

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

**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In Re 2011 Redistricting Cases.	) <b>CONSOLIDATED CASE NO.:</b> ) <b>4FA-11-2209-CI</b> ) 4FA-11-2213 CI ) 1JU-11-782 CI
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**DEFENDANT ALASKA REDISTRICTING BOARD'S OPPOSITION TO PLAINTIFFS  
 GEORGE RILEY AND RONALD DEARBORN'S MOTION FOR  
SUMMARY JUDGMENT: INVALIDITY OF HD 38**

**I.  
 INTRODUCTION**

Plaintiffs George Riley and Ronald Dearborn ("Riley Plaintiffs") would have this Court conclude, without trial, that the federal Voting Rights Act did not require the configuration of House District 38 in the Proclamation Plan. In doing so, the Plaintiffs have chosen to ignore the more than 14,000 pages of Board Record and then claim "there is no serious Board discussion...." The Riley Plaintiffs' arguments are disingenuous at best.

Not only do the Riley Plaintiffs not fully understand the complexity of the federal Voting Rights Act and its requirements, but they simply ignore the Final Proclamation, Dr. Handley's Final Report, and the multiple pages of transcript that explain why the Voting Rights Act in fact required the configuration of House District 38. The fact that the Riley Plaintiffs choose to ignore the overwhelming evidence that contradicts their arguments does not mean it does not exist. As established below, the configuration of House District 38 was in fact necessary to comply with the federal Voting Rights Act, and the Alaska Redistricting Board ("Board") discussed and made appropriate findings to that effect. The Riley Plaintiffs have failed to meet their burden of establishing there are no genuine issues of material fact and that

they are entitled to judgment as a matter of law. Accordingly, their motion regarding the invalidity of HD-38 must be denied.

## II. LEGAL STANDARD

Rule 56 of the Alaska Rules of Civil Procedure provides that summary judgment should be granted if there is no genuine dispute as to material facts, and if the moving party is entitled to judgment as a matter of law. Alaska R. Civ. P. 56; *e.g.*, *Reeves v. Alyeska Pipeline Serv. Co.*, 926 P.2d 1130, 1134 (Alaska 1996); *Zeman v. Lufthansa*, 699 P.2d 1274, 1280 (Alaska 1985). The moving party has the burden of showing that there are no genuine issues of material fact. *Id.* Moreover, Alaska R. Civ. P. 56(c) makes clear that “[s]ummary judgment, when appropriate, may be rendered against the moving party.”<sup>1</sup>

Once the moving party has met this burden, the non-movant “is required, in order to prevent the entry of summary judgment, to set forth specific facts showing that [he] could produce admissible evidence reasonably tending to dispute or contradict the movant’s evidence, and thus demonstrate that a material issue of fact exists.” *Still v. Cunningham*, 94 P.3d 1104, 1108 (Alaska 2004) (internal quotation omitted). Any allegations of fact by the non-movant must be based on competent, admissible evidence. Alaska R. Civ. P. 56(c), (e); *Still*, 94 P.3d at 1104, 1108, 1110. The non-movant may not rest upon mere allegations or denials, but must show that there is sufficient evidence supporting the claimed factual dispute to require a fact-finder to resolve the parties’ differing versions of the truth at trial. *Christensen v. NCH Corp.*,

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<sup>1</sup> While the dispositive motion deadline in this case has passed, under Rule 56(c) summary judgment can be granted against the “moving party” without the need for a cross-motion “where appropriate.” The Board asserts this exact situation exists here.

956 P.2d 468, 474 (Alaska 1998) (citing to *Shade v. Anglo Alaska*, 901 P.2d 434, 437 (Alaska 1995)).

In this motion, the Plaintiffs actually cite the proper legal standard for summary judgment. However, this does not cure their substantive deficiency – they have still failed to meet their burden of proving no genuine issue of material fact exists and are therefore not entitled to summary judgment. The Board, as explained below, did make appropriate and legal sufficient findings that the Voting Rights Act required the configuration of House District 38. The Board not only proclaimed House District 38 was necessary to comply with the Voting Rights Act in its Proclamation, but it also explained how in the Board Record and in the Report to Accompany the Proclamation, as well as adopted a separate resolution that declared the Voting Rights Act required the configuration of House District 38.

### III. ARGUMENT

#### A. The Board Made Sufficient Findings That House District 38 Was Necessary to Comply with the Federal Voting Rights Act.

The Riley Plaintiffs argue the Proclamation, which was formally adopted by the Board after a 5-0 vote as well as the resolution unanimously passed by the Board declaring House District 38 was required by the Voting Rights Act, are not “findings.” They also ask this Court to simply reject the entire recognized and legally acceptable, and sometimes mandated, administrative process and procedure for adopting redistricting plans, without actually indicating what would suffice. Reduced to its essence, the Riley Plaintiffs inappropriately attempt to equate the Board with a court or adjudicatory administrative agency of record that is mandated by law to make formal findings of fact and conclusions of law, and then

mischaracterize the actual evidence in the record to fit their incorrect standard. The Riley Plaintiffs' arguments are disingenuous at best.

**1. *The Board Made Appropriate "Findings" That the Voting Rights Act Required the Configuration of House District 38.***

The Riley Plaintiffs dismiss the Board's formal adoption of the Proclamation Plan, including House District 38, and separate resolution that the federal Voting Rights Act did in fact require the configuration of House District 38, as "simply conclusionary [sic] and totally incapable of review...." [Riley Memo. at 5.] They even go so far as to conclude "these proclamations, resolves and declarations are not findings" and "the Board made no formal findings...[including] a failure to make any finding that the VRA compliance necessitates any particular configuration of District 38." [*Id.* at 4-5.] These conclusions are not only legally incorrect, but factually as well.

