

In the Matter Of:

IN THE MATTER OF THE 2021 REDISTRICTING PLAN

Bethany Marcum

January 04, 2022

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1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3
4 IN THE MATTER OF THE

5 2021 REDISTRICTING PLAN.

6 Case No. 3AN-21-08869 CI
(Consolidated)

**CERTIFIED
TRANSCRIPT**

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10 VIDEOTAPE DEPOSITION OF BETHANY MARCUM

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Pages 1 - 232
Tuesday, January 4, 2022
9:00 A.M.

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Taken by Counsel for Plaintiff
at
Zoom Internet
Anchorage, Alaska

IN THE MATTER OF THE 2021 REDISTRICTING PLAN
Bethany Marcum on 01/04/2022

| Page 2 | Page 4 |
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| <p>1 A-P-P-E-A-R-A-N-C-E-S</p> <p>2</p> <p>3 For City of Valdez, Mark Detter,</p> <p>4 Municipality of Skagway and Brad Ryan:</p> <p>5 Robin O. Brena, Esq.</p> <p>6 Jake W. Staser, Esq.</p> <p>7 BRENA, BELL & WALKER, P.C.</p> <p>8 810 N Street, Suite 100</p> <p>9 Anchorage, Alaska 99501</p> <p>10 907/258-2000</p> <p>11</p> <p>12 For Matanuska-Susitna Borough and Michael Brown:</p> <p>13 Gregory Stein, Esq.</p> <p>14 Stacey C. Stone, Esq.</p> <p>15 HOLMES WEDDLE & BARCOTT, P.C.</p> <p>16 701 West 8th Avenue, Suite 700</p> <p>17 Anchorage, Alaska 99501</p> <p>18 907/274-0666</p> <p>19</p> <p>20 For Felisa Wilson, George Martinez and Yarrow Silvers:</p> <p>21 Holly C. Wells, Esq.</p> <p>22 Zoe Danner, Esq.</p> <p>23 BIRCH HORTON BITTNER & CHEROT</p> <p>24 510 L Street, Suite 700</p> <p>25 Anchorage, Alaska 99501</p> <p>907/802-2998</p> <p>For Calista Corporation, William Naneng and Harley Sundown:</p> <p>Michael S. Schechter, Esq.</p> <p>Eva R. Gardner, Esq.</p> <p>Benjamin J. Farkash, Esq.</p> <p>ASHBURN & MASON, P.C.</p> <p>1227 West 9th Avenue, Suite 200</p> <p>Anchorage, Alaska 99501</p> <p>907/276-4331</p> | <p>1 I-N-D-E-X</p> <p>2</p> <p>3 EXAMINATION BY</p> <p>4 Mr. Brena</p> <p>5 Mr. Schechter</p> <p>6 Ms. Wells</p> <p>7</p> <p>8 EXHIBITS</p> <p>9</p> <p>10 Exh 1 Alaska Redistricting Board Meeting</p> <p>11 Minutes (105 pages)</p> <p>12 Exh 2 Transcript of 11/4/21 Alaska</p> <p>13 Redistricting Board meeting (282 pages)</p> <p>14 Exh 3 House district populations (4 pages)</p> <p>15 Exh 4 Maps (6 pages)</p> <p>16 Exh 5 Public comment summary (12 pages)</p> <p>17 Exh 6 District maps (5 pages)</p> <p>18 Exh 7 Proclamation of Redistricting</p> <p>19 (114 pages)</p> <p>20 Exh 8 Calista Region map (1 page)</p> <p>21 Exh 9 Alaska Policy Forum website pages</p> <p>22 (4 pages)</p> <p>23 Exh 10 E-mail dated 11/7/21 with attachments</p> <p>24 (3 pages)</p> <p>25</p> |
| Page 3 | Page 5 |
| <p>1 APPEARANCES/Continued:</p> <p>2</p> <p>3 For Intervenor Doyon Limited, et al.:</p> <p>4 Nathaniel Amdur-Clark, Esq.</p> <p>5 SONOSKY, CHAMBERS, SACHSE,</p> <p>6 MILLER & MONKMAN, LLP</p> <p>7 725 East Fireweed Lane, Suite 420</p> <p>8 Anchorage, Alaska 99503</p> <p>9 907/258-6377</p> <p>10</p> <p>11 For Alaska Redistricting Board:</p> <p>12 Matt Singer, Esq.</p> <p>13 Lee Baxter, Esq.</p> <p>14 SCHWABE, WILLIAMSON & WYATT</p> <p>15 420 L Street, Suite 400</p> <p>16 Anchorage, Alaska 99501</p> <p>17 907/339-7125</p> <p>18</p> <p>19 Also Present:</p> <p>20 Nicole Borromeo</p> <p>21 Tempest Evans</p> <p>22 Randy Ruedrich</p> <p>23 Peter Torkelson</p> <p>24</p> <p>25 Videographer:</p> <p>Randy Andrews</p> <p>PACIFIC RIM REPORTING</p> <p>Court Reporter:</p> <p>Jeanette Starr</p> <p>PACIFIC RIM REPORTING</p> <p>711 M Street, Suite 4</p> <p>Anchorage, Alaska 99501</p> <p>907/272-4383</p> | <p>1 EXHIBITS/Continued:</p> <p>2</p> <p>3 Exh 11 Videotape recording from 11/8/21 Alaska</p> <p>4 Redistricting Board Meeting</p> <p>5 Exh 12 Transcript of 9/9/21 Alaska</p> <p>6 Redistricting Board Meeting (54 pages)</p> <p>7 Exh 13 Alaska Redistricting Board Website</p> <p>8 Response (2 pages)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 ANCHORAGE, ALASKA; TUESDAY, JANUARY 4, 2022</p> <p>2 9:00 A.M.</p> <p>3 -oOo-</p> <p>4 THE VIDEOGRAPHER: Good morning. We are</p> <p>5 going on the record at 9:03 Alaska Time.</p> <p>6 This is the video deposition of Bethany</p> <p>7 Marcum, taken by the plaintiff in the matter of 2021</p> <p>8 Redistricting Plan, in the Superior Court, State of</p> <p>9 Alaska, Third Judicial District at Anchorage, Case</p> <p>10 No. 3AN-21-08869.</p> <p>11 This deposition is being held on</p> <p>12 January 4th, 2022, on the Zoom internet platform. My</p> <p>13 name is Randy Andrews, here today on behalf of</p> <p>14 Pacific Rim Reporting, located at 711 M Street,</p> <p>15 Suite 4, Anchorage, Alaska, 99501.</p> <p>16 The court reporter today is Jeanette Starr,</p> <p>17 also with Pacific Rim Reporting.</p> <p>18 Counsel present, please identify themselves</p> <p>19 for the record, beginning with the noticing attorney.</p> <p>20 MR. BRENA: Good morning. This is Robin</p> <p>21 Brena, with Brena, Bell & Walker, on behalf of the</p> <p>22 City of Valdez and the City and Municipality of</p> <p>23 Skagway.</p> <p>24 And with me is Jake Staser.</p> <p>25 MR. STASER: This is Jake Staser, appearing</p> | <p style="text-align: right;">Page 8</p> <p>1 off the record at 9:06.</p> <p>2 (Brief break.).</p> <p>3 THE VIDEOGRAPHER: On the record at 9:06.</p> <p>4 MR. BRENA: Good morning. Are you going to</p> <p>5 swear in Ms. Markham?</p> <p>6 MR. SINGER: We weren't -- we weren't</p> <p>7 finished identifying counsel.</p> <p>8 I'm Matt Singer for the Alaska Redistricting</p> <p>9 Board and the witness.</p> <p>10 MR. AMDUR-CLARK: And this is Tanner</p> <p>11 Amdur-Clark, from Sonosky Chambers, on behalf of</p> <p>12 Doyon, Tanana Chiefs Conference, Fairbanks Native</p> <p>13 Association, Ahtna, Sealaska, Donald Charlie, Rhonda</p> <p>14 Pitka, and Cherise Beatus, and Gordon Carlson, also</p> <p>15 known as the Intervenor Defendants. Thank you.</p> <p>16 THE COURT REPORTER: Is that everybody?</p> <p>17 Ms. Marcum, will you raise your right hand.</p> <p>18 (Oath administered.)</p> <p>19 BETHANY MARCUM,</p> <p>20 deponent herein, being sworn on oath,</p> <p>21 was examined and testified as follows:</p> <p>22 EXAMINATION</p> <p>23 BY MR. BRENA:</p> <p>24 Q Good morning, Mrs. Marcum.</p> <p>25 A Good morning.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 on behalf of the same parties.</p> <p>2 MR. STEIN: Greg Stein, appearing on behalf</p> <p>3 of Matanuska-Susitna Borough and Mike Brown.</p> <p>4 MR. SCHECHTER: This is Mike Schechter,</p> <p>5 appearing on behalf of Calista Corporation, William</p> <p>6 Naneng, and Harley Sundown.</p> <p>7 My colleagues, Eva Gardner and Ben Farkash,</p> <p>8 will be monitoring but not speaking during the day.</p> <p>9 MS. WELLS: This is Holly Wells. I am with</p> <p>10 Birch Horton Bittner & Cherot, on behalf of Felisa</p> <p>11 Wilson, George Martinez, and Yarrow Silvers. We are</p> <p>12 referred to as the East Anchorage plaintiffs.</p> <p>13 Zoe Danner from Birch Horton is also</p> <p>14 currently on the line, and Mara Michaletz may join</p> <p>15 later and monitor, as well, but I will be speaking</p> <p>16 during the deposition.</p> <p>17 MR. SINGER: Randy, I'm getting -- Ms. Wells</p> <p>18 sounds jumbled to me. Is -- is that just me, or</p> <p>19 is --</p> <p>20 THE COURT REPORTER: No. I couldn't</p> <p>21 understand most of what she said, either.</p> <p>22 MS. WELLS: You know what? I will go find a</p> <p>23 headset, see if that helps. Let me see if I can --</p> <p>24 is that any better?</p> <p>25 THE VIDEOGRAPHER: Let me go -- let me go</p> | <p style="text-align: right;">Page 9</p> <p>1 Q My name is Robin Brena, and I am the</p> <p>2 attorney for Valdez and Skagway and the associated</p> <p>3 plaintiffs.</p> <p>4 And so I'm going to ask you a series of</p> <p>5 questions. If you -- if it's unclear what I'm</p> <p>6 asking, please ask me to clarify. I'm not intending</p> <p>7 to jumble up the record with questions and answers</p> <p>8 that aren't properly understood or aren't properly</p> <p>9 articulated.</p> <p>10 Have you been deposed before?</p> <p>11 A No, I have not.</p> <p>12 Q Have you testified in a trial before?</p> <p>13 A No, I have not.</p> <p>14 Q Okay. Well, it's -- it's an interesting</p> <p>15 experience. The -- I'm going to just -- just so you</p> <p>16 know, I'm starting out, but I won't be the only</p> <p>17 plaintiffs' attorney asking you questions.</p> <p>18 And my questions fall in kind of three broad</p> <p>19 categories. I'm going to ask you a series of</p> <p>20 questions about process, the process that the board</p> <p>21 went through, and then I'm going to ask you questions</p> <p>22 that are specific to Valdez, and then I'm going to</p> <p>23 ask you questions that are specific to Skagway.</p> <p>24 Is that fair and clear to you?</p> <p>25 A Yes.</p> |

