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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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County Commissions – Redistricting – Counties – Boundaries – Districts

Once the Coffee County Commission ("Commission") has altered district boundary lines after a federal decennial census, the Commission cannot make additional changes to the district boundary lines absent an order issued by a court of competent jurisdiction.

Dear Mr. Pipkin:

This opinion of the Attorney General is issued in response to your request on behalf of the Coffee County Commission.

QUESTION

May the Coffee County Commission make changes to the existing boundary and precinct lines to bring those lines into compliance with the specifications set out in section 17-6-2(b) of the Code of Alabama?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that, in 2012, the Coffee County Commission adopted new district lines that were approved by the Department of Justice. Recently, the Commission has discovered that the current lines were drawn inaccurately and were not in compliance with section 17-6-2(b) of the Code of Alabama. In a subsequent conversation, you further

informed this Office that the current district lines were drawn after the 2010 census, but a map from 2000 was used to create those districts. Accordingly, there are three or four instances where the current district lines cut across streets and homes. Although there are minimal changes that need to be made to the current district lines, forty people would be affected by these changes.

Section 17-6-2 of the Code discusses the establishment of voting precincts and reapportionment coordination. This provision states as follows:

> (a) The governing body of each county shall establish precincts, define the territorial limits for which each precinct is established, prescribe their boundaries using the most recent federal decennial census tract and block map, and designate the precincts. The governing body of each county shall, by resolution, adopt the establishment and boundaries of each precinct in accordance with the timetable as set forth herein.
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> (b) Each precinct shall be a contiguous, compact area having clearly defined and clearly observable boundaries coinciding with visible features readily distinguishable on the ground such as designated highways, roads, streets, or rivers or be coterminous with a county boundary.
>
> (c) Each county governing body shall provide and maintain at all times a suitable map showing the current geographical boundaries with designation of precincts and a legal description of the geographical boundaries of each precinct. Each county governing body shall send a copy of each map, with description attached, to the county board of registrars, the judge of probate, and the Permanent Legislative Committee on Reapportionment. All features, names, titles, and symbols on the map shall be clearly shown and legible. Each map sheet shall indicate the date of the base map or the date of last revision.
>
> (d)(1) In complying with the provisions of this section for the establishment of precincts and the prescription of their boundaries, each county governing body and the board of registrars shall coordinate with

> the Permanent Legislative Committee on Reapportionment or their designees, pursuant to their authority to submit a plan for census data for reapportionment under the provisions of Section 199 of the Constitution of Alabama of 1901, and shall adopt or adjust precinct boundaries as may be necessary to comply with this section.
>
> (2) Each county governing body shall by resolution adopt a proposal for the establishment or adjustment of precinct boundaries, in compliance with this section. Any establishment of a precinct or adjustment of a precinct boundary that complies with this section shall be effective for the purpose of establishing block boundaries for the federal decennial census and for all other election purposes.

ALA. CODE § 17-6-2 (2006).

The provisions set forth in this particular Code section relate to precinct lines. A precinct is defined in section 17-1-2 of the Code as "[a] geographical subdivision of a county having clearly visible, definable, and observable physical boundaries. A precinct is the smallest geographical area for purposes of holding national, state, or countywide elections." ALA. CODE § 17-1-2 (2006). County commissions, in coordination with the reapportionment task force, are required to establish precincts by defining the geographical territorial limits for each precinct and providing a legal description of those boundaries. ALA. CODE § 17-6-2 (2006). Based, however, on the information provided, your inquiry is with respect to the ability of the county commission to alter or redraw the district lines within the county, as opposed to the precinct lines.

Section 11-3-1.1 of the Code sets forth the authority of single-member district commissioners to alter district boundaries. This Office has previously determined that, pursuant to section 11-3-1.1, the county commission is authorized to alter district lines only once following a federal decennial census. Opinion to Honorable Kenneth L. Joiner, County Administrator/Treasurer, Calhoun County Commission, dated October 2, 2008, A.G. No. 2009-001 (stating that section 11-3-1.1(a) of the Code does not permit the county commission to redraw the district boundaries more than one time after each federal decennial census).

In your letter of request, you noted that the interest in redrawing the district lines was grounded in an attempt to correct instances where the district

lines traverse homes and other clearly observable boundaries. Although your concern is valid, the requirement that boundary lines not traverse clearly observable boundaries is one established pursuant to section 17-6-2(b) and not section 11-3-1.1 of the Code. ALA. CODE §§ 17-6-2(b) (2006) & 11-3.1.1 (2008). Moreover, section 17-3-33 of the Code specifically contemplates instances when boundary lines traverse homes or other observable boundaries. ALA. CODE § 17-3-33 (2006).

Section 11-3-1.2 of the Code would authorize the redrawing of district lines in instances where such lines are challenged or where a person seeks to require the commission to take action pursuant to section 11-3-1.1. ALA. CODE § 11-3-1.2 (2008). Based on previous precedent and the fact that there does not appear to be any clear statutory authority authorizing the alteration of district boundary lines more than one time after a federal decennial census, it is the opinion of this Office that the Coffee County Commission should not alter any district boundary lines unless ordered to do so by the Coffee County Circuit Court or some other court of competent jurisdiction.

CONCLUSION

Once the Coffee County Commission has altered district boundary lines after a federal decennial census, the Commission cannot make additional changes to the district boundary lines absent an order issued by a court of competent jurisdiction.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:

BRENDA F. SMITH
Chief, Opinions Division

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