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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 YARROW SILVERS

STATE OF ALASKA)
) ss:
Third Judicial District)

I, Yarrow Silvers, being first duly sworn on oath, depose and state as follows:

1. I, along with Felisa Wilson and George Martinez, filed the above-captioned application to compel the Redistricting Board to correct errors in its adopted senate pairings.

2. I make this Affidavit to set forth my direct knowledge, observations, and my opinion as a participant and a member of the community regarding the 2021 redistricting process and impact.

3. I was born in Alaska and have lived here most of my life. I have lived in Midtown, Spenard, Jewel Lake, South Anchorage, Fairview, and East Anchorage.

4. I moved to East Anchorage in 2012, first renting and then purchasing a home in 2017.

5. I am an Environmental Scientist by degree and paid my way through college by working at several car dealerships in Anchorage.

6. I currently stay at home with my two children.

7. I became interested in the redistricting process due to current issues in representation caused by East Anchorage being represented in the Senate along with a district that is separated from us by a large swath of uninhabited park land, as well as four other districts that you have to drive through to reach the rest of our senate district. The Senator representing these two districts often held constituent meetings in Girdwood, which was prohibitive for many East Anchorage residents, and rarely attended East Anchorage Community Council meetings. I came to the first redistricting meeting to request that East Anchorage be paired with a district that had a contiguous population and proposed that this would allow East Anchorage residents fair representation.

8. I never imagined at that point in the process that the Board would choose to even further disenfranchise East Anchorage residents by pairing them with a completely different community of interest, in a different drainage system, across an uninhabited mountain range.

9. This seemed even more shocking given the testimony by members of that community who talked about current ongoing efforts to leave the Municipality and the Eagle River communities' separate and distinct sense of community.

10. Regardless of whether the law would allow Eagle River to be paired with my East Anchorage community, the reality is that our two communities of interest are completely separate both physically and in every other way.

11. Eagle River has separate parks funding, separate road maintenance (LRSA), a volunteer fire department, different building codes, rural rather than urban characteristics, different schools, and much of it is on well and septic rather than Municipal water and sewer.

12. I rarely go to Eagle River at all, going only once or twice a year to take a day-long trek to the Eagle River Nature Center and back. I do not shop there, eat there, socialize there, or even get gas there.

13. Eagle River is off the highway so I do not even frequent Eagle River when I am headed further north for recreational purposes.

14. Eagle River is, in my view, a completely different community from East Anchorage and my district, with different issues and priorities, separated by distance, a mountain range, two other districts and completely different socio-economic status.

15. Eagle River is largely more affluent with much higher average yearly incomes than my district and is much less diverse than my district and neighboring East Anchorage house districts.

16. I am currently on the Board of the Scenic Foothills Community Council where I have written and passed several resolutions about issues that are important to both me and the East Anchorage community – these include traffic calming measures, homelessness, and funding for our parks, particularly restoring funding to Chanshtnu

Park, which is an important community gathering space that was created only with strong advocacy over many years from East Anchorage residents and their elected officials.

17. When the issue of redistricting was brought up in our council meetings, it was immediately apparent that having local representation from within our community was very important to all of our council members and the resolution that was passed (which I read before the Board) was written with community input and passed unanimously with bipartisan support. While it did not support any particular map – that is for individuals to decide – it clearly stated that we desired local representation and did not want our East Anchorage community to be disenfranchised by being pieced apart or by having representation come from other communities located across vast swaths of uninhabited land with different issues and social economic considerations than East Anchorage.

18. I would like to express how disappointed I am with the way that the redistricting process turned out. The Board had an opportunity to provide a great service to the people of Alaska – to do it right, with integrity, and in keeping with the spirit and law of our State Constitution which clearly calls for a nonpartisan process that disallows political gerrymandering.

19. Instead, I observed the Republican appointed Board members John Binkley, Budd Simpson, and most egregiously Bethany Marcum, participate in a partisan gerrymander for the purpose of giving the Eagle River community greater representation in the Senate at the expense of the diverse community of East Anchorage. I watched and listened as Board member Marcum acknowledged that all of her pairings would result

in Eagle River being split between two senate districts, each paired with a fragment of East Anchorage.

20. The majority Board members did this quietly, behind closed doors and in closed meetings, with little discussion or justification for their actions.

21. I attended the majority of the Board meetings, some of the mapping sessions, and I testified throughout the process. Here is what I observed:

22. When I attended the initial mapping sessions it seemed that great effort went into socio-economic integration – which the Board defined as where people live, work, play and shop, as well as to compactness and contiguity. Somehow during these mapping sessions, they never got to Anchorage. Instead, Anchorage was dropped in at the end of the week without any visible discussion.

