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SEP 19 2011

PATTON BOGGS LLP

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN RE 2011 REDISTRICTING CASES

Case No. 4FA-11-02209CI (consolidated)

4FA-11-02213CI

1JU-11-00782CI

OPPOSITION TO MOTION TO DISMISS FOR LACK OF STANDING

Come now the Plaintiffs Fairbanks North Star Borough and Timothy Beck (hereinafter "FNSB plaintiffs"), and hereby file their opposition to the Motion to Dismiss For Lack of Standing filed by the Alaska Redistricting Board. The FNSB clearly has standing to litigate this matter, and access to the courts should not be restricted as proposed by the Alaska Redistricting Board. This opposition is supported by the accompanying memorandum.

DATED at Fairbanks, Alaska this 19th day of September, 2011.

CERTIFICATE OF SERVICE

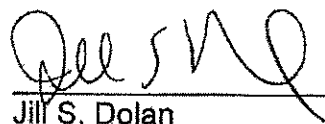
This is to certify that on this date, a copy of the foregoing is being served on the following attorney or parties of record:

Michael D. White (via e-mail)
Patton Boggs LLP
mwhite@pattonboggs.com

Thomas F. Klinkner (via e-mail)
Birch, Horton, Bittner & Cherot
tklinkner@bhb.com

Michael J. Walleri (via e-mail)
walleri@gci.net

FAIRBANKS NORTH STAR BOROUGH



Jill S. Dolan
Assistant Borough Attorney
ABA No. 0405035



FNSB Department of Law Date

Fairbanks North Star Borough
Department of Law
P.O. Box 71267
Fairbanks, Alaska 99707
Phone: (907) 459-1318

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA **RECEIVED**

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

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IN RE 2011 REDISTRICTING CASES

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STATE OF ALASKA)
) §
FOURTH JUDICIAL DISTRICT)

AFFIDAVIT OF MONA LISA DREXLER IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS FOR LACK OF STANDING

I, Mona Lisa Drexler, first being duly sworn, depose and state as follows:

1. I am the Municipal Clerk for the Fairbanks North Star Borough and have served in that capacity for twenty-six years. My office is responsible for providing administrative support to the assembly, and our duties include maintaining every adopted ordinance, resolution, code, rule, regulation, code of regulations, and all bonds, contracts and bids.

2. I have personal knowledge of all facts set forth in this affidavit, and submit it in support of the Opposition to Motion to Dismiss for Lack of Standing filed in this matter.

3. It is my opinion that in order to provide needed services and facilities to municipal residents, a municipality in Alaska must have a close working relationship with the state legislature. The FNSB Assembly does this by conveying the legislative priorities of its residents to state legislators through various channels.

Fairbanks North Star Borough
Department of Law
P.O. Box 71267
Fairbanks, Alaska 99707
Phone: (907) 459-1318

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4. The FNSB Assembly employs a lobbyist to educate legislators on what state law changes may mean to municipal residents, and similarly educates the Assembly and administration on how proposed legislation may impact the borough.

5. The FNSB Assembly has a close working relationship with the Interior Delegation, a bipartisan legislative work group established to advance priorities important to Interior Alaska. The Assembly meets with the Interior Delegation at least annually, and directs that copies of its resolution and ordinances be forwarded to the Interior Delegation on all matters involving state law.

6. The FNSB Assembly appoints a member to serve as a legislative liaison to specifically work with the legislature while it is in session.

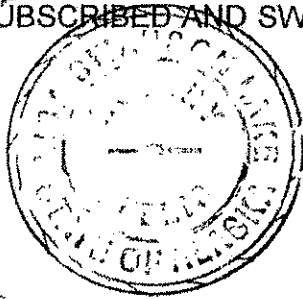
7. In my experience, residents of the FNSB rely on their local government to represent their interests in matters of statewide concern. A review of the minutes from the June 23, 2011 Assembly meeting during which Resolution 2011-26 protesting the proclamation plan and authorizing the current litigation was heard indicates this matter was no exception, and residents testified to the Assembly that it should protest the plan and file the present lawsuit. See attached minutes as Exhibit 1. Additionally, a review of the electronic and written communications to the Assembly on the redistricting plan reveals that citizens expected the Assembly to take action and requested that the present action be filed on their behalf. See attached correspondence as Exhibit 2.

FURTHER AFFIANT SAYETH NAUGHT.

DATED at Fairbanks, Alaska this 19th day of September, 2011.

Mona Lisa Drexler
MONA LISA DREXLER

SUBSCRIBED AND SWORN TO BEFORE ME on this 19th day of September, 2011.



Lisa Swanson Lake
Notary Public in and for Alaska
Commission Expires: with office

Fairbanks North Star Borough
Department of Law
P.O. Box 71267
Fairbanks, Alaska 99707
Phone: (907) 459-1318

CERTIFICATE OF SERVICE

This is to certify that on this date,
a copy of the foregoing is being
served on the following attorney
or parties of record:

Michael D. White (via e-mail)
Patton Boggs LLP
mwhite@pattonboggs.com

Thomas F. Klinkner (via e-mail)
Birch, Horton, Bittner & Cherot
tklinkner@bhb.com

Michael J. Walleri (via e-mail)
walleri@gcl.net

Andrea Fields 9/19/11
FNSB Department of Law Date

APPROVAL OF AGENDA AND CONSENT AGENDA

Track 1, 2:00

The Clerk read the consent agenda.

HUTCHISON,
Seconded by BECK

moved to approve the agenda and
consent agenda.

PRESENTATIONS

NONE

APPROVAL OF MINUTES

Track 1, 2:00

- a. Regular Assembly Meeting minutes of June 9, 2011.

CITIZEN'S COMMENTS

Track 1, 7:29

- a. A citizen may speak on agenda items not scheduled for public hearing. Memorandums, Bid Awards, Unfinished Business (items postponed from previous meetings, reconsideration, or notice of intent to rescind), Resolutions, or Ordinances being advanced to a public hearing on a different date.

John Ragan, resident of the borough, spoke in favor of Resolution 2011-26 and referred the Assembly to his article in the Fairbanks Daily News Miner on the issue.

George Riley, resident of the borough and Chair of the Ester Volunteer Fire Department, spoke in support of Resolution 2011-26. He read a statement from the Chief of the Fire Department stating the Chief's support to the Resolution, as well.

Debra Rimer, resident of the borough, spoke in opposition to the redistricting proposed by the Redistricting Board and in favor of Resolution 2011-26.

Lance Roberts, resident of the borough, spoke in opposition to Resolution 2011-26 and in particular the costs associated to the redistricting lawsuit.

Raymond Pavelsky, resident of the borough, spoke in support of Resolution 2011-26.

Representative David Guttenberg, resident of the borough, spoke in opposition to the proposed redistricting and in support of Resolution 2011-26.

Senator Joe Thomas, resident of the borough, spoke in favor of Resolution 2011-26 and in opposition to the redistricting as proposed by the Redistricting Board.