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| <p>Page 10</p> <p>1 Q Okay. All right. I'm going to start out 2 with the minutes of the meeting in which the initial 3 plans were adopted. 4 MR. BRENA: And, Jake, if we can pop up the 5 minutes of September 7th, 8th, and 9th. 6 MR. STASER: Okay. So for purposes of 7 identifying exhibits -- this is Mr. Staser speaking. 8 I'll be chiming in. 9 So we'll designate this as Exhibit 1, and 10 the Bates number is ARB000118 through 000222. 11 (Exhibit No. 1 marked.) 12 MR. BRENA: Did everybody hear Mr. Staser's 13 identification of the exhibit? I'm sorry; did 14 everybody hear Mr. Staser's identification of this 15 Exhibit. 16 MR. STEIN: Yes. 17 MR. BRENA: Okay. I'm trying to be sure, 18 because when we speak sometimes we're stepping over 19 each other. 20 And, Jake, if you can just blow that up a 21 little bit. 22 BY MR. BRENA: 23 Q So my understanding, Ms. Marcum, that -- 24 that the board's first meeting was on September 7th, 25 at 10:44 a.m. And that's indicated in the call to</p> | <p>Page 12</p> <p>1 MR. SINGER: -- look at a hard copy, she 2 can, so let's just get her to the right page. 3 MR. BRENA: Yes. It's much slower. 4 BY MR. BRENA: 5 Q Ms. Marcum, you can look at either hard copy 6 or what's on the screen. It'll be much more 7 efficient if you try to do it through the screen. 8 And if you can't, you can take a look at hard copy. 9 Does that seem reasonable to you? 10 A I actually would prefer looking at the hard 11 copy. 12 Q Okay. Do you have the September 7th minute 13 notes? 14 A Yes. 15 Q Okay. Do you see the call to order from 16 September 7th, 2021, at 10:44? 17 A Yes. 18 Q Was that the first time the board met? 19 A No. 20 Q Okay. When did -- did the board's meetings 21 before this -- did they include meetings to consider 22 plans? 23 A No. 24 Q Okay. So this was the first time the board 25 met to consider a plan, correct?</p> |
| <p>Page 11</p> <p>1 order; is that correct? 2 A No. 3 Q That was not the board's first meeting at 4 which it identified plans? 5 MR. BRENA: I'm sorry. I can't -- I can't 6 see the witness, Melody. 7 A I'm sorry. Could you repeat the question? 8 It sounded different than the first question, so I 9 wanted to make sure I understand the question. 10 BY MR. BRENA: 11 Q Okay. Happy to. 12 The board met for the first time on 13 September 7th, at 10:44 p.m. [as spoken], to consider 14 plans; is that correct? 15 A Are you -- can you clarify the year, please? 16 I'm looking at a different document. 17 MR. SINGER: Oh, you want to -- he's showing 18 you page -- it starts with ARB159. 19 The witness is looking at the hard copy. 20 BY MR. BRENA: 21 Q Okay. Ms. Marcum, can you see the Zoom 22 exhibit that is up? 23 MR. SINGER: The witness -- if she wants 24 to -- 25 THE WITNESS: I like to --</p> | <p>Page 13</p> <p>1 A Yes. 2 Q Okay. And what were the nature of the 3 board's meetings prior to this one? 4 A Previous meetings were primarily to deal 5 with administrative matters. 6 Q Okay. And in no previous meeting was any 7 plan discussed; is that fair? 8 A No plan for Alaska was discussed. 9 Q Okay. All right. So if you take a look at 10 the next page, ARB160, you see that -- and it's 11 Mr. Torkelson's reporting in the middle of the page. 12 You see that he identified that the census data was 13 received on August 12th, and that's your 14 understanding, correct? 15 A Yes. 16 Q Okay. And therefore making the deadline to 17 adopt plans on September 11th; do you see that? 18 A Yes. 19 Q Okay. And what is your understanding of 20 what that sentence means? 21 A The board was expected to adopt a plan for 22 consideration before or on September 11th, 2021. 23 Q And -- and why was that the expectation? 24 A That language is in the constitution, 25 30 days from receiving official census data.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 Q Okay. And you're speaking about Article VI, 2 Section 10 of the constitution that you just quoted 3 from, correct? 4 A I don't know. I would have to confirm the 5 article. 6 Q All right. And then you see the second 7 bullet point says, "The board intends to adopt one or 8 more plans by the afternoon of September 10th." 9 And that was consistent with your 10 understanding of the Alaska Constitution; is that 11 correct? 12 A Yes. 13 Q Okay. And -- and then it says, "After the 14 adoption [of the proposed redistricting plans], a 15 'robust' public process will begin." 16 So is it your understanding that the board 17 had until September 11th to adopt plans, and then 18 after that period there would be a public process 19 which -- in which you would solicit and sit in on 20 people's comments and the plans that were adopted? 21 A Yes. 22 Q Okay. Now -- and then it points out the 23 deadline for the final redistricting plan of 24 November 10th. 25 And I mean, essentially, the way this is set</p> | <p style="text-align: right;">Page 16</p> <p>1 THE WITNESS: I thought he said 7. 2 MR. SINGER: Are you saying 7th or 2nd, just 3 so we have a clear record, Mr. Brena? 4 MR. BRENA: 7th. 5 MR. SINGER: Okay. Thank you. 6 BY MR. BRENA: 7 Q Now, in order to discuss and adopt a plan, 8 the board had, from September 7th, 2021, gave itself, 9 at 10:44, until -- until September 11th, correct? 10 A Until September 11th? 11 Q Yeah. Therefore making the deadline to 12 adopt the plans on September 11th, 2021, right? 13 A Sorry, I don't understand the question. 14 Q Okay. So the board convened itself on 15 September 7th to consider plans, and it ultimately 16 adopted two plans on September 9th, correct? 17 A Yes. 18 Q Okay. So the board gave itself 19 September 7th, 8th, and 9th, and the deadline was the 20 11th. So do I have all this correct? 21 A For the initial plan, yes. 22 Q Yeah. For the proposed -- for the adopted 23 plan, right. 24 All right. Now, the board came back on 25 September 8th, at 9:05, and went into recess at 2:39,</p> |
| <p style="text-align: right;">Page 15</p> <p>1 up is the board had 30 days from receiving the census 2 data to adopt a plan or plans, and then it had 3 60 days from that period to engage in a public 4 process and to adopt a final plan; is that your 5 understanding of the board's obligations? 6 A Yes. 7 Q Okay. Now, on the bottom of the page, there 8 was a motion for executive session pursuant to that 9 statute, "...for matters involving consideration of 10 government records that are not subject to public 11 disclosure." And then the board moved into executive 12 session from 11:18 to 1:06. And that's indicated in 13 the minutes. 14 Was anything discussed in that executive 15 session other than records that are not subject to 16 public disclosure? 17 A No, not to my recollection. 18 Q Was there any discussion of the plans? 19 A I don't remember. I don't know. 20 Q Okay. And -- and then if you take a look at 21 ARB162, the board went into recess on September 2nd 22 [as spoken], at 4:54 p.m., correct? 23 A Yes. 24 Q Okay. Now -- 25 MR. SINGER: Wait. You mean September 7th?</p> | <p style="text-align: right;">Page 17</p> <p>1 after some public testimony, and had two work 2 sessions. And that's what's indicated for 3 September 8th on the minutes, correct? 4 A Yes. 5 Q And -- okay. And then went back into -- 6 left recess on September 9th at 9:08. 7 Now, do you know any reason, Ms. Marcum, why 8 we just got a transcript for the September 9th 9 meeting this morning? 10 A No. 11 MR. SINGER: September 9th? 12 MR. BRENA: Yes. 13 MR. SINGER: We did not -- the board did not 14 produce a September 9th, so is that something you -- 15 you're saying you acquired a copy of it today? 16 MR. BRENA: She answered the questions. I'm 17 asking her questions. 18 MR. SINGER: Oh, I object to 19 mischaracterizing testimony or suggesting -- 20 MR. BRENA: Okay. 21 MR. SINGER: -- there's something she's 22 withholding. You're asking why did Valdez not order 23 the transcript until today? Is that your question? 24 MR. BRENA: Mr. Singer, are we going to go 25 through talking objections? And if so, I'd like them</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 applied to your time.</p> <p>2 MR. SINGER: I just want a clear record,</p> <p>3 Mr. Brena. Go ahead.</p> <p>4 MR. BRENA: I do, too, and that's why I ask</p> <p>5 her questions and you don't ask me questions.</p> <p>6 BY MR. BRENA:</p> <p>7 Q Okay. So on September 9th -- on</p> <p>8 September 9th -- let me -- let me just speed this</p> <p>9 along a little bit.</p> <p>10 Ms. Marcum, on September 9th, the board</p> <p>11 adopted board composite version 1 as presented on</p> <p>12 September 9th, correct? And that's in ARB164, at the</p> <p>13 bottom, "Adoption of Proposed Redistricting Plan(s)."</p> <p>14 A So would you mind restating the question,</p> <p>15 just repeating it?</p> <p>16 Q The board adopted board composite version 1,</p> <p>17 as presented on September 9th?</p> <p>18 A Yes.</p> <p>19 Q Okay. So the board adopted the version as</p> <p>20 it was presented on that same day, correct?</p> <p>21 A Yes.</p> <p>22 Q Okay. And then it also adopted board</p> <p>23 composite version 2, as presented on the same day,</p> <p>24 correct?</p> <p>25 A Yes.</p> | <p style="text-align: right;">Page 20</p> <p>1 domino effect during our meetings.</p> <p>2 Q Could you explain, please?</p> <p>3 A Yes. The domino effect is what we used to</p> <p>4 refer to the effect when one change is made to one</p> <p>5 district, then it creates a resulting effect in</p> <p>6 another district, which then creates another</p> <p>7 resulting effect in an adjacent district, and the</p> <p>8 ramifications end up being statewide.</p> <p>9 Q Okay. Now -- so you were just pointing out</p> <p>10 that all the districts are interconnected, and if you</p> <p>11 take Valdez and hook it up with Mat-Su, that that</p> <p>12 will have other ramifications to board composite</p> <p>13 version 1 and 2? Does that summarize what you said</p> <p>14 fairly?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, what is the domino effect of</p> <p>17 putting Valdez with the Mat-Su? What happens?</p> <p>18 A I think it's safe to say there are multiple</p> <p>19 scenarios. I mapped various scenarios and found</p> <p>20 multiple possibilities for that effect.</p> <p>21 Q Now, I'd like to take you to --</p> <p>22 MR. BRENA: And if we can just have</p> <p>23 Article VI, Section 10.</p> <p>24 BY MR. BRENA:</p> <p>25 Q Do you have a copy of Article VI, Section 10</p> |
| <p style="text-align: right;">Page 19</p> <p>1 Q Okay. Now -- now, earlier, Ms. Borromeo had</p> <p>2 suggested -- and this is on page 164 of ARB, as well,</p> <p>3 of the minutes.</p> <p>4 It said, "...another version of the map that</p> <p>5 takes Valdez out of the rural interior and places it</p> <p>6 in the Mat-Su Borough or the coast." And it says,</p> <p>7 "Ms. Marcum stated that this may cause more</p> <p>8 ramifications." Do you see that?</p> <p>9 A Yes.</p> <p>10 Q Well, first, in both of the plans that were</p> <p>11 adopted on September 9th, Valdez was not -- was in</p> <p>12 the larger rural district, correct? It was not in</p> <p>13 with Mat-Su?</p> <p>14 A Yes.</p> <p>15 Q Okay. And were there any other plans, other</p> <p>16 than board composite version 1 and board composite</p> <p>17 version 2, as presented on September 9th and adopted</p> <p>18 on September 9th, that were adopted by the board</p> <p>19 prior to September 11th, 2021?</p> <p>20 A No.</p> <p>21 Q Okay. Now, what ramifications were you</p> <p>22 referring to when you mentioned that taking --</p> <p>23 hooking Valdez and Mat-Su could be an issue? What</p> <p>24 did you have in mind?</p> <p>25 A It's what we typically referred to as the</p> | <p style="text-align: right;">Page 21</p> <p>1 in front of you?</p> <p>2 A Is that --</p> <p>3 MR. BRENA: Put it on the screen.</p> <p>4 A Article VI, Section 10 of the constitution.</p> <p>5 Is that in one of -- oh, here it is right here, I</p> <p>6 think.</p> <p>7 BY MR. BRENA:</p> <p>8 Q Do you have it?</p> <p>9 A Article VI, Section 10, yes.</p> <p>10 Q Okay. So it says, "Within thirty days after</p> <p>11 the official reporting of the decennial census of the</p> <p>12 United States or thirty days after being duly</p> <p>13 appointed, whichever occurs last, the board shall</p> <p>14 adopt one or more proposed redistricting plans." Do</p> <p>15 you see that?</p> <p>16 A Yes.</p> <p>17 Q Now, there was only two redistricting plans</p> <p>18 that the board adopted that met that constitutional</p> <p>19 criteria, correct? And they are the two that we've</p> <p>20 just discussed, which is board composite version 1</p> <p>21 and board composite version 2, correct?</p> <p>22 A No.</p> <p>23 Q Okay. Did you adopt -- did the board adopt</p> <p>24 any other plans within 30 days of receiving the</p> <p>25 official census?</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 A No.</p> <p>2 Q Okay. Then the only two plans that the</p> <p>3 board adopted within 30 days of the official census</p> <p>4 were board composite version 1 and board composite</p> <p>5 version 2, correct?</p> <p>6 A Yes.</p> <p>7 Q Okay. So the only two plans that were</p> <p>8 adopted by the board that comply with the requirement</p> <p>9 that the board adopt plans within 30 days of</p> <p>10 receiving the census data were board composite</p> <p>11 version 1 and board composite version 2, correct?</p> <p>12 A I'm not sure I understand.</p> <p>13 Q Okay. We went through the notes when we</p> <p>14 started, right? And the board had September 11th to</p> <p>15 adopt plans, because that was when 30 days from the</p> <p>16 census data expired, right?</p> <p>17 A Yes.</p> <p>18 Q Okay. What plans did the board adopt within</p> <p>19 30 days of receiving the census plan?</p> <p>20 A Version 1 and version 2.</p> <p>21 Q Okay. The board did not adopt any other</p> <p>22 plan that met the constitutional requirement of</p> <p>23 Article VI, Section 10, that the board adopt plans</p> <p>24 within 30 days of receiving the census data, correct?</p> <p>25 A I don't know.</p> | <p style="text-align: right;">Page 24</p> <p>1 appreciate the tone or the -- or the language.</p> <p>2 Please mute yourself.</p> <p>3 BY MR. BRENA:</p> <p>4 Q Okay. So I just tried to reverse it. It</p> <p>5 says the board shall adopt within 30 days, right?</p> <p>6 That's straightforward, isn't it?</p> <p>7 A Yes.</p> <p>8 Q Okay. So the -- you've already acknowledged</p> <p>9 that the only plans that you adopted that were within</p> <p>10 30 days were version 1 and version 2, right?</p> <p>11 A Yes.</p> <p>12 Q Okay. So there was no other plan that met</p> <p>13 the constitutional requirement to adopt plans within</p> <p>14 30 days of getting the census data, correct?</p> <p>15 A That's what I'm not sure of.</p> <p>16 Q Please explain why you're not sure.</p> <p>17 A I'd like to review the language here for a</p> <p>18 moment.</p> <p>19 Q Please, go ahead.</p> <p>20 A I'm still not sure.</p> <p>21 Q Okay. You were told that this meant you had</p> <p>22 until September 11th to adopt plans, correct?</p> <p>23 A Yes. To adopt a proposed plan.</p> <p>24 Q Plan or plans, plural, right? Singular or</p> <p>25 plural?</p> |
| <p style="text-align: right;">Page 23</p> <p>1 Q Well, why not? You were -- you were told in</p> <p>2 the notes that you had until September 11th, right?</p> <p>3 We went through them.</p> <p>4 A Yes.</p> <p>5 Q That would be -- okay. That's when the date</p> <p>6 was you were supposed to adopt plans, right?</p> <p>7 A Yes.</p> <p>8 Q Okay. And the reason for that date is</p> <p>9 because you have an obligation. And it says "shall</p> <p>10 adopt." It's a mandatory obligation, shall adopt</p> <p>11 plans within that 30-day period. And there was only</p> <p>12 two plans that were adopted within that 30-day</p> <p>13 period, correct?</p> <p>14 A Yes.</p> <p>15 Q Okay. So there was no other plan that was</p> <p>16 adopted by the board that met this constitutional</p> <p>17 requirement of being adopted within 30 days of</p> <p>18 receiving the census data, correct?</p> <p>19 A I don't know, based upon the way the</p> <p>20 question is being phrased.</p> <p>21 Q Okay. Let me reverse it. Was there another</p> <p>22 plan that was adopted within 30 days of receiving --</p> <p>23 MS. BORROMEO: No. Fucking stay out.</p> <p>24 MR. SINGER: Okay. Somebody just swore</p> <p>25 online and -- and we could hear your voice. I don't</p> | <p style="text-align: right;">Page 25</p> <p>1 A Yes. Adopt one or more, yes.</p> <p>2 Q So is it your understanding, Ms. Marcum,</p> <p>3 that the constitution requires the board shall adopt</p> <p>4 plans within 30 days of receiving the census data, as</p> <p>5 you were told? Is that your understanding?</p> <p>6 A Yes.</p> <p>7 Q Okay. And so the only two plans that met</p> <p>8 that criteria were version 1 and 2, correct?</p> <p>9 A That's what I'm not sure of.</p> <p>10 MR. SINGER: I object. You're asking for a</p> <p>11 legal conclusion. It's fine to ask the witness what</p> <p>12 happened, but you keep asking for a legal conclusion,</p> <p>13 and you can take that up with the Court.</p> <p>14 MR. BRENA: Okay. Please refrain from</p> <p>15 talking objections.</p> <p>16 MR. SINGER: We will stipulate the board</p> <p>17 adopted --</p> <p>18 MR. BRENA: Mr. Singer, I'm not interested</p> <p>19 in what you're willing to stipulate to right now. I</p> <p>20 was asking for this witness's understanding of her</p> <p>21 duty, not a legal conclusion.</p> <p>22 BY MR. BRENA:</p> <p>23 Q Ms. Marcum, was it your understanding of</p> <p>24 your duty as a board member that -- that the board</p> <p>25 was required to adopt plans within 30 days of</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 receiving the census data?</p> <p>2 A Yes.</p> <p>3 Q Okay. And that duty was only met with</p> <p>4 regard to plan 1 and 2, correct? All the other plans</p> <p>5 were outside of that 30-day period, correct?</p> <p>6 A I don't know.</p> <p>7 Q You don't know when the other plans were</p> <p>8 adopted?</p> <p>9 A The question had other pieces in it. So</p> <p>10 yes, I do know when the other plans were adopted</p> <p>11 approximately.</p> <p>12 Q Okay. Were they adopted within the 30-day</p> <p>13 period or outside of the 30-day period?</p> <p>14 A Outside.</p> <p>15 Q Okay. All right. Now, why did you think</p> <p>16 that you could adopt a plan outside the 30-day</p> <p>17 period?</p> <p>18 A My understanding of the public testimony</p> <p>19 process, the public hearings that are noted in the</p> <p>20 constitutional language, was that the board was to</p> <p>21 receive input from the public and use that to adopt</p> <p>22 plans that were the best possible plans for the state</p> <p>23 of Alaska.</p> <p>24 Q Okay. But does that process include, for</p> <p>25 example, if you have adopted a new plan for public</p> | <p style="text-align: right;">Page 28</p> <p>1 version 1 and version 2 that were adopted within the</p> <p>2 30-day period?</p> <p>3 A I don't know.</p> <p>4 Q Okay. It says, Ms. Marcum, "The board shall</p> <p>5 hold public hearings on the proposed plan" right</p> <p>6 after the sentence that said that it shall adopt one</p> <p>7 or more proposed plans within 30 days. Why is it</p> <p>8 that you don't know what -- that your duty is to hold</p> <p>9 public hearings on the plans that are adopted by the</p> <p>10 board within the period? What is it that we're</p> <p>11 missing?</p> <p>12 A Probably a legal analysis. I am not a</p> <p>13 lawyer, and it's not unusual for me to read legal</p> <p>14 sorts of documents and ask for -- desire</p> <p>15 interpretation by trained legal counsel.</p> <p>16 Q Okay. So the board shall hold public</p> <p>17 hearings. You don't have an opinion on what that</p> <p>18 means or an understanding of that what means? Is</p> <p>19 that what you're saying?</p> <p>20 A Yes. I --</p> <p>21 Q Do you understand those words?</p> <p>22 A I don't know within that context, correct.</p> <p>23 Q Okay. So you don't know whether or not the</p> <p>24 board had a duty to hold public hearings on the plans</p> <p>25 that it adopts within the 30-day period; is that your</p> |
| <p style="text-align: right;">Page 27</p> <p>1 comment on the last day of public comment?</p> <p>2 A I don't know.</p> <p>3 Q Okay. Now, let's go a little further. "The</p> <p>4 board shall hold public hearings on the proposed</p> <p>5 plan, or, if no single plan...on all plans proposed</p> <p>6 by the board." All right?</p> <p>7 Do you agree that this creates a duty of the</p> <p>8 board to hold public hearings in the plans that you</p> <p>9 adopt in the adoption 30-day period?</p> <p>10 MR. SINGER: Objection, calls for a legal</p> <p>11 conclusion.</p> <p>12 MR. BRENA: I'm asking for her understanding</p> <p>13 of her duty.</p> <p>14 MR. SINGER: I know. Let me -- just let --</p> <p>15 I made my record. Let's just answer the question.</p> <p>16 MR. BRENA: Fair enough.</p> <p>17 A I don't know.</p> <p>18 BY MR. BRENA:</p> <p>19 Q Okay. You don't understand what the board's</p> <p>20 duty was with regard to -- with regard to what plans</p> <p>21 it was obligated to hold public hearings on?</p> <p>22 A I don't know the direct answer to your</p> <p>23 question.</p> <p>24 Q Okay. So does this require the board, in</p> <p>25 your understanding, to hold public hearings on</p> | <p style="text-align: right;">Page 29</p> <p>1 testimony?</p> <p>2 A Yes.</p> <p>3 Q Okay. All right. Let me go to</p> <p>4 September 20th, the minutes for September 20th. And</p> <p>5 I won't necessarily go through these a line at a time</p> <p>6 unless you need to be refreshed. I don't want to</p> <p>7 spend all day on just this one line of questioning.</p> <p>8 But on this day, the board -- and I'm on</p> <p>9 page ARB00190.</p> <p>10 A 190?</p> <p>11 Q Yes.</p> <p>12 A Thank you.</p> <p>13 Q So on this day, the board replaced board</p> <p>14 composite version No. 1, as originally adopted on</p> <p>15 September 9th that we've been discussing, as</p> <p>16 version 1, right, with version 3, correct?</p> <p>17 A I'm not sure. I'd like some time to look at</p> <p>18 the document.</p> <p>19 Q Okay. The adoption --</p> <p>20 A I reviewed the document. Thank you.</p> <p>21 Q Okay. On this day the board adopted --</p> <p>22 voted to adopt board proposed plan version 3 to</p> <p>23 replace board composite version 1, originally adopted</p> <p>24 September 9th, correct?</p> <p>25 A Yes.</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 Q Okay. Why do you believe that the board --</p> <p>2 so in this situation, board version 1, that didn't</p> <p>3 have Valdez stuck in the Mat-Su Borough, was</p> <p>4 replaced. It was -- so the only opportunity for the</p> <p>5 public to comment on that would have been from</p> <p>6 September 9th, when it was adopted, until</p> <p>7 September 20th, when it was replaced, correct?</p> <p>8 A No.</p> <p>9 Q Okay. All right. So let's do it this way.</p> <p>10 Why do you think the board had the right to</p> <p>11 adopt version 3 outside of the 30-day adoption</p> <p>12 period?</p> <p>13 A So we had continued to hear from the public</p> <p>14 regarding their comments, their thoughts about the</p> <p>15 maps. And we thought the public would benefit from</p> <p>16 seeing the new versions as we continued to work.</p> <p>17 Q Okay. Now, there isn't anything that</p> <p>18 restricted you from -- from showing anything to the</p> <p>19 public, but you adopted version 3 and you rescinded</p> <p>20 version 1, correct?</p> <p>21 A I'm not sure. I think that actually -- I'd</p> <p>22 have to check the document. I believe -- yeah,</p> <p>23 here's the language. We replaced. So I don't think</p> <p>24 we rescinded. We replaced.</p> <p>25 Q Okay. Replaced. All right.</p> | <p style="text-align: right;">Page 32</p> <p>1 A No.</p> <p>2 Q The only opportunity for public comment on a</p> <p>3 board-adopted plan was in that period, correct?</p> <p>4 A Yes.</p> <p>5 Q Okay. Now, the board also replaced</p> <p>6 composite version 2 with board proposed plan</p> <p>7 version 4 on September 20th, right?</p> <p>8 A Let me see the date here. Yes.</p> <p>9 Q That's in that same paragraph that we've</p> <p>10 been discussing. I'm not trying to ask --</p> <p>11 A I had to verify.</p> <p>12 Q Okay. All right. So -- now, the board</p> <p>13 proposed plan version 4 was the first plan that</p> <p>14 paired Valdez with Mat-Su, right?</p> <p>15 A Could you reword the question?</p> <p>16 Q Well, board proposed plan version 4 was the</p> <p>17 first plan that paired Valdez with Mat-Su with the</p> <p>18 Wasilla and Palmer subdivisions, right?</p> <p>19 A When you just say "the first plan," then no.</p> <p>20 Q Okay. Version 1 didn't have -- didn't pair</p> <p>21 Valdez with the Palmer and Wasilla subdivisions,</p> <p>22 correct?</p> <p>23 A Correct.</p> <p>24 Q Version 2 didn't pair Valdez with the Palmer</p> <p>25 and Wasilla subdivisions, correct?</p> |
| <p style="text-align: right;">Page 31</p> <p>1 So back to the obligation of the board to</p> <p>2 hold public hearings on the proposed plans, okay?</p> <p>3 What public hearings were held on board proposed --</p> <p>4 or excuse me -- board composite version 1?</p> <p>5 A I believe we -- may I look at the document?</p> <p>6 Q Uh-huh. Prior to it being replaced.</p> <p>7 A Right. So as one example, on -- referencing</p> <p>8 ARB175, we took public testimony on September 20th,</p> <p>9 and I believe that there were other instances of</p> <p>10 public testimony on prior days. I could look back</p> <p>11 through the documents, but I'm sure you have that</p> <p>12 information, as well.</p> <p>13 Q Okay. And in terms of advancing a board</p> <p>14 adopted plan that was soliciting public comment, it</p> <p>15 wasn't a board plan -- it wasn't a board-adopted plan</p> <p>16 after September 20th, correct?</p> <p>17 MR. SINGER: Objection, form.</p> <p>18 A If you could -- could I ask -- could you ask</p> <p>19 that a different way?</p> <p>20 BY MR. BRENA:</p> <p>21 Q Okay. Where it says -- the only opportunity</p> <p>22 for the public to comment on composite version 1</p> <p>23 before it was replaced was between September 9th,</p> <p>24 when it was adopted, and September 20th, when it was</p> <p>25 replaced, correct?</p> | <p style="text-align: right;">Page 33</p> <p>1 A Correct.</p> <p>2 Q Version 3 didn't -- didn't match Valdez with</p> <p>3 the Wasilla and Palmer subdivisions, correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. So version 4, which was adopted nine</p> <p>6 days after the 30-day period for adopting plans, was</p> <p>7 the first version that the board adopted that had</p> <p>8 Valdez paired with the Wasilla and Palmer</p> <p>9 subdivisions, correct?</p> <p>10 A Yes. The first adopted plan.</p> <p>11 Q Yes. Okay. All right. Now, the board --</p> <p>12 let's see. Give me just a second here.</p> <p>13 The board went on to adopt, on</p> <p>14 September 20th -- well, first let me ask you, when</p> <p>15 did you first see version 4?</p> <p>16 A I don't know.</p> <p>17 Q Was it on September 20th?</p> <p>18 A I don't know.</p> <p>19 Q Where did it come from?</p> <p>20 A I don't know.</p> <p>21 Q Did you work on it?</p> <p>22 A I don't know. I may have.</p> <p>23 Q You have no memory of where the board's</p> <p>24 adopted plan came from, version 4, none at all?</p> <p>25 A I worked on many plans, and I don't remember</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 the specific genesis of that particular plan, no. 2 Q There was four plans proposed by the board 3 that were adopted, and two were replaced by 3 and 4. 4 So do you know, did staff do it? Was a member -- 5 where did 3 and 4 come from, either one? 6 A I know who presented the plans in the 7 hearings, but as far as who worked on the plans, I 8 don't know. There was a lot of collaboration amongst 9 members and staff. And I think it would be difficult 10 to define when it becomes the version of the plan 11 that you're referring to, because there are so many 12 iterations. 13 Q But I mean, there's only four plans that the 14 board ever proposed and adopted before its final 15 plan, right? So who presented version 4? 16 A Nicole -- Member Nicole Borromeo presented 17 version 4, I believe. 18 Q And -- and do you know where she got it 19 from? 20 A I do not, no. 21 Q Do you know if -- whether or not it was a 22 third-party source? 23 A No. 24 Q Okay. Now, the board went on, on 25 September 20th -- now, let me -- you understand that</p> | <p style="text-align: right;">Page 36</p> <p>1 public outreach on the plans that it adopted within 2 that 30-day period? Do you understand the importance 3 of that 60-day period? 4 MR. SINGER: Objection, misstates the 5 constitution. 6 A I don't know. I would want to review the 7 language. 8 BY MR. BRENA: 9 Q What language would you like to review? 10 A The language of the constitution and the 11 language of what you just stated, and get 12 interpretation of that language to make sure the 13 understanding of it was clear. 14 Q All right. What is the period within which 15 you understand that the public should have an 16 opportunity to comment on a plan that's adopted by 17 the board? How many days do you think the public 18 should have? 19 A I'm not sure I understand the question. The 20 public should always be able to comment on things. 21 Q Before the adoption of a final plan, right? 22 So you've got 90 days after the census to adopt a 23 final plan, correct? 24 A Yes. 25 Q You've got 30 days to adopt a plan, right?</p> |
| <p style="text-align: right;">Page 35</p> <p>1 it's important during a public process -- outreach 2 process not to be switching plans out every week, 3 right? I mean, do you understand the importance 4 of -- well, let me ask it this way. 5 The constitution provides an opportunity for 6 public outreach for 60 days after a plan is provided. 7 You understand the importance of getting public 8 feedback within that 60-day period on the plans that 9 the board adopts, correct? 10 MR. SINGER: Objection, misstates the 11 constitution. 12 BY MR. BRENA: 13 Q Do you understand the importance -- 14 A Could you reword the question? 15 Q What is confusing about the question, 16 Ms. Marcum? 17 A I don't understand the question. 18 Q Okay. All right. Do you understand the 19 importance of public outreach on the -- on the 20 proposals that the board adopts? 21 A I understand the importance of public 22 outreach, yes. 23 Q Okay. Do you understand that the 24 constitution requires the board to adopt plans in 25 30 days, and that gives 60 days for the board to get</p> | <p style="text-align: right;">Page 37</p> <p>1 A Yes. 2 Q Okay. And that leaves 60 days for public 3 outreach and for the board to finalize its plan, 4 correct? 5 MR. SINGER: Objection, calls for a legal 6 conclusion, misstates the constitution. 7 A I would need to -- I would need for you to 8 reword the question. I don't understand the question 9 as it's phrased. 10 BY MR. BRENA: 11 Q If a plan is adopted within the 30-day 12 period, then it permits outreach for up to 60 days 13 before the final plan is adopted, correct? 14 A I don't know that I understand the question. 15 Q All right. Please explain to me why you 16 don't understand these questions, Ms. Marcum, this 17 one -- this one. The plan is adopted within the 18 30-day period. I'll stop there. 19 Is there any confusion about the question? 20 MR. SINGER: Asked and answered. 21 A I'm sorry; could you restate the question? 22 I -- 23 BY MR. BRENA: 24 Q If a plan is adopted within 30 days -- okay? 25 We got that?</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 A Yes. Proceed.</p> <p>2 Q Okay. You agree you have 90 days to adopt a</p> <p>3 final plan, right?</p> <p>4 A Yes.</p> <p>5 Q So that leaves potentially up to 60 days for</p> <p>6 the public to review a plan that was adopted on that</p> <p>7 30th day, right?</p> <p>8 A I don't know.</p> <p>9 Q What other number could it be, Ms. Marcum?</p> <p>10 If you have -- if a plan's adopted within 30 days and</p> <p>11 you have 90 days, then there's a 60-day period for</p> <p>12 public outreach, right?</p> <p>13 A Yes, there is a 60-day period of public</p> <p>14 outreach.</p> <p>15 Q Is that important? Is it important for the</p> <p>16 people to have a 60-day period of public outreach on</p> <p>17 the plans that are adopted within that 30-day period?</p> <p>18 A Yes.</p> <p>19 Q Okay.</p> <p>20 A Wait. I'm sorry; could you restate that</p> <p>21 question? I apologize. I didn't hear the last part</p> <p>22 of that question. I heard --</p> <p>23 Q Is it important for there to be a 60-day</p> <p>24 period of outreach for a plan that's adopted in the</p> <p>25 first 30 days?</p> | <p style="text-align: right;">Page 40</p> <p>1 just said.</p> <p>2 Q Okay. Okay.</p> <p>3 A Not my understanding -- the question that</p> <p>4 you asked earlier.</p> <p>5 Q All right. So on September 20th, the board</p> <p>6 adopted a bunch of plans, right? It adopted the --</p> <p>7 the Doyon Tanana Chiefs plan that was presented</p> <p>8 September 17th, and it was adopted on September 20th,</p> <p>9 right? That was adopted by the board, correct?</p> <p>10 A Yes.</p> <p>11 Q Okay. And that was outside the 30-day</p> <p>12 period provided in the constitution for the board</p> <p>13 adopting plans, right?</p> <p>14 A I don't understand the question.</p> <p>15 Q Okay. It was outside of 30 days after the</p> <p>16 board received census data, correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. The board adopted the AFFER plan as</p> <p>19 presented on September 17th and adopted on</p> <p>20 September 20th, correct, at that meeting?</p> <p>21 A Yes.</p> <p>22 Q And that was outside of the 30-day period</p> <p>23 after the board had received the -- the census data,</p> <p>24 correct?</p> <p>25 A Yes.</p> |
| <p style="text-align: right;">Page 39</p> <p>1 MR. SINGER: I object to the degree you're</p> <p>2 misstating the constitution. You're asking for a</p> <p>3 legal conclusion.</p> <p>4 Go ahead and answer the question.</p> <p>5 A No. No, I don't understand the question.</p> <p>6 I'm sorry.</p> <p>7 MR. BRENA: We might need to get the judge.</p> <p>8 I don't know how to ask questions any clearer than</p> <p>9 that.</p> <p>10 BY MR. BRENA:</p> <p>11 Q Ms. Marcum, we're wasting a lot of time</p> <p>12 on -- on -- okay. So let me try and understand what</p> <p>13 you don't understand. I'm trying to ask clear</p> <p>14 questions, right?</p> <p>15 Article VI, Section 10 of the constitution</p> <p>16 gives the board 90 days from the date of receiving</p> <p>17 census to come up with a final plan, right?</p> <p>18 MR. SINGER: Objection, misstates the</p> <p>19 constitution.</p> <p>20 BY MR. BRENA:</p> <p>21 Q Is that your understanding?</p> <p>22 A My understanding is that no later than 90</p> <p>23 days after the board has been appointed and the</p> <p>24 official reports of the decennial census of the</p> <p>25 United States, my understanding is what's -- what I</p> | <p style="text-align: right;">Page 41</p> <p>1 Q Okay. The board adopted the AFFR plan as</p> <p>2 presented on September 17th. That was adopted on</p> <p>3 September 20th, correct?</p> <p>4 A Yes.</p> <p>5 Q And that was outside the 30-day period after</p> <p>6 the board had received the census data, correct?</p> <p>7 A Yes.</p> <p>8 Q Okay. The board adopted and then rescinded</p> <p>9 the -- the plan for the Alaska Democratic Party,</p> <p>10 correct, on that day?</p> <p>11 A Yes.</p> <p>12 Q Okay. And the only board -- the only plan</p> <p>13 that the board considered was the one by the Alaska</p> <p>14 Democratic Party, correct?</p> <p>15 A I'm sorry; could you restate the question?</p> <p>16 Q The only --</p> <p>17 A Repeat the question.</p> <p>18 Q The only -- well, okay. I'm going to just</p> <p>19 move on.</p> <p>20 Okay. The board adopted the Senate Minority</p> <p>21 Caucus plan --</p> <p>22 MR. SINGER: We've been going about an hour.</p> <p>23 If we can take a five-minute break, if there's a good</p> <p>24 spot for that. I'd like to do that about every hour.</p> <p>25 MR. BRENA: That's fine. I'm reaching a</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 natural breaking point in a couple of minutes, 2 Mr. Singer, if that's okay. 3 BY MR. BRENA: 4 Q So the board adopted the Senate Minority 5 Caucus plan as presented on September 17th on 6 September 20th, correct? 7 A Yes. 8 Q And that was outside of the 30-day period 9 after which the board had received the census data, 10 correct? 11 A Yes. 12 Q Okay. Now, Valdez proposed a map, 13 Ms. Marcum. Did the board consider adopting that? 14 A I can't speak for what other board members 15 considered, but I certainly considered adopting all 16 maps that were proposed by the public and other 17 government jurisdictions. 18 Q Did you consider the Valdez map to be 19 proposed for the board's consideration? 20 A I'm sorry; could you restate the question a 21 different way? 22 Q You were aware that Valdez proposed a map, 23 correct? 24 A Yes. 25 Q And you -- you understood that Valdez</p> | <p style="text-align: right;">Page 44</p> <p>1 government entities? 2 A I think the board did consider many proposed 3 plans, yes. 4 Q Why -- why didn't it -- why did it consider 5 all the proposed plans it considered but not the 6 Valdez plan? 7 A I don't know. I would, like I said earlier, 8 need to look at the timeline and various other 9 factors. 10 MR. BRENA: Okay. All right. This is a 11 logical breaking point. Thank you. 12 THE VIDEOGRAPHER: We'll go off the record. 13 The time is 10:03. 14 (Brief break.) 15 THE VIDEOGRAPHER: We are on the record at 16 10:18. 17 BY MR. BRENA: 18 Q Ms. Marcum, you are aware of the concerns in 19 the Valdez community about the lack of socioeconomic 20 integration with -- with the suburbs of Wasilla and 21 Palmer, were you not? 22 A I heard testimony -- many different kinds of 23 testimony from different people when I attended the 24 Valdez public hearing. 25 Q Okay. And that testimony was -- was</p> |
| <p style="text-align: right;">Page 43</p> <p>1 proposed that map for the board's consideration, 2 correct? 3 A Yes. 4 Q Okay. So it -- for all ostensible purposes, 5 the board adopted several other plans, but didn't 6 even consider or move to adopt the Valdez plan. Why 7 is that? 8 A I don't know. I would need to look back at 9 the timeline and various other considerations. And I 10 don't know about what other board members were 11 thinking. 12 Q No, I know. And I'm just exploring what you 13 were thinking. 14 You didn't -- you didn't propose to adopt 15 the Valdez plan so it would be -- could draw public 16 comment, correct, as an adopted plan? 17 A Can you restate the first part of that 18 question again? 19 Q The board never even took a vote on whether 20 to adopt Valdez' plan, did it? 21 A No. 22 Q Why not? 23 A I don't know. 24 Q Do you think that it's important for the 25 board to consider proposed plans by third parties and</p> | <p style="text-align: right;">Page 45</p> <p>1 supported having Valdez in -- in a district that 2 included the Richardson Highway, did it not? 3 A Most of it did, yes. 4 Q Yeah. 5 A There was one testifier, maybe two that 6 expressed a different opinion. 7 Q Of the -- of the entire community of public 8 comment? 9 A That was the public comment in the public 10 hearing, but there was -- there was also submitted 11 testimony and -- submitted that came in via e-mail, 12 as well as people who called in to testify to audio 13 hearings. 14 So what I was referring to was specifically 15 the public in-person hearing that we had in Valdez 16 that I attended. 17 Q And so, I mean, you are aware that Mat-Su 18 doesn't think they are socioeconomically integrated 19 with Valdez, and Valdez doesn't think they are 20 socioeconomically integrated with the suburbs of 21 Palmer and Wasilla, right? 22 A I suppose that would depend on who you are 23 taking to. 24 Q No. I'm just asking for what the thrust of 25 the public comment was that you are aware of. Was</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 that a fair characterization of it?</p> <p>2 A So could you make that two separate</p> <p>3 questions or divide that up?</p> <p>4 Q I can. The majority of the public opinion</p> <p>5 that the board considered suggested that Valdez was</p> <p>6 not socioeconomically integrated with the -- with the</p> <p>7 suburbs of Wasilla and Palmer, correct?</p> <p>8 A Yes, the majority of the public testimony</p> <p>9 indicated that.</p> <p>10 Q And the majority of the public testimony</p> <p>11 with regard to the Mat-Su Valley suggested the same,</p> <p>12 correct?</p> <p>13 A I'm not sure that I would say that.</p> <p>14 Q Okay. All right. What socioeconomic</p> <p>15 factors did the board consider with regard to Valdez</p> <p>16 and Mat-Su, the suburbs of Wasilla and Palmer?</p> <p>17 A So what were the socioeconomic</p> <p>18 considerations?</p> <p>19 Q Yes.</p> <p>20 A The first, that is probably the most</p> <p>21 important, was the transportation link between the</p> <p>22 Mat-Su Borough and Valdez, essentially the highway.</p> <p>23 THE COURT REPORTER: Essentially the what?</p> <p>24 I'm sorry.</p> <p>25 THE WITNESS: Essentially the highway.</p> | <p style="text-align: right;">Page 48</p> <p>1 Richardson Highway?</p> <p>2 A No, I haven't -- I don't recall hearing that</p> <p>3 phrase, gateway to the Interior.</p> <p>4 Q Okay. Are you aware that the City of Valdez</p> <p>5 is an open-water port that transports things up into</p> <p>6 the Interior of Alaska, into Fairbanks in particular?</p> <p>7 A Yes.</p> <p>8 Q You are aware that Valdez has been linked in</p> <p>9 the past to the Richardson Highway, in terms of</p> <p>10 political redistricting, correct?</p> <p>11 A Yes.</p> <p>12 Q And you are aware that Valdez in the past</p> <p>13 has been linked even into the -- some of the</p> <p>14 subdivisions in Fairbanks, up the Richardson and into</p> <p>15 Fairbanks, correct?</p> <p>16 A Yes.</p> <p>17 Q So you know, because it's already been</p> <p>18 tested, that -- that -- that Valdez has been in</p> <p>19 districts that run up the Richardson and that run up</p> <p>20 the Richardson and into Fairbanks, in fact, in the</p> <p>21 past, correct?</p> <p>22 A Could you please restate the first part of</p> <p>23 that question?</p> <p>24 Q So I was just trying to summarize where we</p> <p>25 were.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 A That requires Valdez residents to go through</p> <p>2 and to have associations with the Mat-Su as part of</p> <p>3 traveling the highway.</p> <p>4 There were other considerations. Some of</p> <p>5 those discussions evolved around the oil industry and</p> <p>6 many of the commuters within the oil industry who</p> <p>7 live within the Mat-Su.</p> <p>8 And because they're only working, you know,</p> <p>9 two weeks on/two weeks off, their commuter schedule</p> <p>10 is quite a bit lot less, and so they are able to more</p> <p>11 easily live in the Mat-Su Valley and commute up to</p> <p>12 the North Slope and other places where they have</p> <p>13 their oil jobs, and that connection that the Mat-Su</p> <p>14 has with the oil industry in Valdez.</p> <p>15 Those were two of the particular issues that</p> <p>16 I recall us discussing.</p> <p>17 Q All right. Do you know where the City of</p> <p>18 Valdez's revenue comes from?</p> <p>19 A Not directly, no. I have my presumptions,</p> <p>20 but I can't say as I've ever looked at a -- any kind</p> <p>21 of financial statements from the City of Valdez.</p> <p>22 Q Are you aware that -- are you aware of the</p> <p>23 historic -- that Valdez considers itself a gateway to</p> <p>24 the Interior, into Fairbanks, and that freight</p> <p>25 travels that up into the Interior, along the</p> | <p style="text-align: right;">Page 49</p> <p>1 So you are aware that -- that political</p> <p>2 districts in the past have included the Richardson</p> <p>3 communities, correct?</p> <p>4 A Yes.</p> <p>5 Q And have even gone up as far as even going</p> <p>6 into Fairbanks, in the south side of Fairbanks,</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q Did you review the comments that -- that the</p> <p>10 City of Valdez submitted to the board?</p> <p>11 A Yes.</p> <p>12 Q Okay. And so are you aware of any plan in</p> <p>13 the past that has gone so far into the Mat-Su</p> <p>14 Borough -- connecting Valdez into the Mat-Su Borough</p> <p>15 that included the -- that includes the subdivision --</p> <p>16 the suburbs of both Wasilla and Palmer?</p> <p>17 A I'm not aware -- I guess I'm not sure</p> <p>18 exactly what you're asking. I know that there have</p> <p>19 been plans in the past that included Mat-Su and</p> <p>20 Valdez, but I'm not sure exactly what you're asking.</p> <p>21 Q Well, I'm asking how far into the Mat-Su</p> <p>22 population centers those prior plans have gone.</p> <p>23 A I don't know. Sorry.</p> <p>24 Q You never asked about the degree to which --</p> <p>25 not just whether it goes into the Mat-Su, but the</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 degree to which the final plan captured population in</p> <p>2 the Mat-Su?</p> <p>3 A No, I don't know. We made it a point to not</p> <p>4 look very carefully at previous plans, to actually</p> <p>5 use the new official census data as the basis for</p> <p>6 drawing districts. So I -- I don't know details of</p> <p>7 specific plans that were in place in the past.</p> <p>8 Q Okay. But you are not aware of any plan</p> <p>9 that has pulled so much population out of Mat-Su</p> <p>10 Borough as the -- as the final plan that was adopted</p> <p>11 this year?</p> <p>12 A I -- I don't know.</p> <p>13 Q One way or the other?</p> <p>14 A No.</p> <p>15 Q Do you think it's important to consider the</p> <p>16 different populations that you're putting together</p> <p>17 and what their socioeconomic link is?</p> <p>18 A Could you rephrase the question?</p> <p>19 Q Do you think that it's important to consider</p> <p>20 where the populations are that you're linking</p> <p>21 socioeconomically?</p> <p>22 A I guess I'm not clear whether you're</p> <p>23 referring to populations in terms of numbers or if</p> <p>24 you're referring to socioeconomic considerations.</p> <p>25 Q Well, I -- do you know offhand whether or</p> | <p style="text-align: right;">Page 52</p> <p>1 A Okay. Are those in a separate --</p> <p>2 Q Yeah. So there is not an ARB number. It's</p> <p>3 the November 4th transcript of the board meeting.</p> <p>4 MR. STASER: If you give me one minute, I</p> <p>5 can send a marked Exhibit 2. I've identified this as</p> <p>6 Exhibit 2. I'll have it marked.</p> <p>7 MR. SINGER: I don't think was provided to</p> <p>8 us.</p> <p>9 THE COURT REPORTER: Who was the first</p> <p>10 person who just spoke?</p> <p>11 MR. STASER: This is Jake Staser.</p> <p>12 MR. BRENA: Jake Staser.</p> <p>13 THE COURT REPORTER: Thank you.</p> <p>14 MR. STASER: We provided them yesterday.</p> <p>15 We'd like to identify it as Exhibit 2. I can send it</p> <p>16 marked if that's easier. I can share my screen, if</p> <p>17 that's easier.</p> <p>18 (Exhibit No. 2 marked.)</p> <p>19 MR. SINGER: Let's share screen and see if</p> <p>20 that works for the witness. If not, we'll need to go</p> <p>21 find a hard copy.</p> <p>22 MR. BRENA: Okay. So I'd like to go to</p> <p>23 page 22.</p> <p>24 MR. STASER: Okay. First, Ms. Marcum, can</p> <p>25 you see my screen?</p> |
| <p style="text-align: right;">Page 51</p> <p>1 not any plan in Valdez's history has been so</p> <p>2 integrated with the suburbs of Wasilla and Palmer?</p> <p>3 A I don't know about previous plans.</p> <p>4 Q Now, you were concerned, were you not, with</p> <p>5 adding Valdez into the Mat-Su Borough?</p> <p>6 A I wouldn't say -- I would -- it's not that</p> <p>7 premise. It's not -- I think that mischaracterizes</p> <p>8 my -- my -- you know, what I believed and thought.</p> <p>9 Q Okay. You felt that the Mat-Su Borough was</p> <p>10 the fastest growing borough in the state, did you</p> <p>11 not?</p> <p>12 A I feel that the Mat-Su --</p> <p>13 Q What's that?</p> <p>14 A Sorry. I'm just restating the question.</p> <p>15 Did you feel that the Mat-Su -- I -- I believe that</p> <p>16 it is, yes.</p> <p>17 Q Okay. And you expressed concern -- well, do</p> <p>18 you have the -- the November 4th meeting transcript</p> <p>19 with you?</p> <p>20 A I believe we should have that here.</p> <p>21 November 4th. Let's see.</p> <p>22 Q Let's just kind of go through that.</p> <p>23 A Is there an ARB number? That would be</p> <p>24 faster for me to find.</p> <p>25 Q This is a transcript.</p> | <p style="text-align: right;">Page 53</p> <p>1 MR. BRENA: Ms. Marcum, can you see the</p> <p>2 screen okay?</p> <p>3 THE WITNESS: Yes.</p> <p>4 MR. BRENA: Okay. She said yes.</p> <p>5 MR. STASER: Okay. So this is a transcript</p> <p>6 from the Alaska Redistricting Board board meeting,</p> <p>7 November 4, 2021. It's marked as Exhibit 2.</p> <p>8 BY MR. BRENA:</p> <p>9 Q Okay. On page 22, lines 22 through 25, you</p> <p>10 see --</p> <p>11 A Is there a way to make that larger?</p> <p>12 MR. BRENA: Yeah. Can we make that larger?</p> <p>13 Yeah. Thank you. Not just for your eyes. Can you</p> <p>14 read that okay?</p> <p>15 MR. STASER: I'll note that this is marked</p> <p>16 Exhibit 2, page 23. So there's going to be a slight</p> <p>17 variance from the transcript page number.</p> <p>18 MR. BRENA: I'll refer -- I'll refer to the</p> <p>19 exhibit numbers. So Exhibit 2, page 23.</p> <p>20 BY MR. BRENA:</p> <p>21 Q You see Chair Binkley, he says, "...do we</p> <p>22 want to try and tackle the Fairbanks North Star</p> <p>23 Borough and see what happens there in terms of</p> <p>24 Valdez, how Valdez works?"</p> <p>25 Do you see his comment there?</p> |

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| <p>Page 54</p> <p>1 A I can read that.</p> <p>2 Q Okay. That's what the board did, right? It</p> <p>3 took a look at -- the Fairbanks decision directly</p> <p>4 impacts the -- whether or not Valdez is sort of in or</p> <p>5 out of -- of -- I mean, they're interconnected</p> <p>6 conversations, correct?</p> <p>7 A That is one approach, yes.</p> <p>8 Q Okay. All right. And is it fair to say</p> <p>9 that one of Chair Binkley's concerns was not to bust</p> <p>10 up the Fairbanks Borough unnecessarily?</p> <p>11 A I guess that depends on the timeline.</p> <p>12 Q Explain, please.</p> <p>13 A Well, could you be more specific about when</p> <p>14 you're referring to?</p> <p>15 Q Well, through most of the negotiations, it</p> <p>16 was Chair Binkley's -- one of his goals was to not</p> <p>17 bust up Fairbanks as a result of the resolution of</p> <p>18 the assembly in Fairbanks; isn't that true?</p> <p>19 MR. SINGER: Objection, misstates the --</p> <p>20 A What --</p> <p>21 BY MR. BRENA:</p> <p>22 Q Let me --</p> <p>23 MR. SINGER: I --</p> <p>24 A I --</p> <p>25 //</p> | <p>Page 56</p> <p>1 Q Okay. And just explain why that's a</p> <p>2 concern. Flesh that out for me. What are you</p> <p>3 thinking about?</p> <p>4 A What am I thinking about?</p> <p>5 Q Yeah. What is the concern? Would you</p> <p>6 articulate it in a different way, please?</p> <p>7 A So my concern -- at that point, I had</p> <p>8 multiple concerns. But --</p> <p>9 Q This concern. The concern with putting</p> <p>10 Valdez people in -- the City of Valdez in the most</p> <p>11 rapidly growing district in Alaska, explain why</p> <p>12 that's a concern.</p> <p>13 A My concern was that we had not fully</p> <p>14 explored all the other possibilities -- excuse me --</p> <p>15 all the other possibilities for where Valdez could be</p> <p>16 drawn, as far as the districts. That there had been</p> <p>17 a map under consideration that had Valdez included in</p> <p>18 the Mat-Su Borough, but there were other</p> <p>19 possibilities that had not been fully explored.</p> <p>20 And so I wanted to make sure we had the</p> <p>21 opportunity to explore other possibilities.</p> <p>22 Q Okay. But this particular concern, why does</p> <p>23 it matter whether or not you throw Valdez in the</p> <p>24 fastest growing district? What is the concern?</p> <p>25 A Can I -- I don't have the paper document,</p> |
| <p>Page 55</p> <p>1 BY MR. BRENA:</p> <p>2 Q Let me --</p> <p>3 MR. SINGER: The second part of the</p> <p>4 question --</p> <p>5 THE COURT REPORTER: I need you to speak one</p> <p>6 at a time, please.</p> <p>7 MR. BRENA: I withdraw the question.</p> <p>8 Can we go to Exhibit 2, page 38, please.</p> <p>9 And beginning on lines 23. Okay. It's page 37 of</p> <p>10 the transcript, Jake. Okay.</p> <p>11 BY MR. BRENA:</p> <p>12 Q So this is you saying, "My concerns about</p> <p>13 dumping another 4,000 people into the Mat-Su Borough,</p> <p>14 the place that [is] the fastest growing" --</p> <p>15 MR. BRENA: And if we can go to the next</p> <p>16 page, please.</p> <p>17 BY MR. BRENA:</p> <p>18 Q -- "and...now overpopulating that borough,</p> <p>19 so I think [that's] part of the discussion."</p> <p>20 So your concern was with putting Valdez in a</p> <p>21 rapidly growing district, correct?</p> <p>22 A I think that's a partial statement perhaps.</p> <p>23 Q Oh, that's what this concern expresses,</p> <p>24 correct?</p> <p>25 A Yes.</p> | <p>Page 57</p> <p>1 and I've been wanting to scroll up on the document</p> <p>2 and scroll back down, and it's kind of difficult for</p> <p>3 me to see the full context of that statement. So is</p> <p>4 it possible to get a hard copy of these pages around</p> <p>5 us so that I can --</p> <p>6 MR. SINGER: Let me grab that.</p> <p>7 A -- pull the context of the conversation?</p> <p>8 MR. SINGER: Let me grab it. Let's just</p> <p>9 go -- let's just pause for a second. I'll just step</p> <p>10 down the hall.</p> <p>11 A I just want to be accurate with what I was</p> <p>12 thinking. If you're asking what I was thinking at</p> <p>13 that time, I want to be able to see the full context.</p> <p>14 MR. BRENA: Okay. Okay. Then -- then,</p> <p>15 Matt, can you get --</p> <p>16 MR. SINGER: Just give me a second. I</p> <p>17 should have all of these down the hall. Just a</p> <p>18 second.</p> <p>19 MR. BRENA: Can we go off the record,</p> <p>20 please?</p> <p>21 THE VIDEOGRAPHER: Thank you. Off the</p> <p>22 record at 10:38.</p> <p>23 (Brief break.)</p> <p>24 THE VIDEOGRAPHER: On the record at 10:42.</p> <p>25 //</p> |

