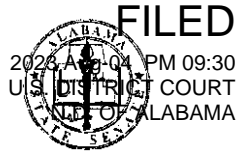


SB5 ENROLLED



ACT #2023 - 563

- 1 XBT977-3
- 2 By Senator Livingston
- 3 RFD: Conference Committee on SB5
- 4 First Read: 17-Jul-23
- 5 2023 Second Special Session



**SB5 Enrolled**

1 Enrolled, An Act,

2  
3  
4 To amend Section 17-14-70, Code of Alabama 1975, to  
5 provide for the reapportionment and redistricting of the  
6 state's United States Congressional districts for the purpose  
7 of electing members at the General Election in 2024 and  
8 thereafter, until the release of the next federal census; and  
9 to add Section 17-40-70.1 to the Code of Alabama 1975, to  
10 provide legislative findings.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 17-14-70.1 is added to the Code of  
13 Alabama 1975, to read as follows.

14 §17-14-70.1

15 The Legislature finds and declares the following:

16 (1) The Legislature adheres to traditional  
17 redistricting principles when adopting congressional  
18 districts. Such principles are the product of history,  
19 tradition, bipartisan consensus, and legal precedent. The  
20 Supreme Court of the United States recently clarified that  
21 Section 2 of the Voting Rights Act "never requires adoption of  
22 districts that violate traditional redistricting principles."

23 (2) The Legislature's intent in adopting the  
24 congressional plan in this act described in Section 17-14-70.1  
25 is to comply with federal law, including the U.S. Constitution  
26 and the Voting Rights Act of 1965, as amended.

27 (3) The Legislature's intent is also to promote the  
28 following traditional redistricting principles, which are



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given effect in the plan created by this act:

a. Districts shall be based on total population as reported by the federal decennial census and shall have minimal population deviation.

b. Districts shall be composed of contiguous geography, meaning that every part of every district is contiguous with every other part of the same district.

c. Districts shall be composed of reasonably compact geography.

d. The congressional districting plan shall contain no more than six splits of county lines, which is the minimum number necessary to achieve minimal population deviation among the districts. Two splits within one county is considered two splits of county lines.

e. The congressional districting plan shall keep together communities of interest, as further provided for in subdivision (4).

f. The congressional districting plan shall not pair incumbent members of Congress within the same district.

g. The principles described in this subdivision are non-negotiable for the Legislature. To the extent the following principles can be given effect consistent with the principles above, the congressional districting plan shall also do all of the following:

1. Preserve the cores of existing districts.
2. Minimize the number of counties in each district.
3. Minimize splits of neighborhoods and other political subdivisions in addition to minimizing the splits of counties

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57 and communities of interest.

58 (4)a. A community of interest is a defined area of the  
59 state that may be characterized by, among other commonalities,  
60 shared economic interests, geographic features, transportation  
61 infrastructure, broadcast and print media, educational  
62 institutions, and historical or cultural factors.

63 b. The discernment, weighing, and balancing of the  
64 varied factors that contribute to communities of interest is  
65 an intensely political process best carried out by elected  
66 representatives of the people.

67 c. If it is necessary to divide a community of interest  
68 between congressional districts to promote other traditional  
69 districting principles like compactness, contiguity, or equal  
70 population, division into two districts is preferable to  
71 division into three or more districts. Because each community  
72 of interest is different, the division of one community among  
73 multiple districts may be more or less significant to the  
74 community than the division of another community.

75 d. The Legislature declares that at least the three  
76 following regions are communities of interest that shall be  
77 kept together to the fullest extent possible in this  
78 congressional redistricting plan: the Black Belt, the Gulf  
79 Coast, and the Wiregrass.

80 e.1. Alabama's Black Belt region is a community of  
81 interest composed of the following 18 core counties: Barbour,  
82 Bullock, Butler, Choctaw, Crenshaw, Dallas, Greene, Hale,  
83 Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Pike,  
84 Russell, Sumter, and Wilcox. Moreover, the following five

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85 counties are sometimes considered part of the Black Belt:  
86 Clarke, Conecuh, Escambia, Monroe, and Washington.