The Alaska legislature drafted several Constitutional amendments, statutes, and even a Civil Rule, in creating the Alaska Redistricting Board and delineating its authority to redistrict Alaska's House and Senate districts. *See* Article VI, § 3, 4, 6, 8, 9, 10, 11; AS 15.10.200, .220; Alaska R. Civ. P. 90.8; Alaska R. App. P. 216.5. Article VI, § 10 of the Alaska Constitution requires the Board to "adopt one or more proposed redistricting plans" within thirty days of receiving the census data, and "adopt a final redistricting plan and issue a proclamation of redistricting" within ninety days of receiving the census data. This same section mandates "the final plan shall set out boundaries of house and senate districts" and "adoption of a final redistricting plan shall require the affirmative votes of three members of the Redistricting Board." Alaska Const. art. VI, § 10 (a), (b). Beyond this section, there is no required procedure mandated by law that the Board must follow or adopt in order to accomplish its task. There is certainly no requirement that the Board make "formal findings."

Indeed, as an entity akin to an administrative agency, the Board is free to adopt its own procedures “capable of permitting them to discharge their multitudinous duties.” *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Counsel, Inc.*, 534 U.S. 519, 543 (1978) (quoting *FCC v. Schreiber*, 381 U.S. 279, 290 (1965)). As noted by Judge Rindner in his 2001 decision:

[w]hile the Board is free to adopt its own procedures, it is not afforded unfettered discretion. The Board must comply with the Open Meetings Act, the Public Records Act and Article VI, Section 10 of the Alaska Constitution. ***Beyond that, the Board has freedom to conduct its proceedings in a manner that it believes best facilitates the formulation of a final redistricting plan.***

[Exhibit A (emphasis added).]<sup>2</sup>

The only Alaska redistricting case that even touches on the sufficiency of a redistricting Board’s findings is *In re 2001 Redistricting Cases*. 44 P.3d 141, 143 (Alaska 2001). In that case, the Alaska Supreme did not specify how the Board must go about justifying its plan or documenting its reasons for its plan. *Id.* The Court simply remanded the plan with the instruction “the Board should either correct the configuration of House District 5 or expressly find that the district’s current configuration is required by the Voting Rights Act.” *Id.* The current Board has already met this requirement.

In *In re 2001 Redistricting Cases*, the 2001 Redistricting Board adopted a proclamation of redistricting on June 18, 2001, with a 3-2 vote. [Exhibit B, Proclamation of 2001 Redistricting Board.] The Board also drafted a report to accompany its proclamation that summarized the redistricting process and certain issues the Board faced in drawing the districts.

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<sup>2</sup> Attached hereto as Exhibit A for ease of reference are the relevant pages (pg. 43-44) from Judge Rindner’s 2/1/2002 “Memorandum & Order” in the *2001 Redistricting Case* discussing the redistricting process.

[Exhibit C, Report to Accompany Proclamation of 2001 Redistricting Board.] No where in either its Proclamation or Report to Accompany the Redistricting Proclamation of June 18, 2001 does the 2001 Board state the Voting Rights Act required the configuration of House District 5. [Exhibit B, Exhibit C.] The only mention of the Voting Rights Act is in the report, which simply states, “[i]n order to avoid retrogression prohibited by the Act, the board needed to maintain effective representation by Alaska Natives in a certain number of house and senate districts.” [Exhibit C at 7.]

The Supreme Court found, without specifically addressing the Proclamation or Report, that the Board had not made adequate findings that the federal Voting Rights Act required the configuration of House District 5. *In re 2001 Redistricting Cases*, 44 P.3d at 143. Upon remand, the Board met to discuss how to correct the errors the Court found in the original plan, and pass an amended plan that complied with the Court’s order. [Exhibit D at 286:24-297:21.]<sup>3</sup> In regard to House District 5, Board member Julian Mason moved “that the Board make a finding that District 5 in the proclamation plan is required by the Voting Rights Act.” [*Id.* at 286:24-287:4.] The Board then discussed House District 5, and whether there was enough evidence in the record to support its original finding that House District 5 was necessary to comply with the Voting Rights Act. [*Id.* at 287:5-297:12.]

The Board’s legal counsel, Phillip Volland, advised the Board there were several components justifying House District 5, including the information from consultants and lawyers about what the Voting Rights Act requires and what preclearance is. [*Id.* at 287:24-288:9.] The Board also had the benchmark plan, Dr. Handley’s report and presentation on

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<sup>3</sup> Attached hereto as Exhibit D are true and correct copies of relevant excerpts from the transcript of the April 13, 2002 meeting of the 2001 Redistricting Board.

racial block voting, as well as her advice regarding retrogression and the Alaska Native voting age population needed to meet the benchmark. [*Id.* at 288:10-289:23.] The Board also had the various alternative plans submitted to the Board, none of which got the Board “anywhere close to what [Dr. Handley] thought was required for the Native voting age percentage for that projected district.” [*Id.* at 289:24-290-12.] Mr. Volland advised all these different components enabled the Board to make a reasoned finding that the configuration of House District 5 was required by the Voting Rights Act, and he so strongly advised. [*Id.* at 291:25-292:1, 9-14.] The Board then voted by voice vote adopting Mr. Mason’s motion as its finding. [*Id.* at 291:24-292:21.] The Board then moved and adopted its amended plan that included the exact same configuration of HD-5. [*Id.* at 292:24-297:22.]

On appeal, the Supreme Court found Mr. Mason’s motion and discussion thereof were sufficient “findings” that the federal Voting Rights Act required the configuration of House District 5. *In re 2001 Redistricting Cases*, 47 P.3d 1089, 1090 (Alaska 2002) (affirming the Superior Court’s order upholding the amended plan “because the board’s Amended Final Plan (the plan) fully complies with our March 21 order and is not otherwise unconstitutional”).

Here, the current Board followed the exact same process approved by the Supreme Court when it formally adopted the Proclamation Plan, which included House District 38. Unlike the 2001 Redistricting Board failed to do in its original Proclamation, the current Board specifically proclaimed, “the configuration of House Districts 34, 36, 37, 38 and 39 were necessary in order to avoid retrogression and comply with the requirements of the Federal Voting Rights Act....” [ARB00006017.]

