

Malapportioned Districts in an Election Held Soon After the Release of New Census Data

Graves v. City of Montgomery
(*W. Keith Watkins, M.D. Ala. 2:11-cv-557*)

Six weeks and one day before a planned August 23, 2011, election, a federal complaint alleged that city-council districts were malapportioned because they had not been redrawn to reflect the 2010 census. The district judge denied immediate relief and ultimately ruled that redistricting—which the evidence showed to be a work in progress—was not yet required.

Subject: District lines. *Topics:* Malapportionment; laches.

Six weeks and one day before a planned August 23, 2011, election in Montgomery, Alabama, two voters filed a federal complaint in the Middle District of Alabama against the city, its mayor, its city clerk, and seven members of its city council, complaining that the city-council districts were malapportioned because they had not been redrawn to reflect the 2010 census.¹ With their complaint, the plaintiffs filed a petition for a temporary restraining order and a preliminary injunction.²

On the day after the complaint was filed, Judge W. Keith Watkins denied the plaintiffs a temporary restraining order.³ On the one hand, because six weeks remained until the election, immediate relief was not necessary; on the other hand, the plaintiffs could have filed their action much earlier.⁴ Also, Judge Watkins observed that it was not clear that redistricting was required so soon after the census.⁵

On August 10, Judge Watkins dismissed the complaint for failure to state a valid claim.⁶ State law did not require the mayor to submit to the city council a reapportionment plan until six months after publication of the census data for Montgomery, so the mayor’s deadline was not until August 24.⁷ Judge Watkins found the state’s reapportionment schedule to comply with federal law.⁸

1. Complaint, *Graves v. City of Montgomery*, No. 2:11-cv-557 (M.D. Ala. July 11, 2011), D.E. 1; *Graves v. City of Montgomery*, 807 F. Supp. 2d 1096, 1099, 1101–02 (M.D. Ala. 2011); see Jill Nolin, *Alabama Democratic Conference Wants Montgomery Municipal Elections Delayed*, *Montgomery Advertiser*, July 13, 2011.

2. Petition, *Graves*, No. 2:11-cv-557 (M.D. Ala. July 11, 2011), D.E. 2; *Graves*, 807 F. Supp. 2d at 1099.

3. Order, *Graves*, No. 2:11-cv-557 (M.D. Ala. July 12, 2011), D.E. 4; *Graves*, 807 F. Supp. 2d at 1099; see Jill Nolin, *Judge Denies First Motion in Lawsuit to Halt Montgomery Municipal Election*, *Montgomery Advertiser*, July 14, 2011.

4. Order, *supra* note 3, at 3.

5. *Id.* at 4.

6. *Graves*, 807 F. Supp. 2d 1100.

7. *Id.* at 1104–05.

8. *Id.* at 1108–14.

Montgomery's mayor proposed a redistricting plan before the election, but the city council was not required to act on it until after the election.⁹ The election proceeded as planned.¹⁰

9. See *Mayor Reveals Redistricting Proposal*, *Montgomery Advertiser*, Aug. 20, 2011; *Strange: New District Lines Coming, but Not in Time for Election*, *Montgomery Advertiser*, Aug. 2, 2011.

10. See Brian Lyman, *Montgomery Council Members Look to Economic Development*, *Montgomery Advertiser*, Aug. 24, 2011; Jill Nolin, *Strange Easily Wins Mayor's Race*, *Montgomery Advertiser*, Aug. 24, 2011.