

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

CITY OF PETERSBURG, MARK L. JENSEN, NANCY C. STRAND, and BRENDA L. NORHEIM,
Plaintiffs,
v.
STATE OF ALASKA, ALASKA REDISTRICTING BOARD,
Defendants.

Case No. 1JU-11- CI

COMPLAINT
(ALASKA CONSTITUTION, ART. IV, §11)

COME NOW, Plaintiffs, City of Petersburg, Mark L. Jensen, Nancy C. Strand, and Brenda L. Norheim, by and through their attorneys, BIRCH HORTON BITTNER & CHEROT, and claim and allege as follows:

PARTIES

1. Plaintiff City of Petersburg ("Petersburg") is a home rule city organized and existing under the constitution and laws of the State of Alaska.
2. Plaintiff Mark L. Jensen is a resident of Petersburg and a member of the Petersburg City Council, and is a qualified voter under the constitution and laws of the State of Alaska.
3. Plaintiff Nancy C. Strand is a resident of Petersburg and a member of the Petersburg City Council, and is a qualified voter under the constitution and laws of the State of Alaska.

4. Plaintiff Brenda L. Norheim is a resident of Petersburg and a qualified voter under the constitution and laws of the State of Alaska, and a member of the Petersburg Indian Association, an Alaska Native tribe recognized by the Secretary of the Interior under 25 U.S.C. §479a and headquartered in Petersburg.

5. Defendant Alaska Redistricting Board ("Board") was constituted under Art. VI, §8 of the Alaska Constitution to adopt a legislative redistricting plan for the State of Alaska following the decennial census of the United States for 2010.

JURISDICTION AND VENUE

6. The Court has jurisdiction of this action under Art. VI, §11 of the Alaska Constitution and AS 22.10.020(b). Plaintiff Petersburg is located in the First Judicial District, and plaintiffs Jensen, Strand and Norheim reside in the First Judicial District. Venue lies in the First Judicial District.

STANDING OF PLAINTIFFS

7. As a municipal government, Petersburg provides a variety of facilities and services to its residents. A substantial part of the funding for these facilities and services comes from appropriations of State funds made by the Alaska Legislature. The economic and social development of the Petersburg community also depends in many instances on the enactment of supportive State legislation. Petersburg's efforts to obtain such funding and legislation require effective legislative representation of its interests, which depends upon adequate representation of the Petersburg area, and the inclusion of Petersburg in a House and Senate district that constitute a relatively integrated socio-economic area.

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8. As qualified voters, plaintiffs Jensen, Strand and Norheim have standing to bring this action under Art. VI, §11 of the Alaska Constitution.

BOARD ACTION

9. The redistricting plan ("Plan") adopted by the Board separates Petersburg from Sitka and other smaller Southeast Alaska communities with which Petersburg historically has been represented in the same House district, and with which Petersburg has common socio-economic interests, including without limitation economic interests in fishing and timber harvesting. Instead, the Plan places Petersburg in House District 32 with part of the City and Borough of Juneau, a municipality with which Petersburg does not share such common socio-economic interests.

10. Petersburg supported before the Board a redistricting plan for Southeast Alaska that conformed to the Alaska Constitution and provided fair representation to the Petersburg area. The Board failed to adopt this redistricting plan.

ART. VI, §6 OF THE ALASKA CONSTITUTION

11. Art. VI, §6 of the Alaska Constitution provides that "[e]ach house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area." These standards require that house districts be composed of economically and socially interactive people in a common geographic region.

12. House District 32 fails to meet the criteria for House districts in Art. VI, §6 of the Alaska Constitution because it is not composed of economically and socially

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interactive people in a common geographic region. The southern portion of the City and Borough of Juneau is not economically and socially interactive with Petersburg. On the contrary, Petersburg is more closely integrated with Sitka and other smaller Southeast communities, with which it historically has shared legislative representation. Thus, the Plan's inclusion of Petersburg in House district 32 constitutes an error in redistricting.

ART. I, §1 OF THE ALASKA CONSTITUTION

13. The Plan's inclusion of Petersburg in a House district with part of the City and Borough of Juneau will have the effect of reducing disproportionately the representation of Petersburg voters in the legislature, in violation of Art. I, §1 of the Alaska Constitution. Thus, the Plan's inclusion of Petersburg in House district 32 constitutes an error in redistricting.

14. The Plan's inclusion of Petersburg in a Senate district with the City and Borough of Juneau, rather than with Sitka and other smaller Southeast Alaska communities will have the effect of reducing disproportionately the representation of Petersburg voters in the legislature, in violation of Art. I, §1 of the Alaska Constitution. Thus, the Plan's inclusion of Petersburg in a Senate district with the City and Borough of Juneau constitutes an error in redistricting.

ABUSE OF DISCRETION

15. The Board acted arbitrarily and capriciously, and abused its discretion, in adopting the Plan.

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WHEREFORE, Plaintiffs pray that this Court:

1. Issue an order declaring that the establishment under the Plan of House District 32 constitutes an error in redistricting.
2. Issue an order declaring that including Petersburg in a Senate district under the Plan with the City and Borough of Juneau rather than with Sitka and other smaller Southeast Alaska communities constitutes an error in redistricting.
3. Issue an order declaring the Board's decision to adopt the Plan to be arbitrary, capricious and an abuse of discretion, and that such decision constituted an error in redistricting.
4. Return the matter to the Board for correction and development of a new plan, with the direction that Petersburg be included in a House district and/or a Senate district with Sitka and other smaller Southeast Alaska communities, rather than with the City and Borough of Juneau.
5. Enjoin the State of Alaska from conducting any State election using the legislative districts established by the Plan.
6. Award Plaintiffs their costs and attorneys' fees in this action.
7. Grant such other and further relief as it deems just and equitable.

DATED this 12th day of July 2011.

BIRCH HORTON BITTNER & CHEROT
Attorneys for Plaintiff

By: _____
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