CITIZEN'S COMMENTS - Continued

Kathryn Dodge, resident of the borough, spoke in support of Resolution 2011-26 and in opposition to the Redistricting Board's proposal.

Lake Williams, resident of the borough and President of the Fairbanks Labor Council, spoke in support of the Resolution 2011-26.

Sylvia Schultz, resident of the borough, spoke in support of Resolution 2011-26 and asked that the Assembly consider using the non-attainment area as a potential redistricting guideline.

Asa Dowdy, Jr., resident of the borough, spoke in opposition to the proposed redistricting plan and suggested that the Assembly consider postponing the issue to a later date for more time to review the proposed redistricting.

Jim Whitaker, resident of the borough, spoke in support of Resolution 2011-26.

Larry Landry, resident of the borough, spoke in support of Resolution 2011-26 and in opposition to the redistricting plan as currently proposed.

- b. Items other than those appearing on the agenda (this is the section to speak on anything **Not Scheduled** on the agenda).

NONE

COMMUNICATIONS TO THE ASSEMBLY

Track 1, 2:00

- a. Report from the City of Fairbanks Representative.

NONE

- b. Report from the City of North Pole Representative.

NONE

- c. Report from the School Board Representative.

NONE

NEW BUSINESS – RESOLUTIONS- Continued

Presiding Officer Blanchard moved Resolution 2011-26 on the agenda prior to the remaining Ordinances under Public Hearing due to the time constraints on the Resolution.

- b. RESOLUTION NO. 2011-26. A Resolution Protesting The Reapportionment Of The Fairbanks North Star Borough Districts In The 2011 Redistricting Plan. (Sponsor: Assemblymember Beck)
Track 6, 7:46

Assemblymember Beck provided a staff report.

The Presiding Officer called for public testimony.

Mike Prax, resident of the borough, spoke in opposition to the resolution. He spoke in particular to the process by which the resolution was developed.

David DeLong, resident of the borough, spoke in support of the resolution and thanked Assemblymember Beck and Mayor Hopkins for their work on the resolution.

Robert Grove, resident of the borough, spoke in support of the resolution.

Mike Walleri, resident of the borough, spoke in support of the resolution.

Ian Oleson, resident of the borough, spoke in favor of the resolution and the proposal to protest the redistricting plan.

Tim Sovde, resident of the borough, spoke in opposition to the resolution.

Presiding Officer Blanchard passed the gavel to Deputy Presiding Officer Hutchison in order to participate in Assembly discussion.

BECK, moved to adopt.
Seconded by BLANCHARD

Discussion ensued.

BECK, moved to amend at line 56 to remove the
Seconded by WINTERS period and include the phrase "and may name
Tim Beck as a party."

Discussion ensued.

NEW BUSINESS – RESOLUTIONS- Continued

VOTE ON MOTION TO AMEND RESOLUTION NO. 2011-26.

Ayes: Want, Beck, Winters, Kassel, Dukes, Musick,
Blanchard, Hutchison

Noes: Howard

MOTION CARRIED 8 Ayes, 1 Noes

BLANCHARD,
Seconded by DUKES, moved to amend to delete lines 33 through 37
"Whereas, the reapportionment proposal takes
away the residents of Ester and Goldstream
and surrounding areas, and forces them into a
House District far removed from their
neighbors and common-interest friends in the
Fairbanks North Star Borough, thereby
depriving them of effective representation in
violation of State law, and"

Discussion ensued.

WINTERS,
Seconded by BECK moved to amend the amendment to delete line
36 only after the word "Borough."

Assemblymembers Winters and Beck withdrew their amendment.

WINTERS
Seconded by BECK moved to amend the amendment at line 36 by
deleting the word "thereby" and inserting the
word "potentially."

The Deputy Presiding Officer ruled the amendment carried the main motion.

NEW BUSINESS – RESOLUTIONS- Continued

VOTE ON MOTION TO AMEND THE AMENDMENT TO RESOLUTON NO. 2011-26.

Ayes: Howard, Winters, Dukes, Beck, Want, Kassel,
Musick, Blanchard, Hutchison

Noes: NONE

MOTION CARRIED 9 Ayes, 0 Noes

BLANCHARD

Seconded by DUKES

moved to amend at line 57 to include the phrase "be it further resolved that the Fairbanks North Star Borough Assembly will not advocate any particular region constituting the half-district in the Borough."

Discussion ensued.

VOTE ON MOTION TO AMEND RESOLUTION NO. 2011-26.

Ayes: Howard, Blanchard, Hutchison, Dukes

Noes: Kassel, Want, Winters, Beck, Musick

MOTION FAILED 4 Ayes, 5 Noes

DUKES

Seconded by BLANCHARD

moved to amend lines 47 through 49 to replace with "Whereas, the Fairbanks North Star Borough recognizes that a fair and equitable plan must maximize the representation of borough citizens by grouping the half-district as a whole."

WITHOUT OBJECTION, SO ORDERED.

NEW BUSINESS – RESOLUTIONS- Continued

VOTE ON MOTION TO ADOPT RESOLUTION NO. 2011-26, AS AMENDED.

Ayes: Kassel, Want, Dukes, Beck, Winters, Musick,
Blanchard, Hutchison

Noes: Howard

MOTION CARRIED 8 Ayes, 1 Noes

BECK
Seconded by WINTERS moved for immediate reconsideration on
Resolution 2011-26.

Ayes: NONE

Noes: Want, Hutchison, Beck, Dukes, Winters,
Howard, Kassel, Musick, Blanchard

MOTION FAILED 0 Ayes, 9 Noes

WINTERS
Seconded by BECK moved to reinstitute the rules to postpone
Ordinances 2011-34 and 2011-35 under Public
Hearing to the next Regular Assembly meeting.

WITHOUT OBJECTION, SO ORDERED.

WINTERS,
Seconded by BECK moved to postpone Ordinance 2011-34 to next
Regular Assembly meeting.

VOTE ON MOTION TO POSTPONE ORDINANCE NO. 2011-34.

Ayes: Dukes, Winters, Howard, Kassel, Beck, Want,
Hutchison, Musick, Blanchard

Noes: NONE

MOTION CARRIED 9 Ayes, 0 Noes

June 20, 2011

Presiding Officer Joe Blanchard
Fairbanks North Star Borough
809 Pioneer Avenue
Fairbanks, AK 99701

RE: Opposition to Redistricting of Ester FSA House and Senate Districts

Dear Presiding Officer Blanchard,

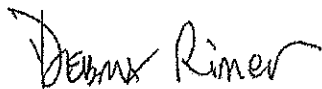
The Board of Directors of the Ester Volunteer Fire Department strongly opposes the Redistricting Board's final plan which places Ester in a House District with the Bering Sea Coast and a Senate District with Bethel.

The community of Ester is socio-economically integrated with the Fairbanks North Star Borough. Our fire department is closely tied to every other Emergency Service Provider in the Borough in a tight network of mutual aid and training agreements. We depend upon our Senator and our House Representative and the rest of the North Star Borough delegation in Juneau to see that our needs as an Emergency Service Provider within the Fairbanks North Star Borough Emergency Services are met.