87 2. The Black Belt is characterized by its rural  
88 geography, fertile soil, and relative poverty, which have  
89 shaped its unique history and culture.

90 3. The Black Belt region spans the width of Alabama  
91 from the Mississippi boarder to the Georgia border.

92 4. Because the Black Belt counties cannot be combined  
93 within one district without causing other districts to violate  
94 the principle of equal population among districts, the 18 core  
95 Black Belt counties shall be placed into two reasonably  
96 compact districts, the fewest number of districts in which  
97 this community of interest can be placed. Moreover, of the  
98 five other counties sometimes considered part of the Black  
99 Belt, four of those counties are included within the two Black  
100 Belt districts - Districts 2 and 7.

101 f.1. Alabama's Gulf Coast region is a community of  
102 interest composed of Mobile and Baldwin Counties.

103 2. Owing to Mobile Bay and the Gulf of Mexico  
104 coastline, these counties also comprise a well-known and  
105 well-defined community with a long history and unique  
106 interests. Over the past half-century, Baldwin and Mobile  
107 Counties have grown even more alike as the tourism industry  
108 has grown and the development of highways and bay-crossing  
109 bridges have made it easier to commute between the two  
110 counties.

111 3. The Gulf Coast community has a shared interest in  
112 tourism, which is a multi-billion-dollar industry and a

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113 significant and unique economic driver for the region.

114 4. Unlike other regions in the state, the Gulf Coast  
115 community is home to major fishing, port, and ship-building  
116 industries. Mobile has a Navy shipyard and the only deep-water  
117 port in the state. The port is essential for the international  
118 export of goods produced in Alabama.

119 5. The Port of Mobile is the economic hub for the Gulf  
120 counties. Its maintenance and further development are critical  
121 for the Gulf counties in particular but also for many other  
122 parts of the state. The Port of Mobile handles over 55 million  
123 tons of international and domestic cargo for exporters and  
124 importers, delivering eighty-five billion dollars  
125 (\$85,000,000,000) in economic value to the state each year.  
126 Activity at the port's public and private terminals directly  
127 and indirectly generates nearly 313,000 jobs each year.

128 6. Among the over 21,000 direct jobs generated by the  
129 Port of Mobile, about 42% of the direct jobholders reside in  
130 the City of Mobile, another 39% reside in Mobile County but  
131 outside of the City of Mobile, and another 13% reside in  
132 Baldwin County.

133 7. The University of South Alabama serves the Gulf  
134 Coast community of interest both through its flagship campus  
135 in Mobile and its campus in Baldwin County.

136 8. Federal appropriations have been critical to  
137 ensuring the port's continued growth and maintenance. In 2020,  
138 the Army Corps of Engineers allocated over two hundred  
139 seventy-four million dollars (\$274,000,000) for the Port of  
140 Mobile to allow the dredging and expansion of the port.

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141 Federal appropriations have also been critical for expanding  
142 bridge projects to further benefit the shared interests of the  
143 region.

144 9. The Gulf Coast community has a distinct culture  
145 stemming from its French and Spanish colonial heritage. That  
146 heritage is reflected in the celebration of shared social  
147 occasions, such as Mardi Gras, which began in Mobile. This  
148 shared culture is reflected in Section 1-3-8(c), Code of  
149 Alabama 1975, which provides that "Mardi Gras shall be deemed  
150 a holiday in Mobile and Baldwin Counties and all state offices  
151 shall be closed in those counties on Mardi Gras." Mardi Gras  
152 is observed as a state holiday only in Mobile and Baldwin  
153 Counties.

154 10. Mobile and Baldwin Counties also work together as  
155 part of the South Alabama Regional Planning Commission, a  
156 regional planning commission recognized by the state for more  
157 than 50 years. The local governments of Mobile, Baldwin, and  
158 Escambia Counties, as well as 29 municipalities within those  
159 counties, work together through the commission with the  
160 Congressional Representative from District 1 to carry out  
161 comprehensive economic development planning for the region in  
162 conjunction with the U.S. Economic Development Administration.  
163 Under Section 11-85-51(b), factors the Governor considers when  
164 creating such a regional planning commission include  
165 "community of interest and homogeneity; geographic features  
166 and natural boundaries; patterns of communication and  
167 transportation; patterns of urban development; total  
168 population and population density; [and] similarity of social

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and economic problems."

g.1. Alabama's Wiregrass region is a community of interest composed of the following nine counties: Barbour, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, and Pike.

