

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

**ALABAMA LEGISLATIVE BLACK  
CAUCUS, et al.,**

**Plaintiffs,**

**v.**

**THE STATE OF ALABAMA, et al.,**

**Defendants.**

**CIVIL ACTION NO.  
2:12-cv-691-WKW-MHT-WHP  
(3-judge court)**

**DEMETRIUS NEWTON, et al.,**

**Plaintiffs,**

**v.**

**THE STATE OF ALABAMA, et al.,**

**Defendants.**

**CIVIL ACTION NO.  
2:12-cv-1081-WKW-MHT-WHP  
(3-judge court)**

**STATE DEFENDANTS' FILINGS OF REMEDIAL PLAN INFORMATION**

COME NOW the defendants and in compliance with the Court's order of February 10, 2017, *doc. 327*, *see also doc. 326*, file the following information about the remedial plans:

1. The remedial plan for the Senate, and related exhibits:

<b>State 1</b>	2017 Ala. Laws 347 (formerly SB403) (remedial Senate districts)
<b>State 2</b>	Reapportionment Committee Senate Plan 2 (RCSP2) Large Size Statewide
<b>State 3</b>	RCSP2 Letter Size Statewide
<b>State 4</b>	RCSP2 Medium Size Statewide
<b>State 5</b>	RCSP2 Jefferson Co. Birmingham Area
<b>State 6</b>	RCSP2 Jefferson Co.

DEFENDANT'S  
EXHIBIT  
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<b>State 7</b>	RCSP2 Madison Co. Huntsville Area
<b>State 8</b>	RCSP2 Madison Co.
<b>State 9</b>	RCSP2 Mobile City
<b>State 10</b>	RCSP2 Mobile Co.
<b>State 11</b>	RCSP2 Montgomery Area
<b>State 12</b>	RCSP2 Montgomery Co.
<b>State 13</b>	RCSP2 All Districts Population Report
<b>State 14</b>	RCSP2 Assigned District Splits - County
<b>State 15</b>	RCSP2 Assigned District Splits - VTD
<b>State 16</b>	RCSP2 District Statistics Report
<b>State 17</b>	RCSP2 Population Summary Report
<b>State 18</b>	2012 Senate All Districts Population Report
<b>State 19</b>	2012 Senate Assigned District Splits - County
<b>State 20</b>	2012 Senate Assigned District Splits - VTD
<b>State 21</b>	2012 Senate District Population Summary Report
<b>State 22</b>	2012 Senate District Statistics Reports
<b>State 23</b>	Chart comparing 2012 Senate districts with RCSP2 districts
<b>State 24</b>	Senate Incumbent Residential Addresses – April 2017
<b>State 25</b>	SB403 History

2. The remedial plan for the House, and related exhibits:

<b>State 26</b>	2017 Ala. Laws 348 (formerly, HB 571) (remedial House districts)
<b>State 27</b>	RCHP2 Reapportionment Committee House Plan 2 (RCHP2) Medium Size Statewide
<b>State 28</b>	RCHP2 Large Size Statewide
<b>State 29</b>	RCHP2 Jefferson Co. Birmingham Area

<b>State 30</b>	RCHP2 Jefferson Co.
<b>State 31</b>	RCHP2 Mobile Area
<b>State 32</b>	RCHP2 Mobile Co.
<b>State 33</b>	RCHP2 Montgomery Area
<b>State 34</b>	RCHP2 Montgomery Co.
<b>State 35</b>	RCHP2 Huntsville Area
<b>State 36</b>	RCHP2 Madison Co.
<b>State 37</b>	RCHP2 All District Population Report
<b>State 38</b>	RCHP2 Assigned District - County
<b>State 39</b>	RCHP2 Assigned District Splits - VTD
<b>State 40</b>	RCHP2 District Statistics Report
<b>State 41</b>	RCHP2 Population Summary Report
<b>State 42</b>	2012 House All Districts Population Report
<b>State 43</b>	2012 House Assigned District Splits - County
<b>State 44</b>	2012 House Assigned District Splits - VTD
<b>State 45</b>	2012 House District Statistics Report
<b>State 46</b>	2012 House Population Summary Report
<b>State 47</b>	Chart comparing 2012 House districts with RCHP2 districts
<b>State 48</b>	House Incumbent Residential Addresses – March 2017
<b>State 49</b>	HB571 History
<b>State 50</b>	Alabama HD 32: District Functionality Analysis, Dr. M. V. Hood, III

3. The Reapportionment Committee amended its Guidelines in late February, 2017, and then again in March after the Supreme Court released *Bethune-Hill v. Virginia State Board of Elections*, \_\_\_ U.S. \_\_\_, 137 S. Ct. 788 (Mar. 1, 2017). **State 51** is

the current version of the Guidelines, under which the new Senate and House plans were drawn.