It makes no sense to have one part of the Fairbanks North Star Borough Emergency Services represented by a Fairbanks North Star Borough Delegation and another part represented by someone from Bethel or the Bering Sea Coast, with whom we have little or no connection. We feel that the safety of our community will be jeopardized if we are not represented together with the rest of the Fairbanks North Star Borough Emergency Services, by a local person and a unified local delegation from the Fairbanks North Star Borough.

We strongly urge the Fairbanks North Star Borough to oppose the Redistricting Board's final plan, to challenge it in court, and to see that it is replaced by a redistricting plan which follows Borough boundaries as closely as possible and which respects the socio-economically integrated communities which Boroughs represent in Alaska.

Respectfully,



Debra Rimer
Treasurer, Board of Directors
Ester Volunteer Fire Department

CC: George Riley, Ester FSA Commission
Cameron Wohlford, Chief
Margaret Rogers, Board of Directors

es
Beth

Amanda Towes

From: James Sampson [jpto@alaska.net]
Sent: Thursday, June 23, 2011 7:25 PM
To: Assembly
Subject: Redistricting resolution

Dear assembly members,

The proposed plan reduces representation in the FNSE. It should not be a partisan issue. We need to support a strong delegation for the interior. Please provide the leadership we need and support resolution 2011-26.

Thank you for your consideration and your public service.

I was just informed I missed the sign up deadline of 7:00 p.m.

Jim Sampson

Sent from my iPhone

966 Goldmine Trail
Fairbanks, Alaska 99712
June 23, 2011

Redistricting Redux

I'm Larry Paquin, an over 30 year citizen of the Steese district. Thank you for the opportunity to give a citizen's comments on the "Final Redistricting Plan" produced by the majority party of the legislature. I've lived through many redistricting schemes over the years, one that especially defied logic. It paired Steese north with Fairbanks between but not part of our district, rather salamandered around that city and glued us on to North Pole. What a stretch. I won't say the name of that fixer, but his initials are A.V. What an engineering deception. Many of us felt disenfranchised by this rigged, raw partisan scheme. Voting dropped.

Unfortunately the majority party controls redistricting in Alaska, as in other states. Those with a non-partisan redistricting board have much better representation for their citizens and democracy is well served. Raw political redistricting is just that, do anything, divide anything just to stay in power and increase that strength to the detriment of the voters they supposedly represent, save the well connected, influence peddlers who thrive on special interest favors. That's not democracy, maybe plutocracy. Fairbanks area proposed redistricting will cause our golden heart city to lose one state senator and at least one representative, elected fairly by constituents. Instead one legally elected senator will face another from his own party. Further another highly respected representative who has faithfully spoken for his constituents is cast out to a far flung district clear to the coast. Who will be the voice of 7,210 citizens written off by the redistrictor, himself a defeated candidate in the last fair election. Having a district that combines urban voters with far flung rural districts is defied. For our constitution contains the mandate: "House districts (should) contain.. "as nearly as possible a relatively integrated socio-economic area." Instead this proposed redistricting spreads chaos.

On that one constitutional guideline alone, as well as many others that "Final Plan" proposes, you Fairbanks North Star Borough Assembly members need to challenge and overturn this mockery of representative democracy. Developer, conservationist, all those interested in decent democracy follow Assemblyman Tim Beck to the courthouse and demand this siphoning off of Fairbanks area representation to benefit a few is unconstitutional. If not, those in power, enhancing their positions by reshuffling unfairly, may keep their tainted power but will lose the confidence of the very people they vowed to stand for. When trust is lost, raw power eventually crumbles. We're seeing it right now around the world.

Larry Paquin

Good evening assembly members,

I am here to speak in support of resolution 2011-26, protesting the redistricting board's plan and filing appropriate action to protect the borough resident's voting rights.

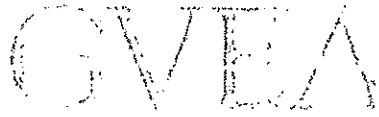
The resolution before you makes the argument well. Let me just add a few things:

The Redistricting Board's proposal disenfranchises 8,806 FNSB citizens by splitting what should be a half district which should be matched with a socio-economically similar district - either along the Richardson Highway or down the Parks highway. Thereby diluting their voice by splitting them and matching them with other, in some cases extremely dissimilar, communities. This essentially robs 8,806 FNSB residents of a voice.

This dilution of the FNSB voter's representation violates the Supreme Court's antidilution rule expressed in *Hickel v. Southeast Conference* which "holds that where possible the excess population of a municipality can only go to one other district." Clearly this is not respected in the Redistricting Board's decision.

However, this dilution or disenfranchisement is further exacerbated in two ways. One, the city, which has enough voters to warrant a senate seat, will be split between two senate districts. This makes no sense and is contrary to the constitutional requirement that where possible consideration be given to local government boundaries. This too violates the anti-dilution rule and in fact dilutes the City's representation at the state level. I hope they are considering a similar action.

An additional impact of the Redistricting Board's proposed map is that where the FNSB should have essentially 2.75 Senators, because of the way the Senate districts are drawn, they are left with two senate seats, since the other .75 are spread amongst two senate districts shared with other communities. We should be sharing a quarter of a district, not be a minority in two other senate districts.



Golden Valley Electric Association



10/17/2012
1000 North Star Road
Fairbanks, Alaska 99701
907-452-2227
www.gvea.org

Dear Governor, Office of the Auditor

As the state proceeds through the difficult task of drawing new district boundaries for representation in the Alaska legislature, Golden Valley Electric Association encourages a swift, impartial review of the proposed plan. This review should focus on the implementation of the plan under the mandates of the Alaska State Constitution and Sections of the Voting Rights Act of 1965. We don't understand the difficulty of complying with the mandate to adhere to the "one person, one vote" principle and effort to preserve minority representation. I want to ensure that the "one person, one vote" principle is not compromised by the representation of state Alaska our employees in the legislature.

Golden Valley Electric Association is mandated with the highest cost of power of all the state's major urban areas. To address this problem, GVEA is working closely with the state department of natural resources to develop a responsible program regarding the development of future power sources that are affordable and stable over time. Our ability to contribute to this debate is potentially impacted if the proposed plan results in a long black unemployment.

Enclosed is the 12th District, Fairbanks Plan, accompanied by a report that states:

Compliance with the federal Voting Rights Act has ripple effects across the state. Population from rural areas has to be combined with population from urban areas to allow for the creation of Alaska Native districts. In example, in order to bring House District 36 to within constitutional one-person one-vote standard, it had to pick up population from the more rural areas of the of the Fairbanks North Star Borough. As a result, the excess population in the Fairbanks North Star Borough had to be split across two districts rather than placed into a single district, because District 33 could not absorb all of Fairbanks excess population and still maintain the necessary Alaska Native voting age population required by the federal Voting Rights Act. The balance of the Fairbanks North Star Borough's remaining excess population was placed into House District 34, which closely resembles the configuration of current House District 12. Under the Redistricting Plan, the Fairbanks North Star Borough retains five House districts wholly within its boundaries.

