

SB5 ENROLLED



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



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1 Enrolled, An Act,

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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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29 given effect in the plan created by this act:

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

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

36 c. Districts shall be composed of reasonably compact
37 geography.

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

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

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

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

53 1. Preserve the cores of existing districts.

54 2. Minimize the number of counties in each district.

55 3. Minimize splits of neighborhoods and other political
56 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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169 and economic problems."

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

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

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

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

184 "§17-14-70

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

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

195 (c) The Legislature shall post for viewing on its
196 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

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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