

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

ALABAMA LEGISLATIVE BLACK *
CAUCUS; BOBBY SINGLETON; *
ALABAMA ASSOCIATION OF BLACK *
COUNTY OFFICIALS; FRED *
ARMSTEAD, GEORGE BOWMAN, *
RHONDEL RHONE, ALBERT F. *
TURNER, JR., and JILES WILLIAMS, JR., *
individually and on behalf of others *
similarly situated, *

Plaintiffs,

v.

THE STATE OF ALABAMA; JOHN H. *
MERRILL in his official capacity as *
Alabama Secretary of State, *

Defendants. *

ALABAMA DEMOCRATIC *
CONFERENCE et al., *

Plaintiffs, *

v. *

THE STATE OF ALABAMA et al., *

Defendants. *

* Civil Action No.
* 2:12-CV-691-WKW-MHT-WHP
* (3-judge court)

* Civil Action No.
* 2:12-cv-1081-WKW-MHT-WHP
* (3-judge court)

**ALBC PLAINTIFFS' MOTION FOR RECONSIDERATION
OF ORDER READOPTING RULINGS NOT ADDRESSED
BY THE SUPREME COURT**

Plaintiffs Alabama Legislative Black Caucus et al., through undersigned counsel, respectfully move this Court to reconsider those parts of its order entered May 29, 2015, Doc. 242, readopting certain rulings in its earlier orders and judgments not addressed by the Supreme Court in *Alabama Legislative Black Caucus v. Alabama*, 135 S.Ct. 1257 (2015). Specifically, plaintiffs request the Court to reconsider its prior rulings rejecting plaintiffs' claims that the unnecessary splitting of county boundaries in the 2012 House and Senate plans violates the one-person, one-vote rights of county residents. Doc. 53: 5-10, Doc. 174: 16-19.

As grounds for their motion, plaintiffs would show as follows:

1. The May 29, 2015, order is based in part on the parties' decision not to present new evidence. Doc. 242 at 2. But the Supreme Court's mandate that this Court reconsider the racial gerrymandering claims using the correct constitutional standards requires this Court to determine on **federal** grounds whether the integrity of county boundaries, the most important traditional districting principle in Alabama, has been subordinated to racial considerations. These federal grounds, based on *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny, were not squarely before this Court on August 2, 2013, when it made the rulings plaintiffs ask it to reconsider.

2. The Supreme Court's mandate grants plaintiffs the right to raise their claims challenging the splitting of county boundaries, "including as modified by the District Court, on any further appeal." 135 S.Ct. at 1274.

3. This Court's May 29, 2015, order was entered without giving plaintiffs the opportunity to be heard regarding how the racial gerrymandering issues to be heard on remand necessarily implicate their one-person, one-vote claims.

Plaintiffs' initial brief on liability issues, filed contemporaneously with this motion, explains more fully the contentions set out here.

4. Although this Court's majority opinions addressed in the alternative the merits of the one-person, one-vote claims on behalf of all county residents, its decision was based primarily on ripeness and standing grounds that have been resolved by the adoption of new House and Senate rules in the 2015 Legislature, and on its conclusion that on the merits it was bound by Eleventh Circuit precedent, *DeJulio v. Georgia*, 290 F.3d 1291 (11th Cir.2002). Under these circumstances, and in light of the importance of the county delegation/local courtesy system in weighing the subordination of traditional districting principles to race, this Court should reserve reconsideration of its earlier decision on the merits of the one-person, one-vote claim pending its determination of the racial gerrymandering issues.

WHEREFORE, plaintiffs pray that this Court will reconsider its earlier ruling, and that, should the issues not be mooted by its decision concerning the racial gerrymandering claims, this Court will address the one-person, one-vote constitutional violations plaintiffs allege are caused by the 2012 House and Senate redistricting plans.

Respectfully submitted this 12th day of June, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2015, I served the foregoing on the following electronically by means of the Court's CM/ECF system:

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