Amanda Towns

From: M [merick@gol.net]
Sent: Thursday, June 23, 2011 4:12 PM
To: Mona Drexler; Webmail Clients
Subject: Public Comment

Dear Assembly,

Re: Redistricting

You all took an oath; an oath to uphold and defend the Alaska Constitution. Article VI, Section 6., reads:

"...Each house district shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area."

This did NOT happen with the new redistricting plan.

John Ragan wrote about the recently approved unconstitutional redistricting plan in the News-Miner, and he wrote, in part:

"This plan makes a mockery of the Alaska Constitution's requirement that legislative districts be contiguous, compact and relatively socioeconomically integrated. What does Ester have in common with Bethel? How could one person represent communities whose interests are so completely different? How could there be any coherent political community? Perhaps Bering Sea fishing rights will become a key political issue in Ester? We do have a creek, but I've never seen any fish in it."

This is a horrible plan for the borough, which will lose representation because significant segments of its population will be in districts controlled by majorities outside the borough. Under the Alaska Redistricting Board's plan, Fairbanks, the second largest city in the state, could wind up without a state senator.

It doesn't have to be this way. It is simply not true that the Alaska Redistricting Board had to make this crazy plan to account for population changes and federal and state constitutional rules. The board was presented with other plans, such as the Fairbanks North Star Borough plan proposed by the mayor's office and the Rights Coalition's plan, which met all requirements by making minor adjustments to the current, court-approved districts. These plans have contiguous, compact and socioeconomically integrated districts, as required by the Alaska Constitution, because they follow borough and city boundaries as much as possible. Within the borough, they follow the boundaries of natural communities such as fire service areas as much as possible, and they respect the integrity of established communities such as Ester and North Pole."

Read more: [Fairbanks Daily News-Miner - Challenge election plan West Fairbanks district would join Ester and Bethel!](#)

Please support the resolution by Assemblyman Beck that attempts to address this unconstitutional redistricting plan that can only hurt our community and cost us representation.

Thanks,

11/11/11

Amanda Towse

From: tparagi@alaska.net
Sent: Thursday, June 25, 2011 7:58 AM
To: Assembly
Subject: please take action on redistricting proposal

Dear Assembly Members,

I don't need to reiterate the problems associated with the State's redistricting proposal that would lump Ester and the Goldstream Valley into an enormous rural district with issues overwhelmingly different from a suburb of Fairbanks. Apparently comments from citizens like myself went unheeded during deliberations of the Redistricting Board this spring.

You have an opportunity to express concern to the State from the Borough perspective of how this new district would influence political support for municipal revenue sharing and other State funding for projects within the Borough. I trust you will debate the merits ranging from formal protest to a lawsuit, as proposed by Mr. Beck.

Thank you for your efforts.

Tom Paragi
1271 Lowbush Lane
Goldstream Valley

Amanda Towse

From: etcl@ansalaska.net
Sent: Wednesday, June 22, 2011 8:53 PM
To: undisclosed-recipients

: <15E2A581-FDCE-4F61-8184-F8F84D86B564@ansalaska.net>
From: Eric Troyer and Corrine Leistikow <etcl@ansalaska.net>
To: assembly@co.fairbanks.ak.us
Content-Type: text/plain; charset=US-ASCII; format=flowed; delp=yes
Content-Transfer-Encoding: 7bit
Mime-Version: 1.0 (Apple Message framework v936)
Subject: Re: Resolution 2011 - 26
Date: Wed, 22 Jun 2011 20:50:53 -0800
X-Mailer: Apple Mail (2.936)

Dear Assemblymembers,

I am a resident of Goldstream Valley in an area that would be put into district 38-S under the redistricting proposal. While I understand the redistricting board has a difficult task in creating districts given Alaska's large area and small population, I do not want to be put into a district that stretches to the west coast of Alaska. I would much prefer a proposal that would allow Goldstream Valley residents to remain a part of a Fairbanks-centric district. I can't imagine that we would have a lot in common with Bush and coastal residents.

Thank you,
Eric Troyer

Amanda Towse

From: etci@acsalaska.net
Sent: Wednesday, June 22, 2011 4:51 PM
To: undisclosed-recipients

<mailto:etci@acsalaska.net>
From: Eric Troyer and Corrine Leistikow <etci@acsalaska.net>
To: assembly@co.fairbanks.ak.us
Content-Type: text/plain; charset=US-ASCII; format=flowed; delsp=yes
Content-Transfer-Encoding: 7bit
Mime-Version: 1.0 (Apple Message framework v936)
Subject: Re: Resolution 2011 - 26
Date: Wed, 22 Jun 2011 20:50:53 -0800
X-Mailer: Apple Mail (2.936)

Dear Assemblymembers,

I am a resident of Goldstream Valley in an area that would be put into district 38-S under the redistricting proposal. While I understand the redistricting board has a difficult task in creating districts given Alaska's large area and small population, I do not want to be put into a district that stretches to the west coast of Alaska. I would much prefer a proposal that would allow Goldstream Valley residents to remain a part of a Fairbanks-centric district. I can't imagine that we would have a lot in common with Bush and coastal residents.

Thank you,
Eric Troyer

Amanda Towse

From: ravensandy@mosquilonet.com
Sent: Wednesday, June 22, 2011 11:09 PM
To: Mike Musick; Natalie Howard; Nadine Winters; kkesel@cc.fairbanks.us; Matt Want; Michael Dukes; Joe Blanchard
Subject: Ester redistricting plan

As a resident of the Ester area who will be forced into the large rural district, I favor Mr. Beck's resolution protesting the proposed redistricting plan, for all the reasons outlined by Mr. Ragan in his excellent News Miner article. I will not waste your time going over those again in detail, but it seems clear to me that Fairbanks could be seriously diminished by the dilution of local representation inherent in this plan. The Ester/Goldstream/rural district is especially problematic, due to its complete lack of geographic or political coherence: if a rural legislator wins this seat, I personally will most likely lose any opportunity to make my voice heard in Juneau, while the reverse will be true for rural residents should a local Fairbanksan win the seat. It is not clear to me how this district meets the Voting Act requirements, and I hope you will choose to file a protest for reconsideration.

Thank you. Sandra Dauenhauer PO Box 418 Ester, AK 99725 907-479-0042

Amanda Towse

From: leon karen laurel [llynch@acsalaska.net]
Sent: Wednesday, June 22, 2011 9:40 AM
To: Assembly
Cc: sen.joe.thomas@legis.state.ak.us; rep.david.guttenberg@legis.state.ak.us;
llynch@acsalaska.net
Subject: Resolution #2011-26

Dear members of the Borough Assembly,

I am writing in support of the resolution for the Borough to formally protest the Redistricting Board's new map that would place my district in an area that stretches over 500 miles to the Bering Sea. I hope to attend the Borough Assembly meeting on Thursday to testify in person, but a schedule conflict may prevent my doing so.

