



## GOVERNMENT &amp; POLITICS

## Alabama Legislature passes controversial congressional map

The approved map aims to address court ruling, but leads to tensions and claims of voter suppression

BY: **ALANDER ROCHA AND JEMMA STEPHENSON** - JULY 21, 2023 6:34 PM



📷 A group of House Republicans speak during a special session of the Alabama Legislature on July 21, 2023. Clockwise from left: Rep. Marcus Parramore, R-Troy; Rep. Steve Clouse, R-Geneva; Rep. Paul Lee, R-Dothan; Rep. Chris Pringle, R-Mobile. The fifth person is unknown. (Stew Milne for Alabama Reflector)

The Alabama Legislature Friday afternoon approved a congressional map that would lower the percentage of Alabama's current majority-Black district and create a district in southeast

Alabama that would be nearly 40% Black.

The proposed map passed the House on a 75-28 vote Friday after it passed the Senate 24-6. Alabama Gov. Kay Ivey signed the maps on Friday evening.

The new maps aim to address a federal court ruling early last year that Alabama's 2021 congressional map violated Section 2 of the Voting Rights Act by packing Black voters in a single district. The court called for the drawing of new maps that would give Black voters a chance to elect their preferred candidates.

But Democrats and Republicans clashed during a weeklong special session over the appropriate remedy. Nearly all Republicans in the Legislature voted for the proposed maps on Friday; all the Democrats present voted against them.



From left, Rep. Chris Pringle, R-Mobile; Rep. Chris Sells, R-Greenville and Sen. Steve Livingston, R-Scottsboro listen during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)

The new map mainly changes the 2nd Congressional District in southeastern Alabama and the 7th Congressional District in western Alabama, currently the state's single majority-Black district.

Under the proposed map, the 2nd Congressional District will have a Black voting age population of 39.93%. The 7th Congressional District will have a Black voting age population of 50.65%, lower than the district's current Black voting age population.



A three-judge panel of the U.S. 11th Circuit Court of Appeals is scheduled to hold a hearing on the map on Aug. 14.

Sen. Steve Livingston, R-Scottsboro, the co-chair of the Permanent Legislative Reapportionment Committee and the sponsor of the map, said Friday that Republicans prioritized compactness and communities of interest, which led to a 40% Black district. Livingston said there was not a conscious attempt to reach that number.

“There are three legs and in the suit, the court’s order and those are two of the three legs,” he said to reporters.



📷 The Livingston Congressional Plan 3 map passed during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)

Democrats said that the map was pushed through without public input. Rep. Chris England, D-Tuscaloosa, said during the vote Friday that that was the first time many were seeing the proposed map, which was the third iteration of the Livingston map, and said it’s “one of the three maps that’s gone through the entire process, that has managed to avoid public scrutiny.”

“You are unfortunately going to be memorialized in history,” England said to Rep. Chris Pringle, R-Mobile, the other reapportionment committee co-chair.

The 40% represented a midway point between a Senate Republican-supported map that would have set the Black population in the 2nd Congressional District at 38%, and a House Republican proposal that would have set it at 42%. Democrats did not support a single plan, but most members wanted a map with two majority-Black districts, which they said would be the only way to satisfy the court.

“It’s like you were told to create an additional opportunity district, but you even lessen the opportunities in the other district, and I guess I don’t quite get that – I don’t quite understand

that – you got all the marbles, and you want even more marbles,” Rep. Prince Chestnut, D-Selma said.

Pringle said that was the best they could do.

“We do the very best we can in the bills we sponsor,” he said. “But oftentimes we have to work with the other body. The other body has as much say in what happens as we do. This is the best map we can negotiate with the other body.”

### Redistricting principles

The bill also put redistricting principles into law.

Some require maps have no more than six county line splits, which the bill says is the minimum needed for minimal population deviation. In the map passed, the 2nd Congressional District has a deviation of “1.”

Maps are not to place incumbents in the same district, and they are not to split communities of interest, both of which appeared to be priorities for Republican lawmakers throughout the special session.



Sen. Rodger Smitherman, D-Birmingham, discusses district maps during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)



"I bet you that when the election come if this plan is accepted, that it won't be a change and nobody in Congress," Sen. Rodger Smitherman, D-Birmingham, said.

Rep. Sam Jones, D-Mobile, said the Legislature chose to redefine what a community of interest is, because they think they can get away with it.

"But [community of interest] was actually defined by the state and recognize the similarities of interests, including and not limited to, ethnic, racial, economic, tribal, social, geographic or historical identities. That's what the state of Alabama and the courts have found," Jones said.



Rep. Sam Jones, D-Mobile, speaks during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)

The principles also include a list of "non-negotiable" provisions, including preserving cores of existing districts; minimizing numbers of counties of each districts; minimizing splits in neighborhoods and political subdivisions; keeping communities of interest together, defined by a list including transportation infrastructure and geographic features but not race; that the weighing of communities of interest is best decided by lawmakers; and it is best to split communities of interest into two rather than three districts.

In the list of "non-negotiable" provisions, the Black Belt, Wiregrass and Gulf Coast were defined as communities of interest. The Supreme Court, in the majority opinion, had included that keeping the Black Belt together took precedence over the Gulf Coast.

Livingston Plan 3 keeps the Gulf Coast together but not the Black Belt. The bill says that the Black Belt cannot be in one county, so the 18 counties should be split into two districts.

