

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

ALABAMA LEGISLATIVE)	
BLACK CAUCUS, et al.,)	
)	
Plaintiffs,)	
)	CASE NO. 2:12-CV-691
v.)	(Three-Judge Court)
)	
THE STATE OF ALABAMA, et al.,)	
)	
Defendants.)	
_____)	
)	
ALABAMA DEMOCRATIC)	
CONFERENCE, et al.,)	
)	
Plaintiffs,)	
)	CASE NO. 2:12-CV-1081
v.)	(Three-Judge Court)
)	
THE STATE OF ALABAMA, et al.,)	
)	
Defendants.)	

ORDER

The Court orders the Alabama Legislative Black Caucus and Alabama Democratic Conference plaintiffs each, or jointly, to file a new statewide redistricting plan. Each plan, or a joint plan, must follow the Reapportionment Committee Guidelines adopted by the Alabama Legislature, Def. Ex. 420, specifically:

- (1) The 2010 census must be used to determine the total Alabama resident state population and the population of defined subunits;
- (2) Each individual district population must be within plus or minus one percent of the ideal population;
- (3) The plan must comply with the Voting Rights Act of 1965 as amended and *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015);
- (4) To comply with section 2 of the Voting Rights Act, no district may have the purpose or effect of diluting minority voting strength;
- (5) To comply with section 5 of the Voting Rights Act, no district may have the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, which includes diminishing on account of race, color, or membership in a language minority group, the ability of any citizen of the United States to elect his or her preferred candidate of choice;
- (6) No district may be drawn in a way that subordinates race-neutral districting criteria to racial considerations;
- (7) There must be exactly 35 Senate districts and 105 House districts;
- (8) Except as required by the Constitution or laws of the United States, each district must be composed of as few counties as practicable;

(9) Except as required by the Constitution or laws of the United States, every part of a district must be contiguous with every other part according to the Reapportionment Committee Guidelines;

(10) Except as required by the Constitution or laws of the United States, each district must be compact;

(11) Except as required by the Constitution or laws of the United States, the plan must respect communities of interest. A community of interest includes racial, ethnic, geographic, governmental, regional, social, cultural, partisan, and historic interests. It also includes commonality of communications, as well as county, municipal, and voting precinct boundaries. Def. Ex. 420 at ¶ IV(7)(b).

Each plan submitted by the Caucus and Conference must also match the plan adopted by Alabama in the following respects:

(12) Each plan must contain at least 27 majority-black districts in the House of Representatives and at least 8 majority-black districts in the Senate;

(13) Each plan must not split more counties overall than the plan adopted by Alabama;

(14) Each plan must not split more precincts overall than the plan adopted by Alabama;

(15) Each plan must contain no incumbent conflicts, except those conflicts in the plan adopted by Alabama. Those conflicts were between former

Representative Demetrius Newton and Representative Juandalynn Givan, and between Representatives John Knight and Joe Hubbard.

The plaintiffs shall file, separately or jointly, a plan and explanatory brief within 28 days of our Order. If the plan splits a precinct that is currently whole, restores a precinct that was split by Alabama, or moves a precinct out of its current district, the brief for that plan shall identify the precinct by name and number. The joint brief or separate briefs shall also contain charts with statistics on (1) the total black population and black population percentage of each proposed district, (2) a comparison of those two figures to the current plan, and (3) the population of each district and its deviation from the ideal. They shall also file, separately or jointly, two sets of overlay maps: one with the proposed plan superimposed on the current district lines, and one with the proposed plan superimposed on the 2001 district lines. These sets of overlay maps should include detailed images of districts in Jefferson, Madison, Mobile, and Montgomery counties.

If the plaintiffs file a joint plan, the state defendants shall respond within 28 days of the service of the plan. They shall also have the option to depose the person most knowledgeable about the plan within 21 days of the service of the plan.

If the plaintiffs file separate plans, the state defendants shall respond to both plans no later than 28 days after the service of the second plan. The state

defendants may choose to file a single response or separate responses to each plan. They also shall have the option to depose the person most knowledgeable about each plan within 21 days of the service of that plan.

DONE this 28th of August, 2015.

/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE
PRESIDING

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT
JUDGE

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE