

1 HB164
2 173174-1
3 By Representative Black
4 RFD: State Government
5 First Read: 09-FEB-16

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8 SYNOPSIS: Under existing law, the Permanent
9 Legislative Committee on Reapportionment, comprised
10 of members of the Legislature, is responsible for
11 preparing a reapportionment plan for state
12 legislative districts and congressional districts.

13 This bill would establish a temporary
14 redistricting commission, to establish legislative
15 and State Board of Education districts after each
16 United States census.

17 This bill would provide for the appointment
18 of members to the redistricting commission.

19 This bill would prohibit state legislators
20 and members of the State Board of Education from
21 attempting to influence members of the
22 redistricting commission when establishing district
23 boundaries.

24 This bill would also require the Permanent
25 Legislative Committee on Reapportionment to provide
26 data, maps, and technical assistance to the
27 redistricting commission as needed.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Relating to redistricting; to establish a temporary
7 redistricting commission to establish legislative and State
8 Board of Education districts after each United States census;
9 to provide for the appointment of members to the redistricting
10 commission; to prohibit state legislators and members of the
11 State Board of Education from attempting to influence members
12 of the redistricting commission when establishing district
13 boundaries; and to require the Permanent Legislative Committee
14 on Reapportionment to provide data, maps, and technical
15 assistance to the redistricting commission as needed.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 29-2-51 and 29-2-52, Code of
18 Alabama 1975, are amended to read as follows:

19 "§29-2-51.

20 "(a) There is hereby created a permanent legislative
21 committee to be known as the Permanent Legislative Committee
22 on Reapportionment, hereinafter referred to as the
23 "committee."

24 "(b) Except during the quadrennium in which the
25 United States census is released and the Legislature is
26 actually involved with the reapportionment process, the
27 committee shall be composed of six members appointed during

1 the organizational session of each quadrennium to serve each
2 quadrennium as follows: Three members of the Senate to be
3 appointed by the Lieutenant Governor and three members of the
4 House to be appointed by the Speaker of the House.

5 "The committee members shall select from among its
6 numbers a Senator and a member of the House of Representatives
7 to serve as co-chairpersons for the quadrennium to preside
8 over meetings of the committee. Whenever the Legislature is
9 not in regular or special session, each member of the
10 committee shall be entitled to his or her usual legislative
11 pay, travel expenses, and per diem for each day he or she
12 spends in attending any such meeting or conducting business of
13 the committee within or without the state.

14 "(c) In those quadrenniums in which the United
15 States official decennial census is released and while the
16 Legislature is actually involved in the reapportionment
17 process, the committee shall be composed of 22 members as
18 follows: One member of the House of Representatives from each
19 congressional district, four members of the House of
20 Representatives at-large to be appointed by the Speaker of the
21 House and one member of the Senate from each congressional
22 district, four members of the Senate at-large, to be appointed
23 by the Lieutenant Governor. Upon the completion of the
24 reapportionment process, the committee composition shall
25 revert to the six member committee provided in subsection (b)
26 hereof.

1 "(d) After the 2020 federal census and each federal
2 census thereafter, the committee shall continue to prepare
3 election districts for seats in the United States Congress;
4 however districts for members of the Alabama Legislature and
5 the State Board of Education shall be prepared by the state
6 redistricting commission as provided in subsection (e) in the
7 form of a bill for consideration by the Legislature.

8 "(e) (1) Not later than 60 days after the United
9 States census is released, a redistricting commission shall be
10 established to provide for the redistricting of state
11 legislative districts and State Board of Education districts.
12 The redistricting commission shall consist of five members.
13 One member shall be appointed to the commission by each of the
14 following, respectively: The President Pro Tempore of the
15 Senate, the Speaker of the House of Representatives, the
16 Minority Leader of the Senate, and the Minority Leader of the
17 House of Representatives. At a meeting called by the Secretary
18 of State not later than 30 days after the last appointment to
19 the commission, the four commission members shall select by
20 majority vote a fifth member who shall serve as chair.