23. I and several others had already testified at this point about the socio-economic integration of East Anchorage. However, Marcum's Anchorage house district map, which was largely arrived at in the dark, ignored public testimony and socio-economic factors, as well as compactness it seemed – East Anchorage was sliced and diced and shaped like a pinwheel with sections flung out in all directions split between South Anchorage, the Base, and Eagle River.

24. On September 17, hours of testimony had ensued, much of it from both Eagle River and East Anchorage residents, speaking out against this portion of Marcum's house district map.

25. The Board seemed surprised by the amount of testimony and responded by changing their maps to reflect this. The Board was asked about senate pairings several times throughout this process with repeated expressions by the public to be able to

comment on these pairings while the Board toured the State with the maps. I personally testified about this on September 20, 2021. The Board indicated that senate pairings would come later, and the changed maps reflecting public testimony went on tour without senate pairings included.

26. Fast forward to the final week of mapping on November 2, 2021; Marcum decided that she wanted to substantially change her House maps and suddenly came up with a map that again sliced and diced East Anchorage – placing portions of it in Eagle River, in South Anchorage, and at a weird angle stretching over to the Base and Government Hill.

27. The Board closed the meeting to the public and spent several hours in executive session that night and into the next morning while a room full of people waited to testify. The result of the executive session was that these last-minute maps proposed by Marcum were not able to be used due to legal issues. Despite having a set of maps drawn by member Borromeo available that met all the State Constitutional requirements of compactness, contiguity, low deviations, socio-economic integration and respected local boundaries as well as public testimony, Marcum continued trying to map out her last-minute gerrymander and Board members Simpson and Binkley continued to allow it.

28. Board member Marcum's districts continued to appear oddly-shaped with her proposal of long snake-like districts and odd configurations.

29. It appeared that, at the end of November 5, 2021, Member Simpson could not ignore the distortions in member Marcum's proposed house districts or the legal concerns that the Board kept cryptically referencing but never fully sharing. Part of this process is shown in Exhibit 1 to this Affidavit.

30. Despite what appeared to be extremely blatant efforts by member Marcum to draw districts that were in line with the districts supported by the Republican party, the Board allowed public testimony before adopting the house district map and that public testimony appeared to have a substantial impact on the Board.

31. The hours of executive session and the bizarre attempts by member Marcum to propose nonsensical districts without regard for the testimony presented by the Anchorage public led me to lose trust and faith in the redistricting process.

32. As a result of Board member Simpson's support for the Anchorage house district map, Board member Marcum seemed surprised and even asked Simpson if he was voting to support Borromeo's map. My observations of the facial expressions and posturing of Marcum gave me the impression that Board member Simpson had taken an action that Marcum did not expect.

33. While I was relieved that Board member Simpson voted in favor of Borromeo's Anchorage house district proposals, the irrational efforts of Marcum and the contorted attempts by Binkley and at times Simpson to support her proposal made me question the integrity of this supposedly nonpartisan process.

34. After Marcum's proposed house districts did not pass, the majority Board members began behaving very differently; the Board continued to hold long executive sessions without any explanation to the public about the actual reasons for the executive sessions.

35. The Board alluded to advice they had received by the Voting Rights Act consultants and the Board's attorney on the legality of the pairings but the Board kept the public in the dark.

36. The Board did not provide the public with any proposed senate pairings for its consideration before the November 8, 2021 meeting, and only permitted public testimony before revealing the Board's pairing proposals, unlike the house district map process, which allowed testimony before the adoption of the final house district map. From the outset, the Board member's conduct, the changes in the procedure, and its long executive session before taking testimony was unsettling.

37. Member Borromeo introduced senate pairings that were constitutionally sound, kept communities together and respected public testimony. Member Marcum then introduced several confusing sets of testimony, but all of which had in common the splitting of downtown into two, Eagle River into two, and East Anchorage into two, which she stated "actually gives Eagle River the opportunity to have more representation, so they certainly aren't going to be disenfranchised."

38. Marcum's pairings once again seemed to ignore community boundaries, with the exception of South Anchorage pairings that everyone seemed to be agreed upon by a consensus of all Board members.

39. Hearing Marcum comment regarding Eagle River's increased representation as if it justified the adoption of districts that the public overwhelmingly and vehemently opposed was devastating.

40. The meeting got worse as member Marcum relied upon the testimony of Felisa Wilson to support her pairings despite Ms. Wilson's repeated testimony throughout the redistricting process as being opposed to splitting the Eagle River district.

