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ALABAMA LEGISLATURE

Alabama House, Senate Approve Separate Congressional Maps

Jemma Stephenson and Alander Rocha, Alabama Reflector , July 20, 2023

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Sen. Livingston discusses his districting map, behind him, during a special session, Wednesday, July 19, 2023 in Montgomery, Ala. (Alabama Reflector Photo by Stew Milne)

Republican supermajorities in the Alabama House and Senate approved two separate congressional maps with a single majority-Black congressional district and one with a Black population ranging from 38% to 42%.

Democrats in both chambers, who support maps with two majority-Black districts, opposed both proposals and said they would not satisfy federal courts that ruled that the state's earlier congressional maps violate the Voting Rights Act.

"We were screaming this and screaming this last time we drew these districts," said Sen. Rodger Smitherman, D-Birmingham.

The House of Representatives voted 74-27, with two abstentions, for a map with a 51.55%



Black district and a 42.45% Black district. The Senate voted 24-8 for a map that established two Black districts of 38.31% and 50.43%. Sen. Andrew Jones, R-Centre, was the only Republican in either chamber to vote against the maps; the Republican Senate proposal splits Etowah County, part of Jones' district, between two congressional districts, which Jones said his constituents oppose.

The votes came about six weeks after the U.S. Supreme Court [upheld a 2022 lower court ruling](#) that Alabama's congressional maps violated the Voting Rights Act. The case, *Allen v. Milligan*, was brought by Black plaintiffs who said the map adopted in 2021 packed Black voters into the state's 7th Congressional District, making it harder for them to form alliances with white voters and elect the leaders of their choosing.

The three-judge panel ruled for the plaintiffs, citing the intense racial polarization of voting in Alabama, where white Alabamians tend to support Republicans and Black Alabamians tend to support Democrats. It ordered the state to draw new maps that at a minimum gave Black voters the opportunity to elect two representatives of their choice.

The Legislature must submit new congressional maps to the federal court by Friday. If it misses the deadline, or if the court considers the map unsatisfactory, it could order a third party, known as a special master, to draw maps for it.

The bills approved by the chambers Wednesday will likely not be the maps the court gets. Sen. Steve Livingston, R-Scottsboro, [who sponsored the Republican Senate proposal](#), said he expected work on a "new map" to begin on Thursday as a compromise between Republicans in the chamber.

“I don’t think it will be proposed tomorrow, but I think there will be a new map worked on tomorrow I would expect, yes,” Livingston said.

Livingston said Senate Republicans began working on their own map because the committee “got some information” that led them to prioritize “compactness and communities of interest being as important as the Black Voting Age Population.” Livingston, who did not say where the information came from, said he had not heard concerns from senators about districts being over 40% Black.

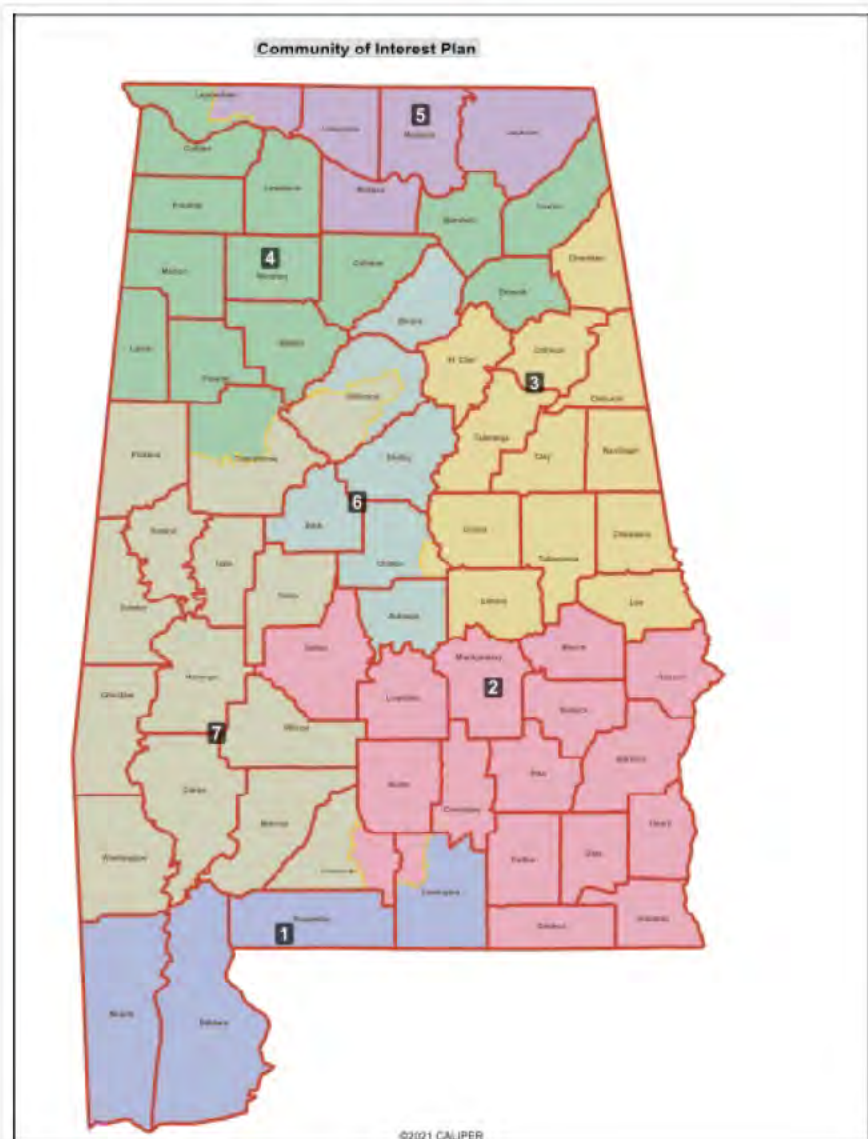
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Remedies