In fact, the current Board went one step further as it drafted and “formally” adopted an actual resolution, “Board Resolution 2010-11-1,” that specifically found that (1) Alaska as a

covered jurisdiction had the burden of establishing that its proposed redistricting plan neither has the purpose or effect of denying Alaska Natives right to vote; (2) compliance with the requirements of Section 5 of the Federal Voting Rights Act may require a jurisdiction to depart from strict adherence to State legal standards; (3) that in order to comply with the VRA requirements, the Board was required in certain instances to depart from strict adherence to the State Constitutional redistricting requirements of contiguity, compactness and socio-economic integration in creating House districts; and (4) “the configuration of House Districts 4, 36, 37, 38, and 39 in the Proclamation Plan was required in order to comply with the federal Voting Rights Act and avoid retrogression.” [ARB00006033.] Such specific findings are more than adequate to meet the legal “finding” requirements imposed upon it by the Alaska Supreme Court. The Riley Plaintiffs’ attempt to claim otherwise has no basis in law.

Despite the fact that the exact type of findings made by the Board here have already been found acceptable by our Supreme Court, the Riley Plaintiffs try to convince this Court that the case, *Faulk v. Board of Equalization*, 934 P.2d 750 (Alaska 1997), which has nothing to do with redistricting, should control. [Riley Memo. at 3, n.13.] *Faulk* is a case which analyzes the threshold finding requirements for an administrative appeal. *Faulk v. Board of Equalization*, 934 P.2d at 751. *Faulk* has nothing to do with redistricting, and is certainly not controlling authority on what suffices as an acceptable finding that a House district was necessary for compliance with the Voting Rights Act in a redistricting case.

Ironically, even though this case is completely distinguishable from a redistricting case, the Board’s proclamation and resolution are sufficient findings, capable of meaningful judicial review, under *Faulk*. The Court in *Faulk* held the Board of Equalization had not made proper findings in rejecting a property owner’s challenge to the tax assessment of his property. *Id.* at



750-751. The Board simply approved a motion that the property owners “[had] not presented sufficient evidence to prove an unequal, excessive or improper valuation” without any discussion. *Id.* at 751. The Court found such a finding, without providing the Court with a starting point for evaluating the Board’s decision-making process, left the Court to “only speculate about why the Board thought the [property owners’] evidence was insufficient.” *Id.* at 752. The Court distinguished this scenario from another case where the Court found an administrative agency’s findings were sufficient “when viewed in light of the entire record.” *Id.* at 751.

In the case at bar, the Board not only made clear in its Proclamation, and the accompanying report, but even passed a formal resolution declaring the Voting Rights Act required the configuration of House District 38. [ARB00006017; ARB0006022-ARB00006025; ARB00006033.] As the Board will further establish below, the Board Record also clearly establishes why the configuration of House District 38 was necessary to comply with the Voting Rights Act. Indeed, there were multiple discussions by the Board, with the Board’s legal counsel, and advice from the Board’s Voting Rights Act expert, Dr. Handley, as to why the Voting Rights Act required the configuration House District 38. [ARB00004420-ARB00004422; ARB00004503-ARB00004508; ARB00004564-ARB00004566; ARB00004604-ARB00004606; ARB00004608-ARB00004612; ARB00004626-ARB00004630.] Under an analysis similar to *Faulk*, the Board’s findings are sufficient when viewed in light of the entire record. However, the Court need not entertain the Riley Plaintiffs’ irrelevant case law. For the Alaska Supreme Court, in the 2001 redistricting cases, established the threshold for sufficient findings by the Board, and the current Board has met that threshold. *In re 2001 Redistricting Cases II* at 1090.

The Riley Plaintiffs' entire argument that a final proclamation, resolution, and all the other evidence on the Board Record are insufficient "findings" to justify House District 38 is incorrect as a matter of law. At the very least, the undisputed evidence before this Court raises a genuine issue of material fact making summary judgment improper.

**2. *The Board Record Contains Sufficient Evidence of Why the Federal Voting Rights Act Required the Configuration of House District 38.***

Not only did the Board make sufficient "findings" when it adopted the Proclamation Plan, but the Board and its experts explained the reasons justifying the configuration of House District 38 several times in the record. When the 2001 Redistricting Board met to correct the errors in their final plan, their legal counsel identified several justifications that required the configuration of House District 5 in order to comply with the federal Voting Rights Act. [Exhibit D at 287:24-288:9; 288:10-289:23; 289:24-290-12; 291:25-292:1, 9-14.] These included information and advice the Board had received from lawyers and consultants about what the Voting Rights Act required, the benchmark plan and its realities, Dr. Handley's advice<sup>4</sup>, and consideration of various alternative plans presented to the Board that did not comply with the Voting Rights Act. [*Id.*] The current Board Record contains these same justifications, despite the Riley Plaintiffs' claims to the contrary.

First, the Board's Voting Rights Act expert, Dr. Handley, and the Board's legal counsel both advised the Board that if they needed to add urban population to a rural, Alaska Native district for population, the Board should add population that tends to vote Democratic. [ARB00004332; ARB00004451; ARB00004519-ARB00004521; ARB00005220-ARB00005221; ARB00013358 at n.22.] The Plaintiffs' own Voting Rights Act expert, Dr.

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<sup>4</sup> Dr. Handley was also the 2001 Board's Voting Rights Act expert.

Arrington, agrees with this approach. [Exhibit E, Deposition of Theodore S. Arrington, PhD at 90:2-5, 19-22; 92:15-16; 99:7-12; 103:12-104:5 (“Arrington Depo.”).]

Dr. Handley presented her advice to the Board on a number of occasions, including on the record at the Board’s meetings of April 11 [ARB00002119-ARB00002476]; May 17 [ARB00003842-ARB00003989]; and May 24 [ARB00004186-ARB00004321]. Moreover, Dr. Handley was in constant contact with the Board’s Executive Director and Board’s legal counsel, continually answering questions and providing advice and counsel as the Board struggled to complete its leviathan-like task. [Exhibit F, Deposition of Taylor Bickford (“Bickford Depo.”) at 40:4-11; 63:5-65:10; 68:17-75:3.]<sup>5</sup> Dr. Handley’s advice and conclusions were regularly passed along to both individual Board members off the record, as well as the whole Board on the record. [ARB00004420-ARB00004422; ARB00004503-ARB00004508; ARB00004564-ARB00004566; ARB00004604-ARB00004606; ARB00004608-ARB00004612; ARB00004626-ARB00004630.] Therefore, the Board was well aware of the Voting Rights Act and its requirements well in advance of the release of her final report, contrary to the Riley Plaintiffs’ baseless accusations. [Riley Memo. at 6.]

Second, the benchmark plan showed a substantial loss of population in the rural, Alaska Native districts. [ARB00006543-ARB00006544; ARB00006024-00006025; ARB00013351; ARB00013358 at n.22.] The Board therefore needed to add urban population to rural areas in order to create districts that were as nearly as practicable an ideal size. [*Id.*] The Board looked at several options, including a number of third party plans that took the needed population from the Fairbanks area. [ARB00000745-ARB00000764; ARB00003990-ARB00004185;

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<sup>5</sup> Attached hereto as Exhibit F are true and correct copies of relevant excerpts from the transcript of the deposition of Taylor Bickford.

ARB00004186-ARB00004321;            ARB00004410-ARB00004543;            ARB00005186-  
ARB00005274; ARB00005324-ARB00005363.] However, none of the other plans provided a  
viable option as the Proclamation Plan was the only non-retrogressive plan. [Arrington Depo.  
at 90:2-5, 19-22; 92:15-16; 99:7-12; 103:12-104:5; ARB00013353; ARB00013359.] As stated  
by the Board in its “Report to Accompany Redistricting Proclamation” of June 13, 2011:

Compliance with the federal Voting Rights Act had ripple effects across the state. Population from rural areas had to be combined with population from urban areas to allow for the creation of Alaska Native Districts. For example, in order to bring House District 38 to within constitutional one-person one vote standards, it had to pick up population from the more rural areas 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 38 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 6, which closely resembles the configuration of current House District 12. Under the Proclamation Plan, the Fairbanks North Star Borough retains five House districts wholly within its boundaries.

[ARB00006024-ARB00006025.]

The Riley Plaintiffs’ claim that the record before this Court is totally incapable of meaningful judicial review simply ignores reality. The Board’s “findings” are a mirror image of the findings made by the 2001 Redistricting Board upon remand, which the Supreme Court found sufficient. The Board Record as a whole contains more than sufficient evidence

justifying the need to draw House District 38 in order to comply with the Voting Rights Act.<sup>6</sup>

At the very least, there are genuine issues of material fact that preclude summary judgment.

**B. The Record Establishes That The Configuration of House District 38 was Necessary to Comply with the Federal Voting Rights Act or at a Minimum, Raises Genuine Issues of Material Fact.**

The Riley Plaintiffs argue that since they claim there is no “serious discussion” or proper finding that the Voting Rights Act required the configuration of House District 38, then House District 38 must not be necessary to comply with the Voting Rights Act. [Riley Memo. at 7-11.] Besides the proven inaccuracies to their first conclusion, the Riley Plaintiffs never even attempt to explain just how or why the Voting Rights Act does not apply under the undisputed evidence presented by the Board. They simply make this assumption by either ignoring or mischaracterizing the evidence to the contrary, hoping the Court will turn a blind eye to the overwhelming evidence to the contrary.

The Riley Plaintiffs instead rely on misleading, and often times irrelevant, deposition excerpts of the Board members and Dr. Handley taken months after the Board adopted the Proclamation Plan. [Riley Memo. at 8-11.] The Riley Plaintiffs completely ignore the in-depth discussions and debates, identified below, as well as legal and expert advice, on the record that explained why House District 38 was in fact necessary to comply with the Voting Rights Act. Their reliance on answers to ill-crafted and argumentative questions posed several months after deliberations is further evidence of the Riley Plaintiffs’ attempts to simply ignore the Board

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<sup>6</sup> The Riley Plaintiffs’ contention that the Board was required to make “formal” findings on such issues as “the presence of absence of racial block voting in the state or portions of the state” or “the number of native ‘effective’ districts needed to avoided retrogression” [Riley Memo. at 5-6], borders on the ludicrous. The Alaska Supreme Court has never required a redistricting Board to be such a slave to form. The Board is not an adjudicatory body. Not surprisingly, the Riley Plaintiffs offer no authority for their allegation. The Board received all the necessary VRA information from its Voting Rights Act expert [ARB00003842-ARB00003989; ARB00004186-ARB00004321], and justifiably relied upon it. Nothing further is required.

Record because it contradicts every one of the Riley Plaintiffs' arguments. The Riley Plaintiffs are not only wrong that there is no justification for House District 38 in the record, they are also wrong in their baseless conclusion that the Voting Rights Act did not require the configuration of House District 38.

