

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN,)
Secretary of State, et al.,)
)
Defendants.)

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN,)
Secretary of State of Alabama, et al.,)
)
Defendants.)

Case No.: 2:21-cv-01530-AMM

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN,)
Secretary of State of Alabama, *et al.*,)
)
Defendants.)

Case No.: 2:21-cv-01536-AMM

**DEFENDANTS' NOTICE REGARDING LEGISLATURE'S INTENT TO
ENACT NEW REDISTRICTING PLAN**

On June 8, 2023, the Supreme Court issued its decision in *Allen v. Milligan*, No. 21-1086 and *Allen v. Caster*, No. 21-1087, affirming the preliminary injunction orders issued in *Milligan* and *Caster*.

This Court ordered the parties to ensure that these cases would be ready for trial by July 31, 2023. *Milligan* Doc. 157 at 4. While Defendants are entitled to a trial on the merits, Defendants understand that the Alabama Legislature intends to enact a new congressional redistricting plan that will repeal and replace the 2021 Plan, which would obviate the need for a trial.

The Legislature should have the opportunity to draw a plan for the 2024 congressional elections, and the timing is practicable here to afford the Legislature that opportunity. Legislators are already taking steps to advance that process, which we understand will move quickly. After consulting with legislative leadership, we believe the Legislature should be allowed until July 21, 2023, to enact new legislation. Because the Legislature is not currently in session, the Governor will have to call a special session. And under state law, the session must run a minimum of five calendar days before legislation can be enacted. *See* Ala. Const. art. IV, § 63 (requiring each bill to “be read on three different days in each house”). If the special session runs from July 17 through July 21, there will be time for the Reapportionment Committee to receive public input regarding the plan and then

propose it to legislators for review before a vote. Moreover, if the new plan is enacted by July 21, Plaintiffs will have more time to consider whether they will challenge it than if the Parties instead had a trial on July 31 followed by a finding of liability and the enactment of a new plan in late August or early September. Accordingly, Defendants ask that the Legislature be given until July 21 to enact a new plan. By July 24, 2023, or one week after the new plan is enacted, whichever is earlier, Defendants shall file a status report notifying the Court about the Legislature's efforts to enact a new plan. Then, as this Court previously recognized, “[t]he new legislative plan, if forthcoming, will ... be the governing law unless it, too, is challenged and found to violate’ federal law.” *Milligan* Doc. 107 at 210-11 (quoting *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (opinion of White, J.)).

Respectfully Submitted,

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