21 "(2) No more than two members may reside in the same
22 county. Each member must be a registered Alabama voter who has
23 been continuously registered for three or more years
24 immediately preceding appointment and who is committed to
25 applying this section in an honest, independent, and impartial
26 fashion and to upholding public confidence in the integrity of
27 the redistricting process. Within the three years preceding

1 appointment, members may not have been appointed to, elected
2 to, or a candidate for any public office or served as an
3 officer of a political party, as a registered lobbyist, or as
4 an officer of a candidate's campaign committee.

5 "(3) Three or more affirmative votes are required
6 for any official action. When a quorum of the commission is
7 present, the commission shall conduct business in meetings
8 open to the public, with at least 48 hours public notice
9 required.

10 "(4) Members of the Legislature and members of the
11 State Board of Education may not contact or otherwise attempt
12 to influence any member of the redistricting commission.

13 "(5) The commission shall establish legislative and
14 State Board of Education district boundaries in a manner that
15 prevents two or more incumbents from being placed in the same
16 district and shall be made as necessary to accommodate the
17 following goals:

18 "a. Districts must comply with the United States
19 Constitution and the United States Voting Rights Act.

20 "b. Districts must have equal population to the
21 extent practicable.

22 "c. Districts must be geographically compact and
23 contiguous to the extent practicable.

24 "d. District boundaries must respect communities of
25 interest to the extent practicable.

1 "e. To the extent practicable, district lines must
2 use visible geographic features, city, town, and county
3 boundaries, and undivided census tracts.

4 "(6) The commission shall make a draft map of
5 legislative districts and a draft map of State Board of
6 Education districts available to the public for comment.
7 Comments must be taken for at least 30 days; provided,
8 however, the commission may not accept any comments made by or
9 on behalf of a member of the Legislature or a member of the
10 State Board of Education.

11 "(7) Districts created by the commission are not
12 effective until enacted into law.

13 " (8) The commission shall automatically terminate
14 on the date of the first general election at which districts
15 created by the redistricting commission are used.

16 "§29-2-52.

17 "(a) The committee shall make a continuous study of
18 the reapportionment problems in Alabama seeking solutions
19 thereto, and shall seek expertise, when deemed necessary, from
20 among knowledgeable state officials and employees, academic
21 personnel and others involved in demographic studies and other
22 census matters.

23 "(b) The committee shall make such reports of its
24 investigations, findings, and recommendations to the
25 Legislature at any time, during any regular or special session
26 of the Legislature, as it may deem necessary.

1 "(c) The committee shall engage in such activities
2 as it deems necessary for the preparation and formulation of a
3 reapportionment plan for the next ensuing reapportionment and
4 each reapportionment thereafter, and readjustment or
5 alteration of ~~Senate and House districts and of congressional~~
6 districts of the state.

7 "(d) The committee, subject to the approval of the
8 Legislative Council, may employ consultants, technicians,
9 attorneys, and any other experts needed to prepare maps and
10 make professional appearances to support any plan of
11 reapportionment adopted by the Legislature. Such expenses of
12 the committee shall be paid out of any funds appropriated by
13 the Legislature for the use of the committee.

14 "(e) The committee may make and sign any agreements
15 and to do and perform any acts that may be necessary,
16 desirable, or proper to carry out the purposes and objectives
17 of the provisions herein set forth.

18 "~~(f) The committee may complete any contract
19 executed and conduct any business undertaken or commenced by
20 the Legislature pertaining to or connected with the
21 reapportionment and readjustment or alteration of Senate and
22 House and congressional districts prior to the enactment of
23 this article, and the same shall be completed and conducted in
24 the same manner and under the same terms and conditions and
25 with the same effect as if completed and conducted by the
26 Legislature.~~

1 "~~(g)~~ (f) The committee may meet within and without
2 the state, hold public hearings, and otherwise have all of the
3 powers of a legislative committee under the legislative law.

4 "~~(h)~~ (g) The committee may request and receive from
5 any court, department, division, board or bureau, commission,
6 or agency of the state or any political subdivision thereof
7 such assistance and data as will enable it to properly carry
8 out its powers and duties hereunder.

9 "(h) The committee shall provide such data, maps,
10 and technical assistance as needed by the redistricting
11 commission as provided in subsection (e) of Section 29-2-51
12 for the redrawing of districts of the Legislature and the
13 State Board of Education."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.