The “Community of Interest” plan, a proposed congressional map, was adopted by the Alabama House on July 19, 2023. (Alabama Legislature)

The maps, sponsored by Livingston and the reapportionment committees’ co-chair Rep. Chris Pringle, R-Mobile, mainly alter the boundaries of the 7th and 2nd Congressional Districts.

The House map adds heavily-Democratic Dallas and Lowndes counties to the 2nd Congressional District; puts all of Democratic-leaning Montgomery in the district and removes



heavily-Republican
Autauga and Elmore
counties. The Senate
map keeps Elmore

The “Community of Interest” plan, a proposed congressional map, was adopted by the Alabama House on July 19, 2023. (Alabama Legislature)

County in the 2nd district and puts all of Montgomery in the district but does not add any other Democratic-leaning counties to the district.

Democrats and Republicans clashed Wednesday over what the court would consider an acceptable proposal. The three-judge panel wrote in January 2022 that the Legislature should “include either an additional majority-Black congressional district, or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice.”

Pringle and Livingston repeatedly cited that language during the debates on Wednesday, saying Black voters could elect their preferred candidates without constituting a majority.

“(The court ruling) clearly said we are either to draw another majority-minority district, or a district that provides the opportunity for the minority to elect the candidate of their choosing,” Pringle said.

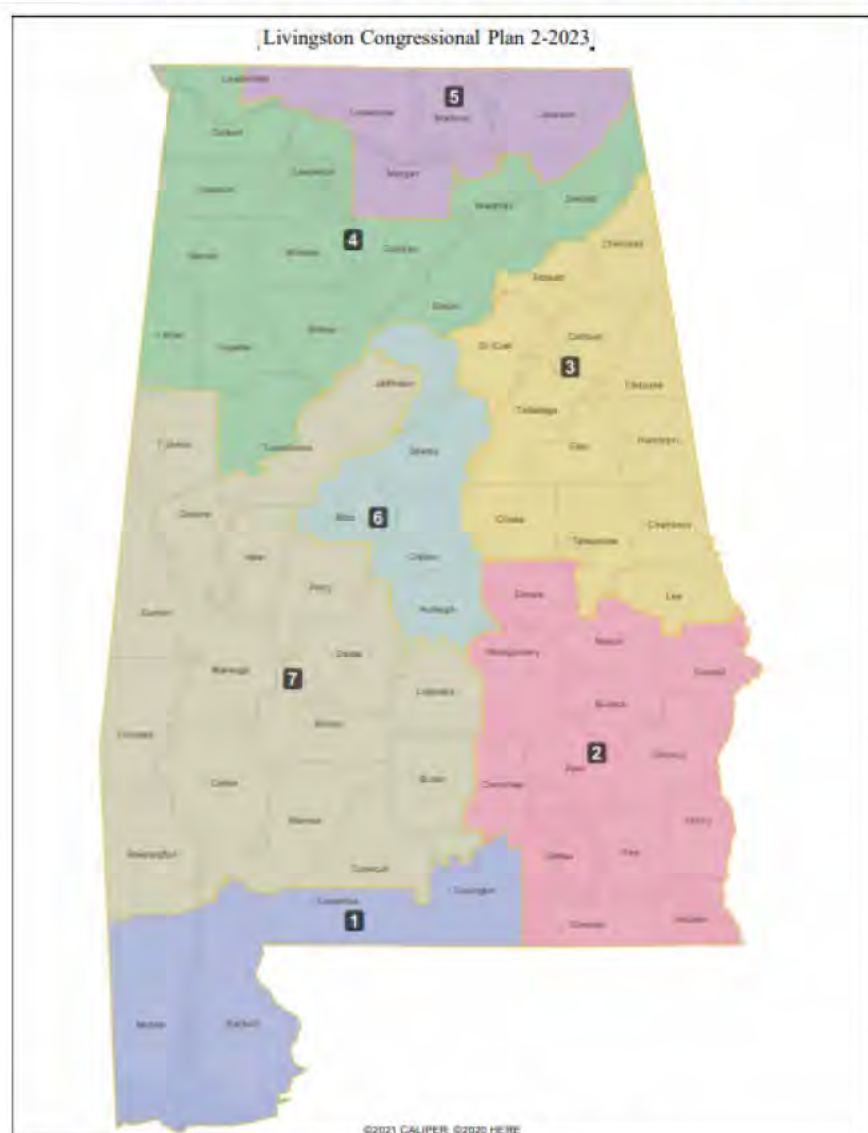
Livingston said he believed a Democrat could win a congressional district that is 38% Black.