As a road commissioner for the Parkside Service area in the Ester area, I am concerned that this proposed new district will inadequately represent our road service needs. Although we tax ourselves for road maintenance, the cost of many road improvements is prohibitively expensive. Since I was first appointed as a commissioner, I have annually applied for a matching grant that would help improve our roads. So far we have been unsuccessful in securing the grant and I think competing with communities outside the borough will make it even less likely we will succeed. Issues such as this, that are important to the Ester and Goldstream areas, do not have much in common with communities 500 miles away. Many of these communities don't even have roads. It is unfair to all the impacted communities that have such diverse needs to be represented by one person. This representative would be spread so thin that all members in the district would be under represented.

I urge you to please stand united in your protest over this redistricting map. It would weaken the Fairbanks North Star Borough's ability to serve its residents.

Thank you,

Karen Post
4375 Peartree Loop
Fairbanks, AK 99709

Antanda Towse

From: Marcella Hill [aksally2324@gmail.com]
Sent: Tuesday, June 21, 2011 12:57 PM
To: Assembly
Subject: Redistricting Plan

Please pass resolution 2011-26 to object to the new redistricting plan. If redistricting stays like presented, the borough will lose one senator and our borough will have less representation in Juneau. We voted for you to look after our best interests.

Marcella Hill
1548 Westwood Way
Fairbanks 99709

Amanda Towse

From: Amanda Towse
Sent: Tuesday, June 21, 2011 11:12 AM
To: Matt Want; Diane Hutchinson; Michael Duke; Tim Beck; Nadine Winters; Natalie Howard; Kari Kassel
Cc: Luke Hopkins; Jeff Jacobson; Jill Dolan
Subject: FW: Redistricting of House/Senate in Ester area
Attachments: assembly letter on House 38.pdf

From: Chief Cameron Wohlford [mailto:Chief@ester.nv.gov]
Sent: Tuesday, June 21, 2011 9:21 AM
To: Joe Blanchard
Cc: georgefriday@gmail.com; Mike Musick
Subject: Redistricting of House/Senate in Ester area

Presiding Officer Blanchard:

Attached is a letter encouraging the FNSB to strongly oppose the placement of Ester and the Goldstream Valley into House 38/ Senate S. In the letter, I am asking the FNSB to resolve to fight this plan and allow the residents of the west side of the borough to be represented by local legislators. I would be happy to speak with you about the issue if needed.

Thank you for your support.

Cameron Wohlford, Chief

Ester Volunteer Fire Department
3570 Old Nenana Hwy
PO Box 229
Ester, AK 99725-0229



Phone 907-479-6858
Fax 907-479-9883
www.esterfire.org
chief@esterfire.org

June 20, 2011

Presiding Officer Joe Blanchard
Fairbanks North Star Borough
809 Pioneer Avenue
Fairbanks, AK 99701

RE: Opposition to Redistricting of Ester FSA House and Senate Districts

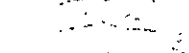
Dear Presiding Officer Blanchard:

I am writing you to encourage the Fairbanks North Star Borough to strongly oppose the State of Alaska Redistricting Plan. According to the final plan, the Ester Fire Service Area (FSA) will be split into two house and senate districts. The most concerning area is the large portion of the district being placed into the mostly rural House 38/Senate S. On the face of the issue, the plan places an urbanized area of Fairbanks in with a very rural part of Alaska. These two areas are very different in culture, population density, access to services, and revenue base. Geographically, the plan is extremely unfair to the residents of Ester and the Goldstream Valley because they are on the extreme fringe of a large land mass. Whoever represents the district will physically not be able to visit and hear the concerns of the local residents and will not be able to speak to the issues of our locale. Finally, any representative not from the Fairbanks area does not have the vested interest of our area that our current representation has and vice versa if a Fairbanks representative tries to represent the rural villages. A lack of investment will serve to further alienate the Ester and Goldstream area, bordering on a lack of representation in our state government.

As I understand it, most of the areas in the new district do not have property taxes to fund fire service, instead relying heavily on state funding. Ester FSA and Chena Goldstream FSA have been on the receiving end of state funding that supplements our tax dollars. Typically, we "compete" for state dollars with only three other fire departments in the Borough. With the redistricting, we will have to compete with twenty other rural villages and three incorporated towns along the Parks Highway for the same state funding. I simply do not see how the fire service area will be able to secure any state funding in the future if we have to compete with so many other interests. I do not want to diminish the capital needs of the smaller villages, nor do I want to see us have to put our projects into such a large capital projects plan and not have them represented at the borough level.

I request that the Borough Assembly work with the FSA Commissions to send a strong resolution to the Alaska Redistricting Board to alter the boundary of House 38 and move the populated portions within the borough boundary into House 5. By moving into House 5, we will continue to be represented by someone local and familiar with the issues and projects. It will also put the entire Ester FSA back into one House district.

Sincerely,


Cameron Wohlford, Chief

Cc: George Riley, Ester FSA Commission
Margaret Rogers, Board of Directors

Amanda Towse

From: Amanda Towse
Sent: Tuesday, June 21, 2011 10:27 AM
To: Matt Want; Diane Hitchison; Michael Duke; Tim Beck; Joe Blanchard; Madine Winters; Mike Musick; Natalie Howard; Karl Kassel
Cc: Luke Hopkins; Jeff Jacobson; Jill Dolan
Subject: FW: testimony re Tim Beck's redistricting resolution
Attachments: To FNSB Assembly.docx

From: Frank Keim [<mailto:frank.keim@gnpsd.ca.us>]
Sent: Tuesday, June 21, 2011 10:04 AM
To: Webmail Clerks
Subject: testimony re Tim Beck's redistricting resolution

Please send this message to all members of the Assembly.
Thanks.
Frank Keim

To FNSB Assembly members:

I've been watching the latest proposal to redistrict our area, and I continue to be amazed that the so-called "non-partisan" board responsible for this process could be so brazenly partisan in their decision.

I've heard that Tim Beck is proposing a resolution by the Assembly that opposes the plan and instructs the Assembly to take action to officially oppose it. I am heartily in favor of this and encourage the rest of the Borough Assembly to support this effort.

As a friend recently explained to me, by placing two democratic incumbents into the same Senate District, the plan has ignored Fairbanks' city boundaries and deprived us of the Senate representation that we are entitled to under the Alaska Constitution.

Without going into details, my friend informed me that we have also lost half a house district. This effectively means that 7,210 of us (included me and my wife, since we live in Goldstream Valley) have been submerged into a voting district that is almost totally dissimilar from our own, thus depriving us of meaningful representation.

A little more detail on the last point: Goldstream and Ester were put in District 38 along with McGrath, Holy Cross, St. Mary's and Emmonak. This flies blatantly in the face of the Alaska Constitution's requirement that House Districts contain "as nearly as practicable a relatively integrated socio-economic area." Which means that we have been included in a district with a rural population that is very different in terms of its history and needs than our own in Goldstream and Ester. (I know this because I taught in the Lower Yukon for 21 years.) District 38 is 53% Native in makeup. We are predominantly non-Native here. Try to imagine the aggressive politics that would result with this sort of mix!