House District 38 is an Alaska Native "effective" House district. [ARB000013358-ARB000013359; Arrington Depo. at 95:20-96:7.] It is comprised of the Wade Hampton Census Area, a number of interior villages, the Denali Borough, and the communities of Ester and Goldstream. [ARB00006046.] The majority of this area, excluding Ester and Goldstream, experienced a dramatic decrease in population in the past ten years, as did all of the rural Alaska Native districts. [ARB00006024; ARB000013358 at n.22.] In fact, the five rural Alaska Native districts (outside Southeast Alaska), were short a total of over 10,000 persons from the ideal district size of 17,755 because of the "out-migration" of Alaska Natives and the generally slower growth rate in rural Alaska than urban Alaska. [ARB00013351; ARB00006639-ARB00006666; Exhibit G, Taylor Bickford Affidavit at ¶ 3 ("Taylor Aff.")]<sup>7</sup>

This created several problems for the Board, including the fact that there were virtually no substantial Alaska Native population concentrations adjacent to the existing rural Alaska Native districts from which to draw population, as well as the impossibility of creating an Alaska Native district in urban areas of the State. [ARB00013351-ARB00013352; ARB00006552-ARB00006553; Exhibit G at ¶ 3.] Accordingly, in order to find the population necessary to meet the federal equal protection requirement of one-person one-vote, the Board

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<sup>7</sup> Attached as Exhibit G is a copy of the Affidavit of Taylor Bickford, previously filed on December 13, 2011, in support of the Board's Opposition to Plaintiffs George Riley and Ronald Dearborn's Motion for Partial Summary Judgment: Compactness.

had to add population from more urban areas of the State to at least one rural Alaska Native District. [ARB00006024; ARB00013358 at n. 22; Exhibit G at ¶ 3.]

The Board considered several different options, including plans presented by third parties, a number of which drew districts that took population out of various areas of Fairbanks.<sup>8</sup> However, none of those alternatives provided viable solutions as all of them were retrogressive. [ARB00003550; ARB00004692-ARB00004693; ARB00013353-ARB00013356.] In the end, the Board determined the most reasonable alternative that allowed the Board to create a non-retrogressive plan was to add population from the Ester and Goldstream areas of the FNSB to Proclamation House District 38. [ARB00013407-ARB00013408.]

The Board chose to pick up the population from the Goldstream and Ester areas of the FNSB for a number of reasons. First, the FNSB had excess population to give, just under half an ideal house seat, or approximately 8,700 people. [ARB00004156-ARB00004157; Exhibit G at ¶ 4.] Second, Fairbanks had some historical economic, cultural, and social ties to rural Native Alaska. [ARB00013410; Exhibit I, Responses to Requests for Admissions 22, 23, 24, 25, and 47.]<sup>9</sup> Third, its geographic location made it relatively proximate to the rural districts.

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<sup>8</sup> Attached as Exhibit H are examples of third party plans that added population from the Fairbanks North Star Borough (“FNSB”) to rural, Alaska Native districts. The AFFER V.5\_81 was submitted to the Board on May 24, 2011. It combines population from the western side of the FNSB with a rural, Alaska Native district. The AFFR Alternative to 3/31 Original Plan, also submitted to the Board on May 24, 2011, combines population from the eastern side of the FNSB with a rural, Alaska Native district. The Calista Corporation plan, submitted to the Board on May 24, 2011, combines population from the northwest side of the FNSB with population from a rural, Alaska Native district. The Bering Straits Native Corporation submitted several plans, and the one from May 24, 2011, combines population from the northwest, northeast, and southeast of the FNSB with a rural, Alaska Native district.

<sup>9</sup> Attached as Exhibit I are the Riley Plaintiffs’ responses to the Board’s Requests for Admissions received on October 27, 2011.

Fourth, and most importantly, the FNSB had areas with historical Democratic voting patterns<sup>10</sup> which were crucial because Dr. Handley had advised the Board that if urban, non-Alaska Native population had to be added to rural Alaska Native districts, the urban non-Alaska Native population should be from areas that tend to vote Democratic. [ARB00004337; ARB00013358 at n.22.] This was important because the Alaska Native's preferred political party is the Democratic Party, and by adding Democratic-voting, non-Alaska Native population, the Board would enhance the effectiveness of that district not only because Alaska Natives tend to vote Democratic, but also due to the expected increased white cross-over vote. [*Id.*; Arrington Depo. at 90:2-5, 19-22; 92:15-16; 99:7-12; 103:12-104:5.] The Riley Plaintiffs' own Voting Rights Act expert, Dr. Arrington, agrees with Dr. Handley's analysis and advice. [Arrington Depo. at 90:2-5, 19-22; 92:15-16; 99:7-12; 103:12-104:5.]

This is exactly what the Board did – it added predominantly Democratic-voting, non-Alaska Native communities<sup>11</sup> to an otherwise rural, Alaska Native district without decreasing the effectiveness of the district. This was done on the advice of their Voting Rights Act expert and counsel that such was the only way to meet the Benchmark. The Riley Plaintiffs' argument that this was not necessary is simply wrong. The Proclamation Plan, which includes House

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<sup>10</sup> The Riley Plaintiffs admit that the areas within the FNSB added to HD-38, Ester, Goldstream and University Hills are areas which have historically voted democratic. [Exhibit I, Responses to Requests for Admissions 30, 31, and 32.] The Riley Plaintiffs attempt to infer some nefarious purpose by claiming that “Mr. Bickford’s understanding of the rationale behind HD 38 was particularly partisan” [Riley Memo. at 9] is supercilious. The Plaintiffs’ own Voting Rights Act Expert, Dr. Arrington, testified at his deposition that (1) when adding urban population to a rural minority district “you would want to add Democrats” because adding Democrats potentially increases the effectiveness of the district [Arrington Depo. at 103:12-104:5]; (2) the Alaska Natives’ political party of choice is the Democratic Party and Alaska Natives vote overwhelmingly for Democrats [*Id.* at 90:2-5, 19-22; 92:15-16;]; and (3) Democrats are more likely to support an Alaska Native-preferred candidate and Alaska Native-preferred candidates are more likely to be Democrats [*Id.* at 99:7-12].

<sup>11</sup> Exhibit I, Responses to Requests for Admissions 30, 31, and 32.



