

SUPREME COURT OF ALABAMA

Dillard v. Baldwin County Comm'n

833 So. 2d 11 (Ala. 2002) · No. 1001971 · Decided April 19, 2002

SUMMARY

The Supreme Court of Alabama answered two certified questions concerning whether Alabama Code § 11-3-1.1 and a Baldwin County Commission resolution provided state-law authority for a seven-member county commission. The court held that the statute authorized only the alteration of district boundaries and did not provide substantive authority to change the number of commissioners. It therefore answered both certified questions in the negative.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Woodall, Justice; Moore, C.J.; Houston, Justice; See, Justice; Lyons, Justice; Johnstone, Justice; Harwood, Justice; Brown, Justice
JURISDICTION	Alabama
DECIDED	April 19, 2002
DOCKET	1001971
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Alabama answered two certified questions concerning Alabama statutory authority for a seven-member Baldwin County Commission.
STANDARD OF REVIEW	De novo interpretation of Alabama statutes and resolution of certified questions of state law.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; binding precedent on the interpretation of Ala. Code §§ 11-3-1 and 11-3-1.1(a).
PARTIES	John Dillard et al., Dale Eugene Brown, George R. Johnson, James Austin, Jr., Alvin Lee Pitts, Billy R. Smith, Joe M. Horace, Willie E. Edwards v. Baldwin County Commission, Members of the Baldwin County Commission, Adrian Johns

TOPICS

- statutory interpretation
- legislative intent
- voting rights
- election law
- municipal law

PRACTICE AREAS

statutory interpretation

election law

voting rights

constitutional law

municipal law

QUESTIONS PRESENTED

1. Whether Ala. Code § 11-3-1.1(a) provides substantive state-law authority for a county commission to adopt a seven-member structure when redrawing court-ordered single-member districts.
2. Whether Baldwin County Resolution No. 99-76 adopted a seven-member commission pursuant to state law.

HOLDINGS

1. Section 11-3-1.1(a) authorizes alteration of district boundaries but does not authorize a change in the number of districts or commissioners; therefore, it does not provide substantive state-law authority for a seven-member commission.
2. Resolution No. 99-76 did not establish a seven-member Baldwin County Commission pursuant to substantive state law because the only authority for the number of districts in the resolution was the federal district court's order.

KEY QUOTATIONS

*"Foremost among these is the principle that Alabama counties are creatures of statute, and thus 'can exercise only that authority conferred on [them] by [the Legislature].'" (*16)*

*"While § 11-3-1.1(a) authorizes the alteration of district boundaries, it says nothing of any change in the number of districts." (*17)*

*"Consequently, the sole authority for the number of districts set forth in Resolution No. 99-76 was the district court's order." (*18)*

FACTUAL BACKGROUND

In 1986, Baldwin County used a four-member commission elected at large from four numbered districts. After the Commission conceded liability under section 2 of the Voting Rights Act, the federal district court ordered a seven-member commission elected from single-member districts, including a majority-black district. While the federal litigation continued, Alabama enacted § 11-3-1.1(a), authorizing county commissions elected from single-member districts to alter district boundaries, and the Commission adopted Resolution No. 99-76 continuing the seven-district arrangement. The parties disputed whether those enactments independently authorized the number of commissioners or merely facilitated implementation of the federal court's order.

PROCEDURAL HISTORY

African American voters sued in federal district court under section 2 of the Voting Rights Act, and the district court ordered the Baldwin County Commission expanded from four at-large members to seven members elected from single-member districts. Intervenor challenged the remedy under section 2 of the Voting Rights Act and the Tenth and Eleventh Amendments. The Eleventh Circuit reversed dismissal of those claims and remanded for

further proceedings. On remand, the federal district court certified to the Alabama Supreme Court questions concerning whether Ala. Code § 11-3-1.1(a) and Baldwin County Resolution No. 99-76 supplied state-law authority for the seven-member structure.

DISPOSITION

other

CASES CITED

- Dillard v. Baldwin County Comm'rs, 225 F.3d 1271, 1274-83 (11th Cir. 2000)
- Dillard v. Baldwin County Bd. of Educ., 686 F. Supp. 1459 (M.D. Ala. 1988)
- Dillard v. Baldwin County Comm'n, 694 F. Supp. 836 (M.D. Ala.), amended by, 701 F. Supp. 808 (M.D. Ala.), aff'd, 862 F.2d 878 (11th Cir. 1988)
- Holder v. Hall, 512 U.S. 874 (1994)
- Nipper v. Smith, 39 F.3d 1494, 1532 (11th Cir. 1994)
- Jefferson County v. Johnson, 333 So. 2d 143, 145 (Ala. 1976)
- Laney v. Jefferson County, 249 Ala. 612, 32 So. 2d 542 (1947)
- Askew v. Hale County, 54 Ala. 639 (1875)
- Arledge v. Chilton County, 237 Ala. 96, 99, 185 So. 419, 421 (1938)
- Corning v. Patton, 236 Ala. 354, 356, 182 So. 39, 40 (1938)
- Sumbry v. Russell County, 993 F. Supp. 1439, 1441-42 (M.D. Ala.), aff'd, 162 F.3d 99 (11th Cir. 1998)
- Siegelman v. Alabama Ass'n of Sch. Bds., 819 So. 2d 568, 576-77 (Ala. 2001)

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