | 100.00% | 16 | 100.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|------------------|---------------|------------------|
| Goodwater AL | 273 | 100.00% | 972 | 100.00% |
| Hanover AL | 139 | 100.00% | 1 | 100.00% |
| Hissop AL | 46 | 100.00% | 156 | 100.00% |
| Kellyton AL | 100 | 100.00% | 9 | 100.00% |
| Maplesville AL | 444 | 100.00% | 154 | 100.00% |
| Marbury AL | 1,255 | 100.00% | 42 | 100.00% |
| Millbrook AL | 10,819 | 100.00% | 4,373 | 100.00% |
| Mount Olive AL | 213 | 100.00% | 76 | 100.00% |
| Nixburg AL | 93 | 100.00% | 220 | 100.00% |
| Our Town AL | 490 | 100.00% | 95 | 100.00% |
| Pine Level AL | 4,288 | 100.00% | 322 | 100.00% |
| Prattville AL | 25,984 | 100.00% | 7,978 | 100.00% |
| Ray AL | 258 | 100.00% | 46 | 100.00% |
| Rockford AL | 255 | 100.00% | 75 | 100.00% |
| Stewartville AL | 1,537 | 100.00% | 60 | 100.00% |
| Weogufka AL | 196 | 100.00% | 1 | 100.00% |
| Total District 30 | 59,753 | | 22,258 | |
| District 31 | 96,577 | | 26,788 | |
| Andalusia AL | 5,877 | 100.00% | 2,287 | 100.00% |
| Ariton AL | 441 | 100.00% | 141 | 100.00% |
| Babbie AL | 599 | 100.00% | 3 | 100.00% |
| Banks AL | 107 | 100.00% | 42 | 100.00% |
| Brundidge AL | 539 | 100.00% | 1,410 | 100.00% |
| Carolina AL | 268 | 100.00% | 7 | 100.00% |
| Elba AL | 2,026 | 100.00% | 1,272 | 100.00% |
| Enterprise AL | 17,382 | 97.84% | 5,801 | 98.57% |
| Floral AL | 1,507 | 100.00% | 297 | 100.00% |
| Fort Rucker AL | 2,768 | 86.74% | 300 | 87.21% |
| Gantt AL | 145 | 100.00% | 35 | 100.00% |
| Goshen AL | 181 | 100.00% | 69 | 100.00% |
| Heath AL | 187 | 100.00% | 26 | 100.00% |
| Horn Hill AL | 188 | 100.00% | 3 | 100.00% |
| Kinston AL | 543 | 100.00% | 1 | 100.00% |
| Libertyville AL | 107 | 100.00% | 0 | 0.00% |
| Lockhart AL | 328 | 100.00% | 71 | 100.00% |
| New Brockton AL | 1,006 | 100.00% | 265 | 100.00% |
| Onycha AL | 163 | 100.00% | 2 | 100.00% |
| Opp AL | 5,154 | 100.00% | 1,228 | 100.00% |
| Ozark AL | 1,227 | 14.79% | 344 | 7.16% |
| Red Level AL | 383 | 100.00% | 27 | 100.00% |
| River Falls AL | 305 | 100.00% | 152 | 100.00% |
| Sanford AL | 234 | 100.00% | 6 | 100.00% |
| Troy AL | 9,184 | 100.00% | 7,066 | 100.00% |
| Total District 31 | 50,849 | | 20,855 | |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|------------------|---------------|------------------|
| District 32 | 123,893 | | 10,911 | |
| Bon Secour AL | 1,469 | 100.00% | 63 | 100.00% |
| Daphne AL | 21,753 | 100.00% | 2,954 | 100.00% |
| Elberta AL | 383 | 21.97% | 5 | 13.89% |
| Fairhope AL | 19,618 | 100.00% | 1,103 | 100.00% |
| Foley AL | 14,925 | 97.81% | 2,357 | 99.62% |
| Gulf Shores AL | 13,203 | 100.00% | 312 | 100.00% |
| Loxley AL | 412 | 14.53% | 117 | 30.00% |
| Magnolia Springs AL | 722 | 100.00% | 8 | 100.00% |
| Orange Beach AL | 7,434 | 100.00% | 95 | 100.00% |
| Perdido Beach AL | 514 | 100.00% | 1 | 100.00% |
| Point Clear AL | 1,362 | 100.00% | 617 | 100.00% |
| Silverhill AL | 2 | 0.30% | 0 | 0.00% |
| Spanish Fort AL | 2,179 | 25.92% | 191 | 31.06% |
| Summerdale AL | 150 | 11.88% | 8 | 14.55% |
| Total District 32 | 84,126 | | 7,831 | |
| District 33 | 41,906 | | 86,338 | |
| Chickasaw AL | 921 | 28.87% | 1,257 | 45.25% |
| Loxley AL | 905 | 31.91% | 47 | 12.05% |
| Mobile AL | 27,958 | 36.65% | 67,967 | 70.77% |
| Prichard AL | 1,882 | 83.05% | 16,181 | 99.03% |
| Spanish Fort AL | 6,210 | 73.86% | 423 | 68.78% |
| Total District 33 | 37,876 | | 85,875 | |
| District 34 | 91,867 | | 32,066 | |
| Axis AL | 327 | 100.00% | 191 | 100.00% |
| Bucks AL | 6 | 100.00% | 9 | 100.00% |
| Churchula AL | 92 | 100.00% | 99 | 100.00% |
| Citronelle AL | 2,607 | 100.00% | 789 | 100.00% |
| Creola AL | 1,520 | 100.00% | 215 | 100.00% |
| Gulfcrest AL | 125 | 100.00% | 5 | 100.00% |
| Mobile AL | 25,677 | 33.66% | 16,833 | 17.53% |
| Mount Vernon AL | 235 | 81.88% | 437 | 43.40% |
| Movico AL | 18 | 85.71% | 225 | 91.84% |
| Prichard AL | 384 | 16.95% | 159 | 0.97% |
| Saraland AL | 8,714 | 69.97% | 1,737 | 76.18% |
| Satsuma AL | 47 | 0.82% | 4 | 0.76% |
| Semmes AL | 3,859 | 100.00% | 569 | 100.00% |
| Total District 34 | 43,611 | | 21,272 | |
| District 35 | 94,957 | | 25,421 | |
| Bayou La Batre AL | 1,316 | 100.00% | 277 | 100.00% |
| Belle Fontaine AL | 523 | 100.00% | 8 | 100.00% |
| Dauphin Island AL | 1,622 | 100.00% | 8 | 100.00% |
| Grand Bay AL | 2,912 | 100.00% | 323 | 100.00% |

Census Place by District and by County

2021 Alabama Senate Plan

| | White | % of District | Black | % of District |
|--------------------------|---------------|--------------------------|---------------|--------------------------|
| Mobile AL | 22,640 | 29.68% | 11,239 | 11.70% |
| Theodore AL | 4,259 | 100.00% | 1,195 | 100.00% |
| Tillmans Corner AL | 12,113 | 100.00% | 3,215 | 100.00% |
| Total District 35 | 45,385 | | 16,265 | |

To: Alabama State Reapportionment Committee
district@alsenate.gov

I provided testimony at the hearing in Montgomery a few weeks ago, and wanted to follow with a written version and some additional comments now that proposed maps have been released. I'm a resident of Montgomery, and my address is currently located in CD2, SD26, HD77, and SBD5. I am a native Alabamian concerned for fair representation for all citizens of our state, particularly in light of our state's historical trend of voter disenfranchisement.

One of the things I love about Montgomery is our deep history in the Civil Rights movement. I've learned so much about Alabama since I returned to my home state nearly 10 years ago, and I was attracted to living in our state capitol by the history and our city's encouraging pattern of sustainable development in recent years. And yet there are still obvious trends of racial division in our capitol region as illustrated by the lines drawn for some of our state house districts.

First, I'd like to address my local example - State Senate Districts 25 and 26. The district I live in - Senate District 26 - is relatively compact, and lies entirely within Montgomery County with a predominantly Black relatively urban population of about 76%. Senate District 25, however - is this oddly shaped district that ranges from the Northern edge of Elmore County all the way down to all of Crenshaw County to the South. Along the way, District 25 grabs a chunk of East Montgomery and most of the City of Pike Road - both areas that are relatively densely populated and predominantly white. With the new Census information, we also know that Senate District 26 as currently drawn must be adjusted to meet the one-person, one-vote requirements.

The current squiggly line drawn between State Senate Districts 25 and 26 is drawn along racial and party lines. My neighborhood and the City of Montgomery are wonderfully racially diverse, and our Senate Districts should reflect that diversity. We also have surrounding rural areas that connect to our urban centers, which also deserve balanced representation in districts as large as those necessary for the senate district distribution. I propose Senate Districts 25 and 26 be redrawn to reflect the diversity of our people, our neighborhoods, and our regional development patterns while incorporating the new Census data. *The proposed map released earlier this week does not address my concern, and appears to have been adjusted minimally only to accommodate population shifts.*

I've focused on our State Senate districts so far, but also have concerns for the State House district lines. A total of 7 house districts include portions of Montgomery County. 3 of them (74, 76, and 77) are fully contained within Montgomery County. 3 others (60, 75, and 90) reach into Montgomery County from adjacent rural counties, and the 7th looks like Pac Man trying to eat the 3 urban districts. Similar to the concerns I described for senate districts, the lines for the Montgomery area house districts appear to be drawn to incorporate racial and income demographics rather than reflecting the diversity of our neighborhoods and communities of interest. I understand that districts with erratic shapes may be necessary to achieve balanced populations and interests. However, these lines in Montgomery can be readjusted to produce



competitive, diverse districts and lead to better representation at the state house. *The proposed map released earlier this week redistributes Districts 74, 76, 77, and 78 substantially, making district 74 more competitive but still divides communities of interest which could be more compact.*

Last but certainly not least - our city is split among three separate Congressional Districts. This is a disservice to the people of Montgomery and our city's ability to work with our Federal representatives in Congress, particularly as we anticipate a large influx of funding for infrastructure and other projects over the next few years. *The proposed map released earlier this week is somewhat of an improvement, reducing Montgomery County to 2 congressional districts. A whole-county option would be preferable.*

In closing, my personal opinion is that the community engagement process your committee designed does little to truly engage stakeholders throughout our state. Only one hearing was held after business hours, and there was virtually no outreach conducted by the committee to recruit participation. Grassroots organizations stepped up to educate Alabama residents about this important process that only occurs every ten years and affects all of our lives in so many ways. You can and should do better. Alabama deserves better.

Sincerely,

S. Kathleen Kirkpatrick
Montgomery, Alabama

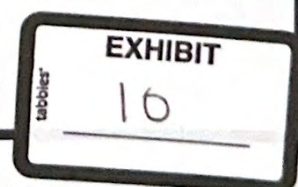


Deposition of:
September 8, 2021 6:00 Public Hearing

September 8, 2021

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

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1
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4
5 ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT
6 AND REDISTRICTING PUBLIC HEARING
7

8 HELD ON
9 WEDNESDAY, SEPTEMBER 8TH, 2021
10 BEGINNING AT 6:00 P.M.
11

12 LOCATION:
13 ALABAMA STATE HOUSE
14 11 SOUTH UNION STREET
15 MONTGOMERY, ALABAMA 36104

16 AND
17 ONLINE VIA MICROSOFT TEAMS MEETING
18
19

20 TRANSCRIBED REMOTELY BY:
21 KATHLEEN F. CAVAZOS, RPR,
22 COURT REPORTER
23
24
25

1 MR. WALKER: Thank you very much.

2 Our next speaker is Mike Holmes.

3 Oh, Okay. If we had one, we'd give it to you.

4 The Reverend Rayford Mack.

5 REVEREND MACK: Good evening to the
6 co-chairpersons, Senator McClendon and Representative
7 Pringle, and all of the other members of the
8 Redistricting Committee.

9 I'm Reverend Rayford Mack. I'm president of the
10 metro Montgomery branch of the NAACP, and I'm here today
11 to go on record at this public hearing asking -- to ask,
12 to urge the committee to create fair and representative
13 maps. I am tired of being the victim of partisan
14 gerrymandering, packing, cracking and a large election
15 system.

16 I was a sophomore attending Toulminville High
17 School in 1969 located in Mobile, Alabama when schools
18 really started the integration process. As a
19 16-year-old, I watched our school enrollment drop from
20 1600 students to a thousand. I witnessed how
21 systematically the best athletes from my school were
22 zoned to predominantly white schools, leaving just enough
23 male students to remain in that athletic class or
24 division.

25 You know, fast forward, and I was a candidate

1 for House district 74 in 2018. I have lived in district
2 74 since 1993. I have seen the demographics of that
3 district evolve over the last 25 years. When I relocated
4 to Montgomery in 1990, most of the residents living down
5 the Atlanta Highway were white. Eastdale Mall was the
6 flagship for shopping in the Montgomery area, and there
7 were no businesses on Atlanta Highway once you passed
8 Bell Road except for Green Thumb and a Chevron station.

9 When we moved into the Copperfield subdivision
10 in '93, the neighborhood racial composition was about 90
11 percent white. If we fast-forward today, that racial
12 composition is about 50 percent white, 50 percent other.
13 Most of the black population live in the city of
14 Montgomery.

15 Because of the way Senate district 25 and 26,
16 House district 78 -- 77 and 78 currently are drawn, it
17 packs black voters in ways that do not reflect
18 communities of interest and in numbers necessary to
19 comply with the voting rights. And I know my time has
20 went off, but like I said earlier, I was a candidate for
21 House district 74 in 2018, but for some reason minority
22 candidates cannot win.

23 And I know the committee stated in y'all's
24 initial meeting that you wanted to -- the goal was to
25 draw the most constitutionally sound legal defensible

1 plan we can arrive at. I suggest the following for black
2 voters to have fair representation in the Alabama
3 legislature: Black voters should no longer be packed
4 into districts in Montgomery and the Jefferson County
5 areas in ways that unfairly dilute their political power.
6 Communities of interest should no longer be split in the
7 Huntsville area, and districts should not unnecessarily
8 pull in parts of other counties, particularly in places
9 like Jefferson, Montgomery and Madison County.