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| <p>Page 58</p> <p>1 BY MR. BRENA:</p> <p>2 Q Now, Ms. Marcum, what I'm trying to explore</p> <p>3 is what concept you were advancing to the board in</p> <p>4 your comment there.</p> <p>5 And what you're saying is, "...dumping</p> <p>6 another 4,000 people into the Mat-Su Borough, the</p> <p>7 place that's been the fastest growing, and then now</p> <p>8 overpopulating that borough, so I think that's part</p> <p>9 of the discussion --"</p> <p>10 Explain what you meant by that phrase,</p> <p>11 please.</p> <p>12 A So I meant that regardless of where we put</p> <p>13 Valdez, including -- Mat-Su Borough was one of the</p> <p>14 considerations, that we would have to look at</p> <p>15 deviation changes in those districts.</p> <p>16 Q Okay. All right. This comment doesn't say</p> <p>17 anything about deviations, correct, Ms. Marcum?</p> <p>18 A Correct.</p> <p>19 Q Okay. It talks about putting 4,000 people</p> <p>20 in the fastest growing district and now</p> <p>21 overpopulating that district. It's an issue that --</p> <p>22 that over the course of the next ten years, that if</p> <p>23 you put those people in there, that they will be</p> <p>24 overpopulated and unrepresented; is that fair?</p> <p>25 A No. It's certainly something that I was</p> | <p>Page 60</p> <p>1 Q So on lines 2 and 3, Chairman Binkley is</p> <p>2 saying, "You know, the premise that I looked at for</p> <p>3 Fairbanks is keeping the borough whole." Do you see</p> <p>4 that phrase?</p> <p>5 A Yes.</p> <p>6 Q Okay. And then if you go to line 22, he</p> <p>7 points out, "And that's significant. And I gave [it]</p> <p>8 a lot of weight. Even though it wasn't a unanimous</p> <p>9 decision on the part of the borough, it was</p> <p>10 significant that the elected body from an entire</p> <p>11 borough said you should push out people from the</p> <p>12 borough to the broader District 36."</p> <p>13 Do you see that language?</p> <p>14 A Yes.</p> <p>15 Q Okay. And so first he points out that it</p> <p>16 wasn't unanimous, correct? That recommendation from</p> <p>17 the Fairbanks Assembly was not unanimous, correct?</p> <p>18 A That's what his statement says, yes.</p> <p>19 Q Okay. And he's saying he gave that great</p> <p>20 weight, correct? A lot of weight, on line 23.</p> <p>21 A Yes.</p> <p>22 Q Okay. Now, Fairbanks was overpopulated --</p> <p>23 the borough limits were overpopulated by about 5,000</p> <p>24 people, weren't they?</p> <p>25 A It was overpopulated, I would have to verify</p> |
| <p>Page 59</p> <p>1 thinking about, but I also know that we are</p> <p>2 instructed to use the current population as the basis</p> <p>3 for drawing a map that's best for Alaska, not for</p> <p>4 making our decisions based upon projections.</p> <p>5 Now, whether or not I took those projections</p> <p>6 into consideration as I tried the different options</p> <p>7 and drew various maps, certainly, but ultimately had</p> <p>8 to determine a map based upon the numbers as they</p> <p>9 were given to us in the official census data.</p> <p>10 Q Well, I wasn't asking a question about what</p> <p>11 numbers you had to use. I was asking about what</p> <p>12 concern you were addressing.</p> <p>13 The concern that you were addressing is that</p> <p>14 there may be an underrepresentation issue if the</p> <p>15 board includes Valdez in the Mat-Su going forward,</p> <p>16 correct?</p> <p>17 A I think I mentioned underrepresentation.</p> <p>18 Q Well, overpopulating is the same as</p> <p>19 underrepresentation, isn't it?</p> <p>20 A In general, yes, I would say.</p> <p>21 MR. BRENA: All right. Now, I'd like to go</p> <p>22 to page 40 of the transcript. Jake, if you can --</p> <p>23 BY MR. BRENA:</p> <p>24 Q Do you have the transcript, page 40?</p> <p>25 A I do.</p> | <p>Page 61</p> <p>1 those numbers.</p> <p>2 Q So you had to bust into Fairbanks in order</p> <p>3 to make the population numbers work somehow, correct?</p> <p>4 You had to -- you had to take part of that population</p> <p>5 out?</p> <p>6 A No, I don't believe you had to. I mean, we</p> <p>7 ultimately decided to.</p> <p>8 Q Okay. Do you think that the resolution --</p> <p>9 the unanimous resolution by the City of Valdez should</p> <p>10 carry as much weight as the non-unanimous resolution</p> <p>11 by the assembly in Fairbanks, the borough?</p> <p>12 A I don't know about the -- I guess -- I need</p> <p>13 to ask you to restate the question, if you're asking</p> <p>14 what my opinion was of the resolution or what you</p> <p>15 think other board members --</p> <p>16 Q No. The Chairman Binkley's comment that it</p> <p>17 was important to him to keep Fairbanks together</p> <p>18 because of the great weight that he attached on the</p> <p>19 assembly speaking for the people, that was your</p> <p>20 understanding of what he was saying, right?</p> <p>21 A You would have to ask him what his --</p> <p>22 Q I'm --</p> <p>23 A -- resolution -- all I can tell you is that</p> <p>24 he -- it was what was stated here in the transcript.</p> <p>25 Q Okay. You would agree that Valdez's</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 resolution, which was unanimous by the City of 2 Valdez, should be given equal weight and 3 consideration, would you not? 4 A I can only say that I gave it equal weight. 5 Q Okay. 6 A You would -- 7 Q So I'd like to go to page 47 of the 8 transcript, where Chairman Binkley is proposing, on 9 lines 15 through 24 -- so he's proposing that -- 10 well, why don't you explain to me what he's proposing 11 on lines 15 through 24? 12 A I need a moment to read that, if I could, 13 please. 14 THE COURT REPORTER: I'm sorry -- 15 BY MR. BRENA: 16 Q I'm sorry. I didn't hear you. 17 A I was just asking for a moment to read the 18 page, you know, the document you referred to and some 19 context around that, so that I can make sure I 20 understand the question. 21 I see -- actually, is this -- can I see a 22 copy of the Mat-Su references of what District 36 was 23 that's being referred to in this document? Because 24 there's references to District 36, and I just want to 25 make sure I have a clear understanding of -- we've</p> | <p style="text-align: right;">Page 64</p> <p>1 A You will have to ask Chairman Binkley what 2 he meant. 3 Q But you didn't ask him what he meant by 4 that, so apparently it was clear. 5 So then Member Simpson, on page 48, on the 6 next page, his understanding of what the chair is 7 proposing is protecting 36 by moving Valdez 8 elsewhere, okay? 9 A I want to see what 36 was -- 10 MR. BRENA: Do we have 36 on that one? 11 MR. STASER: Would a copy of the final plan 12 help you? 13 THE WITNESS: The district numbers changed 14 afterwards. That's why I'm asking for at this point 15 in time, whatever this date was, November 4th, what 16 was District 36 and 39. 17 BY MR. BRENA: 18 Q You don't understand what the chair meant by 19 the Doyon districts? Really? 20 A I certainly can never assume what member -- 21 any member means by particular statements. I had 22 my -- my own interpretations of what we were 23 discussing, but certainly you would have to -- 24 Q What was your interpretation of what you 25 were discussing?</p> |
| <p style="text-align: right;">Page 63</p> <p>1 changed the numbers multiple times. I want to make 2 sure I understand what District 36 was in this 3 reference. 4 And then actually, whatever the version was 5 that had 36 and 39 is also referenced here. I don't 6 know if that's something we can get here in the room 7 or if we can put it online. I just want to make sure 8 I am answering based upon knowing the correct 9 district numbers that were discussed. 10 Q I don't know how to trace that down, but you 11 mentioned changing district numbers. The changing of 12 the district numbers was even confusing to the board. 13 You're not able to tell me what he's 14 referring to here because the district numbers 15 changed so much that you're unable to have in mind 16 what map that relates to? 17 A No, I reject that. During the process I was 18 very cognizant of the districts. I was eating and 19 drinking them and sleeping them in my head, but -- 20 Q Let me -- let me just ask some specific 21 questions -- 22 A Sure. 23 Q -- relating to this. It says Doyon 24 districts. It refers to Doyon districts on line 24. 25 What's a Doyon district?</p> | <p style="text-align: right;">Page 65</p> <p>1 A Again, without being able to see the map of 2 those districts, I would -- 3 Q Which map would you need to see, Ms. Marcum? 4 A The map being referred to in this -- 5 Q Which map is that? 6 A To be honest, I'd have to go back to see. 7 It's probably the version format, but I'm not -- I'm 8 not positive. That's why I would want to be able to 9 see that. I want to make sure I'm answering 10 accurately and truthful. 11 Q I understand. I just want to know what 12 map -- I'm trying to interpret what the board said, 13 too. You were there. I'm just asking what the board 14 was talking about, and you said you need to look at a 15 map. I'm asking you, what map do you need to look 16 at? 17 A I'd be happy to go back and read further 18 into the transcript and see if I can determine which 19 map was being referred to at the time, if that would 20 be helpful. 21 Q Don't you think it'd be the version 4? 22 A Like I said, probably, but -- 23 Q Well, version 1 had -- didn't have Valdez 24 separated out? Version 2 didn't have Valdez 25 separated out. Version 3 didn't have Valdez</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 separated out.</p> <p>2 Ms. Marcum, don't you think that when he is</p> <p>3 talking about a version that separates Valdez out,</p> <p>4 that it was probably version 4?</p> <p>5 A But there were proposals -- proposed changes</p> <p>6 to those maps being put up and discussed as part of</p> <p>7 the board discussion, and so I -- that's what I --</p> <p>8 what I don't know.</p> <p>9 Q Okay. All right. Well, I can't -- I'm</p> <p>10 sorry. This is a time-limited deposition, and if you</p> <p>11 don't know what map you need to look at and if my</p> <p>12 logic doesn't draw you to a map, then I don't want to</p> <p>13 take the time.</p> <p>14 A I'd be happy to go to the -- to the -- I</p> <p>15 believe the board website would probably have -- any</p> <p>16 version of version 4 would be -- or version of map 4</p> <p>17 would be helpful to see.</p> <p>18 MR. STASER: One moment.</p> <p>19 THE WITNESS: Okay. Appreciate that.</p> <p>20 MR. STASER: Can you see my screen?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MR. STASER: So this is the interactive</p> <p>23 version of board proposed v4. This is District 36 in</p> <p>24 v4.</p> <p>25 THE WITNESS: Okay. That's very helpful.</p> | <p style="text-align: right;">Page 68</p> <p>1 Interior districts that he states just before that.</p> <p>2 MR. BRENA: Okay. So I'd like to go to</p> <p>3 page 72.</p> <p>4 BY MR. BRENA:</p> <p>5 Q Okay. On lines 7 through 10, he is also --</p> <p>6 so first, on line 1 he says, "It keeps Doyon -- the</p> <p>7 only thing I would suggest --"</p> <p>8 And then you say, "Valdez and Mat-Su."</p> <p>9 "Yeah. The only thing is Valdez is out."</p> <p>10 And then Chair Binkley says, "The only</p> <p>11 suggestion that I would [make]" -- "have that I</p> <p>12 [would] take seriously and I think we should discuss</p> <p>13 is I want to [us]" -- "to see us take in Cantwell so</p> <p>14 that we can keep Ahtna whole."</p> <p>15 And -- and on line 16, he says, "[Even</p> <p>16 though] it means making a break in the Denali</p> <p>17 Borough."</p> <p>18 Now, what did he mean by "keep Ahtna whole"?</p> <p>19 MR. SINGER: Objection, foundation.</p> <p>20 BY MR. BRENA:</p> <p>21 Q What's your understanding of what he meant?</p> <p>22 A I don't know what's in someone else's head.</p> <p>23 Q So you're having a conversation with the</p> <p>24 chair. He's referring the Doyon district and keeping</p> <p>25 Ahtna whole, and you don't have any idea what he's</p> |
| <p style="text-align: right;">Page 67</p> <p>1 Thank you. I appreciate you pulling that up.</p> <p>2 MR. STASER: Would you like to continue to</p> <p>3 look at it?</p> <p>4 THE WITNESS: Could you identify -- oh, 39.</p> <p>5 I see District 39 is referenced there, as well. I</p> <p>6 want to make sure I understand 39. Okay. Yes. I've</p> <p>7 got my head around where those districts were and</p> <p>8 what they were numbered at the time, so thank you.</p> <p>9 MR. STASER: Okay. You're welcome.</p> <p>10 BY MR. BRENA:</p> <p>11 Q Okay. So can you now interpret what the</p> <p>12 chair was talking about proposing on November 4th?</p> <p>13 A Well, I can't interpret, you know, what he</p> <p>14 was -- you know, his thoughts, but I can tell you</p> <p>15 what my understanding was of the discussion we were</p> <p>16 having at the time, which was -- so version 3.</p> <p>17 So Valdez is drawn with the Mat-Su and</p> <p>18 portions of Fairbanks, Fairbanks North Star Borough,</p> <p>19 not the city but Fairbanks North Star Borough, that</p> <p>20 are drawn with the District 36 that we just viewed on</p> <p>21 the map. Yeah, that's my understanding of that,</p> <p>22 lines 15 through 24.</p> <p>23 Q Which district is Doyon's district, as you</p> <p>24 understood it?</p> <p>25 A Interior -- I believe he's referring to the</p> | <p style="text-align: right;">Page 69</p> <p>1 talking about; is that your testimony?</p> <p>2 A I certainly don't know what's in his head.</p> <p>3 I know that we had received public testimony, excuse</p> <p>4 me, from Ahtna, so I know what I heard in that public</p> <p>5 testimony about Ahtna and Cantwell.</p> <p>6 But I don't know what Chairman Binkley was</p> <p>7 thinking in his head at the time.</p> <p>8 Q Okay. You understand I'm not asking you</p> <p>9 what Chairman Binkley was thinking.</p> <p>10 MR. SINGER: Mr. Brena --</p> <p>11 BY MR. BRENA:</p> <p>12 Q I'm asking you: What was your</p> <p>13 interpretation of what Chair Binkley was saying?</p> <p>14 What is your interpretation of where the Doyon</p> <p>15 district is? That's the rural district that -- which</p> <p>16 was -- right?</p> <p>17 A My interpretation -- nothing to do with</p> <p>18 Mr. Binkley's statement, but my interpretation of</p> <p>19 Doyon's proposal was a district that included many of</p> <p>20 the rural Interior areas that we referred to as the</p> <p>21 horseshoe district.</p> <p>22 Q Okay. Now, on the bottom of the page, he --</p> <p>23 Chairman Binkley points out, "...it'll actually help,</p> <p>24 in terms of District 36, the Doyon district."</p> <p>25 So it's clear what district that he meant</p> |

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| <p style="text-align: right;">Page 71</p> <p>1 was the Doyon district, correct?</p> <p>2 Okay. And then you see on the next page, on</p> <p>3 73, he says, "Which would...really be the Doyon Ahtna</p> <p>4 district, because both of [these] would be intact."</p> <p>5 Now, is it -- should Doyon have priority</p> <p>6 over the City of Valdez in terms of -- in terms of --</p> <p>7 in terms of its boundaries, in terms of its</p> <p>8 representation?</p> <p>9 A No, I don't believe any -- any city or</p> <p>10 jurisdiction should have priority over any others. I</p> <p>11 think our job was balance, what we felt was in the</p> <p>12 best interest of the state overall.</p> <p>13 Q And so then he proposed changes that put two</p> <p>14 ANCSA corporations intact within one district, right?</p> <p>15 A I don't know details about either of the two</p> <p>16 corporations. I only can tell you what was testified</p> <p>17 to in the public hearings and my understanding of</p> <p>18 that testimony.</p> <p>19 Q Okay. So on -- on page 74, line 25, you</p> <p>20 say, "So right now," we go on to 75 of the</p> <p>21 transcript, "Valdez -- I'm going to have a hard time</p> <p>22 saying this, but take Valdez out of the Richardson</p> <p>23 Highway...I got a thumb drive here...John's Fairbanks</p> <p>24 and took Valdez out." And then you talk about the</p> <p>25 negative 2.25, so about 420 [sic] people low.</p> | <p style="text-align: right;">Page 72</p> <p>1 right, where you said, "I [can] put Cantwell in"?</p> <p>2 And Cantwell is part of the Denali Borough, right?</p> <p>3 A Yes.</p> <p>4 Q Okay. And so he's suggesting to put</p> <p>5 Cantwell in solely because it's in the Ahtna ANCSA's</p> <p>6 territory, correct? Is there any other reason that</p> <p>7 was discussed here, other than that?</p> <p>8 A I don't know.</p> <p>9 Q Okay. Do you think it's appropriate to --</p> <p>10 to take part of the Denali Borough, surrounding</p> <p>11 Cantwell, and create a bizarre map just to keep Ahtna</p> <p>12 whole?</p> <p>13 MR. SINGER: Objection, form.</p> <p>14 Go ahead and answer.</p> <p>15 A I mean, I guess I would ask you to ask that</p> <p>16 question in a different way. I think you started</p> <p>17 by -- yeah. If you could phrase it differently,</p> <p>18 please, that would be helpful.</p> <p>19 BY MR. BRENA:</p> <p>20 Q Do you think that the board should bust into</p> <p>21 a borough boundary to keep Ahtna whole?</p> <p>22 A I'm not comfortable with answering the</p> <p>23 question the way that it's phrased.</p> <p>24 Q Okay. Well, the problem that they're trying</p> <p>25 to solve here is if you take Valdez out, you need</p> |
| <p style="text-align: right;">Page 71</p> <p>1 So -- so when the chairman took Valdez out</p> <p>2 to keep the Doyon and -- and Ahtna regions together,</p> <p>3 the effect of that is, is that there's 412 people to</p> <p>4 the negative, right, at that point?</p> <p>5 A The first part of your statement, I would</p> <p>6 have to say that I -- your question, I don't think</p> <p>7 that I -- if we could reword the question, perhaps,</p> <p>8 with just the second part, I could probably answer</p> <p>9 more accurately.</p> <p>10 Q Okay. Well, Chairman Binkley says, on</p> <p>11 page 72, that he wants to take in Cantwell so we can</p> <p>12 see Ahtna -- so we can keep Ahtna whole, right?</p> <p>13 So Chairman Binkley is in the process of</p> <p>14 finding ways to keep Doyon whole and Ahtna whole.</p> <p>15 That's what he's actually doing here, right?</p> <p>16 A That's the -- perhaps the effect, but I</p> <p>17 don't know what his intention was.</p> <p>18 Q I'm just talking about the effect. Okay.</p> <p>19 So when he suggested taking Valdez out then,</p> <p>20 your point is, is that they're short people if they</p> <p>21 do that, 412, on line 6 of page 75, right?</p> <p>22 A Yes. That change resulted in a 412</p> <p>23 negative.</p> <p>24 Q So then they had to -- then they threw --</p> <p>25 then you threw Cantwell in to help offset this,</p> | <p style="text-align: right;">Page 73</p> <p>1 some population. So Chairman Binkley suggested:</p> <p>2 Let's go get Cantwell. It's part of keeping Ahtna</p> <p>3 whole, right?</p> <p>4 A He -- he stated that, yes.</p> <p>5 Q Okay. All right. So do you think that to</p> <p>6 keep Ahtna whole, it's appropriate for the board to</p> <p>7 take part of a borough?</p> <p>8 A Yes. I think it's one of many</p> <p>9 considerations that we can appropriately consider.</p> <p>10 Q All right. Is keeping Ahtna whole or</p> <p>11 keeping Doyon whole -- has either of those ever been</p> <p>12 a socioeconomic factor approved by the Court, that</p> <p>13 you're aware of?</p> <p>14 A I don't know. Because of the way the</p> <p>15 question was phrased, I don't know. I'm sorry.</p> <p>16 Q All right. I'd like to go to page 80.</p> <p>17 A I've got it.</p> <p>18 Q You have a comment on lines 15 through 19,</p> <p>19 "And I will continue on the record to say that [the]</p> <p>20 Mat-Su Borough has testified to the socioeconomic</p> <p>21 non-integration of Valdez. [And] Valdez has</p> <p>22 testified to the non-integration of them with the</p> <p>23 Mat-Su Borough."</p> <p>24 That was your comment, correct?</p> <p>25 A Yes.</p> |

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| <p>Page 74</p> <p>1 Q On what was your comment based?</p> <p>2 A Based upon public testimony by the</p> <p>3 governmental jurisdictions.</p> <p>4 Q Did you -- did you evaluate socio and</p> <p>5 economic integration factors in considering this</p> <p>6 statement?</p> <p>7 A Yes.</p> <p>8 Q Okay. Other than the ones that we've</p> <p>9 discussed, did you -- did you evaluate any others?</p> <p>10 A I'm sorry; there was a big background noise</p> <p>11 that cut away the last part of your sentence.</p> <p>12 Q Sorry. I just said, we've discussed two</p> <p>13 factors that the board considered in the integration</p> <p>14 of the Mat-Su with Valdez. Did you consider any</p> <p>15 other in evaluating this phrase?</p> <p>16 A In evaluating this phrase or just my</p> <p>17 map-drawing process?</p> <p>18 Q Okay. So let me just -- let me withdraw</p> <p>19 that and try this again. Okay.</p> <p>20 The Mat-Su Borough has testified as to the</p> <p>21 non-integration, okay? What was the basis for that</p> <p>22 testimony?</p> <p>23 A Oh, goodness. There were -- you're asking</p> <p>24 me to recall a lot of -- a lot of -- we heard a lot</p> <p>25 of public testimony. I would probably want to go</p> | <p>Page 76</p> <p>1 accurate.</p> <p>2 Q Okay. I am not testing your accuracy. I'm</p> <p>3 just asking for what your understanding of the basis</p> <p>4 for that statement was.</p> <p>5 Today, as you sit here, why -- on what</p> <p>6 was -- the statement that the Mat-Su Borough was</p> <p>7 testifying to the socioeconomic non-integration with</p> <p>8 Valdez, what was the basis -- as you sit here, why</p> <p>9 did you say that?</p> <p>10 A I said that because the major takeaway from</p> <p>11 hundreds of pieces of testimony that I had heard were</p> <p>12 that there were -- there were definitely people who</p> <p>13 had indicated that they were including the government</p> <p>14 jurisdiction, the borough itself, that that indicated</p> <p>15 that they didn't feel that they had strong</p> <p>16 socioeconomic integration with Valdez.</p> <p>17 Q Okay. Do you have any individual reason why</p> <p>18 they stated that from all that testimony?</p> <p>19 A I would want to be accurate, and I'm going</p> <p>20 to refer back to that testimony.</p> <p>21 Q I'm just asking for your memory. I'm not --</p> <p>22 I mean, when I ask why you thought -- what factors</p> <p>23 were considered by the board in socioeconomic</p> <p>24 integration between Mat-Su and Valdez, you said two</p> <p>25 specific things.</p> |
| <p>Page 75</p> <p>1 back and reference the testimony in order to be</p> <p>2 accurate.</p> <p>3 Q Where do you live, Ms. Marcum?</p> <p>4 A I live in Anchorage.</p> <p>5 Q Okay. All right. You have no memory of any</p> <p>6 basis for any of the testimony from Mat-Su suggesting</p> <p>7 they're not integrated with Valdez?</p> <p>8 A If I'm going to accurately state what the</p> <p>9 Mat-Su Borough said, then I would want to review</p> <p>10 that.</p> <p>11 But yes, my general recollection is that</p> <p>12 they had concerns about the socioeconomic integration</p> <p>13 with Valdez. That was the --</p> <p>14 Q What is your understanding of what their</p> <p>15 concerns were?</p> <p>16 A Well, I would want to be accurate in stating</p> <p>17 what those concerns were. I mean, I think that their</p> <p>18 testimony is on the record.</p> <p>19 Q Well, and I'm just asking you, what's</p> <p>20 your -- what's your memory of it? What did they say?</p> <p>21 What do you think -- what do you remember that they</p> <p>22 said? Do you remember nothing? Do you remember</p> <p>23 something? What do you remember?</p> <p>24 A I would need some time to think about the</p> <p>25 specifics of what they said, if I wanted to be</p> | <p>Page 77</p> <p>1 So all I'm asking you to do is, what</p> <p>2 specific things do you have in your memory, as you</p> <p>3 sit here today, as to what the Mat-Su -- the</p> <p>4 residents the Mat-Su said as to why they were not</p> <p>5 socioeconomically integrated with Valdez? You</p> <p>6 don't -- any takeaway at all?</p> <p>7 A There were -- I mean, there were so many, I</p> <p>8 feel like it would be insincere for me to point out</p> <p>9 one or two that might come to mind, when there were</p> <p>10 just as many others that were valid.</p> <p>11 Q I'm just asking, what's your memory of --</p> <p>12 what's your memory of the factual basis for this</p> <p>13 statement, as you sit here? We don't have time to go</p> <p>14 through every piece of testimony. Why did you say</p> <p>15 this? What was it based on? What is your memory of</p> <p>16 it?</p> <p>17 A It was based upon the -- the overall</p> <p>18 quantity and quality of testimony that I had heard</p> <p>19 primarily from -- I would say this particular</p> <p>20 statement was primarily from what I heard from the</p> <p>21 borough itself.</p> <p>22 Q Okay. Can you --</p> <p>23 A We cer- --</p> <p>24 Q I'm sorry. I didn't mean to cut you off.</p> <p>25 Please continue.</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 A I was just saying, we certainly heard 2 testimony from the public, as well, some of it -- and 3 you know, with any public testimony, some of it was, 4 I guess I would say, informed, and some was not as 5 informed. But we took all of the testimony we heard 6 seriously and took it into consideration. 7 Q Okay. 8 A And so the top-level takeaway for me was -- 9 was what I stated here. 10 Q Okay. Are you not able to mention one 11 socioeconomic factor that was testified to concerning 12 the Mat-Su Borough residents saying they are not 13 integrated with Valdez? 14 A It's not that I'm not able to. I feel that 15 it's insincere to bubble one up more than others. I 16 would want to make sure that they are all given due 17 consideration. 18 Q You need to answer my questions or we need 19 to get the judge on the phone. 20 MR. SINGER: Counsel, don't badger the 21 witness. Just ask the question. 22 MR. BRENA: I'm not. I'm not. 23 MR. SINGER: You don't -- 24 MR. BRENA: No, there's nothing to like or 25 dislike. She's refusing to answer a question.</p> | <p style="text-align: right;">Page 80</p> <p>1 so that I can accurately put those forward to you. 2 So would you like me to take the time to do that now? 3 MR. BRENA: Let's see. Let's go off the 4 record. 5 THE VIDEOGRAPHER: Off the record at 11:15. 6 (Brief break.) 7 THE VIDEOGRAPHER: On the record at 11:27. 8 MR. SCHECHTER: Folks, this is Mike 9 Schechter. Can we just briefly talk about where we 10 are in terms of time usage? 11 MR. BRENA: Do we want to go off the record 12 for that? 13 MR. SCHECHTER: Please. 14 MS. WELLS: Mike, that sounds great. 15 THE VIDEOGRAPHER: Off the record at 11:28. 16 (Brief break.) 17 THE VIDEOGRAPHER: We are on the record at 18 11:32. 19 BY MR. BRENA: 20 Q All right. Ms. Marcum, I had asked you for 21 the reasons that were brought forward by the Mat-Su 22 residents indicating that they were not 23 socioeconomically integrated, and you indicated you 24 wanted to go back and check them. Have you? 25 A Well, I indicated I wanted to make some</p> |
| <p style="text-align: right;">Page 79</p> <p>1 MR. SINGER: She's explained -- 2 MR. BRENA: Okay. Let's -- let's get the 3 judge on the phone. Let's go off the record. 4 THE VIDEOGRAPHER: This is the end of media 5 unit No. 1 -- 6 MR. BRENA: You want to talk about this 7 before we get the judge -- 8 THE VIDEOGRAPHER: -- deposition of 9 Ms. Marcum. 10 MR. BRENA: I don't know what -- 11 THE VIDEOGRAPHER: We are going off the 12 record at 11:14. 13 (Brief break.) 14 THE VIDEOGRAPHER: On the record. This is 15 the beginning of media unit No. 2, deposition of 16 Bethany Marcum. Time is 11:15. 17 BY MR. BRENA: 18 Q Okay. Do you have any recollection of a 19 socioeconomic factor that was brought up by any 20 resident of the Mat-Su Borough as to why they were 21 not socioeconomically integrated with Valdez? 22 A Yes. I have various recollections. 23 Q What are they, please? 24 A I would like some time to -- to -- I guess 25 to kind of think through those and write those down</p> | <p style="text-align: right;">Page 81</p> <p>1 notes about some of my recollections, so yes, I made 2 notes about some things that I recall. 3 Q Okay. Have you checked any other thing or 4 just made notes? 5 A Yeah, I didn't check any third parties. I 6 just made notes from my -- 7 Q Go ahead. What is your recollection of the 8 reasons why the Mat-Su residents indicated they were 9 not socioeconomically integrated? 10 A One of the socioeconomic reasons that came 11 to mind was a fishing reference. 12 Mat-Su Borough residents referenced that 13 they are more focused on sport fishing and 14 differentiated themselves from Valdez, and that 15 Valdez is more focused on commercial fishing. 16 And since recreation and play and those 17 sorts of things are part of socioeconomic 18 considerations, that is one of the topics that I gave 19 thought to as a determining -- you know, what 20 possibilities were for districts being drawn a 21 certain way. 22 Q Anything else? 23 A There are many -- heard lots of testimony, 24 many hundreds of reasons, but that's one that comes 25 to mind.</p> |