“The question is, what is the opportunity there?” the senator said after the vote on Wednesday. “I think everybody has a different interpretation of what opportunity is.”

The judges, however, went on to write in the January 2022 opinion that the “practical reality” was that “any remedial plan will need to include two districts in which Black voters either comprise a voting-age majority or something quite close to it.” House Democrats said 42% does not come close to that.

“You cannot be the minority in population and elect your person of choice,” House Minority Leader Anthony Daniels, D-Huntsville, said after the vote on Wednesday. “You don’t have the numbers to do that.”

Senate Democrats were also skeptical. Senate Minority Leader Bobby Singleton, D-Greensboro, said that the 2nd Congressional District proposed by the Senate would have been carried by President Donald Trump by 12 points.



This proposed congressional map, sponsored by Sen. Steve Livingston, R-Scottsboro, would create a 7th congressional district that would be a little over 50% Black and a 2nd congressional district that would be about 38% Black. (Permanent Legislative Reapportionment Committee)

“I would say that the map that my colleague across the aisle has at 38% doesn’t meet that burden of ‘quote close’ to it,” said Sen. Merika Coleman, D-Pleasant Grove.

During the process, Democrats have criticized a lack of transparency in the process as the Republican maps were not offered during the public hearing, and the Livingston map was offered in committee. Senate Democrats said they were not given “functionality reports” on the proposed maps, which would show how Democrats might perform in elections in the proposed districts, and complained that they were not consulted in drawing the maps.

“That would have been easy, wouldn’t it?” Singleton asked.

“It would’ve been easy,” agreed Livingston.

Democratic Proposals

Democrats in both chambers supported a map developed by the Milligan plaintiffs. The map would create a 7th Congressional District with a Black population of 54.5% and a

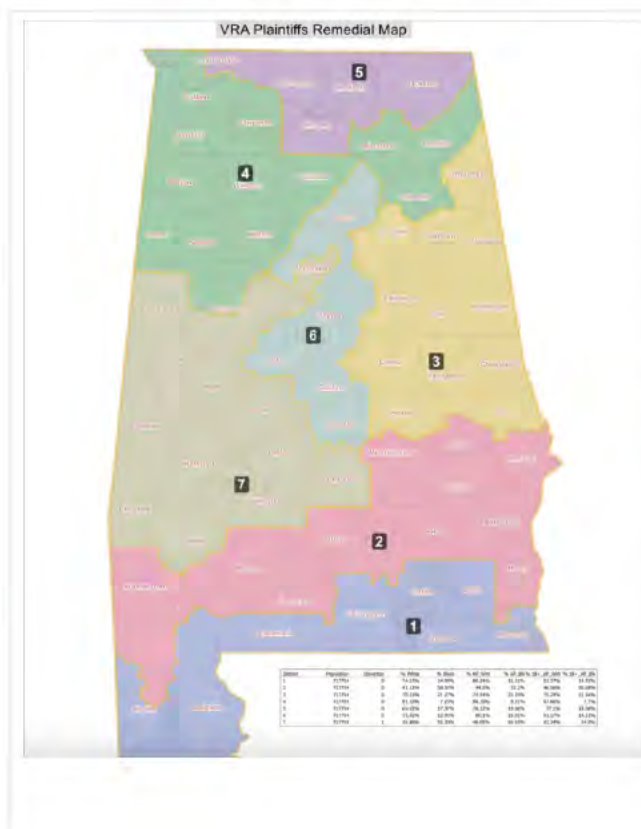
2nd Congressional District – taking in Montgomery; northern Mobile; the eastern Black Belt and several counties north of Mobile – with a Black population just over 50%

Republicans voted down both proposals.

