

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

THE ALASKA DEMOCRATIC PARTY,	)	
KATIE HURLEY and WARREN	)	
KEOGH	)	
	)	Plaintiffs,
	)	
vs.	)	
	)	
ALASKA REDISTRICTING BOARD	)	
	)	
	)	Defendant
	)	

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**COMPLAINT AND APPLICATION TO COMPEL CORRECTION  
OF ERRORS IN PROCLAMATION OF REDISTRICTING  
(ALASKA CONSTITUTION, ART. IV, §11)**

COME NOW Plaintiffs Katie Hurley, Warren Keogh, and the Alaska Democratic Party, by and through their attorney, Joe McKinnon, and for their complaint against the Alaska Redistricting Board allege as follows:

**PARTIES**

1. Plaintiff Katie Hurley is a resident of Wasilla, Alaska and is a qualified voter under the laws of the State of Alaska.
2. Plaintiff Warren Keogh is a resident of Chickaloon, Alaska and is a qualified voter under the laws of the State of Alaska.
3. Plaintiff Alaska Democratic Party is a recognized political party under AS 15.80.010 (25). Approximately 70,000 qualified voters residing in all forty house districts have registered their political affiliation with the ADP. Pursuant to AS 15.25,

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ADP has a statutory right to nominate candidates for the state house and the state senate in any districts established by the Alaska Redistricting Board.

4. Defendant Alaska Redistricting Board (the "Board") is a five-member board established by Article VI, §6 of the Alaska Constitution. The Board has the duty to redistrict the Alaska House of Representatives and the Alaska Senate in accordance with the provisions of the Alaska and United States Constitutions.

5. This is a civil action or appeal concerning the establishment, protection or enforcement of a right under the United States Constitution or the Constitution of the State of Alaska with the meaning of AS 09.60.010(c).

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over this action pursuant to Article VI, §11 of the Alaska Constitution.

7. Venue is proper in this district under Civil Rule 3.

#### **FACTS**

8. On June 13, 2011, the Board adopted its first proclamation of redistricting. On March 14, 2012, the Alaska Supreme Court held that the Board's first redistricting plan was improperly adopted and remanded the matter to the Board to adopt a second proclamation of redistricting.

9. On April 5, 2012, the Board adopted its second proclamation of redistricting with a substantially-revised redistricting plan which it chose to characterize as an "amended" redistricting plan. On December 28, 2012, The Alaska Supreme Court held that the Board's second redistricting plan was improperly adopted. The matter was remanded to the Board to make a third attempt at adopting an acceptable proclamation of redistricting.

10. On July 14, 2013 the Alaska Redistricting Board adopted its third proclamation of redistricting which it has chosen to characterize as its 2013 Proclamation Plan.

### **I. MATANUSKA-SUSITNA BOROUGH**

11. According to the 2010 census, the Matanuska-Susitna Borough (Mat-Su Borough) has a population of 88,995. That population is equal to the ideal population of 5.01 house seats, enabling the Board to create five house seats entirely within the boundaries of the Borough without including population from outside the Borough and without including Borough residents in house districts outside Mat-Su Borough boundaries.

12. The Board's third plan divides the population of the Mat-Su Borough into six house districts (7-12). House Districts 9 and 12 and Senate Districts E and F contain persons who do not reside within the Mat-Su Borough.

13. Borough residents residing in House District 9 are included in a district which does not comprised a relatively integrated socio-economic area.

14. The Board's third redistricting plan fails to afford proportional representation to voters residing both inside and outside the Mat-Su Borough.

### **II. KENAI PENINSULA BOROUGH**

15. According to the 2010 census, the Kenai Peninsula Borough has a population of 55,400. That total population is equal to the ideal population of 3.14 house seats.

16. The Board could have drawn three house seats entirely within the Kenai Peninsula Borough boundaries without including population from outside the Borough and without including Borough residents in house districts outside the Kenai Borough boundaries.

17. Instead, the Board separated the communities of Halibut Cove, Nanwalek, Port Graham, Seldovia, and Tyonek from the Kenai Peninsula Borough and included them in House District 32 with other communities with which they are not socio-economically integrated.

18. The Board's third plan fails to afford proportional representation to voters residing both inside and outside the Kenai Peninsula Borough.

### **III. RURAL ALASKA DISTRICTS**

19. The Board unnecessarily violated the constitutional requirement of socio-economic integration in drawing the house districts encompassing rural Alaska. House Districts 6, 37, 39, and 40 are unconstitutional for that reason.

20. The communities of Alatna, Allakaket, Bettles, Evansville, and Hughes are included in House District 40. Those communities are not socio-economically integrated with the other communities in House District 40.

21. The communities of Galena, Huslia, Kaltag, Koyukuk, Nulato, and Ruby are included in House District 39. Those communities are not socio-economically integrated with the other communities in House District 39.

22. The communities of Anvik, Grayling, Holy Cross, McGrath, Nikolai, Shageluk and Takotna are included in House District 37. Those communities are not socio-economically integrated with the other communities in House District 37.

23. House District 6 is comprised of two distinct regions that are not socio-economically integrated with each other.

#### IV. FAIRBANKS DISTRICTS

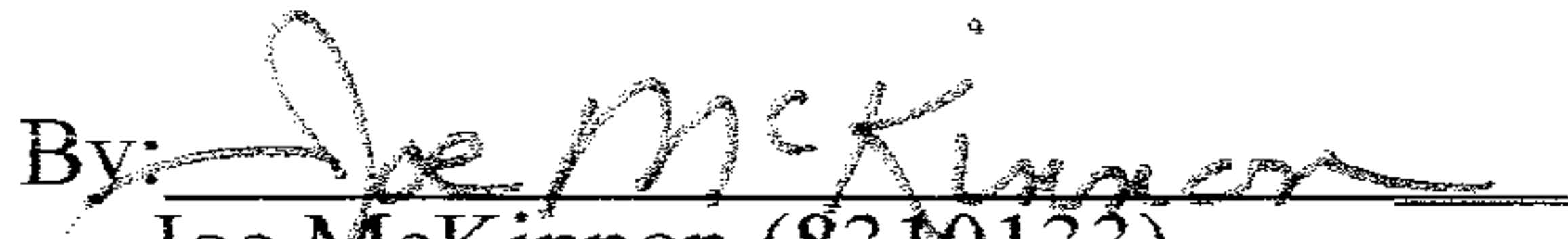
24. The Board's third plan creates boundaries for House Districts 3 and 5 that fail to comply with the compactness requirement of Article VI, Section 8 of the Alaska Constitution.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. For an order declaring that the July 14, 2013 proclamation violates the Alaska and United States Constitutions;
2. For an order setting aside the Board's third redistricting plan;
3. For an order appointing a master or masters and referring this matter for a recommendation for a final redistricting plan that is in compliance with constitutional requirements;
4. For an order establishing a final redistricting plan;
5. For an award of costs and attorney's fees; and
6. For such other relief as the Court deems appropriate.

DATED: August 13, 2013

By:   
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