10 Thank you very much.

11 MR. WALKER: Thank you, Reverend Mack.

12 Our next speaker is Acquanetta Poole. Welcome,
13 Ms. Poole.

14 MS. POOLE: Thank you so much for this
15 opportunity to speak with you, and thank you for taking
16 this meeting.

17 My name is Acquanetta Poole, and I live in state
18 Senate district 25. I am here representing all
19 underserved children in all school districts.

20 My heart is very heavy this evening as I share a
21 living story. I made it out, a product of Montgomery
22 Public School System. However, all too often, I hear of
23 so many children that did not make it out, hundreds of
24 them. They do not have a fighting chance to make it out.

25 The district representing the black and brown

C E R T I F I C A T E

STATE OF ALABAMA)

COUNTY OF MOBILE)

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

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

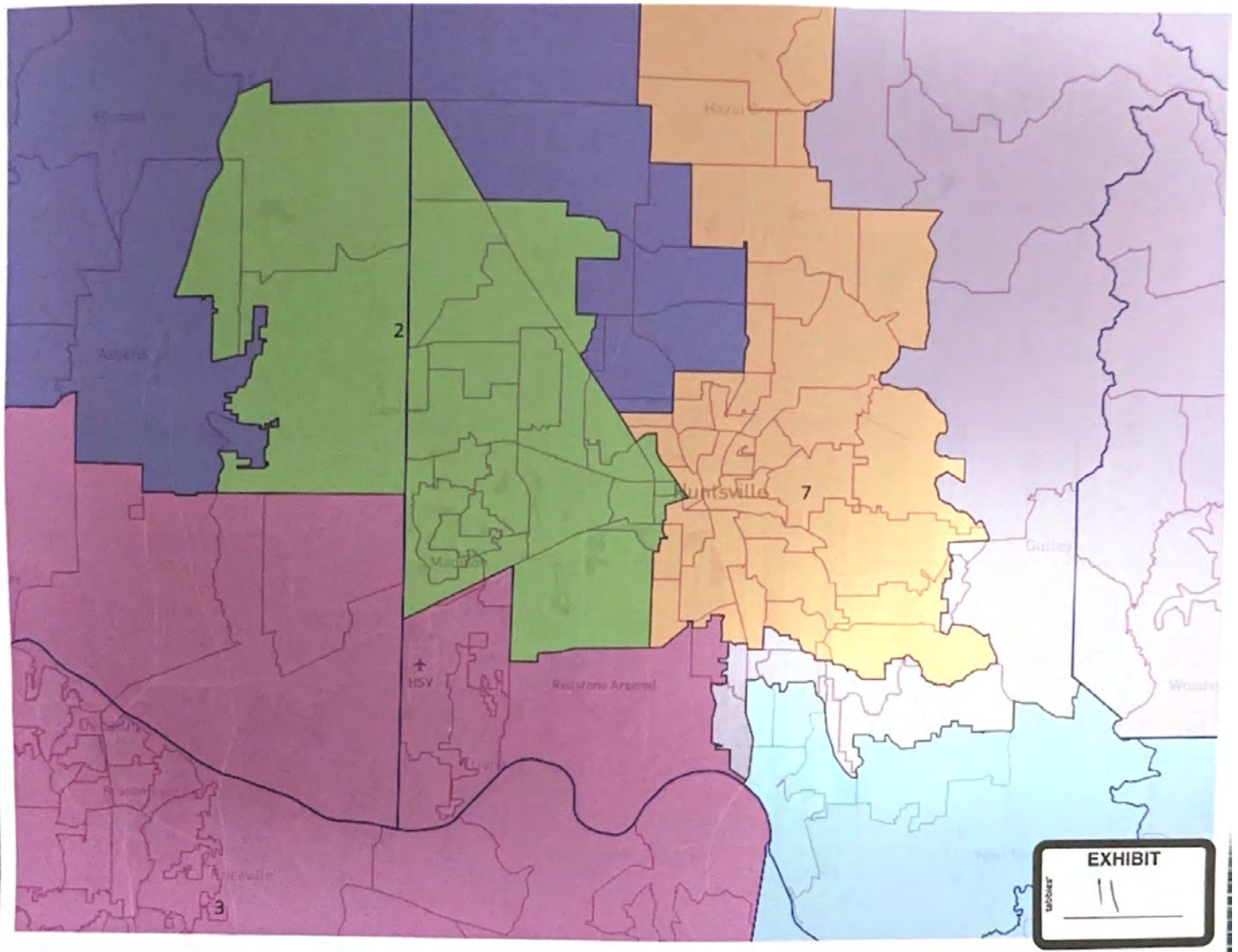
I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.

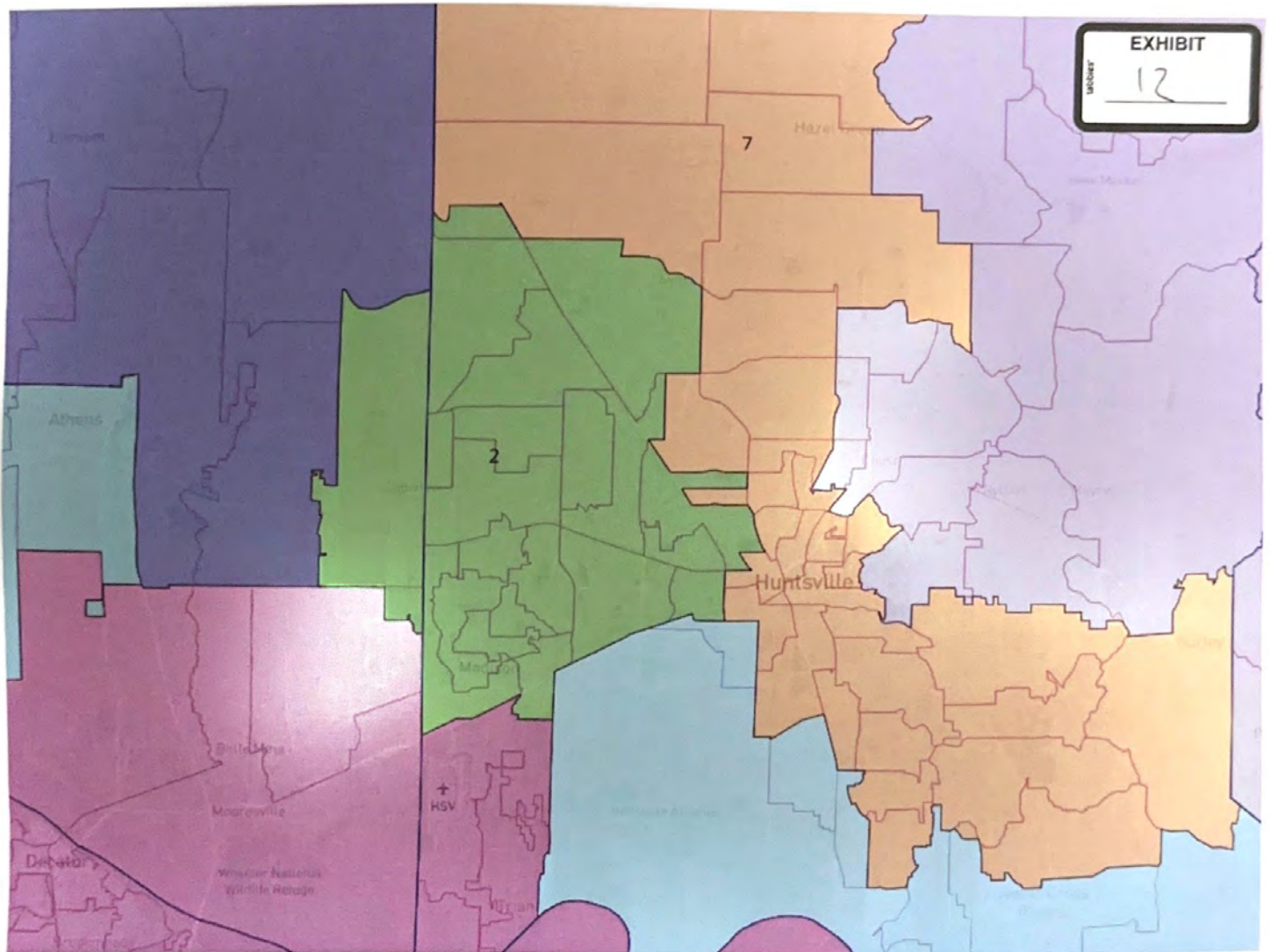
Kathleen F. Cavazos

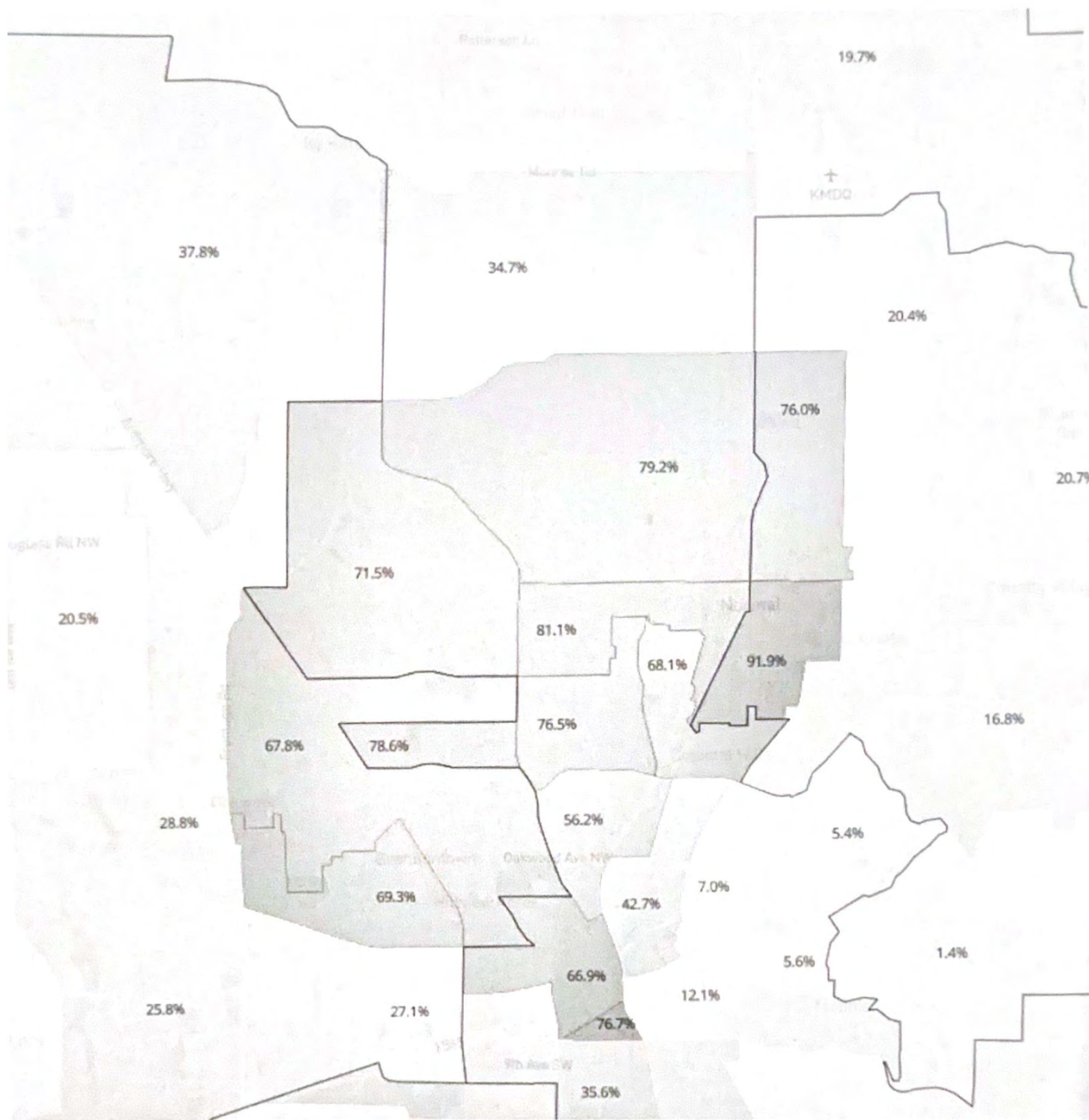
KATHLEEN F. CAVAZOS, RPR, ACCR302

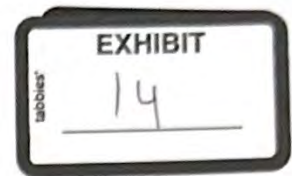
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/16/23









Date: September 16, 2021

To: Alabama State Reapportionment Committee,

From: Kristeen Baker

In Re: Reapportionment Committee Redistricting Public Hearing Testimony

Please accept the written version of my verbal testimony given on Wednesday, September 1, 2021, at Drake State College. The written version of my testimony includes answers to questions asked by Attorney Dorman Walker.

Good morning,

My name is Kristeen Baker and I have been a resident of Madison County for 21 years. I live in State Senate District 7 [Sam Givhan], State House District 19 [Laura Hall], and Congressional District 5 [Mo Brooks]. I am a member of several community organizations that share like missions of service to the community as a whole.

My community shares the love of the State's favorite pastime, college football. And although we do shout a Roll Tide every now and again, my community's number one war cry is Go Bulldogs! We bask in Bulldog pride always coming together to participate in every Alabama A&M University event! This University keeps us united! Rich in culture and heritage! My community also leans on our religious support...we consistently unite through weekly religious gatherings. My community races at the opportunity to actively contribute to the welfare and wellbeing of our young developing children. Children who may often feel as if they are experiencing the rough/short end of the stick.

The effects of the redrawing of district lines have proven to be vital and impactful in my community. The cracking of communities of interest in State Senate districts 2, 7 and 3 and have resulted in my community being underfunded and poorly represented. This cracking has diluted the minority vote as the line are drawn right in the center of Madison County's black communities. It is imperative that our County remains whole and has representatives who live in our community and understand our needs. My community of interest, Madison County, consists of culture and close-knit community that thrives off unity.