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| <p style="text-align: right;">Page 82</p> <p>1 So, you know, in general, Mat-Su Borough 2 residents don't, you know, live or have homes in 3 Valdez, and certainly that came up. There were a 4 variety of issues that came up. Those were some of 5 them. 6 Q So that they don't have homes, that they 7 fish different places. Any other -- any other 8 reasons given, in your memory? 9 A I'm sorry, any other reasons -- 10 Q Any other reasons given, in your memory? 11 THE WITNESS: Could you move the speaker? 12 I'm having -- 13 MR. SINGER: I think he said any other 14 reasons given, in your memory. 15 A Oh, in your memory? Yeah, lots of other 16 reasons. But like I said, I don't want to highlight 17 some more than others necessarily. 18 But, you know, general things, such as, you 19 know, that people in the Mat-Su Borough tend to 20 either work in the Mat-Su Borough itself or in 21 Anchorage. They don't tend to work in Valdez. I did 22 hear a couple of exceptions to that, but in general 23 that's going the other direction. 24 But in general, it had to do -- it had to do 25 with where people were employed. Like I said, some</p> | <p style="text-align: right;">Page 84</p> <p>1 regard to their testimony that it was not 2 socioeconomically integrated with the Mat-Su? 3 A I certainly heard the fishing reference in 4 the reverse, that they felt that they had very strong 5 commercial fishing ties and did not feel that the 6 Mat-Su Borough shared those same commercial fishing 7 ties, that commercial fishing industry that Valdez 8 had been growing, is my recollection, hearing public 9 testimony from Valdez that they've been talking about 10 the growth of the -- excuse me -- the growth of the 11 commercial fishing industry within recent years, was 12 the specific testimony I heard during the hearing 13 that I attended in Valdez. 14 Q Do you know if any part of the Trans Alaska 15 Pipeline System is in the Mat-Su Borough? 16 A No, it's not. 17 Q Okay. 18 A I mean, yes, I know. No, it's not. 19 Q Are you aware that 90 percent of the ad 20 valorem taxes that enter Valdez are as a result of 21 the Trans Alaska Pipeline System, ad valorem taxes? 22 A Ninety percent of the -- I didn't hear that 23 word. 24 Q Of the -- of the ad valorem tax collections 25 for the City of Valdez comes from the Trans Alaska</p> |
| <p style="text-align: right;">Page 83</p> <p>1 on the Slope, as I mentioned earlier, some Anchorage, 2 and then in the Mat-Su Borough, but not generally 3 Valdez. 4 BY MR. BRENA: 5 Q Does that exhaust your memory, or are there 6 more? 7 A It doesn't exhaust my memory, no. But I 8 mean, my understanding was we have limited time. I 9 could go through lots of different -- 10 Q Please. Go ahead. 11 A I think that's -- those are the most 12 important reasons -- 13 Q What are the -- 14 A -- that come to mind. 15 Q What additional ones do you have in mind, 16 Ms. Marcum? Let's just put them on the table. 17 A Yeah. Which direction? Mat-Su Borough for 18 Valdez? Because most of the others that I'm thinking 19 of are Valdez -- 20 Q Yeah. Mat-Su -- same ones. Any other 21 reasons come to mind why the Mat-Su residents felt 22 they were not socioeconomically integrated with 23 Valdez? 24 A Not that come immediately to mind, no. 25 Q Okay. How about the Valdez residents, with</p> | <p style="text-align: right;">Page 85</p> <p>1 Pipeline System, are you aware of that? 2 A I still didn't hear that word. 3 MR. SINGER: He's using -- the word is "ad 4 valorem." 5 A I'm sorry. I'm not familiar with that term. 6 BY MR. BRENA: 7 Q Property taxes. 90 percent of the property 8 taxes in the City of Valdez are from the Trans Alaska 9 Pipeline System. Are you aware of that? 10 A No, I was not aware of that specific 11 statistic. 12 Q Were you aware that that's something that 13 Valdez shares with the City of Fairbanks, that the 14 City of Fairbanks, a substantial amount of their 15 property taxes also comes from TAPS? 16 A No. 17 Q Are you aware that Valdez and the 18 communities along the Richardson Highway and 19 Fairbanks have all -- have all coordinated with 20 regard to -- or that Fairbanks and Valdez have 21 coordinated with regard to property tax issues? 22 A If you divided that into a couple of 23 questions, I would feel more comfortable. 24 Q Okay. Are you aware that Fairbanks -- that 25 almost all of the revenue from Valdez and a</p> |

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| <p style="text-align: right;">Page 86</p> <p>1 significant portion of the revenue from Fairbanks 2 comes from the same revenue source, TAPS? 3 A I am not aware of the Fairbanks portion. 4 Q Are you -- would you agree that -- that the 5 City of Valdez is socioeconomically integrated with 6 the Richardson Highway communities? 7 A Yes, I would agree. 8 Q Okay. Why? 9 A For some of the reasons that you just 10 delineated and others that we heard. 11 Q All right. I'd like to go to page 105. 12 Are you concerned that Valdez gets tossed 13 around so much, in trying to consider where it should 14 be? 15 A Am I concerned? I have observed that Valdez 16 has been in various districts -- drawn in various 17 districts around the state over time, and I suppose I 18 would say it's -- that there is a concern there. 19 Q Okay. And as far as you are aware, has -- 20 has Valdez ever not been included in either of the 21 Prince William Sound -- with Prince William Sound 22 communities or with Richardson Highway communities? 23 A I don't know about the history. 24 Q Okay. All right. So is one of your 25 concerns with putting Valdez in the Mat-Su Borough is</p> | <p style="text-align: right;">Page 88</p> <p>1 in Valdez, they said that they would like to be 2 paired unanimously with the Richardson Highway, 3 correct? 4 A I think that that's a bit of a 5 mischaracterization. 6 So not 100 percent of the people were, but 7 they were, the people who were -- who testified were 8 100 percent unanimous in that, the people who 9 testified for that. 10 Is that making sense? The differentiation 11 there being not 100 percent of the attendees, but the 12 people who testified for the Richardson Highway 13 linkage were 100 percent unanimous. They weren't, 14 "Well, I could take it or leave it." They were 15 100 percent supportive of that -- that pairing. 16 Q All right. Let's see. All right. I'm 17 trying to speed this up. 18 Were you able to share with the board all of 19 the maps that you drew that paired Valdez with the 20 Interior? 21 A No. 22 Q Did you ask for permission to share some of 23 those maps with the board in the deliberations, that 24 you had not shared yet? 25 A Yes, I believe. I mean, I don't recall if I</p> |
| <p style="text-align: right;">Page 87</p> <p>1 that you overpopulate the district? 2 A Could you clarify what district? 3 Q The Mat-Su, that the joining of -- taking 4 4,000 people and putting them in the Mat-Su will 5 overpopulate the Mat-Su? 6 A Yes. I would say that's not primary, but 7 that is a concern, yes. 8 Q Is it fair to say that a hundred percent 9 unanimous position of the people that you heard from, 10 from Valdez, was that they should be linked to the 11 Richardson Highway? 12 A No. 13 Q Okay. Can we take a look at page 112, 14 lines 15 through 17 of the transcript. 15 "They said Richardson Highway a 16 hundred percent. They were 100 percent unanimous in 17 wanting Richardson Highway." 18 Who were you referring to there? 19 A I was referring to a specific event, as 20 opposed to all of the public testimony in whole. 21 Q So who was the specific people you were 22 referring to there? 23 A People who attended the public hearing in 24 Valdez. 25 Q Okay. So 100 percent of the public hearing</p> | <p style="text-align: right;">Page 89</p> <p>1 asked permission, but I know I shared some of what I 2 had created. Some of what I created I thought was 3 very poor and I didn't want to share it with others. 4 I tried to -- tried to present to folks what I 5 thought was the highest quality of the different maps 6 I put together. 7 Q Okay. So when -- when the board took Valdez 8 out of 36, then they took 4,000 people out, then they 9 needed 4,000 more people in 36, right? 10 A Yes. 11 Q Okay. Where did they get them from? 12 A From portions of the Mat-Su Borough. 13 Q No. Where did -- where did District 36 get 14 4,000 people from, after they -- after they excluded 15 Valdez? 16 So we had a horseshoe borough, right, and we 17 took Valdez out of it. That left us 4,000 short in 18 that horseshoe borough, right? Where did you get the 19 people from? 20 A You're talking about what the board did or 21 what I did? Could you clarify -- 22 Q What the board did. Where did the board end 23 up getting the people from to fill back up the 24 borough, 4,000 people when they took Valdez out of 25 it?</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 A To fill up the borough? I'm confused. 2 Q I'm sorry. The district, District 36. I'm 3 not trying to be confusing here. 4 A A point of clarification. 5 Q I can understand. Okay. District 36 -- 6 okay. 7 So on page 186, Chairman Binkley says, "If 8 we keep the borough intact and we take Valdez out of 9 36, [then] 36 needs more population." 10 And you respond, "Correct." 11 And Chairman Binkley says, "They need 4,000 12 people." 13 That's because that's the population of 14 Valdez, correct? 15 A I'm not sure if that's why I said that, but 16 that is accurate, that the population of Valdez is 17 about -- 18 Q Okay. So after they took Valdez out of 36, 19 where did the board, in their final plan, get the 20 people to fill up that 4,000 people? 21 A From the Mat-Su -- I'm sorry. From the 22 Fairbanks North Star Borough. 23 Maybe I said Mat-Su Borough before. 24 Fairbanks North Star Borough is what I said in my 25 head, regardless of what I said, yes.</p> | <p style="text-align: right;">Page 92</p> <p>1 MR. BRENA: Let me just go off the record 2 just for a second. I might be able to speed this up. 3 THE VIDEOGRAPHER: Off the record at 11:48. 4 (Brief break.) 5 THE VIDEOGRAPHER: On the record at 11:50. 6 (Exhibit No. 3 marked.) 7 MR. STASER: Okay. So this is marked as 8 Exhibit 3. It shows House district populations by 9 borough and by city. 10 THE WITNESS: Do I have a copy of that? 11 MR. SINGER: That should be in the -- in 12 that folder. 13 THE WITNESS: Is there a -- 14 MR. STASER: It's only four pages, if we can 15 just share our screen. 16 BY MR. BRENA: 17 Q Are you able to see the screen okay, 18 Ms. Marcum? 19 A I've got the hard copy here. Okay. Thank 20 you. I've got the hard copy here. 21 Q Okay. So this shows by borough where the 22 folks -- where the folks come from. You -- you 23 under- -- 24 MR. SINGER: Objection. I don't think 25 that's -- I don't think there's a Copper River</p> |
| <p style="text-align: right;">Page 91</p> <p>1 Q Okay. So they had to go in the borough 2 boundaries for Fairbanks in order to -- in order to 3 offset taking Valdez out of 36, right? 4 A Yes. 5 Q Okay. Sometimes when you speed up, you slow 6 down. 7 I'd like to go to page 196. 8 A Yes. 9 Q On lines 12 and 13, Chairman Binkley is 10 referring, I assume, to Doyon and Ahtna. He says, 11 their primary mission is to keep Doyon villages 12 together and keep Ahtna regional villages together. 13 Do you see that? 14 A Yes, I see that. 15 Q Okay. Are there Doyon villages going up the 16 Richardson to Fairbanks? 17 A I don't know for sure, to be honest. 18 Q What communities are you familiar with that 19 go up the Richardson? 20 A I know there are a couple of communities 21 that are Ahtna villages in that area. Those are the 22 ones that I'm most familiar with, where I've spent 23 time. 24 I'm not as familiar with Doyon's villages, 25 so I apologize.</p> | <p style="text-align: right;">Page 93</p> <p>1 borough or a Chugach borough. 2 BY MR. BRENA: 3 Q With regard to the Mat-Su Borough, it shows 4 what the concentration is, correct, 14,736? 5 MR. SINGER: Objection, foundation. 6 A I guess I -- 7 BY MR. BRENA: 8 Q This is a census borough, you understand? 9 MR. SINGER: What is a census borough? 10 BY MR. BRENA: 11 Q All right. Do you know what a census 12 borough is, Ms. Marcum? 13 A No. That's not a phrase that we utilized in 14 redistricting. 15 Q On this population distribution, do you know 16 where Valdez is? 17 A I'm not sure I understand what you're 18 asking. 19 Q Do you know where the population of Valdez 20 is on Exhibit 3, page 1? 21 A So are you looking at census areas here 22 or -- I guess that's what I'm trying to get 23 clarification of to make sure I understand. 24 So if these are census areas, then yes, I 25 know where Valdez would reside.</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 Q Okay. And where would Valdez reside?</p> <p>2 A In the Copper River census area.</p> <p>3 Q The Copper River area? That has 7 people in</p> <p>4 it.</p> <p>5 A Oh, so this doesn't -- there are no labels</p> <p>6 on this. And so, again, I don't think there's -- I</p> <p>7 don't know. I don't -- I don't recall there being</p> <p>8 called a Chugach census area that had Valdez. My</p> <p>9 recollection was that Chugach census area was</p> <p>10 separated from Valdez sometime between the 2010 and</p> <p>11 2020 cycles.</p> <p>12 Q Okay. So you are not able to identify on</p> <p>13 this exhibit where Valdez is?</p> <p>14 A If you are stating that the third column of</p> <p>15 the sheet that you presented us is populations, then</p> <p>16 I could surmise that Valdez is in what you're</p> <p>17 referring to as Chugach something here. But that's</p> <p>18 not my recollection of the --</p> <p>19 Q This is -- this is the census districts for</p> <p>20 the final plan that was approved. You don't know</p> <p>21 what's within the Chugach district of the census?</p> <p>22 A I'm sorry. This is very confusing. This</p> <p>23 isn't the terminology or the groupings that we</p> <p>24 utilized at all in the redistricting process, so this</p> <p>25 is -- I'm sorry that I don't understand what's shown</p> | <p style="text-align: right;">Page 96</p> <p>1 looking on here.</p> <p>2 Q It's on the screen, and it's Exhibit 3,</p> <p>3 page 4 of 4.</p> <p>4 A So let's see. This page here.</p> <p>5 MR. STASER: Ms. Marcum, are you unable to</p> <p>6 see my shared screen?</p> <p>7 THE WITNESS: Well, not very clearly. I</p> <p>8 apologize. Maybe I need to go to the House</p> <p>9 District -- 36, 40, 36, 29. Okay. I found the</p> <p>10 correct page. I apologize. Thank you.</p> <p>11 BY MR. BRENA:</p> <p>12 Q Could you just go through this page and tell</p> <p>13 me where these communities are located, please?</p> <p>14 MR. SINGER: Objection, foundation. The</p> <p>15 witness has never seen this document, didn't create</p> <p>16 the document. The document uses terminology that's</p> <p>17 in- --</p> <p>18 MR. BRENA: Could you -- please, let's skip</p> <p>19 the talking objections.</p> <p>20 MR. SINGER: Well, it --</p> <p>21 MR. BRENA: Foundation --</p> <p>22 MR. SINGER: Limited time, and this is --</p> <p>23 BY MR. BRENA:</p> <p>24 Q Do you understand -- have you looked at the</p> <p>25 census data by city?</p> |
| <p style="text-align: right;">Page 95</p> <p>1 here.</p> <p>2 Q Okay. You looked at the census data, right?</p> <p>3 A Yes.</p> <p>4 Q Okay. Did you do it by census district?</p> <p>5 A We did it by census block.</p> <p>6 Q All right. So here are the -- here are</p> <p>7 the -- the cities, the district population and</p> <p>8 cities. You see Valdez?</p> <p>9 A Make sure I'm on the same page here. Can</p> <p>10 you tell me what page number you're on, please, of</p> <p>11 the -- I assume you're on Alaska House District</p> <p>12 comparison report.</p> <p>13 Q Exhibit 3, page 4. It's on the screen.</p> <p>14 A Page 4. Let's see. Let me try to get it up</p> <p>15 on the screen here, because I'm not able to see what</p> <p>16 you're referring to on my hard copy here.</p> <p>17 Q Okay. Do you know where Fishhook is?</p> <p>18 A Yes.</p> <p>19 Q Where is it?</p> <p>20 A In the Mat-Su Borough.</p> <p>21 Q Do you know where North Lakes is?</p> <p>22 A North Lakes. I'd have to check that one.</p> <p>23 No.</p> <p>24 Q Tanaina?</p> <p>25 A See if I can find the same page you're</p> | <p style="text-align: right;">Page 97</p> <p>1 A Yes.</p> <p>2 Q Okay. Are these the labels in the census</p> <p>3 data, if you look at it by city?</p> <p>4 A No.</p> <p>5 Q Are you able to identify where these</p> <p>6 locations are in the second column?</p> <p>7 A Most of them, yes.</p> <p>8 Q Okay. Would you go through and tell us the</p> <p>9 ones that you identified?</p> <p>10 A The ones that I am not as clear about, I</p> <p>11 guess I would say, are -- North Lakes is not the</p> <p>12 phraseology I've heard, nor was that used on our</p> <p>13 census blocks. And I think that's probably the only</p> <p>14 one.</p> <p>15 I know approximately where -- well, Tonsina</p> <p>16 and Tanaina, I think in my head I might have</p> <p>17 confused, but all the rest of them, I know where they</p> <p>18 are, yes.</p> <p>19 Q The census blocks, how are they identified?</p> <p>20 A They are -- they're shapes.</p> <p>21 Q Okay.</p> <p>22 A They don't --</p> <p>23 Q Do they have -- do they have names</p> <p>24 associated with them?</p> <p>25 A They do not, no.</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 Q Okay. So the census data that you are</p> <p>2 looking at didn't have any of the names of the cities</p> <p>3 on it?</p> <p>4 A Well, the census data that we were looking</p> <p>5 at was -- was numbers.</p> <p>6 Q So it didn't have it by census district and</p> <p>7 didn't have it by city, correct?</p> <p>8 A I guess I would ask for clarification of the</p> <p>9 question, as far as whether you're referring the data</p> <p>10 as it came from the Census Bureau, or as staff</p> <p>11 presented it to us, or as we were looking at it on</p> <p>12 the maps. Lots of variations there.</p> <p>13 Q Okay. Do you know what percentage of the</p> <p>14 district in District 29 lives in the Mat-Su Borough?</p> <p>15 A Which version of District 29 are you</p> <p>16 referring to? The enacted?</p> <p>17 Q Yes.</p> <p>18 A Could I see which version of District 29 --</p> <p>19 I've only got the -- pardon me. Is that in these</p> <p>20 exhibits here?</p> <p>21 Q And -- okay. Let's go ahead and answer that</p> <p>22 question. I've got just a couple more, and then</p> <p>23 we'll take our lunch break.</p> <p>24 A Here's the proclamation. So 29, looks like,</p> <p>25 is the eastern part. It's hard to tell on this one.</p> | <p style="text-align: right;">Page 100</p> <p>1 Q Are there -- are there any communities along</p> <p>2 the Richardson Highway in District 29?</p> <p>3 A Oh, you're talking about the map. I'm</p> <p>4 sorry.</p> <p>5 Q Yes.</p> <p>6 A Looking at the map, it doesn't appear. But</p> <p>7 I don't know that the map is -- has the details of</p> <p>8 every community along the highway, so I'm not sure.</p> <p>9 So I don't know. And these maps don't --</p> <p>10 Q Is there -- is there any other community in</p> <p>11 the Prince William Sound area which is in</p> <p>12 District 29?</p> <p>13 A My recollection is no. You can't tell that</p> <p>14 from the map, but my recollection is no.</p> <p>15 MR. BRENA: All right. It would be a good</p> <p>16 time to take a lunch break, I think.</p> <p>17 THE VIDEOGRAPHER: Going off the record.</p> <p>18 The time is 12:03.</p> <p>19 (Lunch break from 12:03 p.m. to 12:48 p.m.)</p> <p>20 THE VIDEOGRAPHER: Okay. On the record at</p> <p>21 12:48.</p> <p>22 MR. BRENA: Good afternoon, Ms. Marcum. Can</p> <p>23 you hear me okay?</p> <p>24 THE VIDEOGRAPHER: She's muted.</p> <p>25 MR. BRENA: I can't hear you.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 Oh, here it is. I found it. Okay. So I'm</p> <p>2 sorry, what was your question again about District 29</p> <p>3 and the --</p> <p>4 Q What percentage of the population in</p> <p>5 District 29 lives in the Mat-Su Borough?</p> <p>6 A I'd have to do some math here, but it would</p> <p>7 be --</p> <p>8 Q And what are you looking at, please?</p> <p>9 A I'm looking at the board proclamation map of</p> <p>10 District 29.</p> <p>11 Q Okay.</p> <p>12 A It's the same thing that you have on the</p> <p>13 screen.</p> <p>14 Q Okay.</p> <p>15 A So I don't know off the top of my head, no.</p> <p>16 I'm happy to try to do the calculation, but I don't</p> <p>17 know the percentage.</p> <p>18 Q Okay. Did -- at any point in your</p> <p>19 deliberations, did you look at the census data by</p> <p>20 city?</p> <p>21 A Yes.</p> <p>22 Q Okay. Is -- is Valdez connected with any</p> <p>23 communities on the Richardson Highway?</p> <p>24 A I guess, could you clarify "connected"? I</p> <p>25 mean, yes, but I guess it depends on what you --</p> | <p style="text-align: right;">Page 101</p> <p>1 THE VIDEOGRAPHER: Bethany, can you hear us?</p> <p>2 You're muted.</p> <p>3 Off the record at 12:48.</p> <p>4 (Brief break.)</p> <p>5 THE VIDEOGRAPHER: On the record at 12:49.</p> <p>6 BY MR. BRENA:</p> <p>7 Q Good afternoon. I wanted to get clear in my</p> <p>8 mind -- because we had popped up some census data in</p> <p>9 different forms, and so it was confusing to me that</p> <p>10 we couldn't connect.</p> <p>11 And so in your deliberations, did the board</p> <p>12 look at census blocks?</p> <p>13 A Yes.</p> <p>14 Q Okay. Did the board look at CDPs, or census</p> <p>15 designated places?</p> <p>16 A Yes.</p> <p>17 Q What is a CDP?</p> <p>18 A That is a place that has been given a name</p> <p>19 by the Census Bureau, is my understanding.</p> <p>20 Q Is it -- is it a borough? Can it be a</p> <p>21 borough or a city?</p> <p>22 A I don't -- it can be, yes, but certainly not</p> <p>23 always. So yes.</p> <p>24 Q Okay. Did -- did you look at city data --</p> <p>25 the city data?</p> |

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| <p>Page 102</p> <p>1 A Yes.</p> <p>2 Q Okay. Did you look at borough data?</p> <p>3 A Yes.</p> <p>4 Q Okay. So when you adopted a district, did</p> <p>5 you look at something that told you where the</p> <p>6 population of that district was from?</p> <p>7 A We looked at the populations in the census</p> <p>8 blocks.</p> <p>9 Q Okay. For example, we have District 29.</p> <p>10 Where is the population concentrated in District 29?</p> <p>11 We know there's 4,000 people in Valdez. Where are</p> <p>12 the rest of the people located?</p> <p>13 A There are a few people, of course, along the</p> <p>14 highway, but the bulk of the population is in, I</p> <p>15 guess you can say, that little black square that has</p> <p>16 kind of that little foot there.</p> <p>17 Q Okay. Are you looking at something</p> <p>18 specific?</p> <p>19 A Yeah. I'm looking at the District 29 board</p> <p>20 proclamation map.</p> <p>21 MR. BRENA: Okay. Can -- can we have that</p> <p>22 up, please?</p> <p>23 A The one that was on the screen before we</p> <p>24 went to lunch.</p> <p>25 //</p> | <p>Page 104</p> <p>1 the population of the district was concentrated?</p> <p>2 A Where the district was concentrated?</p> <p>3 Q Where the population of the district was</p> <p>4 concentrated.</p> <p>5 A No. We looked at the population based upon</p> <p>6 the census blocks. That's how it displays on our</p> <p>7 map.</p> <p>8 Q Okay. And so your -- your best recollection</p> <p>9 is that it showed -- do you have any idea what</p> <p>10 percentage of people in District 29 are in that black</p> <p>11 box?</p> <p>12 A I don't recall, no. I mean, I don't know</p> <p>13 that I ever knew the actual percentage or number.</p> <p>14 Q So you never, in the deliberation process,</p> <p>15 discussed what percentage of the population was in</p> <p>16 that black box?</p> <p>17 A I don't remember that we did, if we did.</p> <p>18 Q Okay. Did you discuss what percentage of</p> <p>19 the population was in the rest of the borough -- the</p> <p>20 rest of the District 29? Sorry.</p> <p>21 A No, I don't recall that they did.</p> <p>22 Q All right. Okay. I'm going to change</p> <p>23 topics now, and I want to go back to process for a</p> <p>24 minute.</p> <p>25 And so during your time on the board, from</p> |
| <p>Page 103</p> <p>1 BY MR. BRENA:</p> <p>2 Q Okay. Let's -- we'll get it up on the</p> <p>3 screen. I just want to -- when you're looking at</p> <p>4 something, I can't see it, so let me be sure that</p> <p>5 we're together here.</p> <p>6 A Sure.</p> <p>7 Q So -- so -- all right.</p> <p>8 MR. STASER: I'm going to designate this as</p> <p>9 Exhibit 4.</p> <p>10 MR. BRENA: Okay. Exhibit 4, please,</p> <p>11 six-page exhibit of maps.</p> <p>12 (Exhibit No. 4 marked.)</p> <p>13 BY MR. BRENA:</p> <p>14 Q Okay. So the black box you were talking</p> <p>15 about is the one in the lower left-hand corner,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q And that's your understanding of where the</p> <p>19 majority of people reside in District 29?</p> <p>20 A I don't know if "majority" is the right</p> <p>21 phrase, but certainly more -- maybe I would say the</p> <p>22 bulk perhaps. But majority has a specific meaning, I</p> <p>23 think.</p> <p>24 Q Okay. So before adopting District 29, did</p> <p>25 you look at information that showed you exactly where</p> | <p>Page 105</p> <p>1 the time of the first meeting or the time of your</p> <p>2 appointment, did you have any redistricting</p> <p>3 conversations on any personal devices: a personal</p> <p>4 cell phone, laptop, on any personal devices? Did you</p> <p>5 have any communication regarding redistricting during</p> <p>6 your term on personal devices?</p> <p>7 A I did not use personal e-mail or text to</p> <p>8 discuss drawing House or Senate districts. And I</p> <p>9 provided to counsel my -- you know, the e-mails and</p> <p>10 text message information so that he could confirm and</p> <p>11 review that information.</p> <p>12 Q Okay. So you have an iPhone, a personal</p> <p>13 iPhone?</p> <p>14 A No, I don't.</p> <p>15 Q Do you have a way to text?</p> <p>16 A Yes.</p> <p>17 Q How is that?</p> <p>18 A I have an Android smart phone.</p> <p>19 Q Oh, okay. And are there -- and I asked you</p> <p>20 if you used -- so your Android smart phone for any</p> <p>21 communications regarding redistricting, and I noticed</p> <p>22 that your response was limited to drawing maps.</p> <p>23 So -- so did you have any communications,</p> <p>24 through text or e-mail or private conversation, with</p> <p>25 anybody concerning redistricting?</p> |

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| <p>Page 106</p> <p>1 A Yes.</p> <p>2 Q Okay. On your Android?</p> <p>3 A Yes.</p> <p>4 Q Okay. And with whom and about what?</p> <p>5 A I'm not sure how to answer that question,</p> <p>6 because I talked with hundreds of people.</p> <p>7 But the about what is quite a bit easier, in</p> <p>8 the sense that people would send me sometimes</p> <p>9 communications about redistricting, ask a question</p> <p>10 about when is public testimony or are you available</p> <p>11 for this time.</p> <p>12 And I'd say: No, I have a redistricting</p> <p>13 board meeting.</p> <p>14 And they'd say: How was it going? They</p> <p>15 were very top-level sorts of conversations.</p> <p>16 Q Any -- any -- and any substantive</p> <p>17 conversations about anything that the board was</p> <p>18 deliberating on ever?</p> <p>19 A No.</p> <p>20 Q Okay. So -- and that's true with your</p> <p>21 Android? We're talking about your Android, right?</p> <p>22 A Yes.</p> <p>23 Q Now, is the same thing true for every</p> <p>24 personal device that you have of communicating, that</p> <p>25 you never had any third-party communication</p> | <p>Page 108</p> <p>1 Q And how many people did you encourage to</p> <p>2 testify?</p> <p>3 A Goodness, maybe 10 to 12.</p> <p>4 Q Okay. And did you discuss at all what their</p> <p>5 testimony or concerns would be?</p> <p>6 A No. I answered their questions.</p> <p>7 Q Can you give me an example? So I asked, if</p> <p>8 I -- if I text you and ask you, "When's the board</p> <p>9 meeting?"</p> <p>10 And you text back, "It's Tuesday at 2:00.</p> <p>11 Why don't you testify?"</p> <p>12 Is that what you're talking about?</p> <p>13 A Most often I would encourage them to sign up</p> <p>14 for the board notifications that were being sent</p> <p>15 regarding opportunities that the rest of the board</p> <p>16 was making.</p> <p>17 Q Okay. So --</p> <p>18 A Probably --</p> <p>19 Q Go ahead. I'm sorry.</p> <p>20 A I was going to say, probably on a couple of</p> <p>21 occasions I may have given them the actual date and</p> <p>22 time of a meeting, but I was probably asked that</p> <p>23 question specifically as -- I don't recall ever</p> <p>24 volunteering a date and time, based upon someone</p> <p>25 asking how it was going. But it's possible, I</p> |
| <p>Page 107</p> <p>1 concerning any subject matter that was being</p> <p>2 deliberated by the board outside of what was publicly</p> <p>3 deliberated?</p> <p>4 A Yes, that is true. That's how the first</p> <p>5 part of the question started.</p> <p>6 Q Okay. I don't want there to be any</p> <p>7 confusion in the record.</p> <p>8 What -- what part of my question did you</p> <p>9 just agree with?</p> <p>10 A So --</p> <p>11 Q Do you want me to restate it?</p> <p>12 A Yeah, if you could restate the question.</p> <p>13 Because the first part of the question I heard, but</p> <p>14 then the question --</p> <p>15 Q Okay. Was there any -- any third-party</p> <p>16 communications of any type at any time that wasn't</p> <p>17 over anything the board deliberated on with regard to</p> <p>18 redistricting, period?</p> <p>19 A No.</p> <p>20 Q Okay. All right. Did you ever solicit</p> <p>21 somebody to provide testimony or submit testimony to</p> <p>22 the board?</p> <p>23 A I would not say solicited. I would say</p> <p>24 encouraged. When people asked about the process, I</p> <p>25 did encourage them to testify.</p> | <p>Page 109</p> <p>1 suppose, so --</p> <p>2 Q Did any third party ever share their opinion</p> <p>3 on what they may testify about with you?</p> <p>4 A In what context?</p> <p>5 Q In any context.</p> <p>6 A I attended hundreds of public -- well,</p> <p>7 hundreds of --</p> <p>8 Q I'm sorry. I don't -- outside of the public</p> <p>9 process, did you -- did any third party contact you</p> <p>10 with their opinion on any matter regarding</p> <p>11 redistricting?</p> <p>12 A Yes.</p> <p>13 Q Okay. And so how many times were you</p> <p>14 contacted and an opinion offered outside of the</p> <p>15 public process?</p> <p>16 A Not sure how to answer that. I would say</p> <p>17 most often it wasn't the case that I was contacted as</p> <p>18 a direct contact. But as I entered the grocery store</p> <p>19 or was at an event, people would come up to me and</p> <p>20 offer their comments, their thoughts. And I would</p> <p>21 say, "Thank you for -- for sharing that."</p> <p>22 Q Okay. Did you ever encourage anybody to</p> <p>23 testify about a particular subject matter?</p> <p>24 A If they asked me about a particular subject</p> <p>25 matter, then yes, I would encourage them to testify.</p> |