District 38, is the only plan that was not retrogressive and therefore could obtain preclearance under Section 5 of the Voting Rights Act. [Arrington Depo. at 90:2-5, 19-22; 92:15-16; 99:7-12; 103:12-104:5; ARB00013353; ARB00013359.] There is sufficient evidence in the Board Record justifying the Board's reasonable decision on why it was necessary to add population from Ester and Goldstream to House District 38. The Riley Plaintiffs' arguments are factually wrong, legally incorrect, and disingenuous at best. While it is the Board's position that the record more than justifies its decision, at a minimum there are genuine issues of material fact that preclude summary judgment on this issue. The Riley Plaintiffs' motion must therefore be denied.

#### IV. CONCLUSION

The record before this Court establishes that the Riley Plaintiffs are not entitled to summary judgment. Their entire argument is based on their attempt to either ignore or discount the undisputed evidence found in the Board Record. The issue of whether or not House District 38 was required in order to comply with the federal Voting Rights Act is an issue best suited for trial, not for an ill-crafted summary judgment motion. The Riley Plaintiffs cannot ignore the evidence to the contrary, or mischaracterize it, to satisfy their burden. As the Board has shown above, there are several issues of material fact, most of which the Riley Plaintiffs were well aware of before they filed this motion. For all the reasons set forth above, the Riley Plaintiffs' motion is not well taken and must be denied.

DATED at Anchorage, Alaska this 16th of December 2011.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of December 2011, a true and correct copy of the foregoing document was served on the following via:

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

**THIRD JUDICIAL DISTRICT AT ANCHORAGE**

IN RE 2001 REDISTRICTING CASES, )

)

)

Plaintiffs, )

)

vs. )

) Consolidated Case No. 3AN-01-8914 CI

REDISTRICTING BOARD, et al., )

)

Defendant.

) **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. 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 Supreme

When considering due process issues arising from redistricting, the matter at hand is analogous to an administrative agency adopting a new regulation, or administrative rule making. "When an agency is considering promulgation of a rule or regulation, it is required by law to give notice and an opportunity to comment to those who potentially will be affected by a regulation." State of Alaska v. Hebert, 743 P.2d 392 (Alaska Ct. App. 1987), aff'd, 803 P.2d 863 (Alaska 1990).

The United States Supreme Court has held that before adoption of the Administrative Procedure Act ("APA"), "the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments." Vermont Yankee Nuclear Power Corporation v. Natural Resources Defense Council, Inc., 435 U.S. 519, 524 (1978). The United States Supreme Court described this principle as:

...an outgrowth of the congressional determination that administrative agencies and administrators will be familiar with the industries which they regulate and will be in a better position than federal courts or Congress itself to design procedural rules adapted to the peculiarities of the industry and the tasks of the agency involved.

Vermont Yankee, 435 U.S. at 525 (quoting FCC v. Schreiber, 381 U.S. 279, 290 (1965)).

In addition, the United States Supreme Court has ruled, "[b]ut this much is absolutely clear. Absent constitutional constraints or extremely compelling circumstances the 'administrative agencies' should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties." Vermont Yankee, 435 U.S. at 543 (quoting FCC v. Schreiber, 381 U.S. at 290, quoting FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 143 (1940)).

While the Board is free to adopt its own procedures, it is not afforded unfettered discretion during the redistricting process. The Board must comply with the Open Meetings Act, the Public Records Act, and Article VI, Section 10 of the Alaska Constitution. Beyond that, the Board has freedom to conduct its proceedings in a manner that it believes best facilitates the formulation of a final redistricting plan. We thus turn first to the Open Meetings Act and examine the Board's compliance with such.

*1. Open Meetings Act/Public Records Act*

The Plaintiffs contend that the Board's adoption of the Plan violated the Open Meetings Act and the Public Records Act for numerous reasons. They argue that the Board members improperly: 1) took "straw" votes by e-mail or phone; 2) met with Alaskans For Fair Redistricting ("AFFR") representatives and legal counsel in meetings closed to the public and to any non-AFFR member and any person not aligned by political party with the Board members involved in these meeting and the AFFR representatives; 3) communicated amongst themselves in numbers of three or more via e-mail or telephone with regards to issues that are specific constitutional duties of the Board and should have been done in a public meeting; and 4) communicated amongst themselves in number of three or more via members of the Governor's Office, Department of Law, or members of the Board's staff regarding specific issues that were required to be addressed in a public meeting.

The Alaska Supreme Court has ruled that the Board must comply with the Open Meetings Act. As previously discussed, the Open Meetings Act requires that all meetings of a governmental body of a public entity of the state are open to the public, unless

**PROCLAMATION OF REDISTRICTING**  
**April 25, 2002**

WHEREAS, on February 1, 2002 the Superior Court for the Third Judicial District at Anchorage ruled that districts 16 and 12 of the Alaska Redistricting Board's Final Plan of June 18, 2001 are unconstitutional, and

WHEREAS, on March 21, 2002 the Alaska Supreme Court ruled that in the Board's Final Plan of June 18, 2001 district 16 violates the compactness requirement of the Alaska constitution, that deviations of population in the Anchorage-area districts must be reconsidered by the Board, that the deviation in district 40 is invalid and must be corrected, that district 5 is not compact and should be redrawn unless its configuration in the Final Plan is necessary to comply with the U.S. Voting Rights Act, and that the Board should reconsider districts 12 and 32, and

WHEREAS, the Alaska Supreme Court otherwise affirmed the orders of the Superior Court, and

WHEREAS, at a public meeting in Juneau on April 12 and 13, 2002 the Alaska Redistricting Board considered numerous proposals for complying with the orders of the courts, and

WHEREAS, on April 13, 2002 the Board found by a unanimous vote that the configuration of district 5 is necessary to comply with the U. S. Voting Rights Act, and

WHEREAS, on April 13, 2002 the Board voted unanimously to amend the Final Plan of June 18, 2001 by substituting new districts 6, 39, 40, and 7 through 32, and

WHEREAS, on April 18, 2002 the Board voted unanimously to make technical refinements to certain of the amended districts, including a minor change to district 5,

NOW, THEREFORE, I, VICKI OTTE, CHAIRPERSON, PROCLAIM ON BEHALF OF THE ALASKA REDISTRICTING BOARD,

First, that house districts 6, 39, 40, and 7 through 32 described in this proclamation and report shall be substituted for the districts in the Final Plan of June 18, 2001, and

Second, that the remaining house districts set forth in the Final Plan of June 18, 2001 are unchanged except for a minor change in district 5, and

Third, that the senate districts and the assignment of senate terms set forth in the Final Plan of June 18, 2001 are unchanged, and

Fourth, that the written description of boundaries through coastal waters shall prevail in the case of conflict between the maps and electronic file of the amended plan.