For these and other reasons, I support Tim Beck's resolution and the idea that the Assembly take action to officially oppose this new redistricting gerrymander of the worst kind.

Thanks.

Frank Keim
2220 Penrose Lane
Fairbanks, 99709
451-9308

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN RE 2011 REDISTRICTING CASES

RECEIVED

SEP 19 2011

Case No. 4FA-11-02209CI (consolidated)
4FA-11-02213CI
1JU-11-00782CI

PATTON

ORDER DENYING MOTION TO DISMISS FOR LACK OF STANDING

Having reviewed the Alaska Redistricting Board's Motion to Dismiss for Lack of Standing, and any opposition thereto;

IT IS HEREBY ORDERED that the motion is DENIED.

DATED at Fairbanks, Alaska this _____ day of _____, 2011.

Fairbanks North Star Borough
Department of Law
P.O. Box 71267
Fairbanks, Alaska 99707
Phone: (907) 459-1318

CERTIFICATE OF SERVICE

This is to certify that on this date, a copy of the foregoing is being served on the following attorney or parties of record:

Michael D. White (via e-mail)
Patton Boggs LLP
mwhite@pattonboggs.com

Thomas F. Klinkner (via e-mail)
Birch, Horton, Bittner & Cherot
tklinkner@bhb.com

Michael J. Walleri (via e-mail)
walleri@gci.net

Michael P. McConahy
Superior Court Judge



FNSB Department of Law Date

RECEIVED

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA SEP 19 2011

PATTON BOGGS LLP

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN RE 2011 REDISTRICTING CASES

Case No. 4FA-11-02209CI (consolidated)

4FA-11-02213CI

1JU-11-00782CI

**MEMORANDUM IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS FOR
LACK OF STANDING**

Plaintiffs Fairbanks North Star Borough and Timothy Beck (hereinafter "FNSB plaintiffs") hereby oppose the Alaska Redistricting Board's ("the Board") motion to dismiss for lack of standing. FNSB has standing under Art. VI, Section 11. Further, the narrow view of standing set forth in the Board's motion is not supported by the law, and the FNSB plaintiffs clearly have standing under traditional criteria for standing under the case law.

I. **Municipal entities have standing under Art. VI, Section 11 to bring redistricting challenges.**

Municipal entities have frequently challenged redistricting plans and were the primary litigants in the 2001 Redistricting Cases, to include the Aleutians East Borough, City of Valdez, City of Craig, City of Wasilla, City of Cordova, and the City of Delta Junction.¹ In litigation over the Board's plan in 2001 the court granted municipal governments standing to sue under Article VI, Section 11:

¹ See *Hickel v. Southeast Conference*, 846 P.2d 38 (Alaska 1992) (plaintiffs included Matanuska-Susitna Borough); *Kenai Peninsula Borough v. State*, 743 P.2d 1352 (Alaska 1987) (plaintiffs included Kenai Peninsula Borough); *In Re 2001 Redistricting Cases* (consolidated case number 3AN-01-8914CI).

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The Alaska Supreme Court has broadly interpreted the concept of standing, favoring the increased accessibility to judicial forums. Accordingly, "any qualified voter" is authorized to institute and maintain a reapportionment suit seeking to correct any errors in redistricting. *Carpenter*, 667 P.2d at 1209-10. In a pretrial decision, this court held that the right to bring such a suit was not limited to individuals but included governmental entities and certain organizations as well. See Memorandum and Order at 22, *In re 2001 Redistricting Cases v. Redistricting Bd.*, No. 3AN-01-8914 CI (Alaska Super. Ct. Feb. 1, 2002)(attached as Exhibit 1).

The Board cites a Pennsylvania case, *Albert v. 2001 Legislative Reapportionment Commission*, 567 Pa. 670, 790 A.2d 989 (2002), as support for its argument that the term "any qualified voter" in Art. VI, Sec. 11 is intended to restrict challenges to the redistricting plan and exclude municipalities. This case is distinguishable in that the Pennsylvania Constitution uses the words, "any person aggrieved,"² clearly intending to foreclose traditional standing arguments. Further, as in this case, individual voters were named in the suit, resulting in the court determining that the petitions were properly before the court:

Although we hold that those unauthorized to vote lack standing to challenge the reapportionment scheme, in four of the five specific petitions that the Commission asserts a standing challenge, individual voters have also been named in the suit. Thus, the claims raised in these petitions are properly before the Court. *Albert*, 790 A.2d at 995 n. 6.

Here, the FNSB is joined by a qualified voter in its suit, i.e., Timothy Beck, thereby disposing of the standing challenge. Therefore, even if the Board is somehow correct that municipalities are not granted standing under Art. VI, Sec. 11, its motion is essentially pointless because FNSB has a representative party that is a qualified voter in this suit. FNSB is a proper plaintiff and this matter is properly before this court.

² Pennsylvania Const. Art. II, § 17.

II. The municipalities, including FNSB, have standing under traditional standing principles.

Even if FNSB does not have standing under Art. VI, Sec. 11, it has standing under traditional standing principles. The use of "any qualified voter" in Article VI, Section 11 is intended to be expansive, not restrictive, of who may bring a redistricting challenge, and does not preclude municipalities or other entities with standing under traditional standing principles from bringing suit.

The Board's restrictive interpretation of "any qualified voter" is not supported by the case law in Alaska. In *Carpenter v. Hammond*, 667 P.2d 1204 (Alaska 1983), the Alaska Supreme Court rejected the argument that Art. VI, Sec. 11 imposes any restrictions on standing in redistricting cases. On the contrary, the court held that the plaintiff also had standing to challenge the redistricting plan under traditional standing criteria:

Additionally, *and apart from Article VI, section 11*, we hold *Carpenter* has standing to challenge the reapportionment plan under this court's decisions pertaining to standing.³

Therefore, the court is not foreclosed from alternatively engaging in a traditional standing analysis.

A. **FNSB has standing under an interest-injury analysis.**

In Alaska, all that is necessary to give standing is a sufficient stake in the controversy to guarantee adversity. As explained in *Trustees for Alaska v. State*, 736 P.2d 324 (Alaska 1987):

³ *Carpenter*, 667 P.2d 1204, 1210 (Emphasis added).

Fairbanks North Star Borough
Department of Law
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Fairbanks, Alaska 99707
Phone: (907) 459-1318

"Standing questions are limited to whether the litigant is a 'proper party to request an adjudication of a particular issue....' " *Moore v. State*, 553 P.2d 8, 24 n. 25 (Alaska 1976) (quoting *Flast v. Cohen*, 392 U.S. 83, 100-01, 88 S.Ct. 1942, 1952-53, 20 L.Ed.2d 947, 961 (1968))). Standing in our state courts is not a constitutional doctrine; rather, it is a rule of judicial self-restraint based on the principle that courts should not resolve abstract questions or issue advisory opinions. *Id.* The basic requirement for standing in Alaska is adversity. *Id.*

The concept of standing has been interpreted broadly in Alaska. The Alaska Supreme Court has "departed from a restrictive interpretation of the standing requirement," *Coghill v. Boucher*, 511 P.2d 1297, 1303 (Alaska 1973), adopting instead an approach "favoring increased accessibility to judicial forums." *Moore v. State*, 553 P.2d at 23; see also *State v. Lewis*, 559 P.2d 630, 634 n. 7 (Alaska) (and cases cited therein), *cert. denied*, 432 U.S. 901, 97 S.Ct. 2943, 53 L.Ed.2d 1073 (1977).