Therefore, I would like to address the transparency of this process. It is important that the redistricting process is FAIR and results in FAIR districts. All Constituents should be afforded the opportunity to assist in this process. However, it is extremely difficult for us not to feel excluded when State Reapportionment Committee Public Hearings remit several counties from fair accessible meetings. Or when meetings like this one are scheduled at 9am on a Wednesday when most of my community is either at work or school. The use of Google teams can also be difficult to navigate for those who may not be familiar with the platform.

While I have great appreciation for the State Reapportionment Committee supervisor, Mrs. Donna Overton Loftin, who has been accessible and swift to respond to my community's flood of questions, I

still find it troubling that pertinent details about the State's redistricting process is not clearly published on the State Legislature's website....which leads us to flood Mrs. Overton Loftin's phone and

email!!! Because the result of this State process is so impactful to our communities, the constituents deserve accessibility, clear transparency, and fair and equitable results. We deserve our constitutional right to be fairly implemented and that means we, as Alabama Voters, choose our elected officials not the other way around!

I thank you all for this opportunity to share and for your valued time!

In The Matter Of:

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon

December 17, 2021

US Legal

EXHIBIT

15

tabbies

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

1 I, LeAnn Maroney, a Court Reporter of
2 Birmingham, Alabama, and a Notary Public for the
3 State of Alabama at Large, acting as commissioner,
4 certify that on this date, pursuant to the Federal
5 Rules of Civil Procedure and the foregoing
6 stipulation of counsel, there came before me on
7 December 17, 2021, JAMES McCLENDON, witness in the
8 above cause, for oral examination, whereupon the
9 following proceedings were had:

10 * * * * *

11 THE VIDEOGRAPHER: This marks the
12 beginning of the deposition of Jim McClendon in the
13 matter of Evan Milligan, et al., versus John H.
14 Merrill, et al., Civil Case Number 2:21-CV-01530-AMM
15 filed in the United States District Court for the
16 Northern District of Alabama. The date is December
17 17, 2021. The time is 1:57 p.m.

18 All attorneys present, will you please
19 state your names and whom you represent.

20 MR. DAVIS: Jim Davis, Alabama Attorney
21 General's Office, for Secretary of State John
22 Merrill.

23 MR. WALKER: Dorman Walker, Balch &
24 Bingham, for Senator Jim McClendon.

25 MS. SADASIVAN: This is Kathryn

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

1 Q. Did you review any documents?

2 A. Yes.

3 Q. Which documents?

4 A. There were two. Actually, I can't say I
5 reviewed them. I looked at the cover. One of them
6 had to do with the notes -- the bullet points we
7 used on the floor, in my case on the floor of the
8 senate.

9 And the other one -- I can't even
10 remember what the other one was. But I gave them
11 back to my attorney. I didn't take them home and
12 read them or study them.

13 Q. So I am going to try to drop in the chat
14 a document that I'll ask the court reporter to mark
15 as Exhibit 1. And I can show it on my screen, as
16 well.

17 Is this the document that you reviewed
18 in advance of your deposition today? Let me share
19 my screen.

20 Senator McClendon, is this the document
21 that you were referring to?

22 A. I really can't read that. I see talking
23 points -- okay. Scroll it up and let me see it.
24 Well, that looks similar. I don't know if that's
25 exactly the same document. But that's sort of the

Evan Milligan, et al v. John H. Merrill, et al.

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1 format that was used.

2 Q. I'll represent that this was produced in
3 this litigation and that I have given it to the
4 court reporter and hopefully you also have a copy.

5 And what was this document?

6 A. What you and I were just discussing was
7 talking points that I was provided by our attorney
8 when the issue of the congressional map came before
9 the senate as a body.

10 Q. And who gave you this document?

11 A. Pardon?

12 Q. Who gave that document to you?

13 A. One of the staff members of the
14 redistricting -- not committee, but the
15 redistricting department there in the state house.

16 Q. What is the difference between the
17 redistricting committee and the redistricting
18 department?

19 A. Well, the redistricting office is
20 staffed by state employees. And the redistricting
21 committee is composed of elected senators and
22 representatives.

23 Q. So you were given this document when?

24 A. Well, prior to it going on the floor for
25 debate, and not much sooner than that.

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Jim McClendon
12/17/2021

1 Q. Prior to what going on the floor for
2 debate?

3 A. The congressional bill.

4 Q. And do you remember when that was?

5 MR. WALKER: Hang on. Kathryn, when you
6 say "this document," are you talking about Talking
7 Points for Likely Issues No. 1? Or are you talking
8 about the collection of talking points?

9 Q. Well, does that change your answer?

10 A. Well, I don't think it does. I got that
11 prior to the bill going on the floor for debate. In
12 fact, I may have gotten it prior to the committee --
13 the standing committee meeting. That would -- that
14 would make sense.

15 Q. And what standing committee meeting are
16 you talking about?

17 A. The bills that -- the redistricting
18 committee is considered an interim committee. And
19 the bills that come out of interim committees must
20 go to a standing committee before they can go to
21 rules in order to get on the floor.

22 So there was a standing committee --
23 which happened to be general fund -- that was
24 handling not only a general fund bill but all the
25 redistricting bills, as well. So that would have

Evan Milligan, et al v. John H. Merrill, et al.

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1 been the standing committee that this bill went to
2 after it came to the senate from the house.

3 Q. You said you reviewed the talking points
4 that we discussed. And what else before this
5 deposition?

6 A. What did I review? Well, no. The
7 talking points was the -- that was the purpose of
8 having the talking points, is I had a summary of the
9 main points that needed to be shared with the
10 standing committee members so they would be able to
11 vote however they wanted to.

12 Q. I'm sorry. I meant -- just going back,
13 what documents other than this talking points did
14 you look at to prepare for this deposition today?

15 A. Well, I looked at a number of documents
16 during the process of the bill going through the
17 redistricting committee. But there wasn't anything
18 in particular that I did to review that prior to the
19 meeting of the standing committee. They were all
20 summarized. So --

21 Q. For this deposition, though, you
22 mentioned that you met yesterday with Mr. Davis,
23 Mr. Walker, and Mr. Pringle and that you looked at
24 several documents.

25 A. Yes.

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

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25 redistricting bills, as well. So that would have

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
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1 southerner, so I talk quickly, and I'm probably
2 using too many adjectives.

3 I was asking you what is required to
4 determine whether a map complies with the Voting
5 Rights Act.

6 A. Well, it's -- I would say it's a legal
7 opinion first to be familiar with the Voting Rights
8 Act and subsequent cases, and then to be able to
9 compare what we have produced, what's in front of
10 us, with the knowledge of the requirement of the
11 Constitution and the Voting Rights Act.

12 Q. And when did you compare what was
13 produced by your demographer with the requirements
14 of the Voting Rights Act?

15 A. I think probably every time we talked,
16 this was part of it. It came up in the conversation
17 as we went through the map-drawing process. And
18 both the attorney and the map drawer would be quick
19 to say that could -- that particular line moved over
20 there could be a problem, and we need to look at it.

21 Q. And when you say "could be a problem,"
22 you mean could be a problem under the Voting Rights
23 Act?

24 A. Yes.

25 Q. And what was your understanding of what

Evan Milligan, et al v. John H. Merrill, et al.

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1 was required to comply with the Voting Rights Act?

2 A. Well, as far as what's in the Voting
3 Rights Act, I couldn't quote it. But that's why I
4 have an attorney.

5 Q. How many times did you have a
6 conversation where the map drawer said if you move
7 this line, you could have a problem under the Voting
8 Rights Act?

9 A. I can say I heard that several times.

10 Q. And who did you hear that from?

11 A. I heard it both from the attorney and
12 the map drawer, not necessarily at the same time.

13 Q. You were --

14 A. Pardon?

15 Q. You were advised several times by your
16 attorney and by the map drawer that the way that a
17 particular line was drawn could violate the Voting
18 Rights Act?

19 A. Or the way a line was proposed to go.
20 That was their job.

21 Q. And did that occur with respect to the
22 congressional map?

23 A. Not to my knowledge. Because I was not
24 involved in drawing the congressional map.

25 Q. Who was involved in drawing the

Evan Milligan, et al v. John H. Merrill, et al.

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1 congressional map?

2 A. The map drawer met with the
3 congressional delegation or their representative
4 sometimes in person, sometimes virtually like this,
5 and really worked this out with the members of the
6 congressional delegation.

7 Q. Were the members of the congressional
8 delegation responsible for ensuring that map
9 complied with the Voting Rights Act?

10 A. That's a good question. I don't know
11 the answer to that question.

12 Q. Were you responsible for ensuring that
13 the congressional map complied with the Voting
14 Rights Act?

15 A. Yes. I would say that was one of my
16 responsibilities.

17 Q. In the conversations that you had
18 regarding potential violations of the Voting Rights
19 Act, did you or anyone else discuss racial
20 polarization analysis?

21 A. No. No.

22 Q. Do you know what the basis for -- in
23 these conversations when you heard there might be a
24 potential Voting Rights Act violation, do you know
25 what that was based upon?

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1 A. Well, I think at different times there
2 were different issues.

3 Q. Such as?

4 A. On the congressional side, I cannot --
5 as far as the congressional districts go, I can't
6 give you a single example because I simply wasn't
7 involved in that process.

8 Q. When did you adopt the guidelines that
9 we're talking about right now?

10 A. Maybe May the 5th of 2021. That's the
11 date on the document. And that was one of the
12 purposes of -- objectives of that particular meeting
13 of the committee, was to have the guidelines in
14 place before we got the data and before we started
15 working with the elected officials.

16 Q. So the third policy in Section II j
17 (iii) in McClendon Exhibit 5 that we're talking
18 about now, the May 5, 2021, redistricting criteria,
19 says, "Districts shall respect communities of
20 interest, neighborhoods, and political subdivisions
21 to the extent practicable and in compliance with
22 paragraphs a through 1."

23 What is your understanding of what that
24 policy requires?

25 A. Well, when possible, it's good to keep

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1 communities of interest, communities that have a
2 particularly common political interest, keep them
3 together, keep them in the same whatever it is,
4 house direct, congressional district, BOE district,
5 if possible.

6 Q. You said "common political interests."
7 Is that your definition of community of interest?

8 A. There's a -- there's a definition right
9 here in whatever this is on Line 30. Line 30
10 through 32 is a definition of communities of
11 interest.

12 Q. So you just mentioned a common political
13 interest, and I was wondering if that was part of
14 your definition of communities of interest.

15 A. Oh, that's just one -- that's just one
16 part of it, one part -- one way you could have a
17 community of interest. There's a lot of different
18 ways you can have a community of interest.

19 Q. What do you consider to be communities
20 of interest in Alabama?

21 A. There are -- there's not a community of
22 interest in Alabama. There are many communities of
23 interest.

24 Q. Such as?

25 A. Well, a city. A city is a community of

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
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1 Q. I'll let you quickly scan -- it's quite
2 a long document. I'll let you just scan through it.
3 And if you wouldn't mind just letting me know if
4 this looks familiar to you.

5 A. Well, I've glanced through it. It looks
6 familiar. But it's really --

7 Q. Okay. Again, I'll represent to you that
8 it's a transcript of the October 26, 2021, meeting
9 of the reapportionment committee, as you likely
10 remember. And as you can see from the transcript, a
11 considerable portion of the meeting was about racial
12 polarization analysis.

13 What is your understanding of racial
14 polarization in voting?

15 A. In this case, this -- this is an
16 additional evaluation or test of the data to any
17 place it's suspicious that there could be racial
18 discrimination. It's an extra test tacked on to
19 what we normally do to see if, in fact, we are in or
20 out of compliance with the Voting Rights Act and our
21 own guidelines and the court cases.

22 Q. And what would give rise to suspicious
23 racial discrimination that would require a racial
24 polarization analysis?

25 A. What would -- what would make you think

Evan Milligan, et al v. John H. Merrill, et al.

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1 that that's an issue? Is that what you're asking,
2 that racial discrimination is an issue?

3 I guess, you know, the first thing I
4 would say is if we had an incumbent minority person
5 and there was such a change in the composition of
6 the voters in that district, that that -- that
7 district may no longer have -- have less of a chance
8 of having a minority representative. That would be
9 -- I think that would be a red flag.

10 Q. So a suspicious racial issue would be if
11 a minority representative were no longer able to win
12 an election in their district?

13 A. Or threatened if they -- yeah. Roughly
14 what you said. I don't exactly agree word for word.
15 But yeah, that's the idea.

16 Q. What is your understanding of why RPV --
17 and when I say RPV, I mean racially polarized
18 voting. What is your understanding of why RPV was
19 discussed in the October 26th meeting?

20 A. Wait a minute. I missed one word I
21 didn't understand. Why is it what in the meeting?

22 MS. WELBORN: Discussed.

23 A. "Discussed," is that the word you used?

24 Q. Yes, sir.

25 A. Oh, okay. Well, it was brought up by

Evan Milligan, et al v. John H. Merrill, et al.

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1 one of the committee members.

2 Q. Who?

3 A. It might have been Representative
4 England. I think that's who it was. I'm not a
5 hundred percent sure. I think he had a good bit to
6 say about it.

7 Q. And why did -- what was your
8 understanding of why Representative England was
9 concerned about racially polarized voting?

10 A. I didn't have an understanding of why he
11 was concerned. He just let it be known that he was
12 concerned.

13 Q. Did anyone else express concerns about
14 racially polarized voting?

15 A. I don't remember.

16 Q. What was the conversation?

17 A. I don't know. If we've got the
18 transcript, we can take a look at it.

19 I think there was someone that may have
20 even suggested we should have evaluated all 140
21 races for this. I don't remember who that was.

22 Q. So if you wouldn't mind turning to Page
23 17 of McClendon Exhibit 5.

24 MS. WELBORN: I think it's Exhibit 6.

25 Q. Exhibit 6. I apologize.

Evan Milligan, et al v. John H. Merrill, et al.