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Vicki Otte  
Chairperson, Alaska Redistricting Board  
April 25, 2002

**Report to Accompany  
Redistricting Proclamation of April 25, 2002**  
[Prepared By Alaska Redistricting Board]

This proclamation of the Alaska Redistricting Board amends 29 of the 40 house districts described in its final plan proclaimed June 18, 2001. These amendments are made to comply with rulings of the Alaska Superior Court and Alaska Supreme Court. This report discusses the court rulings and the amended districts.

Court Rulings

Acting under its authority and according to the schedule set forth in Article VI of the Alaska constitution, the Alaska Redistricting Board on June 18, 2001 issued a proclamation adopting a final redistricting plan. Nine lawsuits were filed against the plan and various provisions of it. These lawsuits were consolidated under the caption *In Re 2001 Redistricting Cases v. Alaska Redistricting Board, et al.* (Consolidated Case No. 3AN-01-8914 CI) and tried in the Superior Court in Anchorage before Judge Mark Rindner. A three-week trial began on January 7, 2002 and concluded on January 25, 2002. Judge Rindner declared districts 12 and 16 of the Board's final plan to be unconstitutional and dismissed all other claims of the plaintiffs.

The Alaska Supreme Court entertained petitions for review of Judge Rindner's order. Parties to the litigation presented oral arguments in mid-March and the Court ruled on March 21, 2002. The Supreme Court affirmed Judge Rindner's orders which were not inconsistent with its decision, and remanded the plan to the Board with rulings that went beyond those of the Superior Court. It affirmed the unconstitutionality of district 16 because it contained a bizarrely-shaped appendage and was therefore insufficiently compact. It declared district 5 to be non-compact and ordered the Board to redraw it or to expressly find that the U.S. Voting Rights Act requires the configuration in the Board's final plan. The Court ordered the Board to reconsider districts 12 and 32 because the Board was mistaken in its interpretation of the doctrine of proportionality announced in *Kenai Peninsula Borough v. State, 743 P2d 1352 (Alaska 1987)* and therefore was unduly constrained in its view of the permissible range of constitutional options for these areas. The Court directed the Board to take a "hard look" at alternatives for the Delta Junction area with a view to preserving socio-economic areas. The Court ruled that the deviations from the ideal house district size in the Anchorage districts were unconstitutional, and that the Board should redraw these districts making a good faith effort to reduce the population deviations. Further, the Court ruled that the minus deviation of 6.9% in district 40 was not justified by the Board and was invalid. Following issuance of the Supreme Court Order the Superior Court remanded the plan to the Board for corrective action.



## Board Response to Remand

On April 1, 2002 the Board met by teleconference to discuss the court orders. It decided to meet at the Board's offices in Juneau on April 12 to begin work on an amended plan. Further, it decided that it would receive proposed plans, both statewide and regional, from outside groups, but that these plans must be submitted to the Board offices by the close of business on April 9.

Several groups and individuals submitted proposed plans to the Board. The Municipality of Anchorage submitted two alternatives for Anchorage. The Matanuska-Susitna Borough Assembly submitted a plan for the Borough. The Calista Corporation submitted a statewide plan. The Ruedrich plaintiffs submitted a statewide plan. Alaskans for Fair Redistricting submitted three alternatives for the Board to consider. Also, Board member Julian Mason prepared his own proposal and submitted it to the Board by the April 9 deadline. Board staff posted all of these proposals on its website on April 10.

At the meeting of April 12, the Board had before it a total of 19 alternative redistricting scenarios. Board staff prepared ten of these scenarios. The staff scenarios were both statewide and regional, and included various revisions of draft plans 1 and 2 and also new conceptual redistricting solutions that would comply with the court orders. Deliberations came to focus on Mr. Mason's draft plan. Two revisions were presented to the Board, and the second, on April 13, was the plan unanimously adopted by the Board to amend its final plan of June 18, 2001. On April 18, the Board made technical corrections to the amended plan following review by staff.

### Amended Districts

The amendments adopted by the Board on April 13, 2002 affect mainly Anchorage and the interior of the state. The five districts in Southeast Alaska (1-5) remain unchanged from the final plan of June 18, 2001, with the exception of a minor change in district 5 described below. Also unchanged are the three districts on the Kenai peninsula (33-35), the Kodiak district (36), the Aleutian Island/Alaska Peninsula district (37) and the Bethel district (38). The amended districts are discussed below.

#### District 12

District 12 represents the most substantial change from the original proclamation plan. The shape of this district is new in the amended plan, and it necessitated modification to several contiguous districts. District 12 represents an effort to reconstruct a Richardson Highway district (district 35 in the 1994 plan) within the severe population constraints created by the 2000 census numbers. The district reaches from the Eielson precinct in the Fairbanks North Star Borough to the City of Valdez. The population of Valdez (4036) is essential to the viability of this district; its removal from the Anchorage-area district 32 in the original proclamation plan reduced the population base for the Anchorage house districts and became a factor in drawing the new boundaries of these districts.

