
REAPPORTIONMENT COMMITTEE GUIDELINES
FOR LEGISLATIVE,
STATE BOARD OF EDUCATION, AND
CONGRESSIONAL REDISTRICTING
STATE OF ALABAMA

1 Pursuant to the Constitution of the United States and the Constitution of the State
2 of Alabama, the Alabama State Legislature is required to review the 2000 Federal
3 Decennial Census data provided by the U.S. Bureau of the Census to determine if it is
4 necessary to reapportion or redistrict Alabama's legislative, State Board of Education,
5 and congressional districts because of population changes since the 1990 Census.
6 Accordingly, the following guidelines for legislative, State Board of Education, and
7 Congressional reapportionment and redistricting have been established by the
8 Legislatures' Permanent Joint Legislative Committee on Reapportionment, hereinafter
9 referred to as the "Reapportionment Committee."

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12 I. **POPULATION**

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14 Public Law 94-171, enacted by Congress in 1975, requires the U. S. Bureau of
15 the Census to provide small area population counts to the Legislature and the

1 Governor within one year after each Decennial Census, or by April 1, 2001,
2 broken down by major race group and Hispanic origin for the total population,
3 and for persons 18 years old and over. Census maps showing the boundaries of
4 counties, cities, census statistical areas, census blocks, and voting districts
5 (precincts) will accompany these data. The total Alabama state population, and
6 the population of defined subunits thereof, as reported by the 2000 Decennial
7 Census, shall be the permissible data base used for the development,
8 evaluation, and analysis of proposed redistricting plans. It is the intention of this
9 provision to exclude from use any census data other than that provided by the
10 United States Census Bureau, and without stating any preference for
11 enumerated or estimated Census results.

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14 **II. EQUAL POPULATION REQUIREMENT: ONE PERSON-ONE VOTE**

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16 The goal of reapportioning and redistricting is equality of population of legislative,
17 State Board of Education, and congressional districts as defined below.

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19 **1. Legislative And State Board of Education Districts**

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21 In accordance with the Equal Protection Clause of the Fourteenth Amendment to
22 the United States Constitution, legislative and State Board of Education districts

1 will be drawn to achieve "substantial equality of population among the various
2 districts."

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4 a. As a general proposition, deviations from the "ideal district" population should be
5 justifiable either as a result of the limitations of census geography, or as a result
6 of the promotion of a rational state policy.

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8 b. In keeping with subpart a, above, proponents of legislative and State Board of
9 Education reapportionment plans should establish as a high priority minimizing
10 population deviations among districts. In any case, the relative population
11 deviation for any legislative or State Board of Education district should not
12 exceed plus or minus five percent ($\pm 5\%$). Adherence to this rule will insure that
13 the overall deviation in the plan does not exceed ten percent (10%), which is
14 generally considered by controlling federal judicial decisions as a permissible
15 overall deviation.

16
17 c. Any proponent submitting a proposal to the Reapportionment Committee or the
18 Legislature shall submit a detailed explanation of how the deviations in the
19 proposed plan further the rational state policies described in Section IV of these
20 guidelines, or are necessitated by census geography.

2. **Congressional Districts**

The Apportionment Clause of Article I, Section 2, of the United States Constitution requires that the population of all the congressional districts in a state be "as nearly equal in population as practicable." Accordingly, efforts will be made to draw Congressional redistricting plans in which districts are mathematically equal in population, or which produce the lowest overall range practicable. Any significant deviation from the ideal population must reflect the necessity to achieve some legitimate state objective, and it should be recognized that strict scrutiny will be given any such plan, with the proponent having a heavy burden to demonstrate with specificity the necessity for such deviation. Any proponent submitting a proposal to the Reapportionment Committee or the Legislature shall submit a detailed explanation of how the deviations in the proposed plan further the rational state policies described in Section IV of these guidelines or are necessitated by census geography.

III. **VOTING RIGHTS ACT**

1. Redistricting plans must meet the provisions of the Voting Rights Act, and shall be constructed so as not to impede the opportunities of blacks and other racial and ethnic groups protected by the Act to participate in the political process and elect representatives of their choice.

GUIDELINES

2. Proposed redistricting plans must not employ standards, practices, or procedures which have the purpose of, or result in, the denial or abridgement of the right to vote on account of race or color or because a person is a member of a language minority group.
3. Redistricting plans are subject to the preclearance process established in Section 5 of the Voting Rights Act.