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| <p style="text-align: right;">Page 110</p> <p>1 Q Okay. And as to that particular subject</p> <p>2 matter, you encouraged them to testify?</p> <p>3 A I'm sorry; I don't understand the question.</p> <p>4 Q If I see you in a grocery store and I say,</p> <p>5 "Bethany, I think that Valdez should be connected</p> <p>6 with Hoonah," okay, did you ever engage substantively</p> <p>7 with them in a conversation about whether that</p> <p>8 substantive matter was -- was a good idea or a bad</p> <p>9 idea or explore it with them?</p> <p>10 A I would ask them to share their thoughts</p> <p>11 with me but encourage them to use the formal</p> <p>12 processes that the board had established for either</p> <p>13 e-mailing, calling in, or using the form on our board</p> <p>14 or attending one of our public hearings.</p> <p>15 Q So how many people shared -- did you share</p> <p>16 your thoughts with or shared their thoughts with you</p> <p>17 with regard to substantive matters of</p> <p>18 redistricting --</p> <p>19 A I don't know.</p> <p>20 Q -- outside of the public process? A</p> <p>21 hundred?</p> <p>22 A No, not a hundred.</p> <p>23 Q Fifty?</p> <p>24 A No, not 50.</p> <p>25 Q Okay. Ten?</p> | <p style="text-align: right;">Page 112</p> <p>1 were soliciting people to testify?</p> <p>2 A I don't know.</p> <p>3 Q Are you aware of any other member of the</p> <p>4 board that had private conversations regarding</p> <p>5 substantive matters that the board was -- was</p> <p>6 considering?</p> <p>7 A No.</p> <p>8 Q "No," meaning no, you're not aware of</p> <p>9 anybody else that did?</p> <p>10 A Correct, no, I am not aware.</p> <p>11 Q Okay. I want to talk to you for a minute</p> <p>12 about Skagway. And if you have the minutes from the</p> <p>13 board's meeting on 11/4 again.</p> <p>14 A Those -- okay.</p> <p>15 Q Okay?</p> <p>16 A I have that here now.</p> <p>17 MR. BRENA: If I can have the public</p> <p>18 testimony marked as an exhibit for the City of</p> <p>19 Skagway, Jake, starting with ARB1986 and going</p> <p>20 through 4236.</p> <p>21 (Exhibit No. 5 marked.)</p> <p>22 THE WITNESS: ARB1986, so the minutes from</p> <p>23 November 4th.</p> <p>24 MR. SINGER: I think that's it.</p> <p>25 THE WITNESS: Oh, wait. They're back here.</p> |
| <p style="text-align: right;">Page 111</p> <p>1 A I don't know exactly.</p> <p>2 Q Okay.</p> <p>3 A I can -- yeah.</p> <p>4 Q You can what? What was the rest of that?</p> <p>5 A The previous three questions, the answer is</p> <p>6 no, but I don't know how many.</p> <p>7 Q All right. You are aware that the process</p> <p>8 with regard to redistricting is -- with the board</p> <p>9 members is supposed to be a public process, right?</p> <p>10 A Yes.</p> <p>11 Q Okay. And so if someone were to be talking</p> <p>12 about a substantive matter and sharing their ideas</p> <p>13 with you, how would any member of the public know</p> <p>14 about that or be able to respond to what was being</p> <p>15 told to you?</p> <p>16 A I'm not sure I understand the question.</p> <p>17 Q Well, if you're chatting with people that</p> <p>18 are coming up to you about substantive redistricting</p> <p>19 matters, sharing ideas, then how would I know, as a</p> <p>20 member of the public, that that was happening or what</p> <p>21 was being said or have an opportunity to respond?</p> <p>22 A Because I asked those people to submit their</p> <p>23 testimony through the public processes.</p> <p>24 Q Okay. All right. So is there -- were there</p> <p>25 other members of the board that you are aware of that</p> | <p style="text-align: right;">Page 113</p> <p>1 It's a different --</p> <p>2 MR. SINGER: It's a different document.</p> <p>3 THE WITNESS: Different document. Okay.</p> <p>4 Yeah, he had said that the board meeting, public</p> <p>5 testimony.</p> <p>6 A Yes, I have that.</p> <p>7 BY MR. BRENA:</p> <p>8 Q Okay. Now, at the City of Skagway's</p> <p>9 request, the board held a Zoom communication session,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. With -- with the City of Skagway. At</p> <p>13 that, the mayor of Skagway, Mayor Cremata, Cremata</p> <p>14 (enunciating), he spoke in favor of Skagway being</p> <p>15 connected with downtown Juneau instead of the</p> <p>16 Mendenhall Valley, correct?</p> <p>17 A I only attended portions of the Skagway</p> <p>18 virtual hearing. So as to which individuals</p> <p>19 testified during the portion I listened to, I did</p> <p>20 hear that there were a variety of elected officials</p> <p>21 and public employees that I heard from. And I</p> <p>22 apologize that I don't remember the titles of the</p> <p>23 individuals that I heard from, because I was not</p> <p>24 present for the entire meeting.</p> <p>25 Q Okay. Are you aware of a single person that</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 suggested in that meeting that Skagway should somehow 2 be linked to the Mendenhall -- the Mendenhall Valley 3 instead of downtown Juneau? 4 A I'm not aware, because I wasn't able to 5 participate for the entire meeting. 6 Q Did you go back and review the comments that 7 were offered that were -- that were just -- that we 8 produced that we just marked? 9 A I did, but I don't recall the detailed 10 comments of those -- or the detailed comments of 11 those. 12 Q Okay. So if I can turn you to ARB2185. 13 A 2185? 14 Q 2185. And would it be more convenient -- 15 MR. SINGER: Second page. 16 A Okay. I have that. 17 BY MR. BRENA: 18 Q That's the -- that's the mayor of Skagway, 19 is the affiliation in the notes. Have you reviewed 20 this? 21 A Yes. 22 Q Okay. 23 A I have reviewed it now. 24 Q So the mayor -- the summary of this is, "The 25 opinion of the Assembly, the Mayor's opinion, and the</p> | <p style="text-align: right;">Page 116</p> <p>1 packets, I guess I should say. 2 Q Okay. So here is someone with the assembly 3 that says, "The Assembly unanimously support Skagway 4 remaining in the same district as Downtown Juneau." 5 So that -- we've heard from the mayor, the 6 assembly -- and if you go to 3456. 7 A Yes. 8 Q You have another member of the assembly 9 pointing out -- do you -- do you understand, 10 Ms. Marcum, what the primary revenue stream is for 11 the city and borough of Skagway? 12 A I believe so, yes. 13 Q What is it? 14 A I believe it's tourism. 15 Q Okay. And -- and there are -- there's a 16 massive cruise ship industry in Skagway, correct? 17 A Yes. 18 Q Okay. And it's the same cruise ships that 19 land in downtown Juneau, correct? 20 A I don't have familiarity with the schedules. 21 Q Okay. Here is -- on 3456, here is 22 Ms. Potter pointing out that as a result of the loss 23 of cruise ships, it resulted in a 95 percent impact 24 to the economy of Skagway. Do you see that? 25 A Yes.</p> |
| <p style="text-align: right;">Page 115</p> <p>1 opinion of the Borough Manager are the same: They 2 believe [it's in the] best interest to remain in the 3 same district as Downtown Juneau." Do you see that? 4 A Yes. 5 Q Okay. And then do you have any reason to -- 6 go to 2661. 7 And let me ask you, on this Zoom meeting, 8 were these comments recorded? 9 A Was the Zoom meeting recorded? 10 Q Yes. 11 A Yes, I believe so. It was supposed to be. 12 Q Well, that's what I thought, too. Where 13 would it be found? 14 A Well, I don't know. That's really a 15 question you would have to ask someone else. I just 16 participated. I was invited to participate. 17 Q Okay. Did you review the recorded portions 18 that you missed when you were not able to attend the 19 entire Zoom meeting? 20 A No. I reviewed paper -- I said paper -- 21 electronic documents. 22 Q So what we're looking at here now is -- 23 A I'm not sure if it was these or if -- if it 24 was other -- other versions of it, but I did not -- I 25 reviewed what was submitted as the public testimony</p> | <p style="text-align: right;">Page 117</p> <p>1 Q Okay. Do you understand whether or not 2 there are any cruise ships that dock in the 3 Mendenhall Valley? 4 A No, I don't. 5 Q Do you know whether they dock in the 6 Mendenhall Valley? 7 A Yes, I do. 8 Q And do they? 9 A No. 10 Q Okay. So -- so 95 percent of Skagway's 11 economy is directly aligned with downtown Juneau, 12 correct? 13 A No. I -- I don't believe that draws that 14 conclusion. 15 Q Well, do you not believe that the economy 16 collapsed by 95 percent when the cruise ships didn't 17 arrive? 18 A Yes, I do believe that. 19 Q Okay. And the cruise ships don't dock in 20 the Mendenhall Valley and they do dock in downtown 21 Juneau, right? 22 A I guess I would say I don't have enough -- 23 what I said before, I don't have enough familiarity 24 with the schedules to know whether every single 25 cruise ship that goes to one place also goes to the</p> |

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| <p>Page 118</p> <p>1 other place.</p> <p>2 Q Do you know what the number one tourist port</p> <p>3 is in Alaska?</p> <p>4 A No.</p> <p>5 Q Do you know whether Skagway is one of the</p> <p>6 major tourist ports in Alaska?</p> <p>7 A Yes.</p> <p>8 Q Okay. Would it surprise you or could you</p> <p>9 accept, subject to check, that Juneau would be number</p> <p>10 one and Skagway would be number three?</p> <p>11 A Yes, I could accept that.</p> <p>12 Q Okay. So you see John Walsh, his -- his</p> <p>13 testimony on 4236.</p> <p>14 Do you know who John Walsh is, Ms. Marcum?</p> <p>15 A I'd have to check.</p> <p>16 Q Do you accept, subject to check, that he's</p> <p>17 been Skagway's lobbyist since 2007?</p> <p>18 A I'm going to correct myself and say yes, I</p> <p>19 believe I have met Mr. Walsh. That was a common name</p> <p>20 out of context. I didn't recognize it.</p> <p>21 Q Okay. He lives in Douglas. Do you know him</p> <p>22 that well?</p> <p>23 A I'm sorry?</p> <p>24 Q Do you know that he lives in Douglas?</p> <p>25 A No, I don't know that.</p> | <p>Page 120</p> <p>1 Skagway, Haines, and Juneau?</p> <p>2 A Between those three communities, in the</p> <p>3 whole?</p> <p>4 Q Yes.</p> <p>5 A Then yes.</p> <p>6 Q Okay. So now the final plan has the airport</p> <p>7 and downtown Juneau, right, in District 4?</p> <p>8 A I would want to confirm that on the map.</p> <p>9 Q You don't -- you don't know where the</p> <p>10 airport is?</p> <p>11 A I do know where the airport is, but I would</p> <p>12 want to confirm that on the map, where the final</p> <p>13 lines were drawn.</p> <p>14 MR. BRENA: All right. Jake, can we have</p> <p>15 the final lines in Skagway and Juneau pop up?</p> <p>16 (Exhibit No. 6 marked.)</p> <p>17 BY MR. BRENA:</p> <p>18 Q Ms. Marcum, while we're waiting for that,</p> <p>19 the -- you're aware that there is a ferry terminal in</p> <p>20 Auke Bay, which is in District 3, or the Mendenhall</p> <p>21 Valley, right?</p> <p>22 A I don't know about the district number, but</p> <p>23 yes, I am aware there is a ferry terminal --</p> <p>24 THE WITNESS: God bless you.</p> <p>25 A -- in Auke Bay.</p> |
| <p>Page 119</p> <p>1 THE WITNESS: Would you mind?</p> <p>2 BY MR. BRENA:</p> <p>3 Q So -- so here's his testimony. And</p> <p>4 Mr. Walsh is indicating that in 15 years of</p> <p>5 representing Skagway's interests in Juneau, he never</p> <p>6 had a single meeting in the Mendenhall Valley. Were</p> <p>7 you aware of that?</p> <p>8 A Am I aware of -- can you clarify the</p> <p>9 question?</p> <p>10 Q That's what -- that's what the lobbyist for</p> <p>11 Skagway represented in his testimony to the board?</p> <p>12 A I am aware of what he stated here, yes.</p> <p>13 Q Okay. Okay. So are you aware, ever in the</p> <p>14 history of redistricting in Southeastern, that</p> <p>15 Skagway has been paired with the Mendenhall Valley</p> <p>16 and not downtown Juneau?</p> <p>17 A Not aware of the previous maps, no.</p> <p>18 Q Okay. Are you aware of the Court findings</p> <p>19 of the commonality of socioeconomic integration</p> <p>20 between Skagway, Haines, and Juneau?</p> <p>21 A I guess I'm not sure exactly what you're</p> <p>22 asking. If there were any --</p> <p>23 Q Just aware of -- if you're aware that it's</p> <p>24 been legally commented on by the Alaska Supreme Court</p> <p>25 that there is a socioeconomic integration between</p> | <p>Page 121</p> <p>1 BY MR. BRENA:</p> <p>2 Q Okay. Did you get any testimony from</p> <p>3 anybody suggesting that their access to the Auke Bay</p> <p>4 ferry terminal was for the purposes of doing business</p> <p>5 in the Mendenhall Valley, as -- as District 3 has</p> <p>6 been drawn?</p> <p>7 A I don't know.</p> <p>8 MR. SINGER: Objection, form.</p> <p>9 BY MR. BRENA:</p> <p>10 Q Okay. So are you aware that the history of</p> <p>11 Juneau and Skagway are linked to the gold rushes of</p> <p>12 the late 1800s?</p> <p>13 A Yes.</p> <p>14 Q Okay. Are you aware that many of the</p> <p>15 communities, many of the -- of the -- many of the</p> <p>16 folks that own tourist shops in Skagway or Haines</p> <p>17 have tourist shops in the other location, as well?</p> <p>18 A Can you clarify "the other location"?</p> <p>19 Q Well, if you have -- if you have a shop in</p> <p>20 downtown Juneau, then you might have one in Skagway.</p> <p>21 If you have one in Skagway, you might have one in</p> <p>22 downtown Juneau. Are you aware that actual</p> <p>23 co-ownership of -- of curio stores is common between</p> <p>24 Juneau and Skagway?</p> <p>25 A I accept that, but I don't know that I was</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 aware of that.</p> <p>2 Q Okay. Do you know how tourist-related funds</p> <p>3 are allocated and whether or not -- I guess what</p> <p>4 socioeconomic factor did the board take into</p> <p>5 consideration in order to, for the first time ever,</p> <p>6 merge the city and borough of Skagway with the</p> <p>7 Mendenhall Valley, not downtown Juneau?</p> <p>8 MR. SINGER: Object to the characterization</p> <p>9 about the history.</p> <p>10 Go ahead.</p> <p>11 A I can't speak for what the board took into</p> <p>12 consideration. I can't speak to what the board took</p> <p>13 into consideration.</p> <p>14 THE COURT REPORTER: Ms. Marcum, you're kind</p> <p>15 of soft-spoken, and every time you turn your head,</p> <p>16 I'm having difficulty hearing what you're saying.</p> <p>17 THE WITNESS: I'm sorry. I said that I</p> <p>18 can't speak to what the board thought or considered.</p> <p>19 BY MR. BRENA:</p> <p>20 Q Okay. You're aware of testimony by Senator</p> <p>21 Begich that -- he listed a number of socioeconomic</p> <p>22 examples and trade routes that linked Skagway with</p> <p>23 downtown Juneau?</p> <p>24 A Yes.</p> <p>25 Q Okay. Are you aware or can you name anybody</p> | <p style="text-align: right;">Page 124</p> <p>1 questions?</p> <p>2 Q No. It's an either/or choice. Which is</p> <p>3 Skagway more socioeconomically integrated with?</p> <p>4 A I think Skagway is more socioeconomically</p> <p>5 integrated with the Mendenhall Valley and the</p> <p>6 northern parts of Juneau.</p> <p>7 Q Why is that?</p> <p>8 A My primary rationale, the thing that</p> <p>9 resonated most with me, was the testimony that we</p> <p>10 heard about the transportation link, the year-round</p> <p>11 infrastructure of the Alaska Marine Highway System</p> <p>12 and the ferry terminals that created a natural tie,</p> <p>13 as opposed to the cruise ship industry, which was --</p> <p>14 Q So because there is a ferry in Auke Bay? So</p> <p>15 how is Skagway -- are you aware of any testimony that</p> <p>16 the people that use that ferry link in order to get</p> <p>17 to the -- into the Valley ultimately rather than</p> <p>18 downtown Juneau?</p> <p>19 A Sorry, I don't understand the question.</p> <p>20 Q Okay. You said that there's a Marine</p> <p>21 Highway link. Do you know how often that link runs?</p> <p>22 A I think it varies, but no, I don't know the</p> <p>23 specific schedule for AMHS.</p> <p>24 Q Do you know whether they're suspended</p> <p>25 sometimes in the winter?</p> |
| <p style="text-align: right;">Page 123</p> <p>1 that testified that there was a socioeconomic linkage</p> <p>2 between the Mendenhall Valley and Skagway?</p> <p>3 A Yes. We heard testimony to that effect.</p> <p>4 Q Between the Mendenhall Valley and Skagway?</p> <p>5 A Between the Mendenhall Valley and the</p> <p>6 communities in the northern part of the panhandle, I</p> <p>7 guess I would say. I don't remember if they</p> <p>8 specifically mentioned Skagway by name.</p> <p>9 Q Okay. So do you feel that Skagway is</p> <p>10 socioeconomically better integrated with downtown</p> <p>11 Juneau or with the Mendenhall Valley?</p> <p>12 A That's a binary choice, and I think that our</p> <p>13 job as the board was to create a plan that works best</p> <p>14 for the entire state.</p> <p>15 Q Well, this -- there's no domino effect on</p> <p>16 this question, is there? If you -- if you draw the</p> <p>17 lines differently between 3 and 4, it doesn't impact</p> <p>18 anyplace else, does it?</p> <p>19 A I -- yes, it does. I think it can. I drew</p> <p>20 many versions.</p> <p>21 Q Okay. So I'd like you to answer my</p> <p>22 question. Do you believe that Skagway is more</p> <p>23 socioeconomically integrated with downtown Juneau or</p> <p>24 the Mendenhall Valley?</p> <p>25 A Can you break that into two separate</p> | <p style="text-align: right;">Page 125</p> <p>1 A Yes. I know that they are.</p> <p>2 Q Okay. Do you know that there's daily</p> <p>3 airfare into the part -- into the downtown -- into</p> <p>4 District 4, daily plane schedules?</p> <p>5 A No. I do not know the plane schedules.</p> <p>6 Q So do you have any knowledge of anybody</p> <p>7 going to the Auke Bay ferry in order to access the</p> <p>8 Mendenhall Glacier versus downtown Juneau?</p> <p>9 A Would you say that once again?</p> <p>10 Q Let me do it this way: Do you know where</p> <p>11 the hospital is, whether it's in 3 or 4, the way you</p> <p>12 drew the map?</p> <p>13 A The hospital would be in District 4, is my</p> <p>14 understanding.</p> <p>15 Q And do you know where the major shopping</p> <p>16 areas are? Are they in 3 or 4?</p> <p>17 A I think there are probably -- my</p> <p>18 understanding is there are shopping areas in both, is</p> <p>19 my experience from when I lived in Juneau.</p> <p>20 Q Do you know where the major ones are, based</p> <p>21 on the map that was drawn?</p> <p>22 A There -- I guess it would depend on -- no.</p> <p>23 I don't know what you define as "major," so --</p> <p>24 Q Can you name a -- can you name a grocery</p> <p>25 store in -- in the Mendenhall Valley, in District 3?</p> |

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| <p style="text-align: right;">Page 126</p> <p>1 A Well, the names have changed since I was</p> <p>2 there, so it was quite some time ago. But -- but</p> <p>3 yes, I mean, there were places that I went to to</p> <p>4 access food and other sorts of services in the</p> <p>5 Mendenhall Valley.</p> <p>6 Q Name one.</p> <p>7 A Goodness. I lived -- I lived there almost</p> <p>8 ten years ago.</p> <p>9 Q I lived there over 35, so I think my</p> <p>10 question's entirely fair. Are you not able to name a</p> <p>11 single store in the Mendenhall Valley?</p> <p>12 A Well, I guess it depends on what they're</p> <p>13 named now. I mean, I stayed frequently in that area,</p> <p>14 whenever I commuted down to Juneau for work.</p> <p>15 Q Is there any other reason, other than a</p> <p>16 ferry link, for people generally headed in to</p> <p>17 downtown Juneau that you felt socially integrated</p> <p>18 downtown Skagway with the Mendenhall Valley?</p> <p>19 A Sorry, that was a very long question. Could</p> <p>20 you reword that question?</p> <p>21 Q Is there anything other than the ferry link</p> <p>22 that you felt had any socioeconomic integration</p> <p>23 between Skagway and downtown Juneau?</p> <p>24 A There were -- yes. And there was beyond</p> <p>25 socioeconomic. There was geography and compactness</p> | <p style="text-align: right;">Page 128</p> <p>1 use my judgment based upon the socioeconomic factors</p> <p>2 that I heard from the public.</p> <p>3 Q Well, don't you think you were chosen to the</p> <p>4 board to listen, too?</p> <p>5 A Yes.</p> <p>6 Q Okay. And when you have a unanimous</p> <p>7 assembly, a mayor, a city manager, and a hundred</p> <p>8 percent the Zoom conference asking to be left in</p> <p>9 the -- in downtown Juneau -- with downtown Juneau,</p> <p>10 don't you think those are things that, as a board</p> <p>11 member, you should be listening to?</p> <p>12 A Yes. And I did. Our task was to create the</p> <p>13 best plan for the entire state.</p> <p>14 Q Okay. So --</p> <p>15 MR. BRENA: Can we go off the record for</p> <p>16 just a minute, please?</p> <p>17 THE VIDEOGRAPHER: Going off the record.</p> <p>18 The time is 1:30 p.m.</p> <p>19 (Brief break.)</p> <p>20 THE VIDEOGRAPHER: On the record at 1:32.</p> <p>21 MR. BRENA: I'm sensitive to the fact that</p> <p>22 there's other plaintiff counsel that want to ask</p> <p>23 questions. I may have a few other questions that I'm</p> <p>24 going to reserve the right to answer -- we have to</p> <p>25 ask after -- after my understanding of what they're</p> |
| <p style="text-align: right;">Page 127</p> <p>1 and the other constitutional criteria that we were --</p> <p>2 Q I am talking about socioeconomic factors.</p> <p>3 Are there -- is there another socioeconomic factor</p> <p>4 that you have in mind?</p> <p>5 A Yes. I believe that there are people who --</p> <p>6 people from Juneau who recreate in areas in the north</p> <p>7 part of the panhandle and use the -- and again, they</p> <p>8 use the ferry system. But not just for</p> <p>9 transportation, but for recreation in the northern</p> <p>10 part of the panhandle. So I think both in terms of</p> <p>11 transportation and in terms of recreation, there are</p> <p>12 linkages.</p> <p>13 Q Okay. Do you not think that the unanimous</p> <p>14 assembly, the mayor, city manager, and a</p> <p>15 hundred percent of the public comment in the Zoom, do</p> <p>16 you -- do you not believe that those people</p> <p>17 understand who they're more socioeconomically</p> <p>18 integrated with between the Mendenhall Valley and</p> <p>19 downtown Juneau?</p> <p>20 A I don't know. I guess you'd have to --</p> <p>21 Q Do you think that you have more knowledge or</p> <p>22 less knowledge than the leaders of the community in</p> <p>23 Skagway about who they're socioeconomically</p> <p>24 integrated with?</p> <p>25 A I think that I was chosen for the board to</p> | <p style="text-align: right;">Page 129</p> <p>1 going to ask. So I'm going to go ahead and defer at</p> <p>2 this point to -- to co-counsel for plaintiffs.</p> <p>3 And if I don't get back to asking you more</p> <p>4 questions, Ms. Marcum, thank you for your patience</p> <p>5 with me.</p> <p>6 THE WITNESS: Thank you.</p> <p>7 MR. BRENA: So, Mike or Holly, or who's</p> <p>8 going next?</p> <p>9 MR. STEIN: I don't believe I have any</p> <p>10 questions after your line of questioning, Robin. So</p> <p>11 if Mike or Holly wants to go, that's fine.</p> <p>12 MR. BRENA: Okay.</p> <p>13 MR. SCHECHTER: Is that -- so Mat-Su's</p> <p>14 passing on the witness?</p> <p>15 MR. STEIN: At this point, yes.</p> <p>16 CHAIR BINKLEY: Mike or Holly, are you</p> <p>17 present?</p> <p>18 MR. SCHECHTER: I am. This is Mike. I</p> <p>19 believe I am -- that puts me up next.</p> <p>20 But I wouldn't mind if we took a five-,</p> <p>21 ten-minute break now so I can get myself together,</p> <p>22 since it seems that we have someone passing.</p> <p>23 MR. BRENA: Okay.</p> <p>24 THE VIDEOGRAPHER: One second. Going off</p> <p>25 the record. The time is 1:34.</p> |

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1 (Brief break.)
2 THE VIDEOGRAPHER: On the record at 1:51.
3 EXAMINATION
4 BY MR. SCHECHTER:
5 Q Good afternoon, Ms. Marcum. My name is Mike
6 Schechter. I am counsel for the Calista Corporation,
7 William Naneng, and Harley Sundown, who are
8 plaintiffs in this lawsuit against the Alaska
9 Redistricting Board.
10 I appreciate your time this afternoon. And
11 hopefully we'll -- we'll get this over pretty
12 quickly.
13 I'm going to just hop right in, and I'll try
14 to give you some idea of the subject. This'll be a
15 little strange for a deposition.
16 So did the Alaska Redistricting Board travel
17 around the state in what some would term a road show?
18 **A Yes.**
19 Q What was the purpose of the road show?
20 **A To receive public testimony.**
21 Q And did -- did the board discuss the -- sort
22 of the nature of its maps with people who were
23 testifying before public testimony started in the
24 meetings that were part of the road show?
25 **A Well, the hearings were a hybrid format, and**

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1 so they were designed for us to interact with the
2 public. I say most of the hearings were hybrid. I
3 believe there were one or two that weren't.
4 But the design was so that for the -- at
5 least the first half, and sometimes, in fact, the
6 full meeting, we were engaged directly one-on-one
7 with members of the public who came in to ask about
8 the maps.
9 And then in some communities, they asked at
10 the end for a formal oral presentation style of
11 testimony. So it differed by community.
12 But yes, we certainly did engage with
13 members of the public on those issues one-on-one.
14 Q Okay. And did you travel with the board to
15 the places that it went on the road show?
16 **A I went to some of them, yes. I did not -- I**
17 **don't think any of us attended all of them.**
18 Q How many -- how many road show meetings were
19 there approximately?
20 **A Twenty-nine. I could be off by a bit, but I**
21 **believe 29.**
22 Q Okay. And how many did you go to?
23 **A I was thinking yesterday, I wonder if I**
24 **should add this up. I didn't.**
25 **I would say at least 20, is my recollection,**

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1 **but I don't know exactly.**
2 Q And do you recall which ones you went to?
3 **A Yes.**
4 Q And we can -- we can speak, you know, more
5 specifically about Western Alaska, to now the
6 universe, so you're not just listing every city in
7 the state.
8 **A Sorry. I didn't hear --**
9 MR. SINGER: Are you asking if she could
10 list the hearings she went to in Western Alaska?
11 MR. SCHECHTER: Yeah, yeah.
12 **A Could I get the list of hearings to identify**
13 **those, as opposed to trying to recollect those?**
14 BY MR. SCHECHTER:
15 Q I don't have that off the top of my head.
16 Well, let -- let's ask, did you -- did the
17 board go to Bethel?
18 MR. SINGER: There were -- there was a list
19 of formal hearings that are on the board's website.
20 Do you want me to show the witness that list?
21 MR. SCHECHTER: Yeah, that would be great.
22 Thank you, Matt.
23 **THE WITNESS: Thanks.**
24 MR. SINGER: I should just bring you my
25 computer.

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1 **THE WITNESS: I can come and look at it,**
2 **too, if that's okay.**
3 MR. SINGER: She's just going to look at --
4 I guess you'll see her on my screen.
5 **THE WITNESS: So he wants --**
6 MR. SINGER: Which of the ones in Western
7 Alaska did you go to?
8 BY MR. SCHECHTER:
9 Q If you have the list in front of you, you
10 can go ahead and list off where you went.
11 **A Sure. I attended public hearings in -- this**
12 **down here, right?**
13 **In Anchorage, in Cordova, in Dillingham,**
14 **Fairbanks, Homer, Kenai/Soldotna, Ketchikan,**
15 **Kotzebue, Palmer, Petersburg. The Skagway was not in**
16 **person, but I believe I attended that via Zoom for**
17 **part of the hearing.**
18 **I attended the statewide call-ins, and**
19 **Valdez, and Wasilla.**
20 MR. SINGER: And Fairbanks.
21 **THE WITNESS: I did not say Fairbanks?**
22 **Okay. So Fairbanks. That's true. Fairbanks --**
23 MR. SINGER: There's these ones, up here
24 that weren't --
25 **THE WITNESS: Oh, that weren't listed.**

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| <p style="text-align: right;">Page 134</p> <p>1 Okay. Yes. Oh, because there was no public 2 testimony. Oh, I see. 3 A So yes, I slipped into Delta Junction and 4 Wrangell, I think. Those are the only ones that I 5 attended, yes. 6 BY MR. SCHECHTER: 7 Q And I'm sorry if I missed it. That was a 8 long list. Did you attend the board's meeting -- 9 road show meeting in Bethel? 10 A No, I did not. 11 Q Did you -- did you hear testimony personally 12 about the -- the Bethel area and that part of Western 13 Alaska at any of the meetings? 14 A Yes. 15 Q Okay. Do you recall which meetings? 16 A I would say at least four or five of the 17 public testimony opportunities that we heard, heard 18 testimony from folks regarding that. 19 Q How did you decide which trips to go -- to 20 join? 21 A That was primarily based on upon my personal 22 schedule. 23 Q Okay. So why didn't you choose to go to 24 Bethel or -- 25 A I look at my calendar, my personal calendar,</p> | <p style="text-align: right;">Page 136</p> <p>1 trip? 2 A I know that there were attempts to -- to do 3 that. 4 Q What happened? 5 A I don't know. 6 Q Okay. 7 A You mean -- you're asking what happened with 8 the communications or -- 9 Q Do you know why the board ultimately didn't 10 go to Hooper Bay? 11 A I don't, no. 12 Q Have you ever been to Hooper Bay? 13 A No. 14 Q Have you been to Scammon Bay? 15 A No. 16 Q Okay. Have you been to Cheva -- Chevak? 17 Excuse me. 18 A No. But I've drawn them all on the maps. 19 Q Okay. We won't try to have you colorate or 20 do maps today, I don't think. 21 Are you familiar with Alaska Native 22 Corporations as a concept, or ANCSA corporations, as 23 some people might call them? 24 A Yes. 25 Q And you understand that each one is tied to</p> |
| <p style="text-align: right;">Page 135</p> <p>1 and see what my conflict was. I don't recall what 2 the date was for that. I had a variety of -- I have, 3 you know, two other jobs, a full-time job and a 4 part-time job. 5 Does anybody know what the date was for the 6 Bethel hearing? 7 MR. SINGER: Mike, do you want me to provide 8 that? 9 MR. SCHECHTER: Sure. 10 MR. SINGER: It was October 19, 2021. 11 A Let me look at my calendar here. 12 Yes. On October 19 I had both a military 13 obligation, as well as an obligation with my primary 14 job. 15 When the road show schedule was put out, we 16 were asked -- actually, before it was put out we were 17 asked to provide the conflicts that we had so that we 18 could try to arrange the travel schedule around as 19 many of our conflicts as possible. 20 But obviously, with five people, that was 21 impossible, so those were -- there was a few of those 22 that I was not able to attend. 23 BY MR. SCHECHTER: 24 Q Okay. And do you know if the board was also 25 supposed to go to Hooper Bay as part of its Bethel</p> | <p style="text-align: right;">Page 137</p> <p>1 a specific geographic -- well, 12 of the 13 are tied 2 to a specific geographic area? 3 A Yes. 4 Q Okay. And are you familiar with the Calista 5 Corporation? 6 A Yes. 7 Q And do you have an understanding of where 8 its geographic area is? 9 A In general. I wouldn't say I know the 10 specific boundaries of every community, but in 11 general, yes. 12 MR. SCHECHTER: Sure. Why don't we pull 13 up -- Randy, we had that bigger exhibit I sent this 14 morning, the proclamation materials. 15 THE VIDEOGRAPHER: The ARB00002 to 115 16 proclamation? 17 MR. SCHECHTER: Yes, that's the one. And 18 let's turn to page ARB00056. 19 (Exhibit No. 7 marked.) 20 BY MR. SCHECHTER: 21 Q Ms. Marcum, you're familiar with this map? 22 A Which of these maps -- 23 MR. SINGER: This is the final proclamation, 24 District 38. 25 THE WITNESS: Final proclamation? Yes, let</p> |

