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Attorneys for Plaintiffs Felisa Wilson, George Martinez, and Yarrow Silvers

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the
2021 REDISTRICTING PLAN.

Case No. 3AN-21-08869CI

AFFIDAVIT OF DAVID DUNSMORE

STATE OF ALASKA)
) ss:
Third Judicial District)

I, David Dunsmore, being first duly sworn on oath, depose and state as follows:

1. In my capacity as strategist for Alaskans for Fair Redistricting I attended, in person, all of the Alaska Redistricting Board meetings after the release of the 2020 Census results, including the November 8-10 meetings where senate pairings, term assignments and truncation, and the final proclamation were discussed and adopted.

2. In addition, I attended, in person, the Board's public testimony "road show" events in Juneau, Haines, Sitka, Ketchikan, Bethel, Fairbanks, Anchorage (both events), Cordova, Homer, Seward, Soldotna, Wasilla, Palmer, Kodiak, Kotzebue, and Nome.

3. I accepted my position with Alaskans for Fair Redistricting ("AFFR") after meeting with coalition members and discussing AFFR's goals of achieving a redistricting map that provides fair representation in both rural and urban Alaska with districts that respect neighborhoods and communities of interest. The goal was, in part, to submit a map that was competitive with other proposals for the Board's consideration.

4. AFFR's goals for fair representation aligned with my values and this position provided the opportunity to use the skills I have learned working on campaigns and as a legislative staffer in a different capacity.

5. Except for briefly taking telephone calls or using the restroom, I was observing in person all of the on-the-record proceedings of the Board during the November 8-10 meetings, including the portions on November 8 that were designated as a "work session" where Redistricting Board ("Board") members were working informally on proposed senate pairings.

6. Throughout the November 8-10 Board meetings, I remained behind the rope line set up to separate public seating from the Board but sat as close as I could to try to best observe the Board's conversations.

7. Occasionally, Board members would approach me while the work session was ongoing, which temporarily interfered with my observation efforts.

8. In addition to my in-person attendance, I have reviewed the recordings of the November 8-10 meetings linked on the Board's website including all the informal work

session portion, all the discussions of Anchorage senate pairings, and all the discussion on term assignments.

9. Like the in-person meetings, the recordings did not allow me, as an observer, to fully hear or see the Board member's considerations. Some conversations by Board members, however, were easier to understand virtually.

10. During the formal portions of the meetings the Board's discussions were clearly audible in person, but during the work session portion conversations between members Marcum and Simpson were mostly not comprehensible.

11. Having adopted house districts the previous week, the Board began the November 8 meeting by taking public testimony concerning senate pairings. I presented proposed senate pairings on behalf of Alaskans for Fair Redistricting.

12. Randy Ruedrich presented proposed senate pairings on behalf of Alaskans for Fair and Equitable Redistricting and numerous members of the public testified in person and telephonically.

13. As part of his testimony, Ruedrich attempted to give Board members copies of a document detailing his recommended pairings, truncations, and term assignments. Board staffer Juli Lucky interrupted the distribution of the document and informed Board members that it contained truncation percentages and information about which incumbent senators lived in which districts, which was information the Board had previously decided not to consider. Lucky stated she had given the Board a version of this document with this information redacted and asked for guidance from the Board. After hearing the Board's discussion, Ruedrich agreed not to have the unredacted version distributed.

14. During his testimony, Ruedrich at first proposed Districts 20 and 22 (final district numbers, they were different at the time) be paired together for a senate district. Member Bahnke asked if he was concerned this would disenfranchise the diverse population of East Anchorage, and Ruedrich immediately changed his recommendation to putting Districts 21 and 22 together instead. This change of recommendation appeared to be spontaneous and Ruedrich was not able to fully articulate how this changed the rest of his recommendations.

15. After concluding public testimony, the Board went into an executive session. When it went back on the record, the Board adopted technical corrections to the house districts, discussed districts in Southeast, rural Alaska, and the City of Fairbanks where there was consensus, and then entered an informal work session. For most of the work session, members Marcum and Simpson were working together. Although Marcum and Simpson mostly remained in the same seats they were in for the formal portion, they were speaking much quieter than during the formal portions and it was very hard to follow in person. Simpson was mostly not comprehensible at all in person, while I could understand some of what Marcum was saying.