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12/17/2021

1 A. I'm on Page 17. Yep, Smitherman.

2 Q. All right. So you'll see that
3 Representative Laura Hall asked you about a racially
4 polarized voting study done.

5 Can you read where it says Senator
6 McClendon beginning with "Because"?

7 A. "Because of the black age voting
8 population in Congressional District 7, there was
9 not one needed because it was over 54 percent black
10 voting age population."

11 Q. And then will you also read what
12 Representative Hall said in response?

13 A. "So you're saying that we don't have a
14 black -- we don't have a polarization, racially
15 polarization study?"

16 Q. And then please read your response.

17 A. "None. Because the voting age" -- well,
18 I suspect that's a transcript error. "What is it?
19 I got it right here."

20 "Because the voting age is 54." Don't
21 you think that's the VAP, 54, instead of the voting
22 age?

23 Q. And then -- I'm sorry. Can you please
24 just read it as it is on the transcript, what
25 Representative Hall said after that beginning with

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1 "And"?

2 A. "And you use District 7 as the basis for
3 not having such a study done?"

4 Q. And then please read your response.

5 A. The black vote -- "The black VAP of the
6 district is sufficient to where you don't need a
7 study done."

8 Q. Who makes the decision to undertake an
9 RPV analysis?

10 A. The attorney.

11 Q. If you asked the attorney to undertake
12 an RPV analysis, what would happen?

13 A. We would discuss whether, in his
14 opinion, the issue was actually there or not and
15 needed to be decided and further information
16 gathered on the outside. I mean, his job is not
17 just to jump.

18 Q. If you asked Mr. Walker to conduct an
19 RPV analysis, would one be conducted?

20 A. First, I don't think -- I would not ask
21 Mr. Walker to do something. I would ask Mr. Walker,
22 "What is your opinion? Do we need to do this or
23 not?" That's how it works.

24 Q. I understand. And if you asked him to
25 undertake a racial polarization analysis, would one

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1 be undertaken?

2 A. You know, that's a hypothetical. And
3 I'm not going to do a hypothetical.

4 Q. Do you have the power, as senate chair
5 of the reapportionment committee, to ensure that the
6 individuals, the attorney, and the map drawer, for
7 example, comply with the Voting Rights Act?

8 A. Well, yes. That's their responsibility.

9 Q. And if you decided that you needed a
10 racially polarized voting study done, could you
11 insist that they undertake one?

12 A. Well, once again, you're doing something
13 hypothetical. I depend on Mr. Walker for his legal
14 opinion and his experience. He's got many more
15 years of experience than I do.

16 And what I most likely do with him is
17 say, "Dorman, what do you think about this? Do we
18 need to do this or not? Does it make any sense?"

19 Q. Senator McClendon, I understand that
20 you're very personable and you rely on the opinions
21 of your attorneys.

22 What I'm asking you is if you have the
23 power to insist, as senate chair of the
24 reapportionment committee, that a racially polarized
25 voting study be undertaken?

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1 A. You know, I don't know the answer to
2 that question.

3 Q. You don't know whether or not you could
4 undertake --

5 A. I don't know. The only way I would know
6 is if I had exercised that and see how it worked
7 out. But I've never exercised it, never thought
8 about exercising it. So I don't know the answer to
9 that.

10 Q. You didn't think about asking for an RPV
11 analysis when Representative England and
12 Representative Hall asked for one to be undertaken?

13 A. It's like -- it's highly probable that
14 we discussed doing that afterwards, after the
15 meeting. I may have discussed it with Mr. Walker.
16 And if he had thought it was of value and worthwhile
17 to do and would give us additional information that
18 we needed, it would have been ordered. And if he
19 had felt like it was an exercise in futility and a
20 waste of time and money, he would have made that
21 expression, as well.

22 Q. And did you ask Mr. Walker to undertake
23 an RPV analysis after the October 26th meeting?

24 A. We may have talked about it. But I
25 don't remember exactly doing that.

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1 Q. How much did Alabama's population change
2 between 2011 and 2021?

3 A. I believe it increased about 5 percent.
4 I think it went from 4.88 to a little over 5
5 million, 5,020,000 or something like that.

6 Q. In this redistricting cycle, was
7 District 7 over or underpopulated?

8 A. I think it was under. Yes, I'm sure it
9 was under.

10 Q. I'm going to go back to McClendon
11 Exhibit 6. If you wouldn't mind please turning to
12 Page 19.

13 And if you could look at the second
14 paragraph on the page after Representative England
15 said, "It would appear that District 7 would look
16 like that would need to be done," referring to an
17 RPV analysis.

18 He goes on, "So it appears to me that if
19 we're doing this in the logical way, that District 7
20 just -- as it appears on a map, would produce a
21 certain percentage."

22 And he asks, "And what is the
23 relationship between the 54 percent that you're
24 citing and the actual results or potential results
25 of a racial polarization study? What is the

Evan Milligan, et al v. John H. Merrill, et al.

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1 relationship between the two?"

2 A. Let me --

3 Would you read your response?

4 A. I'm sorry. I thought you were done. Go
5 ahead.

6 Q. Would you please read your response?

7 A. Let me read this sentence you just read.
8 So I would like to request that the study be done on
9 District 7. And what is the relationship between
10 the 54 percent that you're citing and a racial
11 polarization study? What is the relationship?

12 My response is, "I got no clue."

13 Q. Does this seem like an accurate
14 representation of your conversation in the meeting,
15 the October 26 reapportionment committee meeting?

16 A. I think it's fairly accurate. I've
17 certainly found some errors in here. But it's
18 probably close enough.

19 Q. And do you still have no clue what the
20 relationship between the 54 percent number that you
21 cited earlier as not a threshold by which you would
22 consider an RPV analysis and the actual or potential
23 results of a racial polarization analysis?

24 A. Okay. Give me -- break that up. That
25 was a couple of questions. Give me the first one.

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1 Q. It's just one question, but it's long.
2 I'm asking you if you still have no clue
3 with respect to the question that Representative
4 England asked you and that you just read?

5 A. Here -- here's the issue.
6 Representative England apparently was targeting that
7 number of 54 percent of BVAP as if it were some sort
8 of threshold of do or die.

9 And even the courts, to my knowledge,
10 have never come up with a number that says you've
11 got to have this percent or you can't go below this
12 percent. It's never happened.

13 So when somebody picks out a number of
14 54 percents and says that's good or bad, well,
15 Congresswoman Sewell was happy with it. And she's
16 probably got a whole lot more information on her
17 electability in her own district than I have.

18 Q. So I'm just going to point you back to
19 Page 17 of the transcript of your October 26th
20 meeting of the reapportionment committee where
21 before Representative England brought that up, you
22 had said, "Because of the black voting age
23 population in Congressional District 7, there was
24 not one needed," referring to an RPV analysis,
25 because it was over 54 percent BVAP.

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1 What did you mean by that?

2 A. What I meant by that was it didn't look
3 like it was -- that a minority congresswoman was at
4 risk. If she wanted to be elected again -- and
5 apparently she does -- there was nothing to suggest
6 it was close enough to think there was a threat to
7 her reelection.

8 Q. And how is that related to the black
9 voting age population in District 7 at 54 percent?

10 A. Well, most of the voters are a minority.

11 Q. And so you were assuming that black
12 voters would vote for a black representative?

13 A. That's pretty -- a pretty safe bet here
14 in Alabama.

15 Q. And where did the 54 percent number come
16 from?

17 A. Those -- those numbers are generated by
18 the software when the district is drawn. But they
19 are generated after the district is drawn.

20 Q. Did you talk to Representative Sewell
21 about the black voting age population in her
22 district?

23 A. No, I did not.

24 Q. Did you talk to Representative Sewell
25 about the congressional map?

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1 A. No, I did not.

2 Q. How do you know that Representative
3 Sewell was okay with the district, as you suggested,
4 based on the BVAP?

5 A. I was told that by the map drawer who
6 interviewed Representative Sewell I think once in
7 person and once virtually. Or it may have been a
8 staff person. But they were okay with the district.

9 Q. So you wanted to ensure that the BVAP in
10 districts with a minority candidate representing
11 them was not too low?

12 A. Correct.

13 Q. Did you take any steps to ensure that
14 the BVAP in any district was not too high?

15 A. Not to my knowledge.

16 Q. Who drew the maps for you in 2021?

17 A. Randy Hinaman.

18 Q. What is Randy Hinaman's role in the
19 redistricting process?

20 A. He's the map drawer.

21 Q. When did you first meet with Mr. Hinaman
22 about the redistricting cycle in 2021?

23 A. In the spring of 2021, I guess. I
24 don't -- I don't remember an exact date.

25 Q. Who did you meet with Mr. Hinaman with?

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1 A. I don't remember who was there.

2 Q. What was discussed?

3 A. Pardon me? What was what?

4 Q. What did -- what did you all discuss?

5 A. I would just guess. And I would say we
6 probably discussed when are we going to see the data
7 so we can go to work.

8 Q. Did you provide any instructions to
9 Mr. Hinaman in the spring of 2021?

10 A. No.

11 Q. Why not?

12 A. He was -- he was more experienced than
13 me.

14 Q. Did you provide Mr. Hinaman with any
15 materials throughout any of the process of him
16 drawing the 2021 Alabama maps?

17 A. No.

18 Q. Why?

19 A. There was no need to.

20 Q. Why was there no need to?

21 A. Well, he was the map drawer. He knew
22 his job.

23 Q. Where was his job description?

24 A. Where was his job description?

25 Q. Defined.

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1 A. You know, he -- I don't know the answer
2 to that.

3 MS. SADASIVAN: Would you mind if we
4 take a five-minute break?

5 THE VIDEOGRAPHER: We are off the
6 record. The time is 4:26 p.m.

7 (Recess was taken.)

8 THE VIDEOGRAPHER: We are back on the
9 record. The time is 4:37 p.m.

10 Q. Senator McClendon, thank you again for
11 sitting for the deposition and for your time.

12 Following up on McClendon Exhibit 6
13 where we were discussing the quote where you said
14 that because of the black voting age population in
15 Congressional District 7, there was not one needed
16 with respect to an RPV analysis because the district
17 was over 54 percent BVAP. That was the October 26th
18 meeting of the reapportionment committee.

19 Did Mr. Walker tell you that a racial
20 polarization analysis was unnecessary because
21 District 7 had a BVAP of 54 percent?

22 MR. WALKER: Object on the basis of
23 attorney-client privilege.

24 Q. Were you told that a racial polarization
25 analysis was unnecessary because District 7 had a

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1 BVAP of around 54 percent?

2 A. I was told that in any of the districts
3 that were drawn that needed this additional
4 analysis, it had been requested.

5 Q. Can you repeat your answer, please?

6 A. I was told that any of the districts
7 that needed additional analysis, that that analysis
8 had been requested.

9 Q. And were you told which districts
10 required analysis?

11 A. No.

12 Q. Did you know any criteria for which
13 districts required an analysis?

14 A. I did not know the criteria.

15 Q. When did you determine that your plan
16 didn't violate the Voting Rights Act?

17 A. Well, sometime -- sometime prior to
18 submitting it to the redistricting committee for
19 consideration. That was like part of the process,
20 to make sure we were in compliance before
21 introducing it for consideration for the other
22 committee members.

23 Q. And when did you submit the
24 congressional redistricting bill for consideration
25 by the reapportionment committee?

Evan Milligan, et al v. John H. Merrill, et al.

Jim McClendon
12/17/2021

1 Q. And have you -- have you always been a
2 member of the republican party?

3 A. Well, "always been" goes back a long
4 way. I think I've been a member of the republican
5 party as long as I've been a candidate or an elected
6 official.

7 Q. And how long does that date back until
8 in the -- in the past?

9 A. 2001.

10 Q. Okay. Based your 19 years serving in
11 the legislature, in your view, do the views of the
12 members of the democratic party in Alabama generally
13 differ from the members of the republican party in
14 Alabama when it comes to the issue of removing
15 confederate monuments from public spaces?

16 A. You know, I think if you make that broad
17 and say generally, I think I can agree with that
18 statement. There -- there are definitely
19 exceptions. But I think with the "general" in
20 there, I can say I generally agree with your
21 statement.

22 Q. So the answer to my question was yes?

23 A. Yes.

24 MR. WALKER: Objection to form. He
25 answered that he can generally agree.

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1 Q. My question was do the members of the
2 democratic party, generally do their views generally
3 -- I should start over.

4 Do the views of the members of the
5 democratic party generally differ from the views of
6 the members of the republican party in Alabama
7 generally when it comes to removal of confederate
8 monuments in public spaces?

9 A. I think I can agree with that.

10 Q. You think you can agree? Can you give
11 me a yes or no answer on that question?

12 MR. DAVIS: Objection, asked and
13 answered.

14 THE WITNESS: So objection, what does
15 that mean for me?

16 MR. WALKER: That means you don't
17 answer.

18 Q. Well, it doesn't mean you don't answer.
19 I believe that's a form objection.

20 MR. WALKER: Excuse me. Forgive me.
21 You're right. Sorry, Dan.

22 MR. OSHER: That's okay.

23 Q. Senator, if you wouldn't mind answering
24 the question.

25 A. Yes.

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1 Q. Thank you. I appreciate it. A few
2 more.

3 Based on your 19 years in the Alabama
4 legislature, do the views of the members of the
5 democratic party in Alabama generally differ from
6 the members of the republican party in Alabama when
7 it comes to the issue of affirmative action?

8 A. And we'll get back to the discussion you
9 had earlier on affirmative action. I'm not even
10 exactly sure of a definition of affirmative action.
11 I remember hearing that term some years ago. But it
12 hasn't been around in a while. So I'm real hesitant
13 about answering that question.

14 One other thing I would like to point
15 out. You're talking about members of the democratic
16 party, members of the republican party, right?
17 That's who you're asking me about.

18 Well, I don't attend any of the
19 democratic party meetings. Now, I know a lot of
20 democrats that are in the legislature. So I'm more
21 likely to have a feeling for a democratic rather
22 than a member of the democratic party. Do you
23 understand what I'm saying?