2. The Wiregrass region is characterized by rural geography, agriculture, and a major military base. The Wiregrass region is home to Troy University's flagship campus in Troy and its campus in Dothan.

3. All of the Wiregrass counties are included in District 2, with the exception of Covington County, which is placed in District 1 so that the maximum number of Black Belt counties can be included within just two districts.

Section 2. Section 17-14-70, Code of Alabama 1975, is amended to read as follows:

"§17-14-70

(a) The State of Alabama is divided into seven congressional districts as provided in subsection (b).

(b) The numbers and boundaries of the districts are designated and established by the map prepared by the Permanent Legislative Committee on Reapportionment and identified and labeled as ~~Pringle Congressional Plan 1~~ Livingston Congressional Plan 3-2023, including the corresponding boundary description provided by the census tracts, blocks, and counties, and are incorporated by reference as part of this section.

(c) The Legislature shall post for viewing on its public website the map referenced in subsection (b), including



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197 the corresponding boundary description provided by the census  
198 tracts, blocks, and counties, and any alternative map,  
199 including the corresponding boundary description provided by  
200 the census tracts, blocks, and counties, introduced by any  
201 member of the Legislature during the legislative session in  
202 which this section is added or amended.

203 (d) Upon enactment of ~~Act 2021-555, adding the act~~  
204 amending this section and adopting the map identified in  
205 subsection (b), the Clerk of the House of Representatives or  
206 the Secretary of the Senate, as appropriate, shall transmit  
207 the map and the corresponding boundary description provided by  
208 the census tracts, blocks, and counties identified in  
209 subsection (b) for certification and posting on the public  
210 website of the Secretary of State.

211 (e) The boundary descriptions provided by the certified  
212 map referenced in subsection (b) shall prevail over the  
213 boundary descriptions provided by the census tracts, blocks,  
214 and counties generated for the map."

215 Section 3. The provisions of this act are severable. If  
216 any part of this act is declared invalid or unconstitutional,  
217 that declaration shall not affect the part which remains.

218 Section 4. This act shall be effective for the election  
219 of members of the state's U.S. Congressional districts at the  
220 General Election of 2024 and thereafter, until the state's  
221 U.S. Congressional districts are reapportioned and  
222 redistricted after the 2030 decennial census.

223 Section 5. This act shall become effective immediately  
224 upon its passage and approval by the Governor, or upon its



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225 otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB5

Senate 19-Jul-23

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 21-Jul-23

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,  
Secretary.

House of Representatives

Amended and passed: 21-Jul-23

House of Representatives

Passed 21-Jul-23, as amended by Conference Committee Report.

By: Senator Livingston

APPROVED July 21, 2023

TIME 5:28 PM

GOVERNOR

Alabama Secretary Of State

Act Num.....: 2023-563  
Bill Num.....: S-5

Recv'd 07/21/23 05:41pmSLF

SOR

introduction  
SPONSORS

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_

yeas \_\_\_\_\_ nays \_\_\_\_\_ abstain \_\_\_\_\_

**PATRICK HARRIS,**  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.

**PATRICK HARRIS,**  
Secretary

**CONFERENCE COMMITTEE**

Senate Conferees \_\_\_\_\_

HOUSE ACTION

DATE: \_\_\_\_\_

17-19

20 23

RD 1 RFD

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**REPORT OF STANDING COMMITTEE**

This bill having been referred by the House to its standing committee on State Government was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub ✓. This 20 day of July, 2023.

Chris Bell, Chairperson

DATE: \_\_\_\_\_

7-20

2023

RF

W 500

RD 2 CAL

DATE: \_\_\_\_\_

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RE-REFERRED ☐

RE-COMMITTED ☐

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

**JOHN TREADWELL,**  
Clerk

FURTHER HOUSE ACTION (OVER)