Under the interest-injury approach, a plaintiff must have an interest adversely affected by the conduct complained of. Such an interest may be economic, *Moore*, 553 P.2d at 24; *Wagstaff v. Superior Court, Family Court Division*, 535 P.2d 1220, 1225 (Alaska 1975), or it may be intangible, such as an aesthetic or environmental interest. *Lewis*, 559 P.2d at 635. The degree of injury to the interest need not be great; "[t]he basic idea ... is that an identifiable trifle is enough for standing to fight out a question of principle; the trifle is the basis for standing and the principle supplies the motivation." *Wagstaff*, 535 P.2d at 1225 & n. 7 (quoting *Davis, Standing: Taxpayers and Others*, 35 U.Chi.L.Rev. 601, 613 (1968)). Therefore, "to give standing all that is necessary is a 'sufficient personal stake in the controversy to guarantee the adversity which is fundamental to judicial proceedings.'" *Adams v. Pipeliners Union 798*, 699 P.2d 343, 346 (Alaska 1985) (quoting *Carpenter*, 667 P.2d at 1210).

FNSB has more than a sufficient stake in ensuring that the redistricting plan comports with federal and state law. Municipal governments are charged with providing a variety of facilities and services to their residents. The ability to provide these facilities and services often requires the enactment of appropriate state legislation, which in turn requires effective representation of municipal interests in the legislature. As explained in the attached Affidavit of Mona Lisa Drexler, FNSB ensures it has effective legislative

representation by such things as employing a lobbyist, appointing a legislative liaison, and working closely with the Interior Delegation.

Ensuring that its residents are included in a legislative district that is contiguous and compact and that includes communities that comprise a relatively integrated socio-economic area is necessary for a municipality to have effective representation in the state legislature and ensure the needs of its residents are met. The FNSB plaintiffs allege in their complaint that at least two of the districts in the Proclamation Plan do not comport with state constitutional principles and deprive its residents of effective representation.⁴ The FNSB plaintiffs further assert that they are deprived of an adequate number of state representatives because its excess population is divided and they are included in a house district that extends to the Bering Sea, and in a senate district that extends all the way to the Aleutian chain. This is more than a sufficient stake in this litigation to meet the interest-injury test for standing.

B. FNSB has standing because redistricting is a matter of public significance and FNSB is an appropriate plaintiff to bring this action.

Although FNSB clearly has standing under the interest-injury test, standing can also be granted to parties when challenges to certain government activity would be foreclosed if such actions were not allowed. Alaska has developed an alternative standing test in addition to its traditional injury standing test that can be invoked in cases involving challenges made by litigants, in their capacity as citizens or taxpayers, who raise issues of "public significance" and are appropriate plaintiffs.⁵

⁴ These allegations are treated as true for the purpose of considering the Board's motion to dismiss. *J & L Diversified Enterprises v. Municipality of Anchorage*, 736 P.2d 349, 351 (Alaska 1987).

⁵ *Trustees for Alaska v. State*, 736 P.2d 324, 329-330.

First, the case in question must be one of public significance. On (sic) measure of significance may be that specific constitutional limitations are at issue, as in *Carpenter* and *Lewis*. That is not an exclusive measure of significance, however, as statutory and common law questions may also be very important. Second, the plaintiff must be appropriate in several respects. For example, standing may be denied if there is a plaintiff more directly affected by the challenged conduct in question who has or is likely to bring suit. The same is true if there is no true adversity of interest, such as a sham plaintiff whose intent is to lose the lawsuit and thus create judicial precedent upholding the challenged action. Further, standing may be denied if the plaintiff appears to be incapable, for economic or other reasons, of competently advocating the position it has asserted.

The issue of whether redistricting litigation is a matter of public significance was decided in *Carpenter*. FNSB is an appropriate plaintiff that is represented by the borough attorney's office and is capable of competently advocating its position. FNSB is not a sham plaintiff; its interests, and the interests of its citizens, are clearly set forth in the resolution protesting the Proclamation Plan.⁶ Municipal residents looked to the FNSB Assembly to pursue this litigation, and the Assembly responded to this by authorizing litigation on their behalf. This is entirely reasonable given the history of redistricting litigation in this state being initiated by various local governments. It is clear that there are rarely affected parties other than municipal or political organizations that are likely to bring suit, and the mere possibility that there may be another appropriate plaintiff does not foreclose suit by FNSB. Further, no other suit filed includes a challenge to house district 37 or senate district S; the deadline for filing any actions has long since passed. There is therefore no other plaintiff who has or is more likely to bring suit than FNSB.

⁶ Resolution 2011-26, attached as Exhibit 2.

Fairbanks North Star Borough
Department of Law
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Denying standing to municipalities and other organizations who are traditionally the entities that bring redistricting challenges will either result in unconstitutional redistricting plans going unchallenged, or parties simply resorting to naming a person in a suit for the mere purpose of standing. The law supports allowing municipalities to pursue these matters on behalf of their residents, and the Board's motion must therefore be denied.

CONCLUSION

The FNSB clearly has standing to litigate this matter, and access to the courts should not be restricted as proposed by the Alaska Redistricting Board. It is respectfully requested that the Board's motion to dismiss be denied.

DATED at Fairbanks, Alaska this 19th day of September, 2011.

CERTIFICATE OF SERVICE

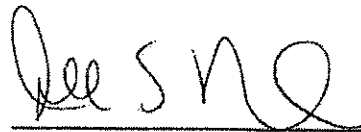
This is to certify that on this date, a copy of the foregoing is being served on the following attorney or parties of record:

Michael D. White (via e-mail)
Patton Boggs LLP
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Thomas F. Klinkner (via e-mail)
Birch, Horton, Bittner & Cherot
tklinkner@bhb.com

Michael J. Walleri (via e-mail)
walleri@gci.net

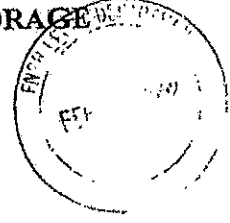
FAIRBANKS NORTH STAR BOROUGH



Jill S. Dolan
Assistant Borough Attorney
ABA No. 0405035

Andrea Fields 9/19/11
FNSB Department of Law Date

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



IN RE 2001 REDISTRICTING CASES,)
)
)
 Plaintiffs,)
)
 vs.)
 REDISTRICTING BOARD, et al.,)
)
 Defendant.)