16. After the Board concluded the work session, they returned to a formal meeting to discuss the remaining senate pairings. For the Municipality of Anchorage, Bahnke proposed one set of pairings and Marcum proposed four different options. Bahnke proposed pairing the two Eagle River seats together and every one of Marcum's proposals proposed putting one of the Eagle River districts with one of the two Muldoon districts. Bahnke and member Borromeo expressed opposition to separating the Eagle

River districts and pairing Muldoon with Eagle River. Simpson expressed support for Marcum's proposed pairings without saying which of her four versions he was supporting.

17. Inexplicably, Chair Binkley announced that it appeared there was majority support for Marcum's pairings, again not stating which version of the four. Bahnke attempted to clarify that the Board had not reached a decision on these pairings, but Binkley repeated that while there was not unanimous consensus there was a majority.

18. Despite my familiarity with the maps and the districts, it was not possible for me to tell in person or from the recording what pairings Marcum, Simpson, and Binkley were supporting. I only learned which of her four versions Marcum was supporting when, during a break, Jeff Landfield of the Alaska Landmine asked Marcum what her pairings were. Marcum told Landfield that she had a single proposal and listed the numbers.

19. Marcum's pairings agreed with Bahnke's pairings on pairing Districts 9 and 11 (final numbers).

20. The November 9 meeting began with an extended executive session. When the Board went on the record, Marcum immediately moved and Simpson seconded to adopt a different set of Anchorage pairings from what she had expressed the day before.

21. This motion was adopted without any explanation or debate with Marcum, Simpson, and Binkley voting yes, and Borromeo and Bahnke voting no.

22. Having worked as a legislative aide in both the Alaska Legislature and the Anchorage Assembly, the Board's process and its adoption of the pairings without any discussion or even notice to the public regarding the proposed pairings was bizarre.

23. From my observations, the lack of discussion and notice and Binkley's decision that there was a "majority" on November 8 without Simpson or Binkley actually expressing support for Marcum's pairings, and the Board's complete failure to provide notice, public testimony, or findings before adopting the final senate pairings gave me the distinct impression that Marcum, Simpson, and Binkley had reached agreement either in an off-the-record meeting or a serial meeting.

24. In contrast to the house portion of the redistricting process, there was very limited opportunity for public input on senate pairings, truncation, or term assignments. The Board never adopted senate pairings for any of the Board options made available for public testimony on the road show, and the public testimony taken at the beginning of the November 8 meeting was the only testimony taken after the adoption of the house map. There was no public testimony taken on the specific proposed senate pairings before they were adopted, truncation, term assignment, or the final redistricting proclamation.

25. Throughout the redistricting process, the Board had a policy of taking public testimony at the beginning and end of every meeting day. During the November 8 meeting, I asked Deputy Director T.J. Presley to confirm that the Board would be continuing this practice but he referred me to the Board. I did not have an opportunity to ask the Board, through its chair or otherwise, before the pairings were adopted.

26. On November 9, while the Board was in executive session, I was waiting in the hallway outside the Board office and witnessed an East Anchorage resident turned away from providing public testimony by Binkley.

27. Throughout the process, Board members would often talk to staff members for the organizations and entities that proposed redistricting plans, which included me,

Joelle Hall, Randy Ruedrich, Robin O'Donoghue, Marna Sanford, Nathaniel Ambdur-Clark, Steve Colligan, and others.

28. On November 3, 2021, I observed Ruedrich join Board member Binkley in the mapping area while a work session was in progress. This was the only time I observed a Board member invite a plan sponsor into the mapping area during a meeting.

29. Over the course of the entire redistricting process, I responded to questions regarding redistricting and mapping from all five Board members.

FURTHER YOUR AFFIANT SAYETH NAUGHT.



David Dunsmore

SUBSCRIBED AND SWORN TO before me this 4th day of January, 2022.



Notary Public for Alaska

My Commission expires: 4-5-2024



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of January, 2022, a true and correct copy of the foregoing document was served electronically on the following:

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