Sen. Vivian Davis Figures, D-Mobile, who sponsored the proposal in the Senate, said that she prayed “that I live long enough to see the day when Alabama can elect officials to the Alabama State Legislature and to Congress that will vote with their hearts.”



Sen. Smitherman discusses an amendment during a special session, Wednesday, July 19, 2023 in Montgomery, Ala. (Alabama Reflector Photo by Stew Milne)



“If you all were the 28% of the population in this state of Alabama, and every constitutional officer in this state was Black and a Democrat, and every judge in the high courts of the state were Black and a Democrat, and you were not listened to nor respected or had your voice heard in this Legislature, how would you feel and what the hell would you do?” she said to her Republican colleagues. “You would raise hell.”

Several Democrats also accused Republicans of brazenly ignoring the court’s directions. Rep. Chris England, D-Tuscaloosa, who sponsored the Milligan plan in the House, sharply criticized Pringle and Livingston,

Sen. Rodger Smitherman, D-Birmingham, discusses a Democratic congressional map proposal during a special session on redistricting on Wednesday, July 19, 2023 in Montgomery, Ala. (Stew Milne for Alabama Reflector)

accusing them of supporting maps that had no public input and of using arguments that the U.S. Supreme Court had already rejected.

“Your map is the quintessential definition of noncompliance,” he said. “It takes rejected arguments and memorializes them in a map and (says) ‘we’re going to give it right back to you and tell you to take it or leave it.’”

Rep. Juandalynn Givan, D-Birmingham, was even more direct.

“I can’t say the word, but you all have basically dropped the F-bomb on the United States Supreme Court,” she said.

Pringle defended the percentages of Black voters, suggesting there was testimony from the Milligan plaintiffs that they would accept the Black population in the 2nd district.

“There are filings and sworn testimony that 40% BVAP (Black Voting Age Population) would perform well enough to elect the candidate of their choosing,” he said.

Democrats said afterward that those percentages would only potentially work in urban counties like Jefferson or Madison, where there is more racial crossover in voting, and not the rural Wiregrass, the heart of the 2nd Congressional District, where racial polarization is high.

“The Supreme Court’s decision was squarely that the state of Alabama had to redraw a map that gave two majority-minority districts or something close to it,” said Rep. Prince Chestnut, D-Selma. “So bringing in some extraneous statement that may or may not have taken place is irrelevant to the context for why we as a Legislature are here today.”

Senate Democrats proposed several different maps, some of which would have drawn Jefferson County, the home of Birmingham, into its own congressional district. Those proposals were also voted down.

“If you look at the map that we are to consider today, it busted up Jefferson County like one of those atomic bombs,” Smitherman said.

Both Pringle and Livingston's maps keep Mobile paired with Baldwin County, a deep red area with a Black population of under 8%. Democratic proposals put a portion of Mobile in the 7th Congressional District in the Black Belt. Rep. Barbara Drummond, D-Mobile, felt that her constituents have more in common with the Black Belt than the larger coastal area.

"Do [Black Alabamians in Mobile] have a lineage from Baldwin County?" she asked.

The Pringle map goes to the Senate committee Thursday, while the Livingston map goes to the House committee. The maps need to pass both chambers Friday. A conference committee would need to take place for a new map to be submitted to the Legislature by the deadline.

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JEFFERSON COUNTY COMMISSION

In Search of Midnight Oil: JeffCo County Manager Preparing for Annual Budget Hearings

July 27, 2023

County Manager Cal Markert displayed a wry smile when asked if he is looking forward to budget hearings in August.

"I look forward to it being over and done, I guess," he said after the Jefferson County Commission's meeting today in Bessemer. "It's coming up and we've got to do it. It's just a lot of extra work. Not extra work but a lot of work."

Setting the county's budget is an annual balancing act of determining where funds can be allotted to accomplish needed projects, and it involves hearings during which department heads meet with Markert and county commissioners to make their case for requested funds during fiscal 2024. [Read more.](#)