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| <p style="text-align: right;">Page 138</p> <p>1 me pull that up here. I've got some copies here.</p> <p>2 Well, maybe. Go ahead.</p> <p>3 MR. SINGER: We haven't printed this yet.</p> <p>4 Can -- look at the screen, and if you -- if it</p> <p>5 doesn't work for you, we'll go print.</p> <p>6 THE WITNESS: Look at the screen.</p> <p>7 MR. SINGER: Randy, are you able to zoom it</p> <p>8 just a little bit more?</p> <p>9 A Yes, I can see. I can't read the names of</p> <p>10 the -- of the communities, but I can see the map.</p> <p>11 Yeah, I can see the map. I can't read the names of</p> <p>12 the communities, but I can see the map, yes.</p> <p>13 BY MR. SCHECHTER:</p> <p>14 Q I think it might be important to be able to</p> <p>15 read the names of the communities, so --</p> <p>16 THE WITNESS: I can -- when you zoomed in</p> <p>17 there, I can see more of them -- more of them now.</p> <p>18 BY MR. SCHECHTER:</p> <p>19 Q Okay. So do you know what -- what portion</p> <p>20 of District 38 -- sorry, Ms. Marcum. Are you ready,</p> <p>21 Ms. Marcum? Sorry.</p> <p>22 A Yeah, I'm ready. I've got the hard copies.</p> <p>23 Q Oh, better. If you have the hard copies --</p> <p>24 MR. SCHECHTER: Randy, can we just zoom out</p> <p>25 to the full extent then?</p> | <p style="text-align: right;">Page 140</p> <p>1 Corporation boundaries?</p> <p>2 A I'm not sure.</p> <p>3 Q Okay. What --</p> <p>4 A I -- Yeah, I'll just say I'm not sure.</p> <p>5 Q Okay. Sorry. Give me one second then.</p> <p>6 Would it help you if you were provided with a map</p> <p>7 that had the Calista Corporation boundaries?</p> <p>8 A I used that frequently during my map</p> <p>9 drawing, so yes. That was a tab that I always had</p> <p>10 open on my browser.</p> <p>11 MR. SCHECHTER: Let's go off the record for</p> <p>12 a second.</p> <p>13 THE VIDEOGRAPHER: Going off the record.</p> <p>14 The time is 2:05.</p> <p>15 (Brief break.)</p> <p>16 (Exhibit No. 8 marked.)</p> <p>17 THE VIDEOGRAPHER: On the record at 2:14.</p> <p>18 BY MR. SCHECHTER:</p> <p>19 Q Ms. Marcum, does that look familiar to you</p> <p>20 as the Calista region?</p> <p>21 A Yes.</p> <p>22 Q And comparing that to the maps of</p> <p>23 Districts 37, 38 and 39 in the proclamation --</p> <p>24 A Yes.</p> <p>25 Q -- you understand that District 38 is</p> |
| <p style="text-align: right;">Page 139</p> <p>1 (Whispered conversation.)</p> <p>2 MR. SCHECHTER: You can go in a little more.</p> <p>3 A I have the map now.</p> <p>4 BY MR. SCHECHTER:</p> <p>5 Q Perfect. And you can read the place names?</p> <p>6 A Yes.</p> <p>7 Q And you're familiar with this map as part of</p> <p>8 the board's proclamation designating House and Senate</p> <p>9 districts for the state?</p> <p>10 A Yes.</p> <p>11 Q Are -- are you familiar with what area of</p> <p>12 District 38 is within the Calista Corporation</p> <p>13 boundaries?</p> <p>14 A Yes. I would say in general, I know what</p> <p>15 most of the communities are.</p> <p>16 Q Okay. Would -- would you explain your</p> <p>17 understanding?</p> <p>18 A Yes. So I can't necessarily pronounce all</p> <p>19 of them correctly, but Quinhagak is part of that</p> <p>20 area, and certainly Good News and Platinum are part</p> <p>21 of that area.</p> <p>22 I mean, you're asking specifically 38,</p> <p>23 though; is that right?</p> <p>24 Q Maybe we can -- is it your understanding</p> <p>25 that all of District 38 is within the Calista</p> | <p style="text-align: right;">Page 141</p> <p>1 entirely within Calista's boundaries? Portions of</p> <p>2 the Calista region are in District 37 and portions</p> <p>3 are in District 39?</p> <p>4 A Yes.</p> <p>5 Q And that the portions in District 37 and in</p> <p>6 District 39 are not the entire district but portions</p> <p>7 of those districts?</p> <p>8 A Yes.</p> <p>9 Q So when -- when I ask you about the Calista</p> <p>10 region, you'll -- you'll understand what we're</p> <p>11 discussing today; is that fair?</p> <p>12 A Yes.</p> <p>13 Q Have you ever visited any portion of the</p> <p>14 Calista region?</p> <p>15 A Let me look at the communities. I don't</p> <p>16 think so, but it's certainly possible.</p> <p>17 Q Bethel is the largest --</p> <p>18 A Yes.</p> <p>19 Q -- community there?</p> <p>20 A No, I have not.</p> <p>21 Q Are you familiar with the requirement that a</p> <p>22 House district shall contain, as nearly as</p> <p>23 practicable, a relatively integrated socioeconomic</p> <p>24 area?</p> <p>25 A Could you say that again? I'm sorry. My</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 chair squeaked as I --</p> <p>2 Q Are you familiar with the requirement that a</p> <p>3 House district shall contain, as nearly as</p> <p>4 practicable, a relatively integrated socioeconomic</p> <p>5 area?</p> <p>6 A Yes.</p> <p>7 Q And that requirement applies to all 40 House</p> <p>8 districts?</p> <p>9 A Yes.</p> <p>10 Q And when the board adopted maps 3 and 4 and</p> <p>11 the other four maps for review and public testimony,</p> <p>12 is it your understanding that the -- those six maps</p> <p>13 generally comported with the constitutional</p> <p>14 requirements, including relatively integrated</p> <p>15 socioeconomic areas?</p> <p>16 A I'm sorry. Could you ask the question more</p> <p>17 specifically regarding the other maps?</p> <p>18 Q For the -- for the -- for the six maps that</p> <p>19 were adopted, do you think they were roughly in line</p> <p>20 with the constitutional requirements for House</p> <p>21 districts?</p> <p>22 A Yes.</p> <p>23 Q And as they've been adopted, you believe</p> <p>24 that every -- in the final proclamation maps, it's</p> <p>25 your belief that every House district is a relatively</p> | <p style="text-align: right;">Page 144</p> <p>1 from the past has established that, yes.</p> <p>2 Q And is that something you applied in your</p> <p>3 work, as a member of the redistricting board?</p> <p>4 A Yes.</p> <p>5 Q And can you give some examples of areas that</p> <p>6 are not boroughs or cities that, to you, are</p> <p>7 relatively integrated socioeconomic areas?</p> <p>8 The obvious answer would be, you would say,</p> <p>9 any House district, but I'm thinking of smaller</p> <p>10 areas, so we can get a better understanding of how</p> <p>11 you apply this live/work/play idea to an area that is</p> <p>12 not incorporated, that isn't a borough, that isn't a</p> <p>13 city.</p> <p>14 A I would certainly say that the ANCSA</p> <p>15 boundaries and many of the connections that</p> <p>16 communities within ANCSA boundaries have to each</p> <p>17 other are one of the considerations that would affect</p> <p>18 socioeconomic integration.</p> <p>19 Q And other than other types of boundaries</p> <p>20 besides ANCSA boundaries or municipal boundaries,</p> <p>21 just, you know, a place -- a couple of places</p> <p>22 together that you think are -- that aren't</p> <p>23 incorporated, that aren't necessarily within a</p> <p>24 borough or city together, but that are an example to</p> <p>25 you of a place that is integrated as a socioeconomic</p> |
| <p style="text-align: right;">Page 143</p> <p>1 integrated socioeconomic area?</p> <p>2 A Regarding the recently adopted proclamation</p> <p>3 maps, you're asking if each of our districts were in</p> <p>4 line with the constitutional requirements? I'm</p> <p>5 sorry.</p> <p>6 Q That -- that each House district is a</p> <p>7 relatively integrated socioeconomic area.</p> <p>8 A Yes.</p> <p>9 Q And what does it mean to you for an area to</p> <p>10 be a relatively integrated socioeconomic area?</p> <p>11 A The most common explanation that we referred</p> <p>12 to in our hearings was where residents live, work,</p> <p>13 and play.</p> <p>14 Q And how -- how does that apply to more rural</p> <p>15 areas of the state, where folks might be more spread</p> <p>16 out?</p> <p>17 A I think it applies just as -- as equally</p> <p>18 well. I mean, there's -- people live, work and play</p> <p>19 in places beyond their immediate neighborhoods, and</p> <p>20 so I think it applies to all parts of Alaska.</p> <p>21 Q Can you think of examples of areas that</p> <p>22 are -- so is it your understanding that boroughs and</p> <p>23 cities are assumed to be relatively integrated as a</p> <p>24 socioeconomic area?</p> <p>25 A It's my understanding that court guidance</p> | <p style="text-align: right;">Page 145</p> <p>1 area?</p> <p>2 A I would need time to look at maps to</p> <p>3 establish some examples. I can give you some maybe</p> <p>4 industries and specific things that I think would</p> <p>5 join communities together or differentiate them for</p> <p>6 socioeconomic reasons.</p> <p>7 I mean, I gave one earlier in my testimony</p> <p>8 with fishing, you know, commercial fishing areas</p> <p>9 versus sports fishing areas, as an example.</p> <p>10 Q So I'd like to hear some examples then.</p> <p>11 What -- what -- can you provide us some more examples</p> <p>12 besides fishing?</p> <p>13 A I can take some time to try to come up with</p> <p>14 examples, if you'd like.</p> <p>15 Q Sure. Do you -- do you mean you have to go</p> <p>16 and look through things or --</p> <p>17 A No, I'm not looking through things. I'm</p> <p>18 just going to sit here and brainstorm examples, if</p> <p>19 that's what you're asking.</p> <p>20 Q Well, maybe let's go about it a more</p> <p>21 expedient way.</p> <p>22 When you look at the Calista region,</p> <p>23 Districts 37 and 38 and 39, what are -- what are the</p> <p>24 types of things you were thinking about for</p> <p>25 socioeconomic integration across these districts?</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 A I tried mapping this a variety of ways. And 2 to be honest, the ANCSA boundaries were one of the 3 primary things I took into account. We heard a fair 4 amount of public testimony that drove me to try 5 drawing a variety of lines in different ways and, you 6 know, bring those forward for discussion with the 7 board. 8 Q So -- 9 A As, you know, yeah -- 10 Q Okay. So -- 11 A -- an example of, you know, Hooper Bay and 12 the connections with Bethel. 13 Q And you believe Hooper Bay is socio- -- 14 socioeconomically integrated with Bethel? 15 A I do, yes. 16 Q And Chevak? 17 A Yes. 18 Q And Scammon Bay? 19 A Yes. 20 Q And do you also believe they're 21 socioeconomically integrated with each other? 22 A Yes. 23 Q And yet Hooper Bay and Scammon Bay are in 24 District 39, separated from Bethel and from Bethel 25 Senate district, and Chevak is with Bethel. How did</p> | <p style="text-align: right;">Page 148</p> <p>1 So I think those maps were all submitted 2 on -- as part of the record. And I have notes 3 associated with where I tried to draw those. 4 Q Let me -- let me go back to a more general 5 question. 6 For -- I'm going to use Skagway as an 7 example, but I'm not really looking for an answer 8 about Skagway and Juneau. I think you -- Mr. Brena 9 asked plenty of questions about that. 10 Skagway is a small city, as -- you know, by 11 our understanding of the law, socio- -- a 12 socioeconomically integrated area unto itself, but 13 obviously, at a little more than a thousand people, I 14 think, cannot be its own House district. You would 15 agree with that? 16 A Yes. 17 Q As much as Skagway might like that. So it 18 has to be joined with some other area. 19 So when you're -- when you're looking to 20 cross those boundaries, how do you determine an 21 area -- when an area is socio- -- is defined as an 22 integrated socioeconomic area, how do you determine 23 what other places best match with it to create a 24 House district of appropriate size? 25 A So one of the factors, of course, is looking</p> |
| <p style="text-align: right;">Page 147</p> <p>1 that happen? 2 A We had to create a map that took into 3 consideration all of the ramifications on all of the 4 other districts. 5 I did try drawing versions of the map 6 where -- I don't believe I ever drew a version of the 7 map where Scammon Bay was included, because just 8 adding either Chevak or Hooper Bay oftentimes ended 9 up having a domino effect of ramifications that I 10 mentioned in my earlier testimony. 11 And basically the tradeoff was usually 12 pretty significant, both in terms of socioeconomic 13 considerations with the other communities that ended 14 up being impacted, but also in terms of the 15 compactness when those lines were drawn. 16 Q What are those -- what were those specific 17 domino ramifications here? 18 A So in some instances it required -- what was 19 then District 37 -- I believe that it might still be 20 called District 37. I'm not sure what the numbers 21 have been renamed as, but I guess you'd call it the 22 Bristol Bay or the Dillingham district. 23 With some of those changes, it would have 24 required that district being extended up into -- very 25 far into the Interior, north of McGrath, I believe.</p> | <p style="text-align: right;">Page 149</p> <p>1 at socioeconomic considerations, such as where people 2 live, work, and play. 3 So that would involve industries that are 4 predominant in those areas. That would involve 5 transportation corridors or infrastructure that is in 6 place. 7 The actual sizes and shapes of the census 8 blocks were one of the determining factors that I 9 used to determine which direction to go to, to draw 10 certain maps other ways. 11 Q And do you believe that Scammon Bay and 12 Hooper Bay have those types of connections with the 13 northern part of District 39, for example, the Nome 14 area? 15 A Yes, I do believe they have some. 16 Q Would you describe what those are? 17 A I am not an expert on those, but I do know 18 that we talked about those during the hearings, and I 19 heard testimony that convinced me that there were 20 socioeconomic ties between those communities. 21 Q Between Scammon Bay, Hooper Bay, and the 22 Nome area? 23 A Yes. 24 Q Okay. Do you have any recollection of who 25 or what that testimony was?</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 A Well, I know that specifically we heard from 2 members of our own board who had experience and 3 reference that was applied. 4 Q And which board members were those? 5 A Well, I remember specifically Member Bahnke, 6 but I -- very possible that Member Borrromeo also 7 contributed to those discussions. I'd have to go 8 back to look at the transcripts specifically. I 9 think we have access to that. 10 Q Did you hear testimony from folks in Hooper 11 Bay and Scammon Bay and other parts of the Calista 12 region about their connections? 13 A Yes. 14 Q And as a general sense, where did they 15 testify that their connections were with? 16 A They testified that their connections were 17 with Bethel, which is why I tried very hard to draw 18 districts to that effect. 19 Q And are Members Bahnke or Borrromeo from 20 those areas, from Hooper Bay or Scammon Bay or parts 21 of the Calista region? 22 A No, not that I -- I mean, I know they're not 23 directly now. I'm not sure of their full background, 24 but -- 25 Q If they're -- if they're not from that area,</p> | <p style="text-align: right;">Page 152</p> <p>1 region's population would be about 1.47 House 2 districts? 3 A I don't know the specific numbers. I do 4 know that when I looked at this, I saw that the 5 Calista population was too great to make up just one 6 district, but I don't remember the specific number 7 beyond 18,335. 8 Q But it's certainly not big enough for two 9 House districts; is that correct? 10 A That -- that's my recollection, right. 11 Q And yet it's split over three House 12 districts, in fact? 13 A Yes. 14 Q Do you know what languages are spoken in the 15 northern parts of District 39? 16 A No. I had documentation I was referring to. 17 When I was drawing the maps, we had an overlay of 18 Native language maps -- maps that showed the Native 19 languages, but I don't recall those. I don't know 20 those. 21 Q Do you recall if they are the same or 22 different languages than those spoken in the southern 23 half of District 39? 24 A I don't recall. I'm sorry. I used my -- 25 used my map to supplement my personal knowledge.</p> |
| <p style="text-align: right;">Page 151</p> <p>1 should we weight their -- their thoughts about 2 socioeconomic integration more than the members of 3 the public who are from that region? 4 A I don't believe I gave any more credence to 5 their testimony than I did members of the public that 6 testified. 7 Q But it sounds like their -- their thoughts 8 about the map prevailed. 9 A No. We created a map that we thought would 10 be the best balance for the full state of Alaska, and 11 that involved taking into consideration the comments 12 and testimony from a variety of people, some of whom 13 had disparate ideas. 14 Q Do you recall hearing from anybody who 15 wasn't on the board that places like Hooper Bay, 16 Scammon Bay, and Chevak were integrated -- 17 socioeconomically integrated with Nome? 18 A I don't recall if I did. 19 Q But you do recall people, members of the 20 public, testifying that those areas were integrated 21 with Bethel? 22 A Yes. 23 Q Is there -- so is it -- it's your 24 understanding that the Calista region -- is it your 25 understanding that the Calista region -- Calista</p> | <p style="text-align: right;">Page 153</p> <p>1 Q Do you recall what the general public 2 testimony was about Hooper Bay, Scammon Bay, and 3 Chevak, as well as some areas in the southern part of 4 the Calista region? I'm thinking of Good News Bay, 5 Platinum, Quinhagak, and two other villages to the 6 south down there? 7 A Yes. I -- as I recall testimony from Hooper 8 Bay and Chevak -- I don't recall testimony from Good 9 News Bay and Platinum. I could be wrong. But I know 10 we -- we heard testimony about Good News Bay and 11 Platinum when we were at other hearings, but there 12 were not members of those actual communities in those 13 hearings. 14 Q Were there other -- were there 15 representatives of Calista or anyone else that 16 testified about those communities? 17 A Yes. 18 Q And do you think those folks are credible to 19 testify about those communities within their region? 20 A Yes. 21 Q And what's your recollection of their 22 testimony? 23 A I would say in general their testimony was 24 that they wanted to include as many Calista 25 communities into a district as possible.</p> |

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| <p>Page 154</p> <p>1 Q And did they have any specific thoughts 2 about where those southern communities -- what 3 district they should be located in? 4 A I think it depends on who we spoke with. 5 There were some people that we heard from who 6 indicated that Good News Bay and Platinum could be 7 rightfully connected with District 37, due to 8 healthcare considerations, because they were part of 9 the same health network. They had requested to be 10 part of the Dillingham health network. 11 We also heard testimony from others who 12 indicated that Good News and Platinum would be better 13 suited in District 38, due to the Calista connection. 14 Q When you're thinking about the socioeconomic 15 integration and the representation of an area, does 16 that apply only to the House districts or does it 17 also apply to the Senate districts? 18 A For House districts, we have three 19 constitutional criteria. For Senate pairings, we 20 have -- we do not have the same constitutional 21 criteria for socioeconomic integration. 22 Q So -- 23 THE WITNESS: Would you mind, Peter? Thank 24 you. Sorry. 25 //</p> | <p>Page 156</p> <p>1 considerations, but I think your question was 2 somewhat different. 3 Q Okay. What -- what are the things you -- 4 you considered when you were pairing socioeconomic -- 5 excuse me. What are the things that you were 6 considering when pairing Senate districts? 7 A The primary consideration was do they touch. 8 That was first and foremost the consideration. 9 Q But it sounds like you also considered other 10 things. 11 A Sometimes I could. And it just depended on 12 the map and the lines and what the options were. 13 Sometimes there were not as many options, based upon 14 having, you know, the ocean on one side, for example. 15 So yes, the primary consideration was do they share a 16 border, do they touch. 17 Q Do -- would the impact of -- was there any 18 consideration given to you how House districts were 19 broken, how those lines were drawn, given to how they 20 would later impact Senate pairings? 21 A Are you asking did I give consideration 22 or -- 23 Q Yes. Yes. Sorry. All these questions are 24 about you personally. 25 A No.</p> |
| <p>Page 155</p> <p>1 BY MR. SCHECHTER: 2 Q I didn't mean to make this a police station 3 interview. 4 A Thank you. Sorry. Go ahead. 5 Q So a Senate pairing doesn't neces- -- 6 doesn't -- in your understanding, does not need to 7 reflect socioeconomic integration of the folks within 8 it? 9 A That does not -- it's not required to, no. 10 Q Is it -- is it preferable to? 11 A I don't know how to answer that. 12 Q If -- when you're thinking about, you know, 13 how you're pairing Senate districts together, would 14 it be better to -- to pair folks -- if they're a -- 15 if they're a cohesive population, would it be better 16 to pair their Senate -- the Senate districts in which 17 their population lives in a way that they -- they 18 have -- they're represented the same way they would 19 be as in a House district? 20 A I think I would need to hear from legal 21 counsel regarding anything that's beyond what we were 22 advised. 23 Q Well, what did you consider when you -- when 24 you paired Senate districts? 25 A Well, I did consider socioeconomic</p> | <p>Page 157</p> <p>1 THE VIDEOGRAPHER: Mr. Schechter, when you 2 reach a good spot, I have about five minutes until I 3 have to change media. 4 MR. SCHECHTER: Let's -- let's take that 5 now. We need a break. 6 THE VIDEOGRAPHER: Thank you. This is the 7 end of media unit No. 2, deposition of Bethany 8 Marcum. Time is 2:38. We are off the record. 9 (Brief break.) 10 THE VIDEOGRAPHER: On the record. This is 11 beginning of media unit No. 3, deposition of Bethany 12 Marcum. Time is 2:44. 13 BY MR. SCHECHTER: 14 Q Ms. Marcum, are you familiar with census 15 areas and -- are you familiar with census areas? 16 A I'm familiar with the concept of census 17 areas. 18 Q Can you explain those to us? 19 A Yes. Those are the boundaries, I guess you 20 would say, that the Census Bureau gives to geographic 21 areas within the state, as part of its census-taking 22 process. 23 Q Are you -- are you roughly familiar with the 24 Nome and Kusilvak census areas? 25 A I am not familiar with the full boundaries</p> |

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| <p style="text-align: right;">Page 158</p> <p>1 of that, no.</p> <p>2 THE COURT REPORTER: And it was the Nome and</p> <p>3 what?</p> <p>4 MR. SCHECHTER: Kusilvak, K-U-S-I-L-V-A-K.</p> <p>5 A We didn't primarily use census areas for the</p> <p>6 basis of map drawing. So while we did see those, I</p> <p>7 am not familiar with the full boundaries.</p> <p>8 BY MR. SCHECHTER:</p> <p>9 Q Sorry. You said you did not use them --</p> <p>10 A So it was --</p> <p>11 Q -- is that correct?</p> <p>12 A -- not the building block for the maps. We</p> <p>13 certainly did reference those and see those. That</p> <p>14 was an overlay that we could turn on and off on the</p> <p>15 map. And there were certainly times we did use</p> <p>16 those, but it wasn't the building block for creating</p> <p>17 the districts.</p> <p>18 Q What were the building blocks?</p> <p>19 A Census blocks.</p> <p>20 Q And how did -- how did census blocks</p> <p>21 interact with things like municipal boundaries or</p> <p>22 ANCSA boundaries in your map construction?</p> <p>23 A In the same way that census areas did. They</p> <p>24 were an overlay that we could turn on or off to be</p> <p>25 able to see those other boundaries.</p> | <p style="text-align: right;">Page 160</p> <p>1 integrated on the ground?</p> <p>2 A So I've talked about a couple of -- or given</p> <p>3 a couple of them here. I'm happy to reiterate.</p> <p>4 Languages, school districts, industries.</p> <p>5 Those are a few examples.</p> <p>6 Q Other than what you discussed that you heard</p> <p>7 from Member Bahnke, have you -- are you familiar with</p> <p>8 any testimony or knowledge of the folks in Scammon</p> <p>9 Bay, Hooper Bay, and Chevak undertaking any of those</p> <p>10 types of activities in Nome?</p> <p>11 A I don't recall.</p> <p>12 Q Or anywhere in the northern part of</p> <p>13 District 39?</p> <p>14 A What was the first part of the question?</p> <p>15 Q Sorry. Whether folks from Scammon Bay,</p> <p>16 Hooper Bay, and Chevak undertook the kinds of</p> <p>17 activities that you think about when you think about</p> <p>18 socioeconomic integration. Did they undertake those</p> <p>19 activities in the northern parts of District 39?</p> <p>20 A I don't know.</p> <p>21 Q You don't recall hearing testimony to that</p> <p>22 effect, though, other than from Member Bahnke?</p> <p>23 A Right. I don't recall. I recall we talked</p> <p>24 about school districts, for example, that Hooper Bay</p> <p>25 and Scammon Bay are one school district and Chevak</p> |
| <p style="text-align: right;">Page 159</p> <p>1 Q Between borough and municipal boundaries and</p> <p>2 ANCSA boundaries, were there -- did either of those</p> <p>3 things receive priorities, in your consideration for</p> <p>4 drawing boundaries?</p> <p>5 A Borough boundaries, I would say, received</p> <p>6 more -- I wouldn't say more consideration, but were</p> <p>7 more carefully considered, knowing that the courts</p> <p>8 had established guidance that any area within a</p> <p>9 borough or city is considered socioeconomically</p> <p>10 integrated. And school district boundaries are</p> <p>11 another example of one of the sorts of boundaries</p> <p>12 that were overlays that we could turn on and off.</p> <p>13 Q Are -- in District 39, are there any</p> <p>14 boroughs? I should say, are there any organized</p> <p>15 boroughs?</p> <p>16 A Not that I am aware of, no.</p> <p>17 Q And what about District 38?</p> <p>18 A Not that I'm aware of.</p> <p>19 Q So if District 39 and District 38 don't have</p> <p>20 borough boundaries, what is the primary</p> <p>21 consideration -- or what are the -- excuse me. Let</p> <p>22 me strike that.</p> <p>23 Given that District 39 and District 38 don't</p> <p>24 have borough boundaries, what are the considerations</p> <p>25 you use for developing what is socioeconomically</p> | <p style="text-align: right;">Page 161</p> <p>1 was a different school district.</p> <p>2 Q Are they -- are they in a school district</p> <p>3 with communities in the northern part of District 39?</p> <p>4 A Are Hooper Bay and Scammon Bay?</p> <p>5 Q Yes.</p> <p>6 A Yeah. It's my understanding that they are,</p> <p>7 yes.</p> <p>8 Q Do you know what school district that is?</p> <p>9 A I believe it's the Lower Yukon School</p> <p>10 District. Wait. Again, one of those -- that was one</p> <p>11 of these overlay maps that we were able to turn on</p> <p>12 and off. And I believe there was testimony about</p> <p>13 school districts from at least one testifier.</p> <p>14 Q Are you familiar with Mr. -- with</p> <p>15 Mr. Sundown, one of the plaintiffs that I represent,</p> <p>16 Harley Sundown?</p> <p>17 A I have never met Mr. Sundown, no. I mean,</p> <p>18 I've heard his name associated with the -- you know,</p> <p>19 the introductions earlier.</p> <p>20 Q Yeah. He -- he happens to be the assistant</p> <p>21 principal of the Scammon Bay School, and he's --</p> <p>22 he'll be advocating in this case for Scammon Bay to</p> <p>23 be included in -- in the district with Bethel. I</p> <p>24 don't really have a question there.</p> <p>25 A I did try drawing, you know, those areas,</p> |

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| <p style="text-align: right;">Page 162</p> <p>1 like I said, in a district with Bethel on multiple 2 occasions. I've shown on the maps that I -- were 3 collected by staff. 4 It's just that, you know, it really blows up 5 the compactness and other socioeconomically 6 integration. When you bring those northern 7 communities in, then some southern communities end up 8 having to come out. And so, you know, that creates, 9 you know, other considerations whenever you are 10 bringing some communities in and others have to go 11 out, which is, you know, putting you in a place of 12 having to decide which is more socioeconomically 13 integrated without -- the absence of boroughs, as you 14 mentioned. It's definitely a challenge. 15 Q What -- can you be specific as to the 16 impediments that you were finding with moving Scammon 17 Bay and Hooper Bay into District 38, what -- what 18 those other problems would be? Not just -- not just 19 on a general level, but specifically, what -- what 20 would happen? 21 A Sure. Like I said, we can -- you know, some 22 of the maps we can look at that I pulled -- I tried 23 to put together. But a couple different instances I 24 put Hooper Bay and Chevak both into the Bethel 25 district, and so then either -- other communities</p> | <p style="text-align: right;">Page 164</p> <p>1 folks in the southern district, does it make any 2 difference that -- in the southern part of 3 District 38, for example, if we move Quinhagak and a 4 couple of other communities to District 37, why is it 5 not relevant or important that they maintain similar 6 Senate representation or identical Senate 7 representation, regardless of which House district 8 they are in, in terms of creating an appropriate area 9 that's socioeconomically integrated for purposes of 10 representation? 11 A So when we were creating these House 12 districts, we were not taking the -- the Senate 13 pairings into account at this point. We heard 14 testimony on Senate pairings, but our task was to 15 consider the three constitutional criteria to create 16 the best House districts that we could. 17 And so I believe your question addressed 18 something that was at a different point in the 19 process, but can't create Senate pairings without 20 adopting House districts, without knowing where those 21 House district lines are. 22 Q Are you familiar with guidance that Senate 23 districts should not break municipal boundaries? 24 A I'm familiar with the anti-dilution rule, if 25 that's the way you're characterizing that.</p> |
| <p style="text-align: right;">Page 163</p> <p>1 that feel that they are just as closely tied with 2 Bethel in the southern part of what is now 3 District 38 would have to come out. That was one of 4 the ramifications. 5 Or you also had to -- could make changes to 6 the north part of the district, as well. I tried 7 variations where I, you know, went up and made 8 changes to Russian Mission and Lower and Upper 9 Kalskag and Aniak. Like I said, you can see quite a 10 few different variations that I -- I tried there. 11 But, you know, essentially when you bring 12 that extra population in, then you have to decide 13 what other population has to go out. And see by the 14 map and when I was looking at census blocks, there 15 are only a few places where you can go to find 16 enough population. 17 You know, my recollection was Chevak was 18 about a thousand people, 900, and Hooper Bay was 19 maybe 1,200 people. That's a pretty significant 20 number of people to put into the district and then 21 have to find other communities to push out of the 22 district. 23 And I endeavored to do that in multiple 24 ways. 25 Q If -- would it help -- in terms of moving</p> | <p style="text-align: right;">Page 165</p> <p>1 Q Would you explain that to me? We'll see if 2 we're on the same page. 3 A Well, my recollection is that it's based 4 upon a Fairbanks court decision that asked -- whereas 5 if a municipality has -- a city has a significant 6 enough population, has big enough population to 7 justify a full Senate district, that you can't -- you 8 have to abide by that. You have to -- you have to 9 draw -- you have to pair it that way. You have to 10 pair the districts in such a way to ensure that the 11 city -- the two city breaks are paired together to 12 create one Senate district, one Senate pairing. 13 Q And does that have any repercussions on how 14 House districts are drawn? 15 A I don't know. 16 Q Did you receive any -- 17 MR. SINGER: On House? 18 THE WITNESS: Yeah. He was asking about 19 House districts. 20 A Right? 21 BY MR. SCHECHTER: 22 Q Yes. 23 A I don't know. I don't -- I don't think so, 24 but I don't know. 25 MR. SINGER: Hey, Mr. -- Randy, one of the</p> |

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| <p style="text-align: right;">Page 166</p> <p>1 members whose a named defendant has been watching, is</p> <p>2 Ms. Borrromeo. She was kicked out the Zoom and is</p> <p>3 trying to get back in. Can you -- can you let her</p> <p>4 back in?</p> <p>5 THE VIDEOGRAPHER: Yeah. Let's go off the</p> <p>6 record. She's not sitting in my waiting room. One</p> <p>7 second.</p> <p>8 Off the record at 2:56.</p> <p>9 (Brief break.)</p> <p>10 THE VIDEOGRAPHER: On record at 2:59.</p> <p>11 BY MR. SCHECHTER:</p> <p>12 Q Ms. Marcum, do you think of the Calista</p> <p>13 region as providing services and organization for the</p> <p>14 people who live there in a manner that's similar to a</p> <p>15 borough?</p> <p>16 A I don't know if I've ever considered that.</p> <p>17 I suppose in some ways. I wouldn't say fully.</p> <p>18 Q Sorry. You're breaking up.</p> <p>19 A I guess I would say perhaps in some ways.</p> <p>20 I've never thought about it enough to give you a</p> <p>21 thorough answer and -- to give you a definitive</p> <p>22 answer, I guess.</p> <p>23 Q Well, we talked earlier about -- and correct</p> <p>24 me if I'm -- if I'm misstating what you said, but,</p> <p>25 you know, that ANCSA regions can be thought of or</p> | <p style="text-align: right;">Page 168</p> <p>1 not clear to me.</p> <p>2 Q Okay.</p> <p>3 A But if my explanation of it was -- was</p> <p>4 understood by you, then I'm sure we're on the same</p> <p>5 page regarding that.</p> <p>6 Q Okay. So I'm -- I'm trying to identify how</p> <p>7 the board distinguishes an area in an unorganized</p> <p>8 borough that otherwise is -- appears to be cohesive</p> <p>9 as, you know, the Calista region might be, and, you</p> <p>10 know, look at that relative to a borough and, you</p> <p>11 know, say why should we treat it similarly or why</p> <p>12 should we treat it differently.</p> <p>13 And so the -- I think the question here</p> <p>14 is -- is, you know, what -- what do you think is</p> <p>15 different about the Calista region from a borough, in</p> <p>16 terms of socioeconomic integration?</p> <p>17 A I think that in a borough, the residents</p> <p>18 have voted to create a government entity, usually</p> <p>19 to -- that's comma, and then usually to tax</p> <p>20 themselves, comma, to provide services, comma, to</p> <p>21 have a shared government. And I don't think all of</p> <p>22 those things are true with an ANCSA region.</p> <p>23 Q Do you think some of those things are true</p> <p>24 in some ANCSA regions, in terms of regional provision</p> <p>25 of services?</p> |
| <p style="text-align: right;">Page 167</p> <p>1 considered in terms of areas that are</p> <p>2 socioeconomically integrated. Is that -- is that</p> <p>3 fair?</p> <p>4 A That ANCSA regions can be a socioeconomic</p> <p>5 consideration.</p> <p>6 Q And would you say, for a region like</p> <p>7 Calista, is the region predominantly -- is it your</p> <p>8 understanding whether or not the region is</p> <p>9 predominantly populated by folks who have some</p> <p>10 relationship, you know, for the sort of greater</p> <p>11 Calista family of tribes and villages?</p> <p>12 A Yes.</p> <p>13 Q And so would it -- would it be fair to call</p> <p>14 them a cohesive voting population?</p> <p>15 A No.</p> <p>16 Q Well, how would you distinguish them, the</p> <p>17 region as a whole, from a borough, let's say then?</p> <p>18 A Could you restate your question?</p> <p>19 Q Yeah. So for -- for an area like Calista,</p> <p>20 right, you -- you know, you talked about the</p> <p>21 Fairbanks case as, you know, when you have a borough</p> <p>22 boundary, your -- you can't break a Senate district</p> <p>23 outside of the boundary. Is that -- is that fair,</p> <p>24 your understanding of that Fairbanks case?</p> <p>25 A That's -- your description of it is -- is</p> | <p style="text-align: right;">Page 169</p> <p>1 A Yes. Some of those things are true in some</p> <p>2 ANCSA regions, correct. I would agree with that.</p> <p>3 Q And do you think that's true in a Calista</p> <p>4 region?</p> <p>5 A Do I think what is true? Could you be more</p> <p>6 specific?</p> <p>7 Q That there are -- throughout the Calista</p> <p>8 region, that there are services provided on a</p> <p>9 regional level by either Calista Corporation or, say,</p> <p>10 other entities that you might be familiar with that</p> <p>11 provide services to that region specifically?</p> <p>12 A Yes.</p> <p>13 Q Are -- are you familiar with -- with some of</p> <p>14 those -- those other service providers?</p> <p>15 A The names of them?</p> <p>16 Q Sure, or what services you believe are</p> <p>17 provided across the Calista region?</p> <p>18 A For example, we talked about healthcare</p> <p>19 earlier.</p> <p>20 Q And that -- and that's provided essentially</p> <p>21 within the region by an entity in the region?</p> <p>22 A It's provided by -- it's provided by an</p> <p>23 entity within the region to residents of the region?</p> <p>24 Is that your question? I'm sorry.</p> <p>25 Q Yes.</p> |

