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-21-08869 CI

GIRDWOOD PLAINTIFFS' NOTICE OF FILING SECOND HENSEL LETTER

The Girdwood Plaintiffs submit the attached letter from Dr. Chase Hensel for the Court's consideration, responding to the affidavit of Mr. Torkelson filed today.

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DATED: May 13, 2022

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May 13, 2022

The Hon. Thomas A. Matthews
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Re: Errata

To the Court:

This letter responds to Mr. Torkelson's most recent affidavit, filed May 13, 2022.

Statistical accuracy requires tracking, accounting for, and minimizing uncertainty. Mr. Torkelson's second supplemental affidavit does not take into account two major sources of uncertainty.

The first is the fact that, as I have previously noted, absentee, questioned and early ballots ("unattributed ballots") are reported on the district level, but not attributed to precinct. If the number of unattributed ballots in a district is small relative to the votes cast in one of its precincts, then the unattributed votes would be a relatively small source of uncertainty in calculating how that precinct voted. If the number is large compared to the ballots cast in that precinct, this introduces a large degree of uncertainty.

Precincts JBER #1 and JBER #2 have low in-person voter turnout,[1] but their districts as a whole report a significant number of unattributed ballots.[2] On military bases, most localized issues that civilians address through voting, such as construction priorities or infrastructure maintenance and improvement, flow from priorities established by the chain of command. For example, base structures are not built or maintained by bonds; both the physical and social structure of a military base are regularized and resemble other bases of the same type. This may well be why JBER in-person voting rates are lower than civilian rates in the districts that include JBER. Supporting this supposition is the fact that, in contrast, JBER participates at a 50% higher rate of in-person voting in presidential elections. Selection of the Commander-in-Chief is a major concern for the military. The civilian voters in districts 13 and 15 also vote at a higher rate in presidential elections but the increased in-person voter turnout (33% higher) is less pronounced than for JBER. Again, although these data are suggestive, interpreting their significance is limited by the unknowns of votes unattributed to precincts.

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[1] The enclosed table shows in-person turnout for these precincts in recent election years.
[2] The number of unattributed ballots, as a percentage of registered voters, is not unusually high compared to some other districts. For example, in the years 2014, 2016, 2018 and 2020, the rates of unattributed ballots were lower in 2013 PD 13 and 15 than in 2013 PD 20.

We cannot know how many of these unattributed ballots may have been cast by eligible JBER voters, or how their votes were distributed between/among candidates. In 2013 PD 13, the number of unattributed ballots averaged 4.1 times the number of votes cast in person by JBER #1 voters. In 2013 PD 15, they averaged 4.3 times the number of votes cast in person by JBER #2 voters. Because the number of non-attributed ballots is so much higher than the number of JBER ballots cast in person, assumptions about JBER's voting patterns cannot be extrapolated from the data. This overriding uncertainty factor invalidates Torkelson's analysis.

By taking the number of in-person votes as his starting point, and disregarding the significance of unattributable votes, Torkelson introduces this first level of uncertainty.

Torkelson also incorrectly assumes that he can cut and paste parts of previous house districts, the borders of which do not closely match the new districts, to reconstruct how a newly created district would have voted if it had existed in the past. This approach compounds the statistical uncertainty introduced by ignoring the effect of votes unattributed to precinct. For example, to create his "Downtown Anchorage" district, he subtracted four precincts from District 20 and added one precinct from District 18. We do not know how much uncertainty from the unattributed ballots to allocate to added or subtracted districts. Without this knowledge, assumptions about voting patterns are based solely on in-person voting, which has the problems we have described, now compounded by the fact that the uncertainty from two districts (18 and 20) has accumulated. His creation of Chugiak/North Eagle River is somewhat more acceptable because the Eagle River area as a whole has a high percentage of in-person voting, which gives us more reliable statistics.

The apparent precision in Mr. Torkelson's numbers - calculated to two decimal places - masks the real uncertainty underlying them.

What, then, can we say with statistical confidence? All precincts in the Eagle River/Chugiak community of interest, in addition to have high rates of in-person voting, also vote quite conservatively. Downtown Anchorage, however, is made up of neighborhoods much more varied in terms of diversity and other socioeconomic factors. Their rates of in-person voting varied from 12% - 42% in the 2018 general election. They tend to vote for Democratic candidates. We do not know how a senate district that puts JBER with Downtown will vote.

The enclosed table shows the uncertainty with respect to our ability to understand JBER party voting in 2014, 2016 and 2018. This is a simple ratio of the in-person votes cast in a JBER precinct to the unattributable votes in the district. It tells us what proportion of votes we can link to one party or another, but not what proportion we can link to one precinct or another..

To clarify, this problem does not exist with the District 9 analysis in my Report. The borders of District 9 are similar to the borders of the prior district, and I conducted my analysis on a district-wide basis, not by precinct.

Sincerely,
Chase Hensel, Ph.D.

5-13-22

TABLE

Data obtained from State of Alaska, Division of Elections website, https://www.elections.alaska.gov/doc/info/ElectionResults.php

	TOTAL REG. VOTERS	TOTAL VOTES	VOTES CAST IN PERSON	VOTES IN PERSON MINUS JBER	VOTES UNATTRIBUTED TO PRECINCT	UNCERTAINTY
2018						
Precinct 13	12,804	4,138		52%	30%	1: 3.4
JBER #1	4,987	443	11%			
Precinct 15	11,902	3,656		38%	36%	1: 6
JBER #2	2,957	218	7%			
2016						
Precinct 13	12,187	6,584		73%	22%	1: 4.8
JBER #1	3,934	654	14%			
Precinct 15	11,427	4,982		56%	19%	1: 2.2
JBER #2	3,479	515	15%			
2014						
Precinct 13	11,303	4,867		46%	12%	1: 4.1
JBER #1	3,597	326	9%			
Precinct 15	11,215	4, 115		48%	11%	1: 4.7
JBER #2	3,345	302	9%			
						JBER #1 AVG. 1: 4.1
						JBER #2 AVG. 1: 4.3