Consolidated Case No. 3AN-01-8914 CI

MEMORANDUM AND ORDER

I. INTRODUCTION

In accordance with Article VI of the Alaska Constitution, the Alaska Redistricting Board (the "Board") is required to reapportion Alaska's House of Representatives and the Senate immediately following the official reporting of each decennial census of the United States.¹ Under Article VI, Section 8 of the Alaska Constitution, the Board consists of five members, two of whom are appointed by the Governor, one of whom is appointed by the Speaker of the House of Representatives, one of whom is appointed by the Senate President, and one of whom is appointed by the Chief Justice of the Alaska

¹ An Amendment to Article VI of the Alaska Constitution, effective January 3, 1999 (the "1998 Amendment"), changed the composition and responsibilities of the Board. Prior to the 1998 Amendment, the governor set the boundaries of election districts and senate districts with the advice of a board selected entirely by the governor. The 1998 Amendment created the Alaska Redistricting Board, and set forth procedures and other deadlines for the redistricting process. See 1998 Ballot Measure No. 3 (1998 Legislative Resolve 74; 20th Legislature's SCS CSHJR 44(JUD)). These changes are discussed in this opinion to the extent they are relevant to the legal challenges against the current Proclamation of Redistricting.

In Re 2001 Redistricting Cases
 Consolidated Case No. 3AN-01-8914 CI
 Order Re: Redistricting Plan

chosen by the Board to these problems have been challenged in every aspect of this litigation.

III. LEGAL PROCEEDINGS

The Alaska Constitution allows challenges to the Final Plan. Article VI, section 11 states, “[a]ny qualified voter may apply to the superior court to compel the Redistricting Board, by mandamus or otherwise, to perform its duties under this article or to correct any error in redistricting...”¹² In accordance with Article VI, section 11, nine lawsuits were filed in superior courts throughout the State, and were consolidated under the caption, In Re 2001 Redistricting Cases v. Redistricting Board, et al., Consolidated Case No. 3AN-01-8914CI.¹³ All of these lawsuits named the Board as a Defendant. Some cases also named the individual Board members as defendants. Plaintiffs all have standing to bring these lawsuits and this court has original jurisdiction under the Alaska Constitution.

The State moved and was allowed to participate as a Defendant-Intervenor. In addition, the court granted a motion to intervene submitted by several Alaska Native

¹² The Alaska Supreme Court has broadly interpreted the concept of standing, favoring the increased accessibility to judicial forums. Accordingly, “any qualified voter” is authorized to institute and maintain a reapportionment suit seeking to correct any errors in redistricting. Carpenter, 667 P.2d at 1209-10. In a pretrial decision, this court held that the right to bring such a suit was not limited to individuals but included governmental entities and certain organizations as well.

¹³ The consolidated lawsuits are: Aleutians East Borough v. Alaska Redistricting Board, Case No. 3AN-01-8914CI; Halvarson v. Alaska Redistricting Board, Case No. 4FA-01-1608CI; City of Valdez v. Alaska Redistricting Board, Case No. 3VA-01-0040CI; City of Craig v. Otte, Case No. 1KE-01-0316CI; City of Wasilla v. State of Alaska, Alaska Redistricting Board, Case No. 3AN-01-8995CI; Ruedrich v. Redistricting Board, Case No. 3AN-01-9026CI; Luper v. Alaska Redistricting Board, Case No. 3AN-01-8908CI; City of Cordova v. Alaska Redistricting Board, Case No. 3AN-01-8996CI; City of Delta Junction v. State of Alaska, Case No. 4FA-01-1592CI.

In Re 2001 Redistricting Cases
Consolidated Case No. 3AN-01-8914 CI
Order Re: Redistricting Plan.

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By: Tim Beck
Introduced: 06/23/11
Amended: 06/24/11
Adopted: 06/24/11
Immediate Reconsideration
Failed: 06/24/11
Adopted: 06/24/11

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2011-26

A RESOLUTION PROTESTING THE REAPPORTIONMENT OF THE FAIRBANKS NORTH STAR BOROUGH DISTRICTS IN THE 2011 REDISTRICTING PLAN

WHEREAS, the Fairbanks North Star Borough has a population of 97,581 citizens according to the decennial U.S. Census; and

WHEREAS, according to the Constitution of the State of Alaska, the Redistricting Board shall reapportion house districts based upon the population as near as practicable to the quotient obtained by dividing the population of the state by forty, thereby entitling the Borough to 5.5 house seats and 2.75 senate seats; and

WHEREAS, the proposed Redistricting Plan unnecessarily divides the half house district, consisting of 8,806 residents, between two separate districts, thereby diluting the effective strength of municipal voters;

WHEREAS, the reapportionment proposed this year effectively reduces our representation to 5 state Representatives, splitting the half district and sending 8,806 residents unnecessarily to two other locations of the State at our expense; and

WHEREAS, the reapportionment plan violates the state constitutional standards of compactness, contiguity and socio-economic integration, fails to respect municipal and geographic boundaries, and fails to place the excess population of the Borough into a single district to ensure effective representation of 8,806 Borough residents; and

WHEREAS, the reapportionment proposal takes away the residents of Ester and Goldstream and surrounding areas, and forces them into a House District far removed from their neighbors and common-interest friends in the Fairbanks North Star Borough, potentially depriving them of effective representation in violation of State law; and

47 WHEREAS, there are concerns that District 38 violates the Voting Rights
48 Act because it worsens minority voting strength, resulting in uncertainty that an
49 appropriate plan will receive preclearance from the Department of Justice before the
50 next regularly held election of state representatives; and,

51
52 WHEREAS, to the extent there is evidence of political or racial
53 gerrymandering, it is appropriate to challenge the Plan on this basis; and

54
55 WHEREAS, the Fairbanks North Star Borough recognizes that a fair and
56 equitable plan must maximize the representation of borough citizens by grouping the
57 half district as a whole.

58
59 NOW, THEREFORE, BE IT RESOLVED that the Fairbanks North Star
60 Borough Assembly protests the proposed reapportionment.

61
62 BE IT FURTHER RESOLVED that such protest shall be registered by the
63 filing of an appropriate action in the superior court, and if necessary, by appeal to the
64 Alaska Supreme Court, and may name Tim Beck as a party.

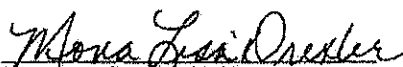
65
66 BE IT FURTHER RESOLVED that the Fairbanks North Star Borough
67 Assembly will not advocate any particular region constituting the half district in the
68 Borough.

69 BE IT FURTHER RESOLVED that copies of this resolution shall be
70 forwarded to the Redistricting Board, to the Governor of the State, to the President of
71 the Alaska State Senate, the Speaker of the House, and to the Interior Delegation.

72
73 PASSED AND APPROVED THIS 24th DAY OF JUNE, 2011.
74


Joseph C. Blanchard II
Presiding Officer

ATTEST:


Mona Lisa Drexler, MMC
Municipal Borough Clerk

75
76
77 Ayes: Hutchison, Beck, Dukes, Want, Winters, Kassel, Musick, Blanchard II
78 Noes: Howard