

Dear Members: (g.) Dillard v. Greensboro, 501 U.S. 380 (1991); Alabama State Conf. of NAACP v. City of Pleasant Grove, 372 F. Supp. 3d 1333 (N.D. Ala. 2019); Dillard v. Greensboro, 956 F. Supp. 1576 (M.D. Ala. 1997) (LDF successfully challenging at -large elections).

<sup>2</sup> See 2020 U.S. Census, <https://data.census.gov/cedsci/table?q=1600000US2200100&d=DEC%20Redistricting%20Data%20%28PL%2094-171%29&tid=DECENNIALPL2020.P1>.

Black voters, the City Council cur

The use of at-large elections in which all eligible voters in a jurisdiction vote for candidate(s) can also operate to diminish the voting strength of Black voters in violation of Section 2.

case in which the plaintiffs can establish the existence of the three Gingles factors but still have failed to establish a violation of § 2 under the totality of circumstances.”<sup>13</sup>

III. A New City Council Map with Only One Majority-Black District Likely Violates Section 2 of the Voting Rights Act.

A new City Council map will likely violate Section 2 of the Voting Rights Act if it fails to provide Abbeville voters with an equal opportunity to elect candidates of their choice through the development of two majority-Black districts.

There are two specific defects in the City Council method of elections that the council must address when adopting a new plan. First, the City Council's use of an at-large district is likely discriminatory because the at-large structure denies Abbeville's Black voters an equal opportunity to elect candidates of their choice to one of the five City Council seats. The Supreme Court has long recognized that voting schemes involving at-large elections can run afoul of the VRA by minimizing or canceling out the voting strength of Black voters.<sup>14</sup> “The theoretical basis for this type of impairment is that where minority and majority voters consistently prefer different candidates, the majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.”<sup>15</sup> That is precisely the case here. Black -

maps. For the reasons explained below, each of the three *Gingles* preconditions are likely satisfied in Abbeville, and any map that continues to deny Abbeville's Black voters an equal opportunity to elect candidates of their choice —either through at-large structures or discriminatory district maps —likely violates Section 2 of the Voting Rights Act.

- a. ***Gingles*** Precondition One: It Is Possible to Develop a City Council Map with Two Majority- Black Districts.

Based on our analysis, there are multiple ways to draw two majority -Black City Council districts in Abbeville.

First, if the City Council's at-large district is eliminated, and a new map is drawn with two districts



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education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

#### Adcock Law LLC

Adcock Law is a law firm devoted to plaintiff side civil rights litigation in the areas of housing and employment discrimination, whistleblower protection, election disputes, and prison litigation.



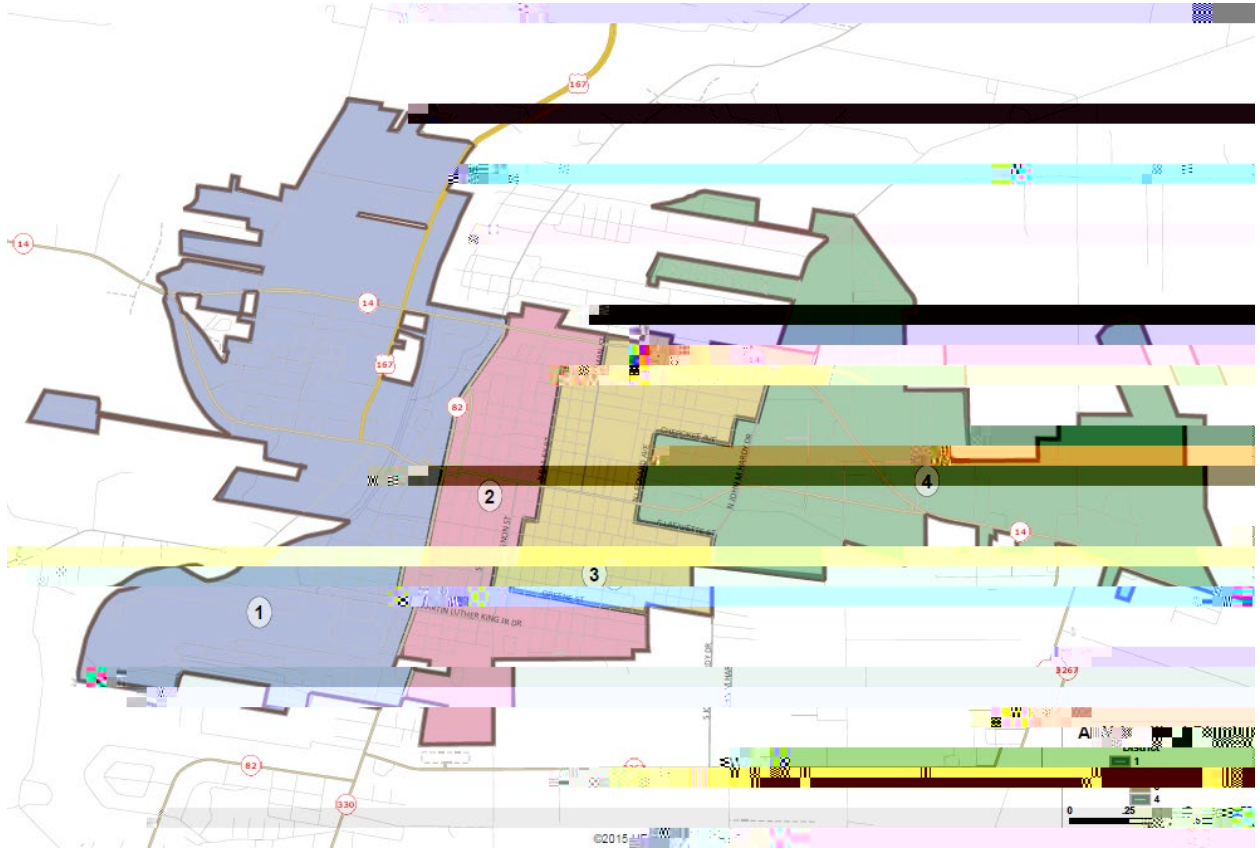
APPENDIX 1

***Abbeville City Council Illustrative Five-District Map with Two Majority-Black Districts (Eliminating the At-Large District)***

District	Population	Deviation	% Deviation	% Black Population	% White Population	Voting Age Population (VAP)	% Black VAP	% White VAP

APPENDIX 2

***Abbeville City Council Illustrative Four-District Map with Two Majority-Black Districts (Retaining the At-Large District)***



District    Popula