Chestnut said the state continues to do things differently from what is expected.

"Throughout history, it's as if the courts is always the only way that we as Black people are able to get gains in the state of Alabama," he said.

## Approaches



Sen. Merika Coleman, D-Pleasant Grove (left, at podium) speaks in opposition to a Republican-supported congressional map as Senate Republicans (right) huddle in a corner on July 21, 2023 in Montgomery, Alabama. The Alabama Legislature was expected to approve GOP congressional maps, which Democrats say will not satisfy a federal court order. (Brian Lyman/Alabama Reflector)

Alabama was ordered to redraw its congressional districts after the U.S. Supreme Court upheld a lower court ruling in 2022, which found that the state's congressional maps violated the Voting Rights Act. The case, known as *Allen v. Milligan*, was brought by Black plaintiffs who argued that the 2021 adopted map unfairly concentrated Black voters in the 7th Congressional District, making it difficult for them to form alliances with white voters and elect their preferred representatives.

In January 2022, a three-judge panel ruled in favor of the plaintiffs. The judges cited the significant racial polarization in Alabama's voting patterns, with white voters largely supporting Republicans and Black voters tending to favor Democrats. As a remedy, the court ordered the state to create new congressional maps that would, at the very least, provide Black voters with the opportunity to elect two representatives of their choice.

The U.S. Supreme Court [upheld the lower court ruling in June](#). The Legislature had to approve the maps by Friday.



Republicans and Democrats clashed throughout the special session about what remedies would satisfy the court. Pringle and Livingston zeroed in on language in the 2022 ruling that said that a second district would need to give Black voters an “opportunity” to elect their preferred representatives. The legislators argue that a district would not need to have a majority-Black population to achieve that.



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“I know everybody seems to do it differently, but I wish they defined opportunity a lot better,” Livingston said after the Senate approved the proposal. “It would have helped everybody in this decision-making process.”

Democrats said racially-polarized voting in the state meant that a majority-Black district was critical for Black Alabamians to be able to select their preferred candidates. House Democrats [said Wednesday](#) that while a 38 to 42% Black district might be winnable for Democrats in urban counties like Jefferson or Madison, with more racial crossover in voting, it would be impossible in the rural Wiregrass, where they said such crossover voting is almost nonexistent.

The weeklong session drew national attention. Republicans have a slim majority in the U.S. House that could shift with the loss of five seats. Livingston said Friday he had spoken with U.S. House Speaker Kevin McCarthy, R-California.

“He said ‘I’m interested in keeping my majority,’” Livingston said. “That was basically his conversation ... he’s just telling us to do what we can do. We did the best we could.”



Alabama House Speaker Nathaniel Ledbetter, R-Rainsville, gavels the session back to order during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)

Alabama House Speaker Nathaniel Ledbetter, R-Rainsville, said that the increased minority population in the 2nd Congressional District and efforts to make districts more compact will help the state prevail in court.

“If you think about where we were, the Supreme Court ruling was 5-4. So, there’s just one judge needed to see something different,” Ledbetter said to reporters after the map’s passage.

“And I think the movement that we have and what we’ve come to compromise today is a good shot.”

In a news release from the NAACP Legal Defense Fund, the plaintiffs in the Milligan case said that they are not satisfied with the plan, and said they believe it violates the court order and the Voting Rights Act.

“Let’s be clear: The Alabama Legislature believes it is above the law,” the plaintiffs said in the statement. “What we are dealing with is a group of lawmakers who are blatantly disregarding not just the Voting Rights Act, but a decision from the U.S. Supreme Court and a court order from the three-judge district court.”

### Implications

Several Democrats said during debates Friday that they believed Republicans were trying to get rid of the Voting Rights Act entirely.

“This is designed to protect a few people and ultimately trying to finish off the Voting Rights Act,” England said.

Senate Minority Leader Bobby Singleton, D-Greensboro, said that he thinks that the Republican supermajority Senate is trying to draw a map where there were no Black elected officials.

“I guess you made America great again when you’re making sure you silence the voice of Black folk in this state,” he said.



Senate Minority Leader Bobby Singleton, D-Greensboro, during a special session on redistricting on Friday, July 21, 2023 in Montgomery, Alabama. (Stew Milne for Alabama Reflector)

He said they never sat down with a demographer and legal team together. He said they could have rejected their feedback, but they were never allowed to give feedback.

Smitherman invoked Alabama’s Jim Crow era, when Black Alabamians were disenfranchised by white officials.



He suggested that the state could return to the literacy tests given to voters, which infamously included impossible or near impossible questions for Black would-be voters.

“Getting folks to count jelly beans in jars and being able to recite the Constitution,” he said.

England said that he will put his money and hope in the federal courts.

“Hopefully, they will save Alabama from themselves,” he said.

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**ALANDER ROCHA**



Alander Rocha is a journalist based in Montgomery, and he reports on government, policy and healthcare. He previously worked for KFF Health News and the Red & Black, Georgia's student newspaper. He is a Tulane and Georgia alumnus with a two-year stint in the U.S. Peace Corps.

**MORE FROM AUTHOR**



**JEMMA STEPHENSON**



Jemma Stephenson covers education as a reporter for the Alabama Reflector. She previously worked at the Montgomery Advertiser and graduated from the Columbia University Graduate School of Journalism.

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