24 Q. So let me ask you this: In your 19
25 years serving in the -- in the Alabama legislature,

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Jim McClendon
12/17/2021

1 have you worked with your democratic party -- your
2 democratic party colleagues on issues related to
3 pending legislation?

4 A. Yes.

5 Q. And have you worked with republican
6 members of the Alabama legislature on pending
7 legislation and other issues?

8 A. Yes.

9 Q. And in that time, have you gained a
10 general view of what the democratic party in Alabama
11 supports and what the republican party in Alabama
12 supports?

13 A. Yes.

14 Q. Okay. So you -- in terms of affirmative
15 action, let's define affirmative action as giving
16 preference to individual -- considering individual
17 race when making certain decisions about admission
18 to programs or access to benefits.

19 Using that definition, based on your
20 experience in the legislature, do the views of the
21 democratic party in Alabama generally differ from
22 the members -- the views of the members of the
23 republican party in Alabama?

24 A. I really don't have an opinion on that.
25 And the reason is the issue simply has not come up,

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1 it's not in front of me, and I have no experience
2 with members of the democrats or the republicans on
3 that issue. So I can't speak for something that
4 hasn't happened.

5 Q. Sure.

6 Based on your experience in the Alabama
7 legislature, do the views of members of the
8 democratic party in Alabama generally differ from
9 the members of the republican party in Alabama when
10 it comes to criminal justice reform?

11 A. Okay. And your question is they have
12 disparate or different views? Republicans have
13 different views from democrats on criminal justice
14 reform? That's your question, correct?

15 Q. As a general matter, correct.

16 A. As a general matter, I agree with that
17 statement.

18 Q. And based on your experience in the
19 legislature, do the views of the members of the
20 democratic party in Alabama differ from the views of
21 the members of the republican party in Alabama when
22 it comes to whether there is a significant amount of
23 discrimination against black residents of the state
24 today?

25 A. Once again, I need to take a party

Evan Milligan, et al v. John H. Merrill, et al,

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1 business out. I see the party as these two
2 organizations. These people I know claim to be
3 democrats. Some of them claim to be republicans.
4 Whether they belong to -- are active in a party or
5 not, I have no idea.

6 Now let's go back to the heart of your
7 question, and I'll try to answer it. With that in
8 mind, ask me your -- ask me your question. What is
9 the topic here?

10 Q. The fourth topic that I'm asking if the
11 members -- if the views of the members of the
12 democratic party generally differ from the views of
13 the members of the republican party generally.

14 Based on your experience working in the
15 legislature with members of both parties, do their
16 views generally differ when it comes to the issue of
17 whether there is a significant amount of
18 discrimination against black residents of Alabama
19 today?

20 A. Yes.

21 MR. OSHER: Thank you very much. That's
22 all I have for you. Thank you for your time,
23 Senator.

24 A. You're very welcome.

25 MR. WALKER: Are we done?

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1 MR. DAVIS: Any questions from the
2 Singleton plaintiffs?

3 I've got just a couple.

4 EXAMINATION BY MR. DAVIS:

5 Q. Hello, Senator.

6 A. Hello.

7 Q. Jim Davis representing Secretary
8 Merrill.

9 Senator, how many members are there of
10 the Alabama senate?

11 A. 35.

12 Q. And do they all have a vote on
13 legislation?

14 A. Yes, they do.

15 Q. Does that include redistricting
16 litigation?

17 A. That is correct.

18 Q. Excuse me. I said "litigation." I
19 meant legislation.

20 A. Legislation.

21 Q. Do all senators' votes count the same?

22 A. Yes.

23 Q. Do you know why any other member of the
24 Alabama senate voted for or against a redistricting
25 plan?

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1 A. No. That's an individual decision.

2 Q. And how many members are there of the
3 Alabama house of representatives?

4 A. 105.

5 Q. And they all have votes on legislation?

6 A. They certainly do.

7 Q. Including redistricting legislation?

8 A. Correct.

9 Q. And their votes all count the same as
10 one another's?

11 A. That's correct.

12 Q. Do you know why any member of the
13 Alabama house of representatives voted for or
14 against any plan, any redistricting plan?

15 A. No. That's an individual decision.

16 Q. Did you instruct Randy Hinaman to be
17 sure to include a majority black district in an
18 Alabama congressional plan draft?

19 A. I did not.

20 Q. Did you decide ahead of time that
21 Alabama's plan must include a majority black
22 district?

23 A. I did not.

24 Q. Was your understanding that those
25 districts, when drafted, would be done so without

Evan Milligan, et al v. John H. Merrill, et al.

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1 consideration of race?

2 A. That is correct.

3 Q. To the best of your knowledge, was that,
4 in fact, how it was done?

5 A. That is exactly how it was done.

6 MR. DAVIS: Thank you, Senator.

7 A. You're welcome.

8 MR. WALKER: Do we have anything
9 further?

10 MS. SADASIVAN: Nothing from the
11 Milligan plaintiffs. Thank you, Senator, for your
12 time and sitting for the deposition. I appreciate
13 it.

14 MR. OSHER: Nothing from the Caster
15 plaintiffs. Thank you all.

16 MR. WALKER: Kathryn, I need to get to
17 you, in addition to my privilege log, the final
18 statement of -- you know, the sheet where I state
19 the request for production and then I state
20 underneath the documents. Can I get that to you on
21 Monday? You've got all the documents. I just need
22 to give you the sheet that says which ones refer to
23 which of your requests.

24 THE REPORTER: Are we on the record?

25 MS. WELBORN: Can we go off the record

Evan Milligan, et al v. John H. Merrill, et al.

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1 now?

2 MR. WALKER: Yeah, sure.

3 THE VIDEOGRAPHER: This ends the
4 deposition of Jim McClendon. The time is now
5 5:12 p.m.

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7 (DEPOSITION ENDED AT 5:12 P.M.)

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Jim McClendon
12/17/2021

1 STATE OF ALABAMA)

2 JEFFERSON COUNTY)

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I hereby certify that the above proceedings were taken down by me and transcribed by me using computer-aided transcription and that the above is a true and correct transcript of said proceedings taken down by me and transcribed by me.

I further certify that I am neither of kin nor of counsel to any of the parties nor in anywise financially interested in the result of this case.

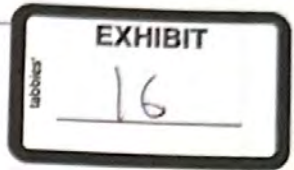
I further certify that I am duly licensed by the Alabama Board of Court Reporting as a Certified Court Reporter as evidenced by the ACCR number following my name found below.

So certified on December 17, 2021.

LeAnn Maroney, Commissioner
ACCR# 134, Expires 9/30/25
505 North 20th Street, Suite 1250
Birmingham, AL 35203

Plaintiffs' Exhibit No. 13

Exhibit 16 to Jim McClendon Deposition



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALABAMA LEGISLATIVE BLACK
CAUCUS; et al.,

Plaintiffs,

vs.

CASE NO.: 2:12-cv-691-WKW-MHT-WHP

THE STATE OF ALABAMA,
et al.,

Defendants.

DEMETRIUS NEWTON, et al.,

Plaintiffs,

vs

CASE NO.: 2:12-CV-1081-WKW-MHT-WHP

THE STATE OF ALABAMA,
et al.,

Defendants.

* * * * *

NON-JURY TRIAL - VOLUME III

* * * * *

BEFORE THE HONORABLE WILLIAM H. PRYOR, United States
Circuit Judge, presiding, THE HONORABLE MYRON H. THOMPSON,
United States District Judge, and THE HONORABLE W. KEITH
WATKINS, United States District Judge, at Montgomery, Alabama,
on Monday, August 12, 2013, commencing at 9:03 a.m.

PATRICIA G. STARKIE, OFFICIAL COURT REPORTER
U.S. District Court, Middle District of Alabama
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1 A. No, that's not true. You know I never adopted your
2 terminology.

3 Q. No. I said you would not acknowledge that.

4 A. I would not acknowledge it. That's right.

5 MR. TANNER: No further questions.

6 MR. PARK: Nothing further of this witness.

7 JUDGE PRYOR: Thank you, Dr. Brunell.

8 Are we going to have Mr. McClendon?

9 MR. PARK: Do you want to start with him today?

10 JUDGE PRYOR: Sure.

11 Representative McClendon, were you administered an oath
12 earlier?

13 THE WITNESS: Yes, Your Honor.

14 JUDGE PRYOR: Okay. You're still under oath.

15 JAMES H. MCCLENDON

16 The witness, having first been duly sworn to speak the
17 truth, the whole truth and nothing but the truth, testified as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. PARK:

21 Q. Would you please state your name for the record.

22 A. James H. McClendon.

23 Q. And are you a member of the Alabama Legislature?

24 A. Yes, sir, I am.

25 Q. Are you also a physician?

1 A. On optometrist.

2 Q. Optometrist. Do you go by Dr. McClendon?

3 A. I do, or Representative or Jim.

4 Q. Representative McClendon, which district do you represent?

5 A. House District 50.

6 Q. And where is that?

7 A. Largest part of that is in St. Clair County, and a portion
8 of it is in Shelby.

9 Q. Were you member of the reapportionment committee?

10 A. Yes, sir.

11 Q. How did you become a member of the reapportionment
12 committee?

13 A. Appointed by the speaker.

14 Q. And were you appointed to represent a particular district,
15 or were you appointed at large?

16 A. I believe I was an at-large member.

17 Q. And how were you -- were you selected as chair, cochair of
18 the committee?

19 A. I was selected as House chair, which made me -- that would
20 be chair of the House Reapportionment Committee, which made me
21 cochair of the joint committee. That was done by an election of
22 the committee members.

23 Q. You've been in the courtroom throughout the trial, and
24 you've heard the testimony about the adoption of the
25 guidelines. What's your view about the appropriateness of using

1 plus, minus 1 percent as the overall deviation?

2 A. Well, just makes good sense to me. If you're interested in
3 one person, one vote, that's a lot closer than 5 percent, or
4 actually, plus or minus 5, which gives you 10 percent
5 deviation. You know, we had already gone through this with the
6 congressional, which has zero percent, and state board of
7 education with 1 percent. And we went right through with DOJ
8 preclearance, so I didn't have a problem at all with 1 percent.
9 It made sense to me.

10 Q. And you've heard testimony about the Voting Rights Act.
11 What was your understanding of what the state wanted to do with
12 respect to Section 5 and its obligations under Section 5?

13 A. On the Voting Rights Act -- are we talking about
14 retrogression now?

15 Q. Yes, sir.

16 A. Well, my understanding of retrogression is that a district
17 or -- an individual or district is retrogressed if the
18 minorities in that district, whether by race or language, are
19 worse off after redistricting than they were before
20 redistricting. And of course, we don't have any minorities by
21 language, so it's a racial thing.

22 Q. And was the goal of the redistricting effort to get the
23 approval of the Department of Justice?

24 A. Yes, sir. We knew that we were going to be subject to
25 preclearance by DOJ, and we knew that was a major hurdle.

1 Q. Did you know exactly what DOJ looked for when it reviewed
2 plans?

3 A. Well, when it came to retrogression and talking about
4 percentages, to the best of my knowledge, there wasn't any hard
5 numbers. There were relative numbers, but there were not any
6 hard numbers. There was nothing that said 50 plus -- 50 percent
7 plus one is okay. In fact, my impression was that was not the
8 case. So really, what we targeted was we tried to look at the
9 2010 census, overlay it on the districts, and try not to change
10 the percentages of the citizens, the black citizens, in a
11 district any more than we had to. Tried to keep them in about
12 the same proportion as they were.

13 Q. You heard Randy Hinaman's testimony about the process of
14 redistricting. When was the first time you saw anything in the
15 form of a draft plan or portions of it from Mr. Hinaman?

16 A. 2011. Probably -- I think Mr. Hinaman -- it probably was in
17 February, maybe late February of '11, when he started making
18 trips to Montgomery. He would set up in my office. And I guess
19 the first time he operated on a computer and we would have folks
20 come sit down and talk to him -- and I would really -- I never
21 saw initially a statewide map. There was no hard copies, and he
22 was working off of a laptop, so I would see sections of a map
23 as legislators came in to work on them or as I relayed
24 information from other legislators. So I think I guess a quick
25 answer would be probably sometime in February or maybe early

1 March.

2 Q. These plans were adopted in 2012. Was he -- did he start
3 working on them in late 2011?

4 A. In '12? Is that right? Was it '12? Yeah. '13. That's
5 right. It was '12. So it had to be -- so it had to be March
6 or -- February or March of '12 when -- the first time I saw
7 them. I'm off by a year. I'm sorry.

8 Q. The 2012 regular session was a February session; is that
9 right?

10 A. Let's get this right.

11 Q. We're in '13 now.

12 A. That's right. We're good. That was the second year of the
13 quadrennium, and we start in February. That's correct.

14 Q. And you heard testimony from Senator Dial that he offered to
15 meet -- or that he met with every one of his 34 colleagues to
16 talk about the new districts. What kind of offer -- or what did
17 you do about meeting with your colleagues?

18 A. I made the offer to all 104 members of the House to come sit
19 down and either work with Mr. Hinaman or myself. As far as the
20 Democrats, I went to Representative McCampbell, who is minority
21 chair, I guess, of the House caucus, black caucus. I spoke to
22 him personally on the House floor. Informed him that I was
23 available. I did the same thing with Representative Craig Ford,
24 who was minority chair for the Democratic caucus in the House.
25 I offered that to them. I gave them a phone number to call and

1 set up a time with the lady that worked with me up in my office,
2 and we set up schedules. Did the same thing with the Republican
3 members in my caucus. So I made the offer to every House
4 member. Not every House member came.