4. Transcripts of the Reapportionment Committee and other committee hearings are:

<b>State 52</b>	Reapportionment Committee – February 21, 2017 (The tape for this meeting, if there was one, has not been located.)
<b>State 53</b>	Reapportionment Committee – March 1, 2017 (State 53 will be filed supplementally.)
<b>State 54</b>	Reapportionment Committee – April 26, 2017
<b>State 55</b>	Constitution, Campaigns, and Elections Committee (House) – May 2, 2017
<b>State 56</b>	Tourism and Marketing Committee (Senate) – May 3, 2017
<b>State 57</b>	Constitution, Campaigns, and Elections Committee (House) – May 9, 2017
<b>State 58</b>	Tourism and Marketing Committee (Senate) – May 17, 2017

5. Description of the procedure used to draw the new Senate and House plans:

a. Without looking at racial data or otherwise considering race, all existing majority-black districts were redrawn according to traditional districting criteria as defined in the Guidelines, with a particular emphasis on ending county and precinct splits.

b. Without looking at racial data or otherwise considering race, adjustments were made to the affected districts (the remedial majority-black districts and nearby districts) as needed to bring total population within acceptable deviation from ideal population.

c. Affected Legislators were given the opportunity to review their revised districts and make changes that did not violate the criteria discussed above.

6. Participants in this process included:

- Sen. Gerald Dial and Rep. Randy Davis, co-chairs of the Reapportionment Committee, and Sen. Jim McClendon, a member of the Committee;
- Ms. Donna Shanholtzer, who directs the Reapportionment Office, and employees in that office;
- Mr. Randolph Hinaman, demographer and map drawer, who met with affected Legislators and reviewed and discussed with them their revised districts;
- Members of the Legislature who met in the Reapportionment office to review their respective districts, or who discussed them with Sen. Dial, Rep. Davis, or Sen. Jim McClendon (former co-chair of the committee);
- Legislative leadership, including Sen. Del Marsh and Speaker Mac McCutcheon;
- Representatives of the plaintiffs, the ADC and ALBC, including Rep. Merika Coleman, Rep. Juandalynn Givan, Rep. Laura Hall, John Knight, Rep. Thad McClammy, Sen. Linda Coleman-Madison, Sen. Vivian Figures, Sen. Paul Sanford, Sen. Bobby Singleton, Sen. Rodger Smitherman, and their legal counsel, Mr. Jim Blacksher, Mr. Joel Caldwell, and Mr. John Tanner; and,
- Reapportionment Committee counsel Dorman Walker.

7. Criteria followed in drawing new districts:

- a. Race could not be considered when making a change to a district, unless such changes (made without consideration of race) to an existing majority-black district lowered the black voting-age population (BVAP) below 50%.
- b. Changes could be made only to majority-black districts and districts adjoining or near them as necessary to correct population deviations; and

c. Changes had to comply with the Reapportionment Committee's Guidelines.

8. When HD32 was redrawn without looking at racial data or otherwise considering race, its BVAP fell from 57.80% to below 50%. This change raised the question of whether HD32 as redrawn fulfilled the State's obligation under Section 2. Consequently, an analysis of the district's voting performance was conducted by Dr. M.V. Hood, III, a political scientist at the University of Georgia, who concluded that HD32 "would be unable to serve as a black ability to elect district if it contained less than a majority of black voting age constituents." Based on Dr. Hood's analysis, HD32 was further revised by making precinct splits in which race was taken into account, with the result that the district's BVAP increased to 50.26%.

Respectfully submitted this the 30th day of May, 2017.

*s/Andrew Brasher*

One of counsel for the State of Alabama, the  
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**CERTIFICATE OF SERVICE**

I certify that May 30, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon the following by email and/or US mail:

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