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| <p style="text-align: right;">Page 170</p> <p>1 A Yes. That's -- that's my understanding, 2 yes. 3 Q And -- and you -- is it your understanding 4 that those other services, like healthcare, that are 5 provided in a similar -- similar way, by an entity 6 within the region for the residents of the Calista 7 region? 8 A I don't understand how this question is 9 different than the previous question. I apologize. 10 Q Well, we were asking -- I asked for an 11 example. You came up with healthcare. I'm asking if 12 you believe that there are other similar services 13 similarly provided besides healthcare. 14 A Yes. 15 Q Can you list those out, any others that you 16 might name that you're familiar with? 17 A Social -- social services, as an example. 18 Q That's by no means an exhaustive list, 19 healthcare and social services? 20 A No. I certainly would not be able to 21 provide you an exhaustive list. 22 Q So would it -- I -- let me back up. 23 Would it be reasonable in your mind to treat 24 the Calista region as a whole for purposes of Senate 25 representation?</p> | <p style="text-align: right;">Page 172</p> <p>1 whole is a cohesive voting population? 2 A No. 3 Q Why not? 4 A I don't believe that any area you can assume 5 that people vote cohesively. I think that people are 6 individuals, and we should respect their individual 7 thoughts and choices and not make assumptions about 8 cohesiveness. 9 Q Would you agree, setting aside the other 10 constitutional requirements, that the Calista region 11 as a whole is an area that is relatively 12 socioeconomically integrated? 13 A You mean the Calista ANCSA boundaries are? 14 Q Yes. 15 A Yes. 16 Q So if the world was such that a House 17 district was 27,000 people, which is I believe, 18 please don't quote me, roughly the population of that 19 region, it would be appropriate that that region 20 would be one House district, assuming it's otherwise 21 compact and contiguous? 22 A That would certainly be a possible 23 consideration, yes. 24 Q And a reasonable consideration? 25 A Yes.</p> |
| <p style="text-align: right;">Page 171</p> <p>1 A For the purposes of Senate representation, 2 no. I said we -- I really can't answer that 3 question. 4 Our -- our task was to draw House districts 5 that were compact, contiguous, and relatively 6 socioeconomically integrated. 7 Q I think what I'm asking here is -- I -- I 8 understand your task. But sort of given -- given the 9 similarities between a place like the Calista region 10 and other boroughs, where we have this other 11 requirement, in your opinion, in your thought, would 12 it -- would it be reasonable to treat the borough in 13 a way that -- excuse me. Would it be appropriate to 14 treat the Calista region in a way that respects the 15 region as a whole for purposes of Senate 16 representation? 17 A I think that Senate representation is based 18 upon guidance, that it's two House districts that 19 touch, that share a border. 20 Q Well, and wouldn't you agree that the 21 Fairbanks case adds a little bit more to that for a 22 borough? 23 A For a municipality, I believe, is my 24 understanding. 25 Q Would you agree that the Calista region as a</p> | <p style="text-align: right;">Page 173</p> <p>1 MR. SCHECHTER: Let's go off record for one 2 second. 3 THE VIDEOGRAPHER: Going off the record. 4 The time is 3:10 p.m. 5 (Brief break.) 6 THE VIDEOGRAPHER: On the record at 7 3:13 p.m. 8 BY MR. SCHECHTER: 9 Q Ms. Marcum, were there any other district 10 lines that were drawn or requested of by other board 11 members that prevented the movement of Hooper Bay and 12 Scammon Bay into District 38? 13 A No. It was not related to other lines that 14 had been drawn. 15 Q Were there areas of the state -- or 16 different areas of the state that different board 17 members took the lead in or some might have taken a 18 lesser role in, depending on knowledge and interest? 19 A Yes. 20 Q Who are the board members who you think, you 21 know, played the largest role in western Alaska, this 22 area? 23 A I would say the board member that played the 24 largest role is Melanie Bahnke. 25 MR. SCHECHTER: I don't have any other</p> |

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| <p style="text-align: right;">Page 174</p> <p>1 questions. Ms. Marcum, thank you so much for your 2 time and for the service in a -- in a very hard role. 3 THE WITNESS: Thank you. 4 MR. SINGER: Holly, are you ready? 5 MS. WELLS: Almost. Can you hear me? Am 6 I -- oh-oh. It says -- all right. Now can you hear 7 me? 8 THE COURT REPORTER: I hear you well. 9 THE VIDEOGRAPHER: Yeah, we can hear you. 10 MS. WELLS: Oh, my goodness. All right. 11 Okay. 12 All right. Board Member Marcum, I'm ready 13 when you are. I don't know if you need a break. 14 Matt, do you guys want to take a brief break 15 between -- 16 MR. SINGER: We -- are you doing okay? 17 THE WITNESS: Yeah. I'm going to need to 18 use the restroom within the next 20 minutes or so. 19 MR. SINGER: Yeah. Why don't we -- why 20 don't we go a little further? We just stretched our 21 legs a few minutes ago, so let's go. Let's do a 22 little more. 23 THE WITNESS: I'm good to go. 24 MS. WELLS: Okay. Sounds good. All right. 25 I'll try to do the easy questions first.</p> | <p style="text-align: right;">Page 176</p> <p>1 in the same room, as is Peter Torkelson, the 2 executive director of the Alaska Redistricting Board. 3 And then my colleague, Lee Baxter, is in the 4 same suite of offices just monitoring the deposition, 5 whilst working on other obligations. 6 That's -- and then we have other named 7 defendants -- looks like just Ms. Borromeo, Member 8 Borromeo, listening. 9 MS. WELLS: That's great. Thank you for 10 that, Mr. Singer. 11 BY MS. WELLS: 12 Q The other thing is, do you have any notes, 13 Bethany, that you're -- that you have in front of you 14 that you're sort of using through the deposition? 15 A Yes. I'm writing down notes, and I've got 16 the -- the books that have been provided and writing 17 on those, as well, and so yes. 18 Q Okay. So just the -- when you say "books," 19 like the documents that we -- each party sent to Matt 20 in preparation for your deposition? 21 A Yes. 22 Q Okay. All right. I just want to make sure. 23 And to the extent that anyone gives you a 24 note -- if I ask you a question and someone gives you 25 a note, could you let me know when that happens?</p> |
| <p style="text-align: right;">Page 175</p> <p>1 EXAMINATION 2 BY MS. WELLS: 3 Q I know it's been a long day. And I just 4 want to -- there were a lot of foundational questions 5 that we -- that we addressed earlier, but some I just 6 want to make sure that we get on the record. 7 First, I should say I'm Holly Wells, and I'm 8 the attorney representing Felisa Wilson, George 9 Martinez, and Yarrow Silvers. 10 Can you hear me clearly? I think we 11 established that you can, but because I had those 12 audio issues, I just want to make sure that -- that 13 you can hear me. 14 A Yes, I can hear you fine. 15 Q Good. All right. If that changes at all, 16 please let me know, you know, as soon as possible. 17 I'm not sure if there were any changes in 18 the room set up, but is -- is it accurate that you 19 and Mr. Singer and Mr. Baxter are all in the same 20 room with the court reporter? 21 MR. SINGER: No. 22 THE WITNESS: No. 23 MS. WELLS: All right. 24 MR. SINGER: We are at Schwabe Williamson's 25 office in downtown Anchorage. Ms. Marcum and I are</p> | <p style="text-align: right;">Page 177</p> <p>1 Now, with that said, I won't ask you what 2 the contents of any note is that you receive from 3 Mr. Singer or another attorney, but I do want to know 4 if -- you know, if anyone gives you a note or 5 attempts to refresh your recollection or anything 6 like that while we -- 7 MR. SINGER: I don't -- I'm not going to be 8 handing notes to the witness. 9 MS. WELLS: That's good. That's good. 10 A He told me to just be truthful, so that's 11 the guidance that I have. 12 BY MS. WELLS: 13 Q Good. Well, that's good guidance. That 14 should make this very, very swift. I really do not 15 intend to take a lot of your time. 16 The other -- let's see if there's just any 17 other questions. If you don't understand something I 18 say, just make sure you tell me that, slow down and 19 say it in another way, so we can make sure you 20 understand. Okay. 21 And now I'm going to just move into some 22 background questions. I want to get an idea for 23 your -- you know, who you are, what kind of 24 principles you brought into the redistricting 25 process, your background, politics, of course, you</p> |

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| <p style="text-align: right;">Page 178</p> <p>1 know, all of those questions. So I will try to move 2 through these swiftly. 3 In what area of Anchorage do you live in? 4 A I live in what's typically referred to as 5 the Lower Hillside. 6 Q And how long have you been -- how long have 7 you been in that area? 8 A Since 2005, I believe. I looked it up, but 9 I provided it to counsel for the affidavit, so that 10 would be more accurate than my memory probably. 11 Q And before then, were you in Eagle River -- 12 A I -- 13 Q -- or you were in -- okay. 14 A I've lived in many places in Anchorage. 15 Q Well, I guess I should ask that. How long 16 have you lived in Anchorage? 17 A I've lived in Anchorage my entire time that 18 I've lived in Alaska, which is most of my adult life. 19 So since 1995. 20 Q Okay. So yeah, you probably lived in every 21 neighborhood. 22 A I lived briefly in Juneau for legislative 23 sessions, but I still had the house and the mortgage 24 here in Anchorage, so considered myself still a 25 resident of Anchorage.</p> | <p style="text-align: right;">Page 180</p> <p>1 stands for, but AMAC Alaska, I'm a member of that. 2 Trying to think of others. I'm not sure how 3 many of those I provided in the affidavit, but that 4 may not be an exhaustive list. That gives you a 5 sample of some of the organizations that I have been 6 a member of in the last five years. 7 Q What's AMAC? What's the mature Alaskan -- 8 what is it? 9 A The actual acronym for you, it's the 10 Association of Mature American Citizens, and there is 11 an Anchorage chapter that I am a member of. 12 Q Is that like AARP or -- 13 A It's an association for senior citizens. 14 Q Okay. Interesting. 15 A Those over 50, I guess. 16 Q All right. Are there any sort of sports 17 that you do, anything you participate in on that 18 level -- 19 A Yes. So -- 20 Q -- in the community? 21 A -- I was previously very active, but I don't 22 think in the last five years, because you gave that 23 caveat. I was very active in the Safari Club 24 International, Alaska chapter, but that ended about 25 five years ago. I was on the board for about 15</p> |
| <p style="text-align: right;">Page 179</p> <p>1 Q Okay. That makes sense. 2 Are there organizations, clubs, volunteer 3 efforts -- actually, let me just break that down. 4 That's a lot in one question. 5 What organizations have you participated in, 6 in let's say the last five years? 7 A In the last five years, in terms of 8 non-profit organizations and such? 9 Q Yes. I'm not looking for the -- you know, I 10 did the polar -- you know, the polar jump once or 11 something, but organizations that you've -- you know, 12 that you've volunteered for or been a member of. 13 A Sure. I was an officer of the Alaska 14 Republican Party and a member of the Alaska 15 Republican Women's Club. 16 I was a volunteer with the Big Brothers Big 17 Sisters program. 18 I was a member of two committees with the -- 19 what was at the time referred to as Abbott Loop 20 Community Church, now known as Unite Church, in 21 Anchorage. 22 I am a member of the Alaska -- sorry, the 23 American -- goodness. I don't remember -- the 24 acronym was AMAC, the American Mature Association 25 society. I don't remember the exact name, what it</p> | <p style="text-align: right;">Page 181</p> <p>1 years. 2 Q Do you -- do you do a lot of hunting? 3 A Yes. 4 Q And just -- so do you have regular hunting 5 pat- -- partners? I know a lot of people, like 6 myself, we kind of have certain people that we hunt 7 with. Is there anybody that you -- 8 A My husband. 9 Q -- generally hunt with? 10 A My husband. 99 percent of the time it's my 11 husband. 12 Q I know you have a military position. 13 A Sorry. I put some lemon in my water here. 14 Excuse me. 15 Q No problem. And -- 16 A Sorry. 17 Q No. That's okay. I know you have -- I 18 think you usually referred to it as a part-time 19 position, but you have a post with the military that 20 you -- that you were active -- that's like an active 21 position; is that correct? 22 A So I am a member of the Alaska Air National 23 Guard. I'm what's referred to as a traditional 24 guardsman. 25 So we actively drill one weekend a month,</p> |

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| <p style="text-align: right;">Page 182</p> <p>1 and then we do our training for approximately two 2 months per year -- two weeks per year. I apologize. 3 Q Are you -- and, Beth, just let me know if 4 you need a break, if you -- I mean, if you need to 5 get a glass of water or something. 6 A I've been coughing a lot today, as you 7 heard. I've got -- I've got water right here. I've 8 been drinking it, trying to stay hydrated here. I'm 9 good. 10 Q Okay. All right. We'll keep going. 11 And you also have a full-time civilian 12 position. And is that with the Alaska Policy Forum? 13 Are you still there? 14 A Yes. Yes. 15 Q Okay. And how long have you been with the 16 forum? 17 A I started with the Forum at the very end of 18 2017. I believe it was November or December. 19 Q And when was the -- how long has the Forum 20 been an organization? Like, when was it formed? 21 A It was incorporated in 2009. 22 Q Okay. Okay. How did the military feel 23 about you signing on to the redistricting process? I 24 mean, I just know it's a lot of work, and I'm just 25 wondering what the position of the military is. Does</p> | <p style="text-align: right;">Page 184</p> <p>1 something that's never come up at any of our board 2 meetings or staff meetings. 3 Q And actually, I'm going to ask -- 4 MS. WELLS: Hey, Tempest, could you pull up 5 the exhibit with the screen capture of the policy 6 website? 7 MS. EVANS: Just a moment. 8 (Exhibit No. 9 marked.) 9 MS. WELLS: All right. So is that -- are we 10 up and ready? I think we are. 11 BY MS. WELLS: 12 Q Bethany, can you see the exhibit up on the 13 shared screen? 14 A I saw what was sent last night. I presume 15 it's the same. And I'm very familiar with our 16 website. 17 Q Okay. Good. Really, I just want to go 18 through the -- so is this an accurate depiction of 19 your website and, you know, the contents of your 20 website, I guess? 21 A Yes. 22 Q Okay. So I want to just run through this 23 exhibit. Really, I want to look at the employees 24 first. I think that's -- where is that? I just -- 25 are those the employees currently at Alaska Policy</p> |
| <p style="text-align: right;">Page 183</p> <p>1 it interfere with your service with the National 2 Guard? 3 A No. I mean, I'm -- it's something I'm able 4 to work out personally with my boss, I guess you 5 could say, my commander. And there was -- there were 6 no conflicts. They knew that I would be unavailable 7 for a period of time, but that's not uncommon for 8 members of the Guard to have other obligations, 9 because they know we are all full-time employees in 10 the civilian world. 11 Q How about with the Alaska Policy Forum? 12 A Yeah. That was something that I had to 13 address with our board of directors, as far as the 14 timing, because of my position with the Alaska Policy 15 Forum. So we had worked out a schedule whereby I was 16 going to be taking a fair amount of leave during the 17 time that I would be working on redistricting. 18 Q And did they -- did the Policy Forum itself 19 have any interest in getting involved in the 20 redistricting process or weighing in on 21 redistricting? Did you guys have to talk about those 22 lines or address that at all? 23 A No. The Policy Forum has no -- there's no 24 crossover at all with redistricting. It's not -- 25 it's not within our strategic plan or goals. It's</p> | <p style="text-align: right;">Page 185</p> <p>1 Forum? 2 A What is your definition of employees? 3 Q Well, I'm just going to ask you if any of 4 them testified, so I don't -- you know, you can 5 include employees or consultants. That's -- you 6 know, it's not really -- you can define it however 7 you want. 8 A To the redistricting board, is your 9 question? 10 Q Yes, if they submitted any testimony. If 11 anybody working for Alaska Policy Forum, or working 12 with them, you know, if these are -- if this is an 13 accurate depiction of your staff. Maybe we'll use 14 that word. 15 A Yes. 16 Q It's more inclusive. 17 A Yes. 18 Q And if any of them submitted testimony, that 19 you know of. 20 A No. Yes, that is an accurate -- accurate 21 depiction of our staff, and no, none of them 22 submitted testimony that I know of. 23 Q Okay. Great. Thank you. 24 MS. WELLS: And then I think -- Tempest, 25 could you go to the -- I think it's called</p> |

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| <p>Page 186</p> <p>1 principles, principles of the Forum. 2 BY MS. WELLS: 3 Q So, Bethany, I was looking at these 4 principles, and I wanted to just ask you some 5 questions really about how these reflect, if at all, 6 on the redistricting process. 7 So if you could -- can you see these right 8 now? I don't know. You may be very familiar with 9 these. Are you familiar with the -- 10 A I'm pretty familiar with them, yeah. I do 11 presentations on them from time to time, so -- 12 Q So can you read them -- not all of them. 13 Can you read -- let's just start with the first one. 14 Can you read that into the record? 15 A Sure. Could it be maximized again? It was 16 maximized for a moment. There we go. Thank you. 17 So "Free people are not equal, and equal 18 people are not free." 19 Q And then there's one more, No. 6. 20 A "Government has nothing to give anybody 21 except what it first takes from somebody, and a 22 government that's big enough to give you" -- and then 23 it cuts off there. I think it says everything -- "to 24 give you everything you want is big enough to take 25 away everything you have."</p> | <p>Page 188</p> <p>1 you know, these principles, how do you think they 2 reflect on that relationship, if at all? 3 A I don't think there is any relationship. We 4 work within the free market. 5 MS. WELLS: Okay. I am thinking -- Matt, do 6 you want to take a break or do you want me to keep 7 going? I'm just very cognizant of the fact that we 8 just jumped right in. 9 MR. SINGER: Let's continue. 10 MS. WELLS: I'll wait until you -- until you 11 tell me to stop. 12 MR. SINGER: Yeah. We'll just wait until 13 the witness is ready for a break. 14 MS. WELLS: All right. Sounds good. 15 MR. SINGER: Or anyone needs a break. 16 MS. WELLS: Okay. Sounds good. 17 BY MS. WELLS: 18 Q Let me see. All right. I think I'm just 19 going to move on to politics. So these are the fun 20 questions. 21 Before you started with the Forum, had you 22 ever worked for a politician or a political party? 23 A Yes. As provided in my affidavit, I worked 24 for five years for Senator -- then Senator Mike 25 Dunleavy.</p> |
| <p>Page 187</p> <p>1 Q And what does this mean exactly? I mean, 2 what are the -- I mean, it's -- to me, I look at this 3 and I think it's sort of some of these -- like, these 4 liberty-based principles, but I'm hoping you can tell 5 us in your own words sort of what this -- what this 6 means, what the actual sort of mission and principle 7 is behind these. 8 A Sure. So our -- our mission is what's 9 stated on the screen there. So we work to -- to 10 create more policies that will grow freedom for 11 Alaskans. 12 We are a free market think -- think tank. 13 We work on free enterprise, policy solutions, and our 14 version of freedom is one that addresses economic 15 income and material wealth, where we believe that 16 free people will, you know, have different -- 17 different incomes. And where people are forced to 18 have the same income, then they -- they cannot be 19 free. People have different talents that they bring 20 to the table, and the marketplace is not a 21 marketplace of quality of outcomes. 22 Q Okay. Thank you for that. 23 And I -- how do you think that reflects, if 24 at all -- when we're looking at redistricting, when 25 we're looking at government representation really,</p> | <p>Page 189</p> <p>1 Q Okay. And actually, I think you -- you 2 stated that earlier, too. Sorry. I apologize for 3 that. 4 But -- and when you say you got permission 5 to participate in the redistricting process from your 6 commander, you had to go through that process, or 7 through your officer, can you -- what's the name of 8 your -- I mean, what's that process of command? How 9 does that work? Who is your -- 10 A I -- 11 Q What's the -- 12 A I stated I got permission. I -- you know, I 13 discussed it with my commander. 14 Q Okay. Who -- and who is your commander? 15 A Brad Burns, Bradford Burns. 16 Q Okay. So during your -- when did you work 17 with Governor Dunleavy? 18 A From 2013 through 2017. 19 Q And what was your position? 20 A Legislative aide. 21 Q And what was your relationship like with the 22 governor when you were his legislative aide? 23 A I'm not sure -- 24 Q I don't mean that in a precarious way. I 25 mean, how was that as a professional relationship?</p> |

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| <p style="text-align: right;">Page 190</p> <p>1 Did you have a good relationship? Did you resign as 2 a legislative aide? Was it a productive 3 relationship? 4 A Did you say did I resign? 5 Q Yeah. So basically how was that employment, 6 from your observation? How was that -- that period 7 of employment with the governor? 8 A Period of employment was -- was good. 9 Q So you had a good working relationship? 10 A With the governor? 11 Q Yes. 12 A Yes. 13 Q And you respect -- you know, mutual respect 14 and -- you know, were you invested and supportive of 15 the policies and legislation he was moving forward? 16 A Not all. Not all. 17 Q And when you weren't, what was that like? 18 Was he -- how did he react to -- were you able to 19 talk to him about that? Could you be candid? 20 A Yes. 21 Q Do you think -- ultimately, do you continue 22 to support the governor in his efforts? 23 A As a whole, his policies, I would say yes. 24 Q And are there policies that the governor has 25 that you don't support?</p> | <p style="text-align: right;">Page 192</p> <p>1 A I haven't asked him to be supportive of my 2 career. 3 Q So when you're going for a position or 4 something, he's never been sort of a reference or 5 weighed in regarding your attributes as an employee? 6 A I have not asked him to be a reference for 7 any positions that I have applied for. But I did 8 apply for a fellowship, I believe it was, and I asked 9 him to be a reference for that. 10 Q Okay. And let's see. So the governor 11 didn't have anything to do with your position with 12 the Forum or he's not -- 13 A No. 14 Q -- related to that? Okay. 15 How did your appointment come about? 16 A I was contact -- 17 Q Do you remember? 18 A Yeah. I was contacted by staff. And I'll 19 be honest with you, I don't recall which staff. 20 Because I was appointed to both the Redistricting 21 Planning Committee and to the Alaska Redistricting 22 Board. And so I don't recall which staff person 23 called me for which position, but the formal -- 24 formal offer came -- one of those offers came from 25 Ben Stevens, the governor's chief of staff, and one</p> |
| <p style="text-align: right;">Page 191</p> <p>1 A Yes. 2 Q What kind of policies? 3 A I would say one of the most recent policies 4 was a proposal to enact -- I guess it was -- it would 5 be a statute that would allow gambling, full-scale 6 gambling in the state of Alaska. 7 Q And do you have the -- a relationship with 8 the governor? I mean, are you able to call him and 9 say, what's -- you know, what's up with this policy? 10 I mean, do you talk to him about these political 11 issues and his agenda and his legislation? 12 A The most frequent topic of our conversations 13 is hunting, to be honest. I would say 20 percent of 14 the time we might talk about a policy, in answer to 15 your question. 16 Q So do you think after your -- your time with 17 him as a legislative aide, did you become friends? I 18 mean, do you have sort of a -- you know, do you guys 19 hang out outside of work, outside of the office? 20 A No, we do not hang out outside of the 21 office. We share hunting photos, would be the 22 most -- the best summary of our relationship, I would 23 say. 24 Q Do you think he's been supportive of your 25 career, after your time working with him?</p> | <p style="text-align: right;">Page 193</p> <p>1 of those formal offers came from Gina Ritacco, who I 2 believe was the Director of Boards and Commissions, I 3 think is the title. 4 Q And is that how it works for everyone? You 5 get -- so the planning commission isn't necessarily 6 the same as the redistricting board? I mean, so 7 there was one committee, and then it -- and then 8 there was the board itself? Did all the other board 9 members sit on the planning committee, I guess is my 10 question? 11 A No. The Alaska -- I'm sorry. The 12 Redistricting Planning Committee is a -- is a fully 13 separate body that is formed I believe approximately 14 two years before the expectation that the -- that the 15 board will convene. 16 Q And how many of the redistricting board 17 members were on the -- on that committee? 18 A None. 19 Q So do you -- who are the committee members 20 on that one? I mean, who are the planning committee 21 members? 22 I'm sorry, are you trying to talk, Bethany? 23 I might be talking over you. I don't mean to do 24 that. Did I interrupt your answer? 25 A No.</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 Q Okay.</p> <p>2 A I'm going to sit here and try to come up</p> <p>3 with the names of the Redistricting Planning</p> <p>4 Committee.</p> <p>5 Q Don't worry about it. You know what?</p> <p>6 Actually I can just -- I can look that up later and</p> <p>7 Matt can verify it through discovery.</p> <p>8 MS. WELLS: Does that sound good, Matt?</p> <p>9 MR. SINGER: It's -- I think it's a -- it's</p> <p>10 a completely different entity from the board. There</p> <p>11 is a statute that establishes that planning committee</p> <p>12 and they have a process. It's sort of a lead-up, and</p> <p>13 then the board is formulated.</p> <p>14 THE WITNESS: It's a very boring committee.</p> <p>15 MS. WELLS: I bet.</p> <p>16 MR. SINGER: I don't represent that group.</p> <p>17 I don't -- I never -- I never met with them. I was</p> <p>18 hired by the board after the board was formulated.</p> <p>19 So maybe we take that offline. It doesn't relate to</p> <p>20 any substantive redistricting in any way. It's a --</p> <p>21 MS. WELLS: But is it that committee that</p> <p>22 would set up policies, procedures, bylaws, or</p> <p>23 procurements?</p> <p>24 MR. SINGER: No.</p> <p>25 MS. WELLS: No funding?</p> | <p style="text-align: right;">Page 196</p> <p>1 the board. We had our own legal counsel for the</p> <p>2 Redistricting Planning Committee, primarily to advise</p> <p>3 us on procurement matters, to ensure that we were</p> <p>4 following a standard procurement code.</p> <p>5 Q Okay. That makes sense. And the staff for</p> <p>6 the planning committee -- this will be my last</p> <p>7 planning committee question, I promise.</p> <p>8 The staff for the planning committee, is</p> <p>9 there overlap there with the staff for the</p> <p>10 redistricting board?</p> <p>11 A We didn't have staff. I'm trying to think.</p> <p>12 Actually one of the governor's -- one of the</p> <p>13 governor's staff, somebody from the governor's</p> <p>14 office, took minutes for us on a few occasions, but</p> <p>15 we took minutes for ourself actually.</p> <p>16 It's a very small, small board, a small</p> <p>17 committee. So we didn't have, like, hired staff.</p> <p>18 There was no hired staff allocated to us on the</p> <p>19 Redistricting Planning Committee.</p> <p>20 Q Okay. All right. Thank you for that.</p> <p>21 That's very helpful.</p> <p>22 Finally, if -- did you feel any pressure --</p> <p>23 especially being appointed to both the planning</p> <p>24 committee and the redistricting board itself, did you</p> <p>25 feel any pressure to make sure the House districts</p> |
| <p style="text-align: right;">Page 195</p> <p>1 MR. SINGER: No. The board does all of</p> <p>2 that.</p> <p>3 THE WITNESS: No.</p> <p>4 MR. SINGER: No.</p> <p>5 A We had no jurisdiction over anything other</p> <p>6 than -- really we did two primary things as parts of</p> <p>7 the redistricting planning committee. We secured</p> <p>8 office space for the board, so that when the board</p> <p>9 was appointed, they would have a place to meet, and</p> <p>10 we selected software, so that when the board was</p> <p>11 appointed they would be able to hit the ground</p> <p>12 running with doing the map drawing.</p> <p>13 BY MS. WELLS:</p> <p>14 Q Okay. And so software and space and -- but</p> <p>15 there's no legal counsel. No procurement for legal</p> <p>16 counsel goes out for the committee and none of the</p> <p>17 documents.</p> <p>18 What about pulling records and stuff from</p> <p>19 the past?</p> <p>20 A So --</p> <p>21 Q You know, getting those records from former</p> <p>22 redistricting boards, is that part of the planning</p> <p>23 committee?</p> <p>24 A So let me clarify that there was no -- we</p> <p>25 didn't take a process for choosing legal counsel for</p> | <p style="text-align: right;">Page 197</p> <p>1 and Senate pairings maintained or increased the</p> <p>2 number of House and Senate seats filled by</p> <p>3 Republicans?</p> <p>4 A No.</p> <p>5 Q Do you think that when you were appointed by</p> <p>6 the governor, you were appointed to represent the</p> <p>7 Republican party's interests in promoting its</p> <p>8 principles and its policies?</p> <p>9 A No.</p> <p>10 Q Okay. Are you worried that supporting</p> <p>11 districts that could lead to reduction in Republican</p> <p>12 representation would have an impact on your</p> <p>13 relationship with the governor and your support in</p> <p>14 the future in Alaska?</p> <p>15 A No.</p> <p>16 Q All right. Did your political affiliation</p> <p>17 play a role in the districts you proposed?</p> <p>18 A No.</p> <p>19 Q And what about the Senate truncation and</p> <p>20 term limits?</p> <p>21 A I'm sorry?</p> <p>22 Q What about Senate truncation and term</p> <p>23 limits? Did your political affiliation play a role</p> <p>24 in that?</p> <p>25 A No.</p> |

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| <p>Page 198</p> <p>1 Q And is there steps the board took -- did you 2 guys do things to protect the process from the 3 partisanship that may have resulted from the various 4 registered political parties of the members? 5 A Yes. 6 Q Can you walk me through some of those steps 7 you guys took? 8 A Yes. So primarily, we made a, you know, 9 concerted effort. We never -- it's not something we 10 voted on. But I guess it was just generally accepted 11 amongst the board that we would not have any 12 political data. I would not have access to political 13 data, that we would not have it on our computers, 14 that we would not access it. 15 Whenever people wanted to testify to 16 political things, we -- you know, we kind of 17 indicated that was not our consideration, that we 18 weren't going to take political -- political points 19 into consideration as part of what we were using to 20 determine what fair House districts would look like 21 for Alaska. That included incumbents and -- yes. 22 Q So I think one of our exhibits is sort of an 23 example of what you guys did, or some of the 24 protections you took. 25 MS. WELLS: Could you -- Tempest, could you</p> | <p>Page 200</p> <p>1 A So it's a political thing. I said I'm going 2 to skip over the political parts and look at the rest 3 and look at the parts that were relevant to me, not 4 the parts that were irrelevant. 5 Q Okay. So you basically -- so you had seen 6 it when it was e-mailed, but you relied on the -- but 7 you didn't look -- you've relied on the redacted 8 version for considerations, or did you just sort of 9 mentally put the incumbent information aside? How 10 did you do that? 11 A I didn't bother looking at the incumbent 12 information. It's irrelevant to the process that we 13 were tasked with, and it just muddled the waters, in 14 my opinion. 15 Q So did we -- I mean, basically, did you rely 16 on the redacted version when you were considering 17 things, or did you rely on the unredacted version and 18 then just train -- you know, and then just decide not 19 to see the incumbent information on that document? 20 A At that point in the process, my 21 recollection is that the document that we were given 22 was not all that relevant in multiple ways, and so I 23 didn't rely on much at all of the document, you know, 24 including the incumbent information. 25 Q Okay. All right.</p> |
| <p>Page 199</p> <p>1 pull up -- 2 Actually, I want to ask you a question, 3 Matt. We submitted the e-mail from Randy with the 4 redacted attachment, but there's also the unredacted 5 attachment. I don't know if -- if you want to take a 6 position of -- I don't want to compromise the 7 redistricting process if we get remanded, right, and 8 that's information that the board is trying not to 9 see. So I just -- can I -- are you okay with me 10 putting that entire exhibit up, or do you want me to 11 limit it to the first two pages? 12 MR. SINGER: I mean, I don't think in 13 litigation we have an evidentiary objection to -- I 14 mean, it's not -- it's not privileged. It was -- or 15 it was redacted by staff kind of in this process, but 16 I don't think we have an evidentiary basis to insist 17 on redacting something. 18 I don't know if Member Marcum has seen the 19 unredacted version or not, so, you know, go ahead and 20 ask her. 21 BY MS. WELLS: 22 Q Have you seen that, Bethany? 23 A Yes. It was e-mailed to us prior to it 24 being presented in the -- in the board meeting. 25 Q Okay. So --</p> | <p>Page 201</p> <p>1 A It was very late in the process, was my 2 recollection. 3 MS. WELLS: And I will ask -- so, Tempest, 4 could you pull up the e-mail from Randy? I think 5 we'll look at both the redacted and unredacted? 6 BY MS. WELLS: 7 Q Bethany, do you recognize this document? 8 And you know what? I would like to -- I think -- 9 A Yes, I do recognize the document. 10 Q Okay. I'm -- this document is in the 11 record. I'm not sure that I need to refer to it as 12 an exhibit. 13 But actually, you know what? I'd like to -- 14 I think we can mark this as an exhibit, just in case, 15 because the last page is just production. 16 (Exhibit No. 10 marked.) 17 BY MS. WELLS: 18 Q So, Bethany, when I'm looking at this, can 19 you just explain to me what I'm seeing here? 20 A I can only tell you what I think I'm seeing. 21 I was not the creator of the document, so no, I can't 22 explain to you what the purpose of the document is. 23 Q Well, actually, I'm just looking for sort of 24 a play-by-play. So we'll just start with -- this 25 is -- I'm seeing an e-mail from Randy to -- we see</p> |