41. Marcum listed out all the ways Eagle River residents travel through or commute through my district and argued that Eagle River residents shop and eat in my district.

42. Member Borrromeo attempted to remind Marcum that while Eagle River residents might travel through East Anchorage, shopping, and dining, Muldoon residents certainly were not traveling to Eagle River to do the same.

43. I do not recall Marcum even responding to Borrromeo's comment. I do not recall Marcum making a single comment in support of her pairings that actually referenced the connections from the view of an East Anchorage resident.

44. The only other testimony Marcum referenced was that of an elected official and her aid in Eagle River and that of a man who arrived with Randy Ruedrich, the former chair of the Republican party and who seemed, from my observations during the meetings, to have been involved with the Board's maps in a much more involved way than other members of the public.

45. Mr. Ruedrich often conversed with the majority Board members throughout the process.

46. As I watched the Board consider the senate pairings presented by Board members Bahnke and Marcum, I do not recall either Board member Binkley or Simpson expressing actual support for them so when Chair Binkley declared that there was majority support for Marcum's pairings I was surprised. Marcum had also presented several different options to the Board so I could not determine the pairings she was actually proposing.

47. Despite the lack of comments supporting the pairings, Chair Binkley suddenly announced that there was a majority, if not consensus, in support of Marcum's senate pairings.

48. This declaration came as a complete surprise to me and, based upon my observations, many many other members of the public. Even the minority Board members seemed confused.

49. Members Borromeo and Bahnke expressed concern with these pairings and shortly thereafter Binkley shut down debate on a vote of 3 to 2, after which the Board adopted the pairings on a vote of 3 to 2 with no justification, discussion, or reasoning from members Binkley or Simpson.

50. Afterward, there was some confusion as the Board members were forced to verify what the remaining senate pairings that they had voted on were – it appeared to me as an observer that they had voted solely based on the Eagle River/East Anchorage gerrymander and did not even know what the rest of the pairings were at the time of the vote.

51. The Board appeared from its comments to go into an overnight executive session, apparently to consider the legal concerns regarding the senate pairings Binkley, Marcum, and Simpson supported.

52. After watching the house district map struggles, I hoped that the Board would emerge the next day and correct its blatant partisan actions from the day before.

53. Instead, on November 9, 2021, the Board exited executive session and almost instantly adopted Marcum's proposed senate pairings. There was no discussion except the express oppositions by the minority Board members. I did not know what the

pairings were or how they compared to the pairings from the day before. At first, most observers presumed that the pairings were the same as the previous day.

54. Ultimately, the senate pairings adopted without any discussion were not any of the versions of pairings Marcum had proposed the day before. The only pairings that stayed the same were the Eagle River pairings and the Sand Lake pairings.

55. Despite unanimous consensus of all Board members the day before, even the South Anchorage pairings had also quietly been split in a final partisan gerrymander that yielded yet one extra Republican-leaning senate seat.

56. I observed this process with disbelief at the blatant partisanship and blazon actions taken by the Board majority to carry out its partisanship.

57. The Board member's partisan efforts will have the effect of diluting and undermining the voices of the East Anchorage community of which I am a part.

58. My East Anchorage community is racially, ethnically, and socio-economically diverse and our voice, which has been split, will be drowned out by the more homogenous voice of Eagle River, a known Republican stronghold in Alaska.

59. Marcum's statement about socio-economic considerations being met by her driving down Muldoon to Midtown is emblematic of the issues that will arise from a racially diverse and low-income district having their Senate representation come from a largely white, affluent, and monolithic voting bloc in a district where contiguity is questionable across a roadless, uninhabited mountain range 14 miles away.

60. While Eagle River residents and their representatives, with incomes in some census blocks averaging \$160,000 annually, may be more concerned with the quality of their shopping experience in Midtown and possibly that the road they drive to get there is

cleared of snow, many East Anchorage residents, who reside in some of the lowest income census blocks in Anchorage, will have concerns centering on if they have enough food for the next couple of days, how they will get their kids to school, the quality of the education in their Title 1 public schools, and whether their community gathering spaces and parks will get defunded.


61. The Board's decision to fragment the Muldoon community, my community, to increase Eagle River's representation has diluted our voice, our capacity to advocate for our community, and our ability to participate fully in our democracy.

62. The Board majority's adoption of pairings without any discussion or rationale, even with the overwhelming public testimony against those pairings, made it clear to everyone watching that this Board was not playing by the rules.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Yarrow Silvers

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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