IV. CRITERIA FOR LEGISLATIVE, STATE BOARD OF EDUCATION, AND CONGRESSIONAL DISTRICTS

1. All legislative, State Board of Education, and congressional districts will be single member districts which comport with the population equality standards discussed above.
2. No district will be drawn in a manner that subordinates race-neutral districting criteria to considerations that stereotype voters on the basis of race, color, or membership in a language-minority group.
3. A redistricting plan will not have either the purpose or the effect of diluting minority voting strength, and shall not be retrogressive and shall otherwise comply with Sections 2 and 5 of the Voting Rights Act and the fourteenth and fifteenth amendments to the Constitution.

4. All legislative and congressional districts will be composed of contiguous and reasonably compact geography.
5. The following legislative redistricting requirements prescribed by the Alabama Constitution shall be complied with:
 - a. Sovereignty resides in the people of Alabama, and all districts should be drawn to reflect the democratic will of all the people concerning how their governments should be restructured.¹
 - b. House and Senate districts shall be drawn on the basis of total population.²
 - c. The number of Senate districts is set by statute at 35³ and, under the Alabama Constitution, may not exceed 35.⁴
 - d. The number of Senate districts shall be not less than one-fourth or more than one-third of the number of House districts.⁵

¹ Ala. Const. art I, § 2.

² Ala. Const. art. IX, § 198; *Sims v. Amos*, 336 F.Supp. 924 (M.D. Ala), supplemented, 340 F.Supp. 691, *affirmed per curiam*, 409 U.S. 942 (1972).

³ Ala. Code § 29-1-2.3 (1998).

⁴ Ala. Const. art. IV, § 50.

⁵ Ala. Const. art. IX, § 197.

GUIDELINES

- e. The number of House districts is set by statute at 105⁶ and, under the Alabama Constitution, may not exceed 106.⁷
- f. The number of House districts shall not be less than 67.⁸
- 6. The following redistricting policies contained in the Alabama Constitution shall be observed to the extent that they do not violate or conflict with requirements prescribed by the Constitution and laws of the United States:
 - a. Each House and Senate district should be composed of as few counties as practicable.⁹
 - b. Every part of every district shall be contiguous with every other part of the district.¹⁰
 - c. Every district should be as compact as is feasible.¹¹

⁶ Ala. Code § 29-1-1.2 (1998).

⁷ Ala. Const. art. IV, § 50.

⁸ Ala. Const. art. IV, § 50; *Opinion of the Justices*, 178 So .2d 641 (Ala. 1965).

⁹ Ala. Const. art. II, § 39, art. IX. §§ 198, 199, 200; *Sims v. Baggett*, 247 F.Supp. 96, 102 (M.D. Ala. 1965).

¹⁰ Ala. Const. art. IX, § 200.

¹¹ Ala. Const. art. II, § 39, art. IX §§ 198, 199, 200.

7. The following redistricting policies are embedded in the political values, traditions, customs, and usages of the State of Alabama and shall be observed to the extent that they do not violate or subordinate the foregoing policies prescribed by the Constitution and laws of the United States and of the State of Alabama:
 - a. Contests between incumbent members of the Legislature, the State Board of Education, or of the Congress will be avoided when ever possible.
 - b. The integrity of communities of interest shall be respected to the extent feasible. For purposes of these Guidelines, a community of interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, geographic, governmental, regional, social, cultural, partisan, or historic interests; county, municipal, or voting precinct boundaries; and commonality of communications. It is inevitable that some interests will be recognized and others will not, however the legislature will attempt to accommodate those felt most strongly by the people in each specific location.
 - c. Local community and political leaders and organizations and the entire citizenry shall be consulted to the maximum extent practicable, and their wishes with respect to the configuration of districts shall be complied with to the extent they are lawful and practicable.
 - d. The plan will attempt to preserve the cores of existing districts.

GUIDELINES

V. 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, 1999, all amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.
5. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be

presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank.

VI. 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 all public hearings shall be made and maintained as part of the public record, and shall be available to the public.
4. The Reapportionment Committee will hold public hearings at different locations throughout the State in order to actively seek public participation and maximize public input.
5. All interested persons are encouraged to appear before the Reapportionment Committee and to give their comments and input regarding legislative, State Board of Education, and congressional reapportionment and redistricting. Reasonable opportunity will be given to such persons, consistent with the criteria

GUIDELINES

herein established, to present plans or amendments to plans for legislative, State Board of Education, and congressional reapportionment and redistricting to the Reapportionment Committee, if desired, unless such plans or amendments fail to meet the minimally accepted criteria herein established.