There is insufficient population for a highway district solely along the Richardson Highway between Eielson and Valdez, so additional population (approximately 2700) was obtained from the Mat-Su Borough along the Glenn Highway. District 12 reaches to the outskirts of Palmer, and it includes sparsely populated census blocks north of the Glenn Highway. The newly configured district 12 necessitated changes in all of the other district boundaries in the Mat-Su Borough. (Moving the Denali Borough from the previous district 12 into a Fairbanks district also necessitated changes to the Mat-Su Borough districts.)

District 12 now includes the Eielson precinct that has 5400 people. This large precinct was formerly in a Fairbanks-area district. Also, district 12 now includes most of the population of Glennallen, which was formerly in district 6. Thus, the creation of district 12 had consequences for the configuration of districts in the Fairbanks area and district 6. Big Delta, Delta Junction and part of Fort Greely are in district 12.

#### District 6

District 6 is the large, predominantly Native district often referred to as the interior-rivers district. This district is reconfigured at the margins in the amended final plan. The lower Yukon community of Pilot Station (population 550) was moved out of district 6 into district 39 as part of the solution to the problem of excessive negative deviation in district 40. Approximately 675 people from the area around Glennallen were moved from district 6 into the new highway district 12, as were approximately 45 people around Paxon. Shifting population from Deltana in the vicinity of Delta Junction into district 6 compensated for these and some smaller population losses along the Richardson Highway. While the Board decided to include in district 12 the census blocks around Alyeska pump station 9 and the blocks around the Pogo mining claim, it determined that more of the populated area of Deltana and Fort Greely could not be included in district 12 without creating unacceptable population deviations in districts 12 and 6.

#### Fairbanks Districts 7 – 11

All five of the Fairbanks districts had to be redrawn in the amended plan because of the addition of the Denali Borough population and the loss of the Eielson population (5400). In the 1994 plan, the Denali Borough was in a North Pole district (former district 34), which is contiguous only across a vast, unpopulated tract of the Tanana Valley that has no direct road connection. In the Board's proclamation plan of June 18, 2001, the Denali Borough was included in a Mat-Su Borough district. The amended plan links the Denali Borough to the Fairbanks university district (district 8).

Although the five Fairbanks districts have new boundaries they are conceptually similar to the June 18 proclamation districts. There is a university district (8), two downtown districts (9 and 10), a North Pole district (11), and a large rural district that includes the Farmers Loop Road and the areas out the Elliott and Steese Highways.

## Anchorage Districts 16 - 32

Districts in the Anchorage area have been redrawn to reduce the range of population deviations among districts and to accommodate the loss of 4036 people from district 32 (Valdez is now included in district 12). The 17 districts in the Anchorage area include two that share population beyond the boundaries of the Municipality of Anchorage: district 32 includes Whittier and Hope, and district 16 includes substantial population from the Mat-Su Borough (Butte, Lazy Mountain) in the vicinity of Palmer. Deviations for the Anchorage districts were substantially reduced and the districts in the Anchorage Bowl (17-31) do not deviate more than 1.1% from ideal size in the plan.

## District 40

District 40 is amended by adding Shishmaref (population 562) from district 39. The loss of this population from district 39 is restored by shifting Pilot Station from district 6 to 39. The resulting deviation in district 40 was thereby reduced to -3.3%.

## District 5

The Board found that the configuration of district 5 in the final plan of June 18 2001 is necessary to avoid retrogression under the U.S. Voting Rights Act. This finding was based on a written report from the Board's consultant on the Voting Rights Act, Dr. Lisa Handley, and on the advice of the Board's counsel. Dr. Handley's report stated that the only way to maintain three effective Native senate districts was to pair each of the six effective house districts together, particularly considering the history of racial block voting in former district t 36. In order to do this, the predominantly Native southeast Alaska islands district (5) must be extended north to be contiguous to district 6.

The Proclamation Plan, by creating a Southeast Islands Alaska Native house district that travels far enough north to pair it with another effective Alaska Native district (house district 6, the Interior Rivers district), maintains a third effective Alaska Native senate district—a district with an Alaska Native population of slightly greater than 47 % and an incumbent who is clearly an Alaska Native-preferred candidate. (Handley report, *Avoiding Retrogression Under Section 5 of the Voting Rights Act: The Need to Maintain Three Effective Alaska Native Senate Districts*, April 10, 2002)

A minor change was made by the Board on April 18, 2002 by moving several census blocks from district 5 to district 12, resulting in a population decrease of 9 in district 5 from the final plan of June 18, 2001. This change was necessary to include Valdez-area residents in district 12.

## Overall Deviation Statewide

The most overpopulated district is district 33 at +5.06% above ideal size; the most underpopulated district is district 6 at -4.90% below ideal size. The resulting overall statewide deviation is therefore 9.96%.

### Senate Districts

The house district pairings to make senate districts do not change from the proclamation plan of June 18, 2001. Nor does the assignment of senate terms change from the proclamation plan of June 18, 2001.

### Compliance with Court Orders

All of the amendments to the Board's final plan of June 18, 2001 were drafted with a view to satisfying the directives of the Superior Court and Supreme Court. The Board and its counsel believe that the amendments make the plan fully compliant with the court orders.

Amended Plan Senate Districts		1994 Senate Districts with 2000 Populations																				Grand Total
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
Total Population	28,778	1,244																				30,022
18+ Population	20,703	923																				21,626
Total Population		30,711	0																			30,711
18+ Population		22,294	0																			22,294
Total Population	100	79	12,042																			29,953
18+ Population	82	56	8,484																			20,443
Total Population																						31,046
18+ Population																						22,471
Total Population																						31,322
18+ Population																						22,108
Total Population																						32,207
18+ Population																						21,687
Total Population																						32,350
18+ Population																						21,402
Total Population																						32,241
18+ Population																						22,317
Total Population																						31,458
18+ Population																						20,908
Total Population																						31,678
18+ Population																						21,417
Total Population																						31,681
18+ Population																						22,489
Total Population																						31,659
18+ Population																						24,006
Total Population																						31,659
18