IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

ALABAMA LEGISLATIVE)
BLACK CAUCUS, et al.,)
Plaintiffs,))) CASE NO. 2:12-CV-691
V.) (Three-Judge Court)
THE STATE OF ALABAMA, et al.,)
Defendants.)
ALABAMA DEMOCRATIC CONFERENCE, et al.,)))
Plaintiffs,	
V.) CASE NO. 2:12-CV-1081) (Three-Judge Court)
THE STATE OF ALABAMA, et al.,)
Defendants.)

ORDER

Before the court is the State Defendants' Time-Sensitive Unopposed Motion to Approve Remedial Plan for Anticipated SD 26 Special Election. (Doc. # 366.) As set out in the motion, a state statute requires Senator Quinton T. Ross, the incumbent for Senate District 26, to resign from the Alabama Legislature if he accepts the offered position as Alabama State University's president. Should he resign, the Governor of the State of Alabama likely will call a special election for Senate District 26 prior to the regularly scheduled 2018 election. However, this Court has declared 12 of Alabama's legislative districts, including Senate District 26, unconstitutional racial gerrymanders and enjoined the use of those districts in future elections. Defendants also cannot use Senate District 26 as configured in the Legislature's 2017 remedial plan, Senate Bill 403, because the remedial plan is not effective by its terms until 2018. Accordingly, the State Defendants request "that the Court authorize and direct them to use the district lines from the Legislature's 2017 remedial plan, SB 403, for the anticipated special election in Senate District 26." (Doc. # 366, at 2.) Plaintiffs have not objected to the Legislature's 2017 remedial plan as it pertains to Senate District 26, and the State Defendants have represented that Plaintiffs do not oppose the instant motion.

Based upon the reasons set out in the Time-Sensitive Unopposed Motion to Approve Remedial Plan for Anticipated SD 26 Special Election (Doc. # 366), it is ORDERED that the motion is GRANTED. Accordingly, the State Defendants are authorized and DIRECTED to use the district lines from the Legislature's 2017 remedial plan, SB 403, for the anticipated special election in Senate District 26.

DONE this 21st day of September, 2017.

/s/ W. Keith Watkins CHIEF UNITED STATES DISTRICT JUDGE FOR THE COURT