

SB5 ENGROSSED



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



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A BILL
TO BE ENTITLED
AN ACT

To amend Section 17-14-70, Code of Alabama 1975, to provide for the reapportionment and redistricting of the state's United States Congressional districts for the purpose of electing members at the General Election in 2024 and thereafter, until the release of the next federal census; and to provide Legislative findings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-14-70.1 is added to the Code of Alabama 1975. The Legislature finds and declares the following:

§17-14-70.1

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

(2) The Legislature's intent in adopting the congressional plan in this act described in Section 17-14-70.1



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29 is to comply with federal law, including the U.S. Constitution
30 and the Voting Rights Act of 1965, as amended.

31 (3) The Legislature's intent is also to promote the
32 following traditional redistricting principles, which are
33 given effect in the plan created by this act:

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

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

40 c. Districts shall be composed of reasonably compact
41 geography.

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

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

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

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



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- 57 1. Preserve the cores of existing districts.
58 2. Minimize the number of counties in each district.
59 3. Minimize splits of neighborhoods and other political
60 subdivisions in addition to minimizing the splits of counties
61 and communities of interest.

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

67 b. The discernment, weighing, and balancing of the
68 varied factors that contribute to communities of interest is
69 an intensely political process best carried out by elected
70 representatives of the people.

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

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

84 e.1. Alabama's Black Belt region is a community of



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85 interest composed of the following 18 core counties: Barbour,
86 Bullock, Butler, Choctaw, Crenshaw, Dallas, Greene, Hale,
87 Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Pike,
88 Russell, Sumter, and Wilcox. Moreover, the following five
89 counties are sometimes considered part of the Black Belt:
90 Clarke, Conecuh, Escambia, Monroe, and Washington.

91 2. The Black Belt is characterized by its rural
92 geography, fertile soil, and relative poverty, which have
93 shaped its unique history and culture.

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

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

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

107 2. Owing to Mobile Bay and the Gulf of Mexico
108 coastline, these counties also comprise a well-known and
109 well-defined community with a long history and unique
110 interests. Over the past half-century, Baldwin and Mobile
111 Counties have grown even more alike as the tourism industry
112 has grown and the development of highways and bay-crossing



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113 bridges have made it easier to commute between the two
114 counties.

115 3. The Gulf Coast community has a shared interest in
116 tourism, which is a multi-billion-dollar industry and a
117 significant and unique economic driver for the region.

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

123 5. The Port of Mobile is the economic hub for the Gulf
124 counties. Its maintenance and further development are critical
125 for the Gulf counties in particular but also for many other
126 parts of the state. The Port of Mobile handles over 55 million
127 tons of international and domestic cargo for exporters and
128 importers, delivering eighty-five billion dollars
129 (\$85,000,000,000) in economic value to the state each year.
130 Activity at the port's public and private terminals directly
131 and indirectly generates nearly 313,000 jobs each year.

132 6. Among the over 21,000 direct jobs generated by the
133 Port of Mobile, about 42% of the direct jobholders reside in
134 the City of Mobile, another 39% reside in Mobile County but
135 outside of the City of Mobile, and another 13% reside in
136 Baldwin County.

137 7. The University of South Alabama serves the Gulf
138 Coast community of interest both through its flagship campus
139 in Mobile and its campus in Baldwin County.

140 8. Federal appropriations have been critical to



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141 ensuring the port's continued growth and maintenance. In 2020,
142 the Army Corps of Engineers allocated over two hundred
143 seventy-four million dollars (\$274,000,000) for the Port of
144 Mobile to allow the dredging and expansion of the port.
145 Federal appropriations have also been critical for expanding
146 bridge projects to further benefit the shared interests of the
147 region.

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

158 10. Mobile and Baldwin Counties also work together as
159 part of the South Alabama Regional Planning Commission, a
160 regional planning commission recognized by the state for more
161 than 50 years. The local governments of Mobile, Baldwin, and
162 Escambia Counties, as well as 29 municipalities within those
163 counties, work together through the commission with the
164 Congressional Representative from District 1 to carry out
165 comprehensive economic development planning for the region in
166 conjunction with the U.S. Economic Development Administration.
167 Under Section 11-85-51(b), factors the Governor considers when
168 creating such a regional planning commission include



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169 "community of interest and homogeneity; geographic features
170 and natural boundaries; patterns of communication and
171 transportation; patterns of urban development; total
172 population and population density; [and] similarity of social
173 and economic problems."

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

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

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

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

188 "§17-14-70

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

191 (b) The numbers and boundaries of the districts are
192 designated and established by the map prepared by the
193 Permanent Legislative Committee on Reapportionment and
194 identified and labeled as ~~Pringle Congressional Plan 1~~
195 [Livingston Congressional Plan 2-2023](#), including the
196 corresponding boundary description provided by the census



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197 tracts, blocks, and counties, and are incorporated by
198 reference as part of this section.

199 (c) The Legislature shall post for viewing on its
200 public website the map referenced in subsection (b), including
201 the corresponding boundary description provided by the census
202 tracts, blocks, and counties, and any alternative map,
203 including the corresponding boundary description provided by
204 the census tracts, blocks, and counties, introduced by any
205 member of the Legislature during the legislative session in
206 which this section is added or amended.

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

215 (e) The boundary descriptions provided by the certified
216 map referenced in subsection (b) shall prevail over the
217 boundary descriptions provided by the census tracts, blocks,
218 and counties generated for the map."

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

222 Section 4. This act shall be effective for the election
223 of members of the state's U.S. Congressional districts at the
224 General Election of 2024 and thereafter, until the state's

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225 U.S. Congressional districts are reapportioned and
226 redistricted after the 2030 decennial census.

227 Section 5. This act shall become effective immediately
228 upon its passage and approval by the Governor, or upon its
229 otherwise becoming law.



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232 Senate

233 Read for the first time and referred17-Jul-23
234 to the Senate committee on
235 Confirmations
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237 Read for the second time and placed18-Jul-23
238 on the calendar:
239 1 amendment
240
241 Read for the third time and passed19-Jul-23
242 as amended
243 Yeas 24
244 Nays 8
245 Abstains 0
246
247

248 Patrick Harris,
249 Secretary.
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