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September 17, 2001

Chief, Voting Section
Civil Rights Division
Department of Justice
1800 G Street, N.W. Room 7254
Washington, D.C. 20006

Re: Submission of Alabama Act No. 2001-727 for Preclearance
Your file 2001-2406

Dear Sir:

We write to provide additional information relating to our letter of August 14, 2001, in which we transmitted Alabama Act No. 2001-727 to you for review pursuant to Section 5 of the Voting Rights Act. As you are aware, that Act established, *inter alia*, a new districting plan for the Alabama State Senate for use in the elections of 2002, 2006, and 2010. (Other changes are identified in subparagraph 2c of our August 14, 2001 letter.) In this letter, we will respond to certain questions posed by the Voting Section and respond to the inquiry in 28 C.F.R. § 51.28(g)(1) regarding availability of the submission.

More particularly:

1. The Voting Section requested that we furnish information showing the 1993 Senate plan with the voting age population as recorded in the 2000 Census. That information is contained in the enclosed Exhibit B-6.
2. The Voting Section asked how the new districting plan affects incumbents. No Senate incumbents were placed in the same district. In addition, given the fact that all of the African-American State Senators voted for the plan, the evidence would suggest that they saw no adverse impact or that any impact they saw was not significant.
3. The Voting Section requested voter registration data by race for the new and existing Senate districts. That information is contained in the enclosed Exhibits A-6 and B-7.

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4. The Voting Section asked for any expert reports regarding racially polarized voting that were offered in the *Shaw* litigation. As noted in our August 14 letter, that litigation began in 1997. The only expert report regarding racially polarized voting was the one that was prepared by Gordon G. Henderson, Ph.D., that was admitted in evidence in the trial proceedings in *Rice v. Sinkfield*, in the Circuit Court of Montgomery County. I enclose a copy of Henderson's Report and the portions of the trial transcript relating to his testimony, which we have marked as Exhibits M-3 and M-4.

5. The Voting Section asked for election results for the black majority Senate districts for the 1990's and, if available, the 1980's. Because the 1993 Reed-Buskey Senate plan is the last plan that was precleared, we have printed the results for the 1994 and 1998 Senate elections and enclose as Exhibits M-5 and M-6 the results relating to those elections in the black majority districts. Those results are sorted by district, and we hope they will provide the information the Section needs. If the Section believes that it needs results for earlier elections, which involved different plans, please let us know because we will have to do some digging and checking.

6. The Voting Section asked for any performance data or election results that were in the computer when the plans were drawn. Those data are difficult to extract when the computer is in use, as it has been during the latest Special Session. We will send those data to you under separate cover as soon as we are able.

7. Litigation Update: I enclose a copy of the Answer and Motion to Stay we filed in the case of *Rice v. English*. They are marked as Exhibits L-14 and L-15.

Counsel for Governor Siegelman moved to intervene in the *Barnett* case (No. 433) pending in the United States District Court for the Southern District of Alabama. He also moved to intervene in *Rice v. English* and filed an Answer. A copy of the Answer filed by counsel for Governor Siegelman is marked as Exhibit L-16.

8. Pursuant to 28 C.F.R. § 51.28(g)(1), I advise you that a copy of the submission, including the Exhibits, is available in the Legislative Reapportionment Office. The submission letter and the exhibit list were posted on the Reapportionment Office's website; they can be viewed through a link found at http://www.legislature.state.al.us/reapportionment/districts_2001.html.

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I hope that this letter and its enclosures answer your questions. If you need any other information or have any other questions, please do not hesitate to call me.

Very truly yours,

BILL PRYOR
Attorney General
By:



John J. Park, Jr.
Assistant Attorney General



Charles B. Campbell
Assistant Attorney General

cc: Honorable Don Siegelman (w/o enclosures)
Honorable Steve Windom (w/o enclosures)
Honorable Seth Hammett (w/o enclosures)
Honorable Jeff Enfinger (w/o enclosures)
Honorable Steve French (w/o enclosures)
Honorable Mark Gaines (with enclosures)

Enclosures
JJPjr/pc