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| <p>Page 202</p> <p>1 "To: Testimony." Is that the Alaska Redistricting 2 Board e-mail address used for all testimony or 3 dedicated to testimony; is that right? 4 A I believe you would have to ask staff about 5 that, but -- since I can't see the actual e-mail 6 address, I can only see the word "testimony." 7 Q Okay. And it was sent November 7th, 2021, 8 at 6:47 p.m., based on the face of the document. 9 Does that sound right, based on your memory? 10 A That's what the document reads. 11 Q And do you think that sounds about right on 12 when you received the document? 13 A No. I -- I don't recall receiving the 14 document on a Sunday, but sometimes those documents 15 were sent to us. They were compiled and we received 16 them, you know, sometimes hours later, you know, the 17 next day, or sometimes in packets that came days 18 later. 19 At that point, Juli was trying to provide us 20 with packages of testimony pretty frequently, so I 21 couldn't tell you precisely what time I received the 22 document after it was sent to the staff e-mail. 23 Q Okay. And did you have any conversations 24 with Randy Ruedrich about -- about redistricting, 25 about -- about this information before receiving this</p> | <p>Page 204</p> <p>1 redistricting when you were not in the halls or in a 2 meeting? 3 A No. I will say that he called me on the 4 telephone, because we have worked on other policy 5 issues together, but not regarding redistricting. 6 Q Okay. Oh, what were the other policy 7 issues? 8 A So we work on a policy issue called worker 9 freedom, and it's a policy issue that he has some 10 expertise on and has supported our work on that 11 policy issue, and so I have talked with him on 12 occasion regarding that particular issue. 13 Q And what -- what is worker freedom? 14 A Worker freedom is the ability for public 15 sector workers to be able to opt out of choosing to 16 join a public sector union when they are employed by 17 the government. 18 Q And did you guys have any conversations 19 regarding worker freedom on the same days that you 20 had -- that you had board meetings? 21 A I -- I don't know. I don't -- I didn't 22 report or don't remember the dates of those. 23 Q So if I -- if I got your phone records, for 24 example, am I going to see a lot of -- a lot of 25 conversations with Randy Ruedrich?</p> |
| <p>Page 203</p> <p>1 e-mail about incumbents and districts? 2 A About this specific information on this 3 document? 4 Q Well, let's say about truncation and terms 5 and -- you know, let's -- let's leave it at that, 6 about Senate -- how about this? About proposed 7 Senate pairings, based on the subject matter. 8 A No. 9 Q Did you have any conversations with Randy 10 Ruedrich about any redistricting issues out- -- you 11 know, outside his public testimony? 12 A Yes. 13 Q And do you remember the topics that you guys 14 talked about? 15 A Whenever we were -- whenever we would pass 16 each other in the hall on the way to the restrooms, 17 he would frequently, you know, comment on how things 18 were going or give his opinion on things. And I 19 would say "Thank you for sharing your thoughts" and 20 continue on. 21 So we had those conversations occasionally, 22 as I did with many other members of the public in the 23 hall of the University Center. 24 Q And did he ever call you on the telephone 25 and have a conversation with you regarding</p> | <p>Page 205</p> <p>1 A No. 2 Q Am I going to see conversations with 3 Governor Dunleavy? 4 A No. 5 Q Am I going to see any conversations with 6 Governor Dunleavy? 7 A You're saying a lot of? Of course you're 8 going to see some conversations with both. 9 Q And I'm going to -- and during the 10 redistricting period? Like during the time where you 11 were making these decisions, I'm going to see those? 12 A I imagine so, yes. That's happened. 13 Happens to be the case, much to my chagrin, that 14 redistricting fell during hunting season. 15 Q Okay. And so I'm just going to move on to 16 the last page of this exhibit. I think I am. 17 MS. WELLS: Tempest, could you help us move 18 to I think the -- page through the unredacted 19 version? 20 BY MS. WELLS: 21 Q And I just want to walk through these -- 22 these columns and what I'm seeing here. 23 MR. SINGER: Which -- you all sent several 24 e-mails. I don't know that we got a printout, but 25 it's pretty hard to --</p> |

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| <p style="text-align: right;">Page 206</p> <p>1 THE WITNESS: This is really small. 2 MR. SINGER: Did you e-mail this one around? 3 MS. WELLS: Yes. Matt, are you talking to 4 us? 5 MR. SINGER: Yeah. 6 MS. WELLS: Yeah, we sent it. And I think 7 your office printed out a hard copy, but is it a -- 8 I'm not sure what size the printout was. 9 THE WITNESS: This might be -- I could 10 definitely use a restroom break. 11 MR. SINGER: Why don't we take a break and 12 I'll find it for the witness. 13 MS. WELLS: Sure. Sounds good. 14 MR. SINGER: Let's take ten. 15 MS. WELLS: That sounds great. All right. 16 THE VIDEOGRAPHER: We're going off the 17 record at 3:54. 18 (Brief break.) 19 THE VIDEOGRAPHER: We are going on the 20 record at 4:04 p.m. 21 MS. WELLS: Great. Can we pull that exhibit 22 back up, that page with the unredacted incumbent 23 information? Great. 24 BY MS. WELLS: 25 Q Bethany, can you just walk me through</p> | <p style="text-align: right;">Page 208</p> <p>1 understand the first time. But if you had to -- if 2 you had to guess, just going by basic sort of, I 3 guess, political configuration, like, what would you 4 think Randy Ruedrich was trying to communicate to the 5 board there? 6 MR. SINGER: And I object. You're calling 7 for speculation. 8 You can go ahead and try to answer. 9 A I would guess that he's talking about the 10 percentage of the district that is similar to the 11 current district. 12 BY MS. WELLS: 13 Q Okay. And what about "Adequate"? What does 14 that mean, do you think? 15 A I have no idea what adequate means. 16 Q Okay. So it looks like -- I just want to 17 look at these numbers. So in Stedman's district, you 18 have 95 percent, and that's adequate -- 19 A Can I -- 20 Q -- but in Holland's district, you have 21 51 percent, and that's an "N." That's not adequate. 22 A Can I please ask that we not refer to these 23 with incumbent names? Is that fair for me to ask? 24 Because -- 25 MR. SINGER: Is your concerns you don't want</p> |
| <p style="text-align: right;">Page 207</p> <p>1 what -- what I'm seeing, or what you think I'm 2 seeing? You know, I understand you're not the author 3 of this document, but -- so on the left, there's a 4 list of -- I'm assuming those are Senate pairings. 5 Is that what you're assuming? 6 A I don't know, because some of them only have 7 one name. So I -- I don't know what that left column 8 is. 9 The second column appears -- well, it 10 appears to be Senate pairings, but they're duplicated 11 and triplicated, so I'm not sure. 12 Q So you're not -- you're not sure what the -- 13 what he's saying, what he's proposing here? 14 A That is what my recollection of -- whenever 15 I was presented this document during the public 16 hearing. 17 Q Okay. So let me see. Over here, when we 18 see "Last Election" and then we see a name, how did 19 you process that information? What did you think was 20 there? 21 A I can honestly say this is the first time 22 that I have looked at any of the names that are on 23 that -- this document. 24 Q Okay. And so this "Estimated Retained," do 25 you have any idea what we're looking at? I mean, I</p> | <p style="text-align: right;">Page 209</p> <p>1 to know? 2 BY MS. WELLS: 3 Q Well, I would -- I would say the time to do 4 that was when I asked your counsel if you wanted to 5 not know this information, right, so that we could -- 6 MR. SINGER: Holly, again, I'm not -- I'm 7 not permitted to make an evidentiary objection. The 8 witness is now saying she'd prefer -- she'd prefer 9 not to. 10 I think it's -- I mean, it's your -- it's 11 your deposition and, you know, if you want to 12 inject -- it's not -- you're asking the witness to 13 speculate about what somebody else wrote, information 14 that she did not consider, and I'm just not sure what 15 the point of the exercise is. 16 MS. WELLS: You're not? 17 A Can I clarify? I have no objection to 18 having the piece of paper with the names on it, but I 19 have the ability to not look at those names. 20 But when you're verbally giving those names, 21 that's a different -- it's like skipping over the ads 22 on a website, right? I mean, I'm not directing my 23 eyes to those names, but then you're verbally giving 24 them to me. 25 So that's my request. So if we could maybe</p> |

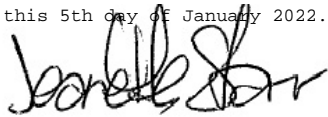
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| <p style="text-align: right;">Page 210</p> <p>1 refer to the -- refer to the letters on the -- 2 BY MS. WELLS: 3 Q So you trained your eye to not look at this 4 information? 5 A I -- I'm making an effort to not look at 6 this information now, if that's your question. 7 Q And when you look at this information and 8 the way it's presented, you really don't understand 9 what Randy Ruedrich could be saying? I just want to 10 be sure I'm clear on your testimony. 11 A On some of these things I think I 12 understand, yes. But on some of the columns, I -- I 13 don't understand. 14 MS. WELLS: Okay. All right. So I just 15 want to -- I think I want to take a minute here and 16 go -- I'd like to go to another exhibit. This one's 17 a little bit tricky because we haven't done this yet 18 in a deposition. I'd like to go to an audio file 19 that is part of the record. Let me just see if you 20 reference this. 21 So we sent the reference to this -- the 22 video -- the video is -- I think this is 23 November 8th -- all right. I think this one is 24 2:52:20. 25 Can you pull that time up for me, Tempest?</p> | <p style="text-align: right;">Page 212</p> <p>1 that, that would be great. 2 (Indiscernible video played.) 3 BY MS. WELLS: 4 Q So what you're seeing so far, Bethany, does 5 this look like footage from -- from the November 8th 6 meeting? 7 A Yes. That's us. I can't verify the date, 8 but I'll take you at your word. 9 MS. WELLS: Tempest, could you hit pause for 10 a second? 11 BY MS. WELLS: 12 Q So what is -- what is Board Member Simpson 13 holding there? Do you know? 14 A I don't know, no. I can't tell from here 15 what he's holding. I don't have any knowledge of 16 what he's holding. 17 Q So when I go back to the exhibit from -- 18 that we just put in, the e-mail from Randy and the 19 redacted copy, do you think that what he's holding is 20 the redacted version of the e-mail from Randy? 21 A I don't know what he's holding. He could be 22 holding any number of documents. 23 Q Okay. All right. 24 MS. WELLS: So, Tempest, could we move 25 forward?</p> |
| <p style="text-align: right;">Page 211</p> <p>1 And so, Matt, what we've done is we've used 2 the record itself to go into the record file and -- 3 you know, and link to the board meeting footage. 4 So I realize that this is a little -- I'm 5 not sure how you'd like us to submit this as an 6 exhibit, or if we really need to since it's part of 7 the record. 8 THE COURT REPORTER: If I can interrupt 9 really quickly. Is this something that you'd like me 10 to transcribe as it's playing or simply make a 11 notation that this was played? 12 MS. WELLS: I -- you know, I would love it 13 if you could transcribe this while it's playing. 14 THE COURT REPORTER: I will try. 15 THE VIDEOGRAPHER: All right. So I think 16 what we would do first is we will mark this as an 17 exhibit. We will use the ARB number from the record, 18 which is -- hold on one second. I'm just trying to 19 arrange my -- this is dominating the screen. 20 THE WITNESS: My computer -- 21 MS. WELLS: Let me see if I can get -- there 22 we go. Bear with me, Bethany. I'm sorry about this. 23 Okay. It is ARB 0001231. 24 (Exhibit No. 11 marked.) 25 MS. WELLS: And, Tempest, if you could play</p> | <p style="text-align: right;">Page 213</p> <p>1 (Indiscernible video resumes playing.) 2 MS. WELLS: Tempest, can you hit pause? 3 BY MS. WELLS: 4 Q So, Bethany, could you hear yourself there? 5 Could you hear what you said? 6 A No. I can't hear the audio really at all. 7 Q Really? So this is the official video, the 8 way the public was participating in the November 8th 9 meeting. You can't hear what you guys are saying? 10 A Well, this is over a Zoom. I mean, it's a 11 Zoom of a Zoom, so I think that's probably part of 12 the issue. 13 But we were in a work session. We were not 14 in the -- we were -- yeah, in work session at the 15 time, so we were not on -- we weren't all sitting at 16 the table, I guess is what I'm saying. So I don't 17 know if this was a part of the formal record or not 18 of the transcript. That's something you would have 19 to ask staff, I suppose. 20 Q Well, that's a good question. So when you 21 were in a work session, were you under the impression 22 that you had to follow the rules of, say, the Open 23 Meetings Act and public -- you know, did you have to 24 act or, I guess, conduct yourself like you were in an 25 open forum?</p> |

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| <p style="text-align: right;">Page 214</p> <p>1 A We were always under the Open Meetings Act.</p> <p>2 Q So under the Open -- so you were always --</p> <p>3 even when you're in a work session, right, is your</p> <p>4 understanding? And I --</p> <p>5 A Well, I mean, in the sense of we were not</p> <p>6 allowed to and we didn't meet together in groups of</p> <p>7 three to discuss redistricting, you know, outside of</p> <p>8 the public eye, all of the map -- you know, whenever</p> <p>9 we were making decisions, we did that as part of the</p> <p>10 board process, the public board process.</p> <p>11 Q But you can't hear yourself right here, and</p> <p>12 you can't hear Board Member Simpson? And you don't</p> <p>13 know what document he has in his hand, correct?</p> <p>14 A And that's, I think, probably as much a --</p> <p>15 because of the -- if I went back and listened to the</p> <p>16 original video, perhaps I could, I guess I'm saying.</p> <p>17 But right now, I'm carrying it through a Zoom. I'm</p> <p>18 not sure if I'm the only one that can't hear it, but</p> <p>19 I can't hear at all.</p> <p>20 Are we on max volume on the speaker.</p> <p>21 MR. SINGER: We can turn up the speaker.</p> <p>22 MS. WELLS: Tempest, can you rewind a little</p> <p>23 bit? And maybe we'll try it again, since we do have</p> <p>24 that Zoom over Zoom going on.</p> <p>25 THE VIDEOGRAPHER: Actually, there's a</p> | <p style="text-align: right;">Page 216</p> <p>1 attachment, why did you go to your computer to pull</p> <p>2 up the unredacted version?</p> <p>3 A I didn't go to my -- I mean, it was -- that</p> <p>4 was what had been sent to us was the unredacted</p> <p>5 version.</p> <p>6 We had originally been given the unredacted</p> <p>7 version, and then we were asked if we wanted the</p> <p>8 redacted version. And I really wasn't -- didn't find</p> <p>9 a lot of value in looking at either version, and so</p> <p>10 I -- I -- only whenever he asked me a question about</p> <p>11 it did I go to pull up the version that I had, which</p> <p>12 was the unredacted version.</p> <p>13 Because I hadn't asked for an unredacted,</p> <p>14 which was -- which was the unredacted version.</p> <p>15 Because he asked me a question about it, is my</p> <p>16 recollection, and I -- like I said, I really hadn't</p> <p>17 referenced the document. So I went to pull up the</p> <p>18 version that I had, which was the unredacted version</p> <p>19 that had been provided to us.</p> <p>20 Q So why didn't you just look over his</p> <p>21 shoulder at the version that he had in his hand?</p> <p>22 A Well, if you look at most of my -- first of</p> <p>23 all, because when I looked at his version, it didn't</p> <p>24 make much sense to me, in the same way that when you</p> <p>25 asked me about it, I was confused about it.</p> |
| <p style="text-align: right;">Page 215</p> <p>1 volume control on the right side there. You can turn</p> <p>2 it up.</p> <p>3 (Indiscernible video resumes playing.)</p> <p>4 MS. WELLS: So can you hit pause again?</p> <p>5 BY MS. WELLS:</p> <p>6 Q So, Bethany, do you hear yourself saying</p> <p>7 that you've got the one that's not redacted?</p> <p>8 A Yes. I know for sure that I had a version</p> <p>9 that was not redacted at one point.</p> <p>10 Q So -- and do you hear Board Member Simpson</p> <p>11 saying that he -- that this is from Juli and that</p> <p>12 it's from Randy?</p> <p>13 A I didn't hear him say that, but I recall</p> <p>14 that conversation, yes.</p> <p>15 Q Okay. So does that sort of refresh your</p> <p>16 recollection regarding what Board Member Simpson is</p> <p>17 holding?</p> <p>18 A Yes.</p> <p>19 Q So my confusion -- and so -- I'm sorry. I</p> <p>20 didn't mean to -- I didn't mean to talk over you, I</p> <p>21 guess, so please finish your comment.</p> <p>22 A I don't know that I was saying anything</p> <p>23 more. Sorry.</p> <p>24 Q So my -- my question is: If Board Member</p> <p>25 Simpson is holding the redacted version of the</p> | <p style="text-align: right;">Page 217</p> <p>1 So I went to look at it electronically,</p> <p>2 which is my preferred way of reading. And so</p> <p>3 whenever I went to pull up the electronic version of</p> <p>4 it, I realized that was the version that was not</p> <p>5 redacted.</p> <p>6 Q Okay. I'd like to play the rest of this</p> <p>7 video. I have some just other questions regarding</p> <p>8 observations.</p> <p>9 MS. WELLS: Tempest, could you play -- it's</p> <p>10 not for much longer. I think there's probably --</p> <p>11 (Indiscernible video resumes playing.)</p> <p>12 MS. WELLS: So can you pause it for one</p> <p>13 second, Tempest?</p> <p>14 BY MS. WELLS:</p> <p>15 Q So did you say that you would hide it for</p> <p>16 Board Member Simpson if he wanted to continue not to</p> <p>17 see that incumbent information, but that you didn't</p> <p>18 care about that? Is that what I heard, or something</p> <p>19 similar to that? What did you hear, I guess I should</p> <p>20 ask?</p> <p>21 A I'll be honest, that I couldn't hear the</p> <p>22 video.</p> <p>23 But I do recollect that, in the same way</p> <p>24 that we had endeavored to not see the incumbent</p> <p>25 information, that I, you know, offered to do that on</p> |

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| <p style="text-align: right;">Page 218</p> <p>1 the electronic version, to cover that up, for the 2 same reason that I was not interested in seeing the 3 incumbent information. 4 MS. WELLS: Okay. Tempest, do you want to 5 hit play again? 6 (Indiscernible video resumes playing.) 7 MS. WELLS: So, Tempest, could you hit pause 8 again? 9 BY MS. WELLS: 10 Q So I just want to -- I heard -- I heard the 11 word "incumbents," I think. Did you hear the word 12 incumbents? I know it's hard to hear. 13 A I -- I did not, but I would not deny that we 14 used the word "incumbents" as part of discussing the 15 fact that we are not wanting to see the incumbents. 16 Q So you think what you were saying there was, 17 let's look at these districts but make sure we don't 18 see the incumbents, or something along those lines? 19 A I don't know what we were saying. I can't 20 hear the video. But I'd be happy to go back and 21 watch the video and listen more carefully, if that 22 would be helpful. 23 Q That would actually be great. Yeah. It 24 would be -- it would be very helpful to get your 25 observations on that.</p> | <p style="text-align: right;">Page 220</p> <p>1 Q Okay. And do you think this is that 2 partition that the board put up just to make sure 3 there, like, was a public space and a board space? I 4 can't -- I mean, it's okay if you can't tell, but I'm 5 just trying to get my bearings. 6 A What is "this" that you're referring to? 7 Q Can you see -- well, you probably can't. 8 MS. WELLS: Tempest, can you point out 9 that -- because I think you can see it when she puts 10 a pointer on. 11 MR. SINGER: Just so the record's clear, so 12 on the top of this, it's like a fisheye or a 13 panorama, so it's fairly -- it's a little deceptive 14 in that it's -- and it's kind of creating -- it's 15 taking a circular view and making it linear. 16 So the -- I don't know if you ever attended 17 in person, Ms. Wells, but -- 18 BY MS. WELLS: 19 Q Is it -- I guess the question would be: Is 20 it a panoramic view or is it spliced-together images? 21 That was my understanding. 22 And this is probably more questioning for 23 Binkley, but that is -- I do have questions regarding 24 what we're seeing. 25 MR. SINGER: All right. I would -- I</p> |
| <p style="text-align: right;">Page 219</p> <p>1 Okay. So there's one other thing I want to 2 explore in this arena, but I do have some just 3 general observation questions. 4 When you were listening to this and watching 5 this, do you know where the other board members are? 6 Can you tell? And we can just look at the screen, 7 this freeze frame right here. 8 A So you want me to tell you what we were 9 looking at on the screen about where people are? 10 Q That would be great. So I think -- like, 11 for example, I don't -- over here (indicating), can 12 you see anybody in there? What is that we're looking 13 at? Is that the public? 14 A Well, I would not expect it to be the public 15 because of the fact that the public were -- I think 16 the stanchion's up, and the public were supposed to 17 be on the other side of the stanchions. 18 I'll be honest that I can't tell who those 19 people are. I could guess that one of them might be 20 Member Borromeo, because she had a very beautiful 21 bright orange coat, and that looks like maybe that 22 coat. 23 But I have no idea who the other person is 24 in the photo. It could be any number of staff or 25 board members.</p> | <p style="text-align: right;">Page 221</p> <p>1 would -- if anybody knows the answer, it's probably 2 Torkelson, not Binkley. 3 MS. WELLS: Okay. 4 MR. SINGER: Yeah. But it's the -- I can 5 tell you that having spent hours in that room, that 6 the -- you see where the Rubik's Cube and then the 7 map, the folks that are by the maps, that's the very 8 back of the space. That's the very back of the 9 redistricting board's office, the southern wall. 10 That's where the maps are. 11 And then in the center of that strip, where 12 the -- you know, you can see the -- like, the -- you 13 know, the divider and the -- that's where the public 14 sat. That's the opposite direction. That's looking 15 north. 16 And then the conference table was in between 17 those two places, where Ms. Marcum and Mr. Simpson 18 are sitting. 19 So anyway, it's a pretty confusing image. 20 So sorry to interrupt you. 21 MS. WELLS: No, no. That's actually really 22 helpful. Thank you. 23 BY MS. WELLS: 24 Q So when I'm looking at this, what I'm 25 looking at, you know, as a member of the public</p> |

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| <p style="text-align: right;">Page 222</p> <p>1 attending this meeting, let's say, as a -- this is 2 the way I'm going to attend. There's COVID-19, and 3 this is how I'm showing up. 4 I'm trying to understand what I'm seeing. 5 Because I see two board members, and I can't see 6 anybody else. So -- and I don't want to -- so I'm 7 just asking you, Bethany, to kind of talk me through. 8 Where are the other board members? We have 9 a work session going on here. Where are they? 10 And you know, that's helpful that that may 11 be Borromeo, because she has a -- you know, that 12 orange jacket. Can you identify any of the other 13 board members in these screenshots? 14 A I can't. I can't see. We weren't -- we 15 were -- you know, during work session, we weren't 16 sitting, you know, at the table. And so I don't have 17 any way of knowing if someone was in the restroom or 18 getting a cup of coffee in the break room, which is, 19 you know, something that happens during the work 20 sessions. 21 Q So during the work session, board members 22 are free to come and go and talk to each other in 23 different locations off the record as they see fit? 24 Would that be fair? 25 A With the caveat that we were very careful to</p> | <p style="text-align: right;">Page 224</p> <p>1 But in general, I think that we heard that 2 the acoustics in the room were pretty decent. In 3 fact, I know we -- I know we received feedback that 4 people were very pleased and surprised at how well 5 they were able to participate and follow the board 6 meetings using the Owl camera system that we are 7 viewing the video of now. 8 Q Okay. All right. Just one more thing on -- 9 along these lines. 10 MS. WELLS: Tempest, could you pull up 11 the -- I think it's the November 9th, 2021 12 transcript. Do we have that in here? Yes. So 13 that's 5. And let me get the -- I didn't expect to 14 use this one. So let me -- it is page 33, lines 19 15 through 24. 16 (Exhibit No. 12 marked.) 17 A Which date is this? 18 BY MS. WELLS: 19 Q So this is November 9th, 19- -- or sorry. 20 November 9th, 2021. 21 This is a copy of the Pac Rim Reporting 22 transcript, page 33, that I'd like to put in as an 23 exhibit. 24 Bethany, does this -- does this look like a 25 fair representation of the transcript of the</p> |
| <p style="text-align: right;">Page 223</p> <p>1 ensure that there were never three of us in, you 2 know, one place at one time. It became part of our 3 board culture really to be very careful not to have 4 three of us meeting or talking about redistricting 5 together outside of the formal board proceedings. 6 Q So just -- my question would be: What's the 7 difference between that and not having a work session 8 at all, but just not, you know, having a meeting 9 that's in violation of the Open Meetings Act? 10 If I can't see you or the board members and 11 it's not on record, and a member of the public can't 12 participate on the video, what's -- what's work -- 13 the work session in the work session, basically? 14 What am I -- how am I, as a member of the public, 15 able to participate in this? 16 A So we did have the board office open during 17 work sessions. There were seats placed in the room 18 for members of the public to come in person and watch 19 the work session. 20 Q And were the board members making efforts to 21 ensure that those members of the public could hear 22 you? 23 A If they brought to our attention that they 24 couldn't hear us, we certainly would address that. I 25 believe that happened once, if I recall.</p> | <p style="text-align: right;">Page 225</p> <p>1 November 9th meeting? And I -- 2 A I'm trying to bring up the transcript right 3 now. November 9th? 4 Q Yes. Page 33. 5 A Page 33. Okay. November 9th, page 33, and 6 which line numbers? 7 Q Lines 19 through 25. 8 A Nineteen through 25. Yes. 9 Q Okay. And can you read those lines to me, 10 please? 11 A Yes. "Board Member Bethany Marcum: I'd 12 just state for the record, we have not been provided 13 with any incumbent information. And in addition, we 14 don't know who's been truncated, so I mean, I think 15 that the proposal that you put forward is logical 16 because we -- we know that this information has not 17 been presented to us, so." 18 Q So when I look at the video for 19 November 8th, and then I look at these statements 20 you're making to the public on November 9th, I'm -- 21 so that statement is -- you made that statement on 22 the 9th, correct? 23 A Yes. 24 Q Okay. All right. I think we can -- we'll 25 just move on. We only have one more thing. I just</p> |

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| <p style="text-align: right;">Page 226</p> <p>1 want to -- and this should take about five minutes. 2 MS. WELLS: Tempest, can you pull up 3 document 9? 4 MS. EVANS: Just a moment. 5 (Exhibit No. 13 marked.) 6 BY MS. WELLS: 7 Q All right. Bethany, do you see the -- and 8 this was document 9 in the file index we sent. 9 A Yes, I have that document here. 10 Q Okay. And I'd like to put this in as an 11 exhibit. But actually, this is also a letter from 12 the records, so -- but we might as well enter it 13 anyway, just to make it clear. 14 Do you remember receiving this letter, you 15 know, in the public testimony packet? 16 A Yes, I remember this being part of one of 17 the testimony packets we received. 18 Q And was this a letter that you relied on 19 when weighing your Senate pairings decision? 20 A Yes. I relied upon this and many other 21 pieces of public testimony as part of Senate 22 pairings. 23 Q Okay. But is this the -- the letter that 24 you quoted from? I think it was on the -- I think it 25 was on the 8th. I remember you reading from a</p> | <p style="text-align: right;">Page 228</p> <p>1 A Did I -- 2 Q I'm sorry, in the November 8th hearing or 3 meeting. 4 A Where he was from or where he represented? 5 Is that the question? 6 Q Yeah. Or just that he was a representative 7 from the Chugach area [as spoken]. 8 A He's -- he was not a representative from the 9 Chugach area. 10 Q Oh, I'm sorry. So what were you saying his 11 former role was? 12 A He formerly was a representative. 13 Q Okay. Do you think that would impact how he 14 would -- I guess would that impact how the public or 15 other board members would process his testimony, or 16 no? 17 A I know that we received testimony from a 18 variety of past and sitting legislators, some of whom 19 referenced their titles and some of whom did not. 20 And so I would respect the individual's decision as 21 to whether or not they wanted to label themselves 22 with a particular title. 23 Q Okay. All right. Great. And besides this 24 letter, can you tell me, is there one or two other 25 letters or testimony that were significant in your</p> |
| <p style="text-align: right;">Page 227</p> <p>1 letter. Was this the letter that you were reading 2 from? 3 A Yes. I referenced portions of this public 4 testimony as part of the board meeting that we had 5 on -- I'm sure whatever date you said is accurate. 6 Q And who is the letter from? 7 A Dan Saddler. 8 Q Do you remember referencing the sender of 9 the letter? Did you talk about -- did you name the 10 individual who had submitted the testimony? 11 A I don't believe I did. 12 Q Do you know if Dan Saddler is at all related 13 to politics or -- 14 A I'm sorry. I didn't hear the -- 15 Q Do you know if Dan Saddler is at all -- if 16 he participates in politics at all? 17 A I don't know about now, but I do know that 18 in the past, he was a representative. 19 Q And where was he? Where was his -- where 20 was he a representative? 21 A I believe Chugiak -- Chugiak area. 22 Q Did you -- did you weigh that? Did you 23 mention that when you were reading from his testimony 24 and relying on it in your -- in the November 8th 25 testimony?</p> | <p style="text-align: right;">Page 229</p> <p>1 proposals? 2 A As far as what proposals? 3 Q Your Senate pairing proposals. 4 A Yes, there were multiple other testimonies. 5 I don't recall the names of the testifiers, but there 6 were multiple other pieces of testimony that were 7 relevant. 8 MS. WELLS: Okay. If I could just take a 9 moment, run through my question, make sure I'm not 10 forgetting something, I think we will be -- at least 11 on our part, we will be done. So let me just -- 12 THE VIDEOGRAPHER: Go off the record at 13 4:37. 14 (Brief break.) 15 THE VIDEOGRAPHER: On the record at 4:39. 16 MS. WELLS: All right. Bethany, that's all 17 I have for you today, so I -- I'm not sure what 18 the -- if -- who's up next. Maybe Tanner. Or no, I 19 imagine -- 20 MR. AMDUR-CLARK: No questions from the 21 intervenor defendants today. Thank you. 22 MR. SINGER: And the board has no questions, 23 so I think that concludes the deposition. 24 THE VIDEOGRAPHER: This concludes today's 25 testimony of Bethany Marcum. We will go off the</p> |

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| <p>1 record at 4:39. 2 (Proceedings concluded at 4:39 p.m.) 3 (Signature reserved.) 4 -o0o- 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p>Page 230</p> <p>1 Errata Sheet 2 3 NAME OF CASE: IN THE MATTER OF THE 2021 REDISTRICTING PLAN 4 DATE OF DEPOSITION: 01/04/2022 5 NAME OF WITNESS: Bethany Marcum 6 Reason Codes: 7 1. To clarify the record. 8 2. To conform to the facts. 9 3. To correct transcription errors. 10 Page ____ Line ____ Reason ____ 11 From ____ to ____ 12 Page ____ Line ____ Reason ____ 13 From ____ to ____ 14 Page ____ Line ____ Reason ____ 15 From ____ to ____ 16 Page ____ Line ____ Reason ____ 17 From ____ to ____ 18 Page ____ Line ____ Reason ____ 19 From ____ to ____ 20 Page ____ Line ____ Reason ____ 21 From ____ to ____ 22 Page ____ Line ____ Reason ____ 23 From ____ to ____ 24 25</p> <p>Page 232</p> |
| <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> | <p>Page 231</p> <p>CERTIFICATE</p> <p>I, JEANETTE STARR, Certified Shorthand Reporter and Notary Public in and for the State of Alaska, do hereby certify that the witness in the foregoing proceedings was duly sworn; that the proceedings were then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed by computer transcription; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 5th day of January 2022.</p> <p></p> <p>JEANETTE STARR My Commission Expires 1/3/2022</p> |

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