6. Notices of all Reapportionment Committee meetings will be posted on the fifth, sixth, seventh, and eighth floors of the Alabama State House, and the Committee's website: www.legislature.state.al.us/reapportionment/reap.html . Individual notices of Reapportionment Committee meetings will be transmitted to any citizen or organization requesting the same, without charge. Persons or organizations who want to receive this information should contact the Reapportionment Office.

VII. 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.

3. Any proposed redistricting plan drafted into legislation must be offered by a member of the Legislature for introduction into the legislative process.
4. Any redistricting plan developed outside the Legislature or any redistricting plan developed without Reapportionment Office assistance which is to be presented for consideration by the Reapportionment Committee must:
 - a. Be clearly depicted on maps which follow 2000 Census geographic boundaries or on a reapportionment work map available from the Reapportionment Office;
 - b. Be accompanied by a statistical sheet listing total population and minority population for each district and listing the census geography making up each proposed district;
 - c. Stand as a complete statewide plan for redistricting, or, if presenting a partial plan, fit back into the plan which is being modified, so that the proposal can be evaluated in the context of a statewide plan (i.e.: all places of geography must be accounted for in some district);
 - d. Must comply with the guidelines adopted by the Reapportionment Committee.

GUIDELINES

5. Electronic Submissions

- a. Electronic submissions of redistricting plans will be accepted by the Reapportionment Committee.
- b. Plans submitted electronically must also be accompanied by the paper materials referenced in this section.
- c. See Appendix B for the technical documentation for the electronic submission of redistricting plans.

6. Census Data And Redistricting Materials

- a. Census population data and census maps will be made available through the Reapportionment Office at a cost determined by the Permanent Legislative Committee on Reapportionment.
- b. Summary population data at the precinct level and a statewide workmap(s) will be made available to the public through the Reapportionment Office at a cost determined by the Permanent Legislative Committee on Reapportionment.
- c. All such fees shall be deposited in the state treasury to the credit of the general fund and shall be used to cover the expenses of the legislature.

NOTE: Please refer to Appendix A for the fee structure of items and materials listed in these guidelines.

GUIDELINES

Appendix A

Fee Structure

Census Data and Census Maps

Reapportionment Committee

State of Alabama

2000 Census Population Data - Public Law 94-171 (Official 2000 Census data released for the State of Alabama).

Data Available: Hard copy 8 ½ x 11 \$.10 per page.

1. Precinct totals county by county broken down by race and voting age.
2. County block level totals broken down by race and voting age. Report size varies by county depending on the size of the county.
3. Entire state population report.

Maps Available: Hard copy 36" x 42" map sheets.

\$5.00 per map sheet (includes postage).

1. Voting Precinct Maps, by county.

The number of map sheets per county varies according to the size of each county.

2. Census Tract Maps, by county.

The number of map sheets per county varies according to the size of each county.

3. County Census Block Maps.

The number of map sheets per county varies according to the size of each county.

Census Data - Census Tiger/Line files and Census 2000 P.L. 94-171 Redistricting

Data Summary Files are available for download from Census at www.census.gov.

Electronic Data - Data in electronic form will be provided on a 3 ½ floppy diskette at \$20.00 per diskette or on a CD-RM at \$30.00 per CD.

**Please note that computer software is required to run the census data and will not be provided by the Reapportionment Office.*

GUIDELINES

Appendix B.

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

The Legislative Reapportionment Computer System supports the electronic submission of redistricting plans. The electronic submission of these plans must be on either a floppy disk or CD ROM. The software used by the Reapportionment Office is (PSA) Plan2000.

The electronic file should be in DOJ (Block, district #) format. This should be a two column, comma delimited file containing the FIPS code for each block, and the district number. Plan2000 has an automated plan import that creates a new Plan2000 plan from the block/district assignment list.

MIF (MapInfo interchange) and ArcView shape files can be viewed as an overlay. A new plan would have to be built using this overlay as a guide to assign units into a blank Plan2000 plan. Other formats which can be used as an overlay are MFE, ArcView, ArcInfo, Access, CAD, Map Info, FRAMME, MGDM, MGSM, ODBC Tabular, Oracle Object Model, and Oracle Relational Model. However, in order to analyze the plans with our attribute data, edit, and report on, a new Plan2000 will have to be built.

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