5 Q. And Mr. Hinaman testified that he met with Republicans. Did
6 you meet with any of the Democrats?

7 A. I met with all of them that wanted to meet. I made myself
8 available to them.

9 Q. And in the course of your work during the session, did you
10 prepare a notebook? Did you keep a notebook?

11 A. I did.

12 Q. Let me show you what's been marked as Exhibit 459.

13 JUDGE PRYOR: Has that been admitted?

14 MR. PARK: There's been no objection to it, Your Honor.

15 JUDGE PRYOR: Well, did we admit it earlier? That's
16 what I was asking.

17 MR. PARK: Not yet, Your Honor.

18 MR. WALKER: Yes, Your Honor. I thought we admitted
19 all of your exhibits.

20 MR. PARK: All of our exhibits are admitted, Your
21 Honor.

22 JUDGE PRYOR: That's right. That's what I thought.
23 Just get -- let's go.

24 MR. PARK: Yes, Your Honor.

25 BY MR. PARK:

1 Q. Does this appear to be the first page of your notebook?

2 A. I believe it is. That was the first activities we really
3 got into.

4 Q. And what does that -- what do the dates on there indicate?

5 A. Those dates, Senator Dial and I and Dorman Walker -- those
6 are the dates we -- during the month of October, we traveled the
7 state holding public hearings. And all of those -- you can see
8 them there in red, but 18, 19, 20 locations throughout the
9 state. Invited people to come in and talk to us and express
10 anything they wanted to talk to us about as far as the House and
11 Senate redistricting.

12 Q. Okay. Let me direct your attention to State DMC 001517 of
13 Exhibit 459. Can you tell us what this is?

14 A. Well, that's pretty typical of what I did. In this case, we
15 had -- I wish I knew who 98 is. I'm looking at the bottom, and
16 I can't read that signature. But there was someone who
17 wanted -- this was discussing how to put these districts
18 together, and there were common lines in there. And this was a
19 pretty good example. I believe this involved people from two
20 different parties that sat down and worked out how they wanted
21 to work out a common line. And as long as they could do that
22 without affecting the deviations, I would turn this over to
23 Mr. Hinaman and ask him to do his best to incorporate it into
24 what he had in his computer. But this is pretty typical of the
25 way I went about doing this. And in this case, we had both of

1 them initial it.

2 Q. And the two districts that are involved are House Districts
3 102 and 98; is that right?

4 A. That's --

5 Q. Does that appear to be?

6 A. Correct.

7 Q. Let me show you what has been marked as 480, the 2001 House
8 plan, and direct your attention to Mobile. Is that what we're
9 talking about, District 98 and the contiguous district to its
10 north, District 102?

11 A. That would have to be.

12 Q. And does the note on 1517 read: Please move from HD 98 to
13 HD 102. This move has been approved by Rep. C. Fincher and
14 Rep. N. Bracy.

15 A. Yes.

16 Q. Those two.

17 A. Fincher is Republican, Bracy is the Democrat, and they just
18 got together and worked out something. That's what they wanted
19 to do.

20 Q. And is Fincher a white Republican?

21 A. Yes, sir, he is.

22 Q. And Bracy is a black Democrat?

23 A. That is correct.

24 Q. Let's see. Let's look at 1522. Can you tell us what this
25 appears to be? It looks like it's in north Alabama. Is it

1 Lauderdale County?

2 A. Lauderdale. I guess that's the river right there. This is
3 where we were drawing on this. I guess District 1 would be -- I
4 believe that's Burdine, House District 1. And this was -- he
5 had looked at his district over or under, and he and I sat
6 down. I'd usually get them to at least initial a map, but maybe
7 I didn't that day. But you can see -- these are his comments.
8 This is how he thought we could get his district within the
9 deviations that we were targeting. And then I would take this
10 and we would go over it, and he would be happy, and I would ask
11 Mr. Hinaman to see what he could do to work it into the big
12 plan.

13 Q. And does the note on the left say, take rest off here?

14 A. Yes. You see the dotted line?

15 Q. Uh-huh.

16 A. Yes. So apparently, he wanted to reduce that -- he wanted
17 to eliminate that section of District 1. And then over on the
18 right, he had a particular box he would like to eliminate.

19 Q. And then in the middle, does it say, he wants city?

20 A. Yeah, he would like -- whatever city is involved in this
21 process, he wants to keep the city intact if he possibly could.
22 And he would like that to be his voters.

23 Q. Let's look at the 2001 plan and its District 1, which is
24 pink, in northwest Alabama.

25 A. Yes.

1 Q. And then a new district. Does that appear to be what he was
2 looking for?

3 A. It does. It does. Looks like we caught the city there, and
4 we did the trimming on the right and trimmed off the left.

5 Q. Let me show you what's been marked as 1526. And let's see.
6 Madison County. And do you know who this would involve?

7 A. I'm having a hard time reading this.

8 Q. Well, in the middle, does it indicate that someone --

9 A. District 19 is in the green. I see that. Is that
10 Representative Hall? I can't remember from this morning's
11 discussion.

12 Q. 19 is Representative Hall. That's correct.

13 A. All right. So this is where she and I -- she came in, and
14 we talked to her about -- I mean, I listened to her.

15 Q. This is section 19 and 20; is that right?

16 A. Where is 20? Oh, yeah. There's 20, and there's 19. Yes,
17 sir.

18 Q. And does this look like someone's marking up part of 20 to
19 get rid of? Is that -- in the middle; is that correct?

20 A. It looks like she's -- that yellow portion, the blue line
21 going through the yellow, looks like she's wanting to add some
22 in and take some off.

23 Q. Okay. Is this kind of the way you worked, these three
24 exhibits kind of the way you worked?

25 A. It's exactly the way I worked.

1 Q. And we've heard -- and the rest of your notebook would be
2 consistent with these three pages we've looked at?

3 A. They would be.

4 Q. You talked about McClendon 1. The difference between
5 McClendon 1 and McClendon 2 was what?

6 A. McClendon 1 was the initial map that was generated, and we
7 had 2 -- pardon me -- incorrect resident addresses. And I
8 believe it was for A. J. McCampbell and Elaine Beech. So when
9 McClendon 1 was produced, first thing I heard was from those two
10 legislators that they weren't in their district. And I thought,
11 oh, my goodness. We either put a business district or a PO box
12 or something in there. I don't know what it was, but it -- so
13 we turned around and immediately turned out McClendon 2, which
14 made the correction on those addresses. And that was the only
15 thing -- I believe that was the only difference between
16 McClendon 1 and McClendon 2.

17 Q. Let me go back a step or so. Did you get anything from
18 Mr. McClammy with respect to the Montgomery area House
19 districts?

20 A. Oh, yes, sir, I certainly did.

21 Q. What did you get from Mr. McClammy?

22 A. He brought a really nice map. And it was a big map. It
23 wasn't one of these small, you know, letter size maps. It was a
24 big map. And I took a look at that map, and he said that he had
25 had -- he and the other -- I believe the other black legislators

1 in Montgomery County had agreed upon this and thought it was a
2 good plan. And so I turned that over to Mr. Hinaman and asked
3 that he see what he could do to work it into the Montgomery area
4 for representation.

5 Q. What did Mr. McClammy tell you about using that plan or any
6 other?

7 A. You know, he mentioned another group, minority, black folks,
8 that had maybe had some maps, and he suggested that his map
9 would be a better map.

10 Q. Now, after you had come out with McClammy 2, did you have
11 meetings with legislators to try and resolve disputes among
12 them?

13 A. No, I really did not, because I didn't seem to generate any
14 interest among -- from anybody else to talk about it. And so
15 Mr. McClammy and I spent a good bit of time with what he had
16 done, and it looked like it resolved some issues, so I just
17 turned that over to Mr. Hinaman and said, see what happens when
18 we try to plug this in to what you've got.

19 Q. Okay. And during the course of your work, did you talk with
20 Representative Harper about his District 61?

21 A. Harper?

22 Q. Yes, sir.

23 A. I did. And actually, most of Mr. Harper's conversations was
24 sitting at the table with Mr. Hinaman rather than with me. I
25 would overhear -- all the stuff was in my office, and so I would

1 overhear it. But he had worked out something with
2 Representative McCampbell about a small area that, apparently,
3 had been in Representative McCampbell's district, but
4 Mr. McCampbell had agreed to what Mr. Harper was wanting. And
5 it was a common line, it didn't mess up the deviations, so it
6 didn't bother me. If they were both happy, I would be happy.

7 Q. Okay. Now, after the folks had seen the plan, did you work
8 with Representative Black and Representative Johnny Mack Morrow
9 and another representative in northwest Alabama?

10 A. I did. Actually, Marcel Black was sort of the spokesman for
11 Representative Morrow and Representative Burdine, Greg Burdine.
12 They were all three white Democrats from north Alabama, but
13 Marcel sort of carried the torch for them. And we sat down and
14 worked. They wanted -- they had three different districts.
15 They were contiguous. And they had some changes to make within
16 the -- that affected only the three of them, and it didn't spill
17 over into adjacent districts, and so that's exactly what we did.

18 Q. And do you recall which district Mr. Black represents?

19 A. No.

20 Q. All right. Did you have a chance to work with Mr. Robinson,
21 Mr. Oliver Robinson, and Ms. Todd and Mary Moore to resolve
22 something that --

23 A. Yes, sir. We had a very similar situation -- of course,
24 this was inside Jefferson County. And Representative Robinson
25 came to me and he said that he had a solution; that he could

1 make everybody happy. And I called Ms. Moore. She was at a
2 meeting, a caucus meeting, but she answered the phone, and I
3 told her that Representative Robinson was there and that he had
4 made this proposal and I wanted to make sure she was happy. And
5 we all met up in the reapportionment office, and we got one of
6 the ladies that worked up there to help us work on the lines.
7 And Ms. Todd, Representative Todd, joined us and got involved in
8 the process.

9 But once again, we had contiguous districts, and they were
10 essentially trading folks, keeping the deviation in line and
11 making changes that didn't affect anybody on the outside, and I
12 thought that was fine. I was happy to do that.

13 Q. And for the record, Mr. Oliver Robinson's an African
14 American Democrat, right?

15 A. That is correct.

16 Q. And Ms. Todd's a white Democrat?

17 A. That's correct. She's a white lady.

18 Q. Mary Moore is an African American Democrat; is that correct?

19 A. And that is correct.

20 Q. Now, did you also get a request from Representative
21 Juandalynn Givan to make some changes to her district?

22 A. This is a little convoluted. Actually, it was that Merika
23 Coleman that was -- contacted me on behalf of Representative
24 Moore, but it affected Representative Givan's district. And
25 they had some swapping that they wanted to do. And I got a

1 sketch to work with. And then we ran the numbers, and it was
2 like a 3700 or 3600 one-way swap. It just went in one
3 direction, and I didn't have anything to offset it. So I was
4 concerned about that. So I didn't have Representative Moore's
5 phone number, but I did have Representative Coleman's number, so
6 I called her. And this was on -- I remember, this was on a
7 Saturday. I called her up. And I said, can you get ahold of
8 Ms. Moore and let's see if we can figure out what we're going to
9 do? Let her know this won't work as a one-way swap. You're
10 throwing everything off. Get back with me, and we'll make it
11 happen. But I never did hear -- I didn't get a response back
12 from any of them on that, so it didn't happen.

13 Q. If someone brought you a proposed fix, what did you look for
14 when they said, I want to do something different with my
15 district? What did you do?

16 A. First thing I asked them is if they had had the
17 redistricting office print off the deviations so I could see the
18 demographics, so I could see what they were doing.

19 Q. And what difference, if any, would it make if they had the
20 agreement or didn't have the agreement of their neighbor?

21 A. Well, that -- every time you change one line, you're bound
22 to affect somebody else. And so I always had to have at least
23 two people in sync, because I can't -- no sense making one happy
24 and really making the other one mad. So sometimes we would have
25 to sit down and work together so everybody -- well, nobody was

1 ever perfectly happy, but at least they were the least amount of
2 disgruntled.

3 Q. Well, other than the people we've talked about, Mr. Black
4 and Mr. Oliver Robinson, did you work with anybody else that you
5 recall?

6 A. We had a group that involved Marshall County, Dekalb,
7 Blount. I had about five legislators, and they -- and these
8 were all Republican guys. And did they go round and round.
9 About wore us out. But they finally came out with not everybody
10 100 percent happy, but came out -- and of course, what I told
11 them, I said, look. You guys cut a deal here, and you got to be
12 happy enough to vote for this plan when it comes on the House
13 floor. That's the idea. And they finally did work it out. I
14 bet they were in the office three or four times at least working
15 on this.

16 Joe Hubbard came to me, and he had a plan for House District
17 73. Of course, his plan didn't fit in sync with Representative
18 McClammy's plan. Representative McClammy, I could make several
19 people happy. With Representative Hubbard's, I would just make
20 him happy. In fact, with Representative McClammy's plan, House
21 District 73 was gone, so, of course, I don't think
22 Representative Hubbard liked that too much.

23 Q. In adopting the overall deviation of plus/minus 1, did you
24 have any intention of discriminating against the African
25 American voters of Alabama?

1 A. Absolutely not.

2 Q. And in putting together the House plan, did you have any
3 intent to discriminate against the African American voters?

4 A. I did not.

5 MR. PARK: Tender the witness.

6 JUDGE PRYOR: Have I read the agreement correctly that
7 we were going to have direct of Representative McClendon and
8 then cross by deposition only? Is that right?

9 MR. BLACKSHER: I have a few questions, but I would
10 make the bulk of my cross-examination by introducing his
11 deposition.

12 JUDGE PRYOR: Okay. Go ahead. You, Mr. Tanner?

13 MR. TANNER: I'm sorry, Your Honor. I do not expect to
14 have a great deal of cross.

15 JUDGE PRYOR: Okay. Mr. Blacksher?

16 MR. BLACKSHER: Ms. Roy, will you connect my computer
17 to the monitor, please?

18 First of all, I offer Dr. McClendon's deposition as
19 APX 67.

20 MR. PARK: No objection.

21 JUDGE PRYOR: Then it is admitted.

22 MR. BLACKSHER: According to my exhibit list, I don't
23 have a check by Gerald Dial's deposition, which is APX 66. Did
24 I get that in? If not, I offer it.

