

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

ALABAMA LEGISLATIVE BLACK	)	
CAUCUS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	CASE NO. 2:12-CV-691
	)	(Three-Judge Court)
v.	)	
	)	
THE STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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ALABAMA DEMOCRATIC	)	
CONFERENCE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	CASE NO. 2:12-CV-1081
	)	(Three-Judge Court)
v.	)	
	)	
THE STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**DEFENDANTS' RESPONSE TO THE COURT'S  
REQUEST FOR INFORMATION (Doc. 275)**

Defendants respond to the Court's requests for information as follows, noting that some items are being addressed by the Plaintiffs in separate filings. Defendants have separately filed a Notice of Filing (doc. 277) that includes an index (doc. 277-1) of the additional Supplemental Exhibits Defendants submit in response to the Court's requests.

- 1. The precinct lines for Montgomery County in Alabama's Supp. Ex. 9 differ from the plaintiffs' exhibits. The parties are directed to stipulate to the reason for this difference and provide a corrected map, if necessary.**

Defendants' Supp. Ex. 9 reflects the *current* precinct lines for Montgomery County. The precinct lines in Def. Supp. Ex. 9 post-date the precinct lines that were loaded into the system at the Reapportionment Office and used by the drafters, whereas the Plaintiffs' exhibits reflect the precinct lines that were in the system when the plans were drafted (the lines that were available to the drafters. Defendants agree that the precinct lines in the system when the plans were drafted are the relevant precinct lines for purposes of this case. That said, the minor differences in the two sets of lines do not take away from the point that Defendants made through Alabama's Supp. Ex. 9: the "crab claw" part of the shape of SD26 follows precinct lines. *See* Def. Supp. Ex. 59. That precinct, 5E Fitzpatrick Elementary School Voting District, is where the SD26 incumbent lives. (See Def. Supp. Ex. 5, filed previously).

In response to item number 3 in doc. 275, ALBC is submitting a map of SD26 that contains the correct precinct lines. In addition, as discussed below for item no. 3, the Defendants are submitting a map from the Reapportionment Office which shows the Montgomery County precinct lines loaded in that system; in the small areas where SD26 deviates from the precincts lines, its border becomes red. Def. Supp. Ex. 59.

**2. Alabama is directed to inform the court whether the Montgomery County Commission lines in Alabama's Supp. Ex. 10 are accurate as of the time of redistricting. If the map is accurate, Alabama is directed to produce an overlay map of the County Commission lines with Senate District 26 that includes legible road names, highway names, *etc.***

Alabama's Supp. Ex. 10 reflects the current County Commission lines. Those lines were adopted by the Commission in September 2011 and were in place at the time of the 2012 redistricting. It is not the Defendants' understanding that the County Commission lines were used by the drafters, but the lines do show that the "lagoon" just below County Commission district 4 is a feature in various voting districts created by different entities.

The streets are missing from the bottom portion of Alabama's Supp. Ex. 10. The Defendants have secured a larger copy of the County Commission lines with streets from the county and submit that as Def. Supp. Ex. 11. (Defendants have multiple poster-sized copies of Def. Supp. Ex. 11 that they will make available to the Court and counsel at the scheduled argument).

Pursuant to the Court's directions, the Defendants also attach an overlay map of the County Commission lines with Senate District 26 that includes just those lines and the interstates and one that includes detailed streets. (See Def. Supp. Ex. 12, 13). The Defendants further offer close-ups of the detailed street maps for the "lagoon" and the "crab claw." (See Def. Supp. Ex. 14, 15).

- 3. The parties are directed to produce a map for each majority-black district showing all the precinct lines in that district, including precinct names. The Caucus plaintiffs submitted individual maps of each split precinct, but no maps that show the relation of all the precincts in and on the borders of a given district.**

The ALBC Plaintiffs are producing maps that comply with this request. Defendants do not at this time have objections to the maps that the ALBC plaintiffs submit to the Court as Exhibits APSX 398-447. Defendants have asked the Reapportionment Office to produce comparable maps to ensure that the precinct lines on the ALBC maps correspond with the precinct lines in the Reapportionment Office's system (and which were used by the drafters). The Reapportionment Office does not have the capability at this time to add precinct names to their maps (or numbers with an index, as ALBC was able to provide), but its maps will serve as a check on accuracy for precinct lines and will also present some of the same information in what Defendants believe will be a clearer fashion. Those maps are submitted as Def. Supp. Exs. 29-63.

- 4. The parties are directed to produce a list of incumbent conflicts for the alternative redistricting plans admitted in evidence, similar to the lists provided by the Caucus plaintiffs in their supplemental exhibits APSX 34 and APSX 43.**

Defendants submit reports received from the Reapportionment Office as collective Def. Supp. Ex. 16.

- 5. The parties are directed to produce four maps of the House District incumbent locations for districts that are part of Madison, Jefferson, Montgomery, and Mobile Counties. These maps should be similar to the statewide maps provided by Alabama, Def. Supp. Exs. 2 and 5, but with greater detail.**

The four maps requested are submitted as follows:

Def. Supp. Ex. 17 - Incumbent location for Madison Co. House Districts  
Def. Supp. Ex. 18 - Incumbent location for Jefferson Co. House Districts  
Def. Supp. Ex. 19 - Incumbent location for Montgomery Co. House Districts  
Def. Supp. Ex. 20 - Incumbent location for Mobile Co. House Districts

- 6. The parties are directed to produce a list of the representatives and senators, their party affiliations and race at the time of redistricting, and a list of the representatives and senators, their party affiliations and race after the November 2014 election.**

Defendants submit the requested information as follows:

Def. Supp. Ex. 21 - 2010 House of Representatives sorted by name  
Def. Supp. Ex. 22 - 2010 House of Representatives sorted by district  
Def. Supp. Ex. 23 - 2014 House of Representatives sorted by name  
Def. Supp. Ex. 24 - 2014 House of Representatives sorted by district  
Def. Supp. Ex. 25 - 2010 Senate sorted by name  
Def. Supp. Ex. 26 - 2010 Senate sorted by district  
Def. Supp. Ex. 27 - 2014 Senate sorted by name  
Def. Supp. Ex. 28 - 2014 Senate sorted by district

- 7. The Conference plaintiffs provided data on the numbers of black and white populations added and removed from each majority-black district. ADC Supp. Exs. 4, 5. These numbers do not line up with Alabama's submitted statistics. For instance, in Senate District 26, Alabama submitted evidence that the net increase in white population was 36 people. *Compare* SDX 400 at 3 *with* SDX 402 at 1. But, according to the Conference plaintiffs' supplemental exhibit, there were 11,473 whites added and 11,837 whites removed from Senate District 26, which is a net decrease. The parties are directed to stipulate to the correct population figures with respect to each majority-black district.**

Counsel for Defendants and counsel for ADC have discussed this matter and the parties agree as set out below. Defendants attach ADC Supp. Exs. 4A and 5A, referred to in the following paragraph, as a courtesy:

SDX 400 and 402 use the 2010 Census categories “White” and “Black or African American.” These Census categories were used to draw the plans passed by the Legislature. ADC Supp. Exs. 4 and 5 use the 2010 Census categories “Non-Hispanic White” and “Non-Hispanic Black.” The parties stipulate that SDX 400 and 402, ADC Supp. Exs. 4 and 5, and also ADC Supp. Exs. 4A and 5A (attached hereto), accurately present the Census data to which they refer. The ADC adds that the challenged Senate plan thus added to Senate District 26 a net total of 36 White persons, and removed a net total of 364 Non-Hispanic White persons.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that, on August 19, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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