

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELBY COUNTY, ALABAMA

Plaintiff,

v.

ERIC H. HOLDER, JR., in his official capacity as
Attorney General of the United States of America

Defendant,

EARL CUNNINGHAM, HARRY JONES, ALBERT
JONES, ERNEST MONTGOMERY, ANTHONY
VINES and WILLIAM WALKER; BOBBY PIERSON,
WILLIE GOLDSMITH SR., KENNETH DUKES,
MARY PAXTON-LEE, and the ALABAMA STATE
CONFERENCE OF THE NAACP; and BOBBY LEE
HARRIS,

Defendant-Intervenors.

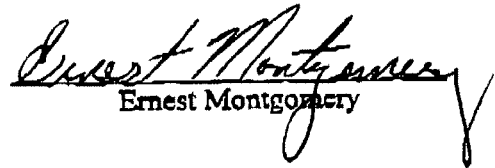
**Civil Action No. 1:10-CV-651
(JDB)**

DECLARATION OF ERNEST MONTGOMERY

ERNEST MONTGOMERY, being first duly sworn, deposes and says that:

1. I am a registered African-American voter and have been a resident of Calera, a city in Shelby County, for more than thirty years.
2. I was elected to serve on Calera's five member single-district City Council in 2004, becoming only the second African American after Winfred Jones, who passed away in office, to hold this post.
3. The fastest growing city in Alabama, Calera's population has nearly tripled since the 2000 census to approximately 11,000 residents. There are approximately 4,680 registered voters in Calera, of whom 773 (16.5%) are African American.
4. I represent District 2, Calera's only majority African American district, in which approximately 70% of the registered voters are African American.
5. Calera's rapid growth underscores the continuing need for the protections of Section 5 of the Voting Rights Act.
6. In 2006, Calera, without complying with the preclearance provision of Section 5 of the Voting Rights Act, held a municipal election after conducting 177 annexations and redrawing its city council boundaries.

7. Calera's unprecleared redistricting plan, which maintained five single-member districts, reduced the percentage of African American registered voters in District 2 from 70.9% to 29.5%, thereby eliminating Calera's only majority African American district and with it the best opportunity for African American voters to elect a candidate of choice.
8. I lost my 2008 bid for re-election following Calera's unprecleared voting changes.
9. The United States Department of Justice ultimately rejected the results of the unprecleared election and required Calera to draw a new redistricting plan and to conduct another election.
10. In 2008, I regained my seat as the sole African American on the city council by winning the most votes of all candidates after Calera conducted another election based on a redistricting plan that was this time precleared by the Department of Justice.
11. I was sworn into office November 17, 2009.


Ernest Montgomery

Dated: November 15, 2010