25 MR. PARK: If not, no objection.

1 JUDGE PRYOR: If not, if it hasn't already been
2 admitted, it is admitted.

3 MR. BLACKSHER: Okay.

4 CROSS-EXAMINATION

5 BY MR. BLACKSHER:

6 Q. Let me ask you about House District 16, Dr. McClendon, Dan
7 Boman's district.

8 A. I'm looking at it.

9 Q. It starts in Sulligent on the Mississippi border, then goes
10 over into Jefferson County.

11 A. Not -- that's not what I see.

12 Q. You don't see --

13 A. Oh, is that -- oh, 16 is the blue one; is that right?

14 Q. Yes, it is.

15 A. This map we have in front of us, what -- is that the 2014
16 proposed plan?

17 Q. It is.

18 A. All right. I'm with you.

19 Q. But I really object to calling it the 2014 plan.

20 A. I'll call it the 2014 proposed plan.

21 Q. Okay.

22 A. How does that sound?

23 Q. Not too good.

24 A. I'll try again if you would like for me to.

25 JUDGE PRYOR: Why don't we call it the plan adopted by

1 the Legislature?

2 MR. BLACKSHER: Or the Act 602 plan.

3 Q. I'm showing you APX 14, which is a newspaper article dated
4 June 19, 2012. Would you read the highlighted part, please.

5 A. McClendon said the 18-member Jeff Co House delegation, which
6 in the past has been split evenly along party lines, is expected
7 to become majority Republican in the next legislative election.
8 Jefferson County is less likely to have a 9-9 tie vote on
9 important issues in the future, McClendon said.

10 JUDGE PRYOR: You might read that -- you don't need to
11 read that over again, but when you do that, you might want to
12 read it a little more slowly.

13 MR. BLACKSHER: It's hard for the court reporter, but
14 this court reporter hasn't complained once. I'm impressed.

15 BY MR. BLACKSHER:

16 Q. So did you say that?

17 A. You know, I believe I did.

18 Q. Okay.

19 A. I don't remember it, but that -- I certainly don't deny it.
20 I might have said that.

21 Q. Well, since you moved Demetrius Newton, House District 53,
22 to Madison County and moved Dan Boman, a white Democrat in House
23 District 16, into Jefferson County, how do you get to 10
24 Republicans?

25 A. You know, right now, it's 9 and 9, in that Mr. Boman is now

1 a Democrat. So it would be 9 and 9. So it's really up to the
2 voters. The voters in that district will make a decision, and
3 probably the basis for the statement was when Mr. Boman first
4 ran, he was -- he ran in that district and was elected as a
5 Republican.

6 Q. He did not run in that district.

7 A. Yeah, he was -- yeah -- well, 16. He was elected as a
8 Republican, and then he changed.

9 Q. 16 looked like the picture on the left there.

10 A. Right. Right.

11 Q. Okay. So you expect the new HD 16 to go Republican?

12 A. I would not be surprised. They elected a Republican in the
13 old 16.

14 Q. I just have this because we've gone over everything in your
15 deposition.

16 Mr. Walker, when he was examining I believe it was Senator
17 Smitherman, he asked Senator Smitherman if he thought Senator
18 Dial is a racist. And what would you say if I told you that I
19 don't trust anybody who doesn't admit that he or she is a
20 racist?

21 A. What would I say to that?

22 Q. Uh-huh.

23 A. I probably wouldn't even comment on it.

24 Q. Well, you'll have to comment.

25 A. Ask me a question.

1 Q. Isn't it true, what I mean, Dr. McClendon, isn't it true
2 that we were all raised in a racist political and social
3 culture?

4 A. You know, I think you're probably right.

5 Q. Okay. And so we all have some of that in us somewhere in
6 our upbringing, right?

7 A. You know, I would hope we can outgrow that; overcome it.

8 Q. Absolutely.

9 A. That's a worthy goal.

10 Q. But we can't outgrow it and overcome it if we're not
11 constantly aware of it, right?

12 A. I can agree with that, yeah.

13 Q. Okay. Let me bring up an exhibit here. I'm showing you APX
14 5, which is a Montgomery Advertiser article captioned,
15 Redistricting Bill Stalls in the Senate. Would you read the
16 highlighted portions slowly, please.

17 A. The highest ranking member of the Alabama Senate believes
18 there could be as many as 27 Republicans in the 35 member Senate
19 after the 2014 election if the Legislature passes the plan being
20 considered now. Senate President Pro Tem Del Marsh, R,
21 Anniston, also expects Republican gains in the 105-member House
22 of Representatives. He said the gains would reflect the
23 politics of the conservative state.

24 Q. Now, you have heard Senator Marsh make that or similar
25 comments, haven't you?

1 A. You know, I don't know that I've actually -- I don't doubt
2 he made that comment. I don't know that I've actually heard him
3 say that. I mean, he's in the Senate. I'm in the House. We
4 don't mix too much.

5 Q. Let me show you APX 58, which is captioned -- it's a news
6 article captioned McClendon Discussing Redistricting with the
7 Greater Birmingham Young Republicans. You've seen this article,
8 haven't you?

9 A. Yes, I have.

10 Q. Please read slowly this highlighted section here.

11 A. Representative McClendon said, our constitution creates
12 House and Senate districts independent of county lines. There
13 is no requirement to respect county boundaries. Federal Court
14 cases and guidelines are interested in population distribution,
15 not county lines. Redistricting considered county lines, but
16 they are not paramount. Legislators whose reelection is most
17 affected by moving district lines will likely rate their
18 political survival ahead of county lines. McClendon said that
19 it is important to always remember that redistricting is a
20 political process.

21 Q. And did you say that, Dr. McClendon?

22 A. Yes, sir, I believe I did.

23 Q. Now read the next highlighted portion slowly, please.

24 A. The Alabama Senate -- the one that starts, the Alabama
25 Senate?

1 Q. Yes. And this is still characterizing what you said. Yes.

2 A. The Alabama Senate has the same number majority minority
3 districts, and the House actually gained one majority minority
4 district. McClendon said that he is projecting that after the
5 2014 election, the number of Republicans in the Alabama House
6 should increase to 68-70. There are 66 now. In the Alabama
7 Senate he is predicting that the Republicans will have 23 to 25
8 of the 35 senate seats.

9 Q. Now, aren't both you and Senator Marsh, President Pro Tem
10 Marsh, talking about the prospect that all of the white
11 Democratic seats are going to eventually turn to Republican in
12 both the Senate and in the House?

13 A. Did I understand you to say that all?

14 Q. All.

15 A. Okay. Now that I've got that, ask the question again so I
16 can get it right.

17 Q. Aren't you and Senator Marsh essentially projecting that
18 eventually, and you're working toward eventually changing all
19 the white Democratic seats into Republican seats?

20 A. I cannot speak for Senator Marsh, but I'll speak for myself,
21 and, no. I've never even had the thought of all the white
22 Democratic seats being gone.

23 Q. None of the seats that you in this article propose or
24 suggest will eventually become Republican is a majority black
25 district, right?

1 A. I'm sorry, Mr. Blacksher, but I'm having trouble getting
2 your question right.

3 Q. You're not projecting that any of the majority black
4 districts will go Republican, are you?

5 A. I am not projecting that. That is correct.

6 Q. When you took the oath of office as a member of the House of
7 Representatives, did you swear to uphold the constitution of
8 Alabama?

9 A. I did.

10 Q. And you do know that the constitution of Alabama of 1901 was
11 adopted for the purpose of preserving white supremacy?

12 A. I have heard that. I don't know that, but it wouldn't
13 surprise me.

14 Q. Well, let me read you from a Supreme Court decision to see
15 if you've heard this.

16 The delegates to the all-white convention were not secretive
17 about their purpose. John B. Knox, president of the convention,
18 stated in his opening address, quote: And what is it that we
19 want to do? Why, it is within the limits imposed by the federal
20 constitution to establish white supremacy in this state. Close
21 quote.

22 And the Supreme Court, again, indeed neither the District
23 Court nor appellants seriously dispute the claim that this zeal
24 for white supremacy ran rampant at the convention. That's
25 *Hunter versus Underwood*, 471 U.S. 222, 229, 1985.

1 Are you aware that there are judicial decisions that said
2 that?

3 A. That there are what decisions?

4 Q. Judicial decisions that said that our constitution was
5 designed to preserve white supremacy.

6 A. I am now, assuming everything -- and I'm sure everything
7 you're telling me is true, but I am now. I'm not -- I hadn't
8 previously been familiar with any of those decisions.

9 Q. That's what I was getting at. This is new history to you,
10 isn't it?

11 A. Well, it's old history to anybody.

12 JUDGE PRYOR: He has a point, Mr. Blacksher.

13 Q. Well, what is your understanding of what white supremacy
14 means?

15 A. White supremacy? It's purely a racial thing, I would have
16 to guess. I really haven't put much thought into it. But I
17 would say white supremacy pretty much defines itself by the
18 words.

19 Q. Well, let me tell you -- let me read to you from another
20 decision. And this is from Knight versus Alabama, 787 F. Supp.
21 1030, at page 1068. And this is the Northern District of
22 Alabama, 1991. It was affirmed by the Eleventh Circuit in 1994.
23 Let me just read this to you, please: The white supremacist
24 attitude of this period is one which desires to preserve blacks
25 in a subordinate position within society, and as those whites

1 who held this idea would have understood it, to preserve
2 civilization in the republic. They understand themselves to be
3 fighting to preserve the essence of the republic.

4 And this is quoting J. Mills Thornton, who is the dean of
5 Alabama historians.

6 The Court goes on to say as follows: The dilemma for the
7 Republican party was always gaining and holding the support of
8 enough white voters to parlay solid black support into electoral
9 victory.

10 JUDGE PRYOR: What was the last three words? Parlay
11 solid --

12 MR. BLACKSHER: Solid black support into electoral
13 victory.

14 Q. This is talking about in the 1870's now, okay? The
15 Democrats -- the Democrats used the Ku Klux Klan and other means
16 of violence, intimidation, and social ostracism against those
17 white persons who aligned with the Republican party. Even white
18 Republicans openly hostile to blacks' interests were ostracized
19 merely for appearing on the same ticket with black candidates or
20 for sitting in the Legislature with black Republicans.

21 And, of course, in the case of some scalawags, which, by the
22 way --

23 JUDGE PRYOR: Mr. Blacksher, I'm having a hard time
24 following what this is about.

25 MR. BLACKSHER: I'll get to it, Your Honor, if you'll

1 allow me to finish.

2 Q. That had the effect of driving them to an ostentatious
3 desire to demonstrate that they do not accept black goals, and
4 eventually it has the effect in some cases of simply driving
5 them out of the Republican party, and they joined the Democratic
6 party. By 1874, that had happened on quite a broad front. And
7 that's what we mean by drawing the color line, forcing all
8 whites on one side and leaving the other side essentially black.

9 Now, that's what the Court wrote about 1874. Did you know
10 that that had happened in 1874?

11 A. Did I know that the Court ruled that in 1874?

12 Q. Did you know that the Democratic party drew the color line
13 in 1874?

14 A. I did not.

15 Q. Okay. If you knew that, would you want to make sure that
16 the Republican party in 2012 was not drawing the color line?

17 A. I'm not interested in drawing a color line, regardless of
18 what's happened in the past. That's --

19 Q. And you would not consider trying to have all whites
20 Republicans, leaving all blacks as Democrats, as drawing the
21 color line?

22 A. I don't have anything to do with that. That's the voters of
23 Alabama that make those decisions.

24 MR. BLACKSHER: I have no further questions.

25 I'm sorry. There are -- no, I don't have any further

1 questions.

2 CROSS-EXAMINATION

3 BY MR. TANNER:

4 Q. Good afternoon, Representative McClendon. It's been a long
5 day, hasn't it?

6 A. It's been delightful.

7 Q. You're under oath, Representative McClendon.

8 Just to clarify, the 1 percent or plus or minus 1, the 2
9 percent deviation rule, is separate from the Department of
10 Justice preclearance issue. You understand that, or do you not
11 understand that?

12 A. I thought the deviation was part of what they reviewed in
13 deciding whether or not to give preclearance.

14 Q. Who -- I'm sorry.

15 JUDGE PRYOR: I'm not doing anything. I'm waiting for
16 your question.

17 MR. TANNER: Okay.

18 Q. Who told you that?

19 A. Who told me that?

20 Q. Yes.

21 A. You know, I believe in their -- when they called to talk
22 about -- when they did their interview about this, I think that
23 was part of the conversation with them.

24 Q. So this was after the plan had been adopted?

25 A. And --

1 Q. They being the people at Justice Department?

2 A. They being DOJ. But after it had passed and we submitted
3 it, or it was submitted by the AG.

4 Q. Okay. What -- to clarify one thing, you offered to meet
5 individually with each Democratic member of the House, correct?

6 A. Correct.

7 Q. But you did not offer to let any of them meet with
8 Mr. Hinaman.

9 A. Correct.

10 Q. Okay. And then you talked to them individually. You sat
11 down one on one when you went through those maps and so forth.

12 A. Correct.

13 Q. Okay. And once the plan became public or after -- we've
14 been talking about phase one that is before McClendon 1 was
15 introduced. That's when you met with them individually, right?

16 A. It was -- yeah. It was an ongoing process. I mean there
17 was a lot of things happening simultaneously, putting this
18 together. There was a lot of work to be done.

19 Q. There usually is in the Legislature, isn't there?

20 A. Can be very busy.

21 Q. And then drawing a line between the prior to the
22 introduction of McClendon 1 and afterwards, after you would meet
23 with multiple Democrats and anyone else, I guess, who wanted to
24 swap population.

25 A. Uh-huh, after. If there was a question there, I missed it.

1 Try me again. I might be getting a little slow this time --

2 Q. Well, it may be me. It may be me.

3 Once you had introduced the McClendon plan, you would meet
4 again with legislators --

5 A. Correct.

6 Q. -- to talk about the plan?

7 A. Yes, sir.

8 Q. And the legislators, the Democratic legislators, were
9 allowed to make changes as long as they were changes that were
10 agreeable to the other affected members.

11 A. You know, I'm trying to think. Are you talking about
12 introducing it as if it went to the House floor? Actually, I'm
13 not sure we made it to the House floor with 1. It was 3 that
14 made it to the House floor. But the committee was continually
15 working on these plans, and so when you say introduce, I don't
16 think that's exactly right. I think it was what we were working
17 on within the redistricting committee.

18 Q. Okay. Well, at what stage in the process did you meet with
19 Mr. Black, Representative Black, and Representative Morrow and
20 Representative Burdine?

21 A. Prior to McClendon 3 being --

22 Q. Okay. Thank you.

23 Now, you testified in your deposition that you went to the
24 National Conference of State Legislators' meeting on
25 redistricting in the Washington area in January of 2011.

1 A. I think that's right. I know it was very cold, and I didn't
2 have an overcoat.

3 Q. It was very cold. And Mr. Walker was present at that
4 meeting also?

5 A. No.

6 Q. He wasn't?

7 A. No.

8 Q. Oh, I'm sorry.

9 A. I didn't know -- I don't -- I guess I knew Mr. Walker
10 because of congressional, but -- no, he was not there.

11 Q. I was confused, apparently, because I believe he testified
12 or he remarked on that conference in one of the hearings, I
13 believe. We'll get to that.

14 And did other Alabama legislators attend?

15 A. Yes. I saw Senator Smitherman there, and I think -- I guess
16 Randy Davis was there with me, and maybe somebody else. We got
17 split up into work groups. It was a pretty interesting process.

18 Q. Well, there were a lot of Republicans from around the
19 country at that conference, weren't there?

20 A. Oh, there probably were 100 or more legislators there from
21 around the country. I was just thinking about from Alabama.

22 Q. Right. And who paid for your trip?

23 A. I believe the caucus, the House Republican caucus paid my
24 expenses. They paid the hotel and plane.

25 Q. Right. Okay. And there were a number of side discussions

1 at that conference, I imagine. Y'all talked about
2 redistricting?

3 A. We had meetings galore.

4 Q. You also testified that the first time you heard the term
5 packing was on the House floor.

6 A. I've thought about that since we did that deposition, and
7 more than likely that term came up in the reapportionment
8 committee meetings that we had where we would look at these
9 plans. So I probably would -- I'm sure it must have come up
10 before getting on the House floor, but I guess I didn't pay much
11 attention to it. I really didn't know -- the packing I figured
12 out the first time I heard it. What was the other one? The
13 cracking? After being here for several days, I've kind of
14 figured out what that's about.

15 Q. Well, actually, you heard about packing at the NCSL
16 conference, didn't you?

17 A. Well, I could have, but it didn't stick. I was much more
18 interested in the map drawing.

19 Q. As a matter of fact, you heard from a former chief of the
20 voting section of the Justice Department, the office that
21 reviews plans under Section 5, warning against packing, didn't
22 you?

23 A. Well, I might have. I don't know.

24 Q. And actually, after the 2010 election, the Alabama Law
25 Institute had an orientation session for legislators which you

1 attended, did you not?

2 A. I was there, yes, sir. I was -- that was in Tuscaloosa
3 you're talking about?

4 Q. Yes, sir. And at that conference, there was also a former
5 chief of the voting section who specifically warned against
6 packing.

7 A. I don't know if I went to that or not. I was at several
8 different meetings, so I don't -- I don't remember that.

9 Q. But there were many legislators present at that conference,
10 weren't there?

11 A. Right. Plenty. A lot of them.

12 Q. And during the hearings, a large number of black
13 legislators -- well, a number of black legislators spoke out
14 against packing while you were present at the hearing.

15 A. Right. You're talking about the public hearings in October?

16 Q. Yes.

17 A. Right.

18 Q. So you had heard from Representative Scott, Representative
19 Coleman, Perry County Commissioner Albert Turner, who was here
20 earlier, Representative Chris England, Senator Hank Sanders,
21 Representative Darrio Melton, and others about packing and
22 asking that you make sure you not pack minority districts.

23 A. Could well be true. I wouldn't deny any of those.

24 Q. And as a matter of fact, your counsel, Mr. Dorman Walker, at
25 these hearings advised against packing and specifically stated

1 that while in the past it used to be 65 -- above 65 percent, I'm
2 pretty sure that if you were to send a district that was 65
3 percent black to the Department of Justice now, they would
4 wonder why you were packing it. And they'll be looking for, my
5 understanding is, much lower levels. I mean a black majority
6 could certainly be above 50, but 55 may be extreme in some
7 cases.

8 Do you recall that?

9 A. No, I really don't. I don't deny it, but I don't recall
10 that conversation. We hit a lot of places, and there was a lot
11 of comments made.

12 Q. Well, that's what you were hearing, was it not, from --

13 A. Sir? That's what I was what?

14 Q. Hearing. That is, the arguments against --

15 A. From testimony, you mean, at the meetings?

16 Q. And the hearings.

17 A. Yes. Right.

18 Q. Right.

19 A. Right. We did hear that.

20 Q. You were hearing a chorus of objections to packing and
21 please not to pack --

22 A. Yeah.

23 Q. -- from the black members of the Legislature?

24 A. Correct.

25 Q. Is that correct? And also from information from your

1 counsel about that. Did you discuss with Mr. Walker, what's all
2 this packing business?

3 A. We probably had that conversation. I did rely on him to
4 help me.

5 Q. And he told you the same thing he told the public, correct,
6 being --

7 A. Right.

8 MR. TANNER: Is the Elmo on?

9 Q. You received some materials from the Republican National --

10 JUDGE PRYOR: Mr. Tanner, about how much longer do you
11 have to go?

12 MR. TANNER: Oh, less than 15 minutes, I believe.

13 JUDGE PRYOR: Okay.

14 JUDGE THOMPSON: Do you expect any redirect?

15 MR. PARK: Minimal.

16 JUDGE PRYOR: I don't want to go much further than
17 that.

18 BY MR. TANNER:

19 Q. I've put on the Elmo -- and this is, as you can see, Exhibit
20 459, which is your notebook, correct?

21 A. It's up in the -- now it's gone. Okay. Okay. I've got the
22 upper left corner of it now. Now I have nothing. And now I see
23 McClendon, 0059, and I see RNC on that.

24 Q. Yes. That material in your notebook came from the
25 Republican National Committee, specifically in Defendant's

1 Exhibit 459, pages 1422 through 1452 and 1454 through 1476, for
2 the record.

3 Let me just show another. And I'm not going to go through
4 all these, of course. Up in the corner, did you -- is that your
5 handwriting, House total?

6 A. That is definitely my handwriting or printing.

7 Q. And this reflects data for each House district, does it not,
8 with the white population and percentage, non-Hispanic white
9 population percentage, and the black non-Hispanic black and so
10 forth for each House district. That's what this table shows,
11 and I'm only showing you one piece; is that correct?

12 A. Yes, sir. I believe that is correct.

13 Q. And, again, this is page 1454. And you received a number of
14 these charts from the Republican National Committee, didn't you?

15 A. Right.

16 Q. When did you receive them and under what circumstances?

17 A. I think they came in early on when we were just going to
18 start the project. It just came in like the census data came
19 in. I don't even know how I got it, other than it was provided
20 to me. Might have been through the attorney, might have been
21 through the speaker's office, but it was in with a bundle of
22 data -- demographic data for individual House districts and, of
23 course, for the state as well. I don't know. I --

24 Q. Did you receive any other communications from the Republican
25 National Committee about redistricting?

1 A. No. I mean as far as talking to anybody or anything like
2 that, no.

3 Q. Or other materials?

4 A. If I had, it would have been in the back. That came out of
5 my folder.

6 Q. I'm putting on the screen Exhibit 459. Can you read that?

7 A. Fairly well.

8 Q. Okay. Let me zoom in a little.

9 A. Oh, that makes it really good.

10 Q. You have district numbers on the left, correct?

11 Corresponding. And then the population figure, the next column,
12 correct?

13 A. Correct.

14 Q. The last name, sometimes first initial, of the member of the
15 Legislature, correct?

16 A. That would be correct.

17 Q. And then a race and party designation; is that correct?

18 A. That is correct.

19 Q. Okay. Who prepared that?

20 A. I do not know.

21 Q. You reside in Springfield, Alabama?

22 A. Springville, Alabama.

23 Q. Springville. Thank you. And that used to be in Senate
24 District 17 under the old plan, correct?

25 A. It is in State 17 today.

1 Q. Today. That is under the 2001 plan. We're still under the
2 2001 plan.

3 A. Yes. That is correct.

4 Q. And under the plan the Legislature adopted for the Senate,
5 that is now in your district or you are now in Senate District
6 11?

7 A. That is correct. My home is, yes, sir.

8 Q. Okay. And you were a candidate for the senate in --

9 A. I am working in that direction.

10 Q. With whom did you discuss your candidacy during the
11 redistricting process, your prospective candidacy?

12 A. Well, there was not a prospective candidacy until Senator
13 Dial was working with I believe it was Senator Williams and
14 Senator Beason on drawing those districts. And of course,
15 they're working in my office, and I went over there and took --
16 I just looked over their shoulder to see what they were doing.
17 And I saw the way Senate 11 was drawn, and that kind of piqued
18 my curiosity. I didn't draw it. In fact, Senator Dial and I
19 had a deal. If he would leave the House districts alone, I
20 would leave the Senate districts alone, and we pretty much
21 abided by that. So the first time I saw it, I started thinking
22 about it. And then later on after -- they worked out some --
23 they did some fine tuning, the current -- the incumbent
24 senators. And it was sometime after that -- I had a lot going
25 on -- sometime after that I had got the demographics and

1 considered running for the Senate.

2 Q. And the data from the Republican National Committee, as I
3 mentioned, they've got -- they have data on ethnicity as well as
4 race. You saw the non-Hispanic white, and they also provided
5 you with data on the Hispanic population of the districts.

6 A. I did see that, yes, sir.

7 Q. Okay. But you did not consider that during the
8 redistricting at all?

9 A. Did not consider what?

10 Q. The Hispanic population.

11 A. That is correct.

12 Q. And in terms of Voting Rights Act, I believe the testimony
13 is that the state Legislature focused solely on the black
14 percentage in terms of the majority black districts in terms of
15 drawing those districts.

16 A. I would agree with that statement.

17 MR. TANNER: I have no further questions, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. PARK:

20 Q. Just briefly. Senator -- or Representative McClendon --

21 A. Good word. Good word.

22 Q. Soon enough.

23 Representative McClendon, Mr. Blacksher showed you a portion
24 of APX 58, and at the carryover he had you read the part down at
25 the bottom of the first page about the prediction. Can you read

1 the sentence that follows on the next page?

2 A. Can you put your finger where -- okay. You want me to read
3 that?

4 Q. Please.

5 A. Starting with that, McClendon cautioned, however, you don't
6 always know what the voters are going to do.

7 Q. Did you talk to Representative Boman on the floor of the
8 House?

9 A. I did. In fact, Representative Boman came up to me after
10 the redistricting plan was passed by the House -- probably by
11 the Senate, and I think it was later he came up and he said
12 that -- he said he could win that new House District 16 the way
13 it was drawn. He said he didn't have a problem with it at all.
14 Said, I can win that district.

15 Q. And counting Mr. Boman as a Democrat, does that keep the
16 ratio in Birmingham at 9 Democrats to 9 Republicans?

17 A. In the House of Representatives, it's 9 and 9. Just like
18 it's been for the last at least ten years.

19 Q. Did you serve in the Navy during --

20 A. I was in the Navy, yes, sir.

21 Q. What does your Navy service tell you about the way you treat
22 people of other races and colors?

23 A. The USN was a great experience. There were no -- there was
24 only one race. That was Navy folks. We had some Marines, too,
25 but --

1 MR. PARK: Nothing further.

2 JUDGE PRYOR: Mr. Blacksher?

3 MR. BLACKSHER: Real quick.

4 RECROSS-EXAMINATION

5 BY MR. BLACKSHER:

6 Q. Dr. McClendon, when you said you got the demographics and
7 decided to run in Senate District 11, you're talking about the
8 demographics of race, right?

9 A. No, sir. That's not what I was talking about.

10 Q. What were you talking about?

11 A. I was talking about how the county -- what percentage each
12 county -- the county composition of Senate 11. That was what I
13 was talking about.

14 Q. What demographics besides black and white were you looking
15 at in those counties?

16 A. The only thing that I was looking at was the percentage of
17 the voters from each county in Senate 11. I didn't make --

18 Q. No further questions.

19 A. Yes, sir.

20 MR. TANNER: Nothing, Your Honor.

21 JUDGE PRYOR: Very good. Okay. Representative
22 McClendon, you may be excused.

23 Now, tomorrow, is there going to be an unidentified
24 rebuttal witness or not?

25 MR. PARK: At this stage, no, Your Honor.

1 JUDGE PRYOR: I'll take that as a not.
2 MR. PARK: Nothing that we've heard so far.
3 JUDGE PRYOR: We know that the Newton plaintiffs intend
4 to call Ms. Toussaint, Mr. Weaver, and Ms. Rubio. Right?
5 MR. ANDERSON: Yes, sir.
6 JUDGE PRYOR: And that's all you expect to do? That's
7 right?
8 MR. ANDERSON: If we have any rebuttal, it will be very
9 brief, and we'll know that first thing in the morning after we
10 confer. But our experts have heard their experts.
11 JUDGE PRYOR: Okay. Well, then, we'll be in recess
12 until nine o'clock tomorrow morning.
13 JUDGE THOMPSON: Can I ask just how long you think your
14 case is going to take tomorrow?
15 MR. TANNER: We'll be through before lunch, Your Honor.
16 JUDGE THOMPSON: Before lunch?
17 (Proceedings concluded at 5:24 p.m.)
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COURT REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of the proceedings in the above-entitled matter.

This 2nd day of July, 2014.

/s/ Patricia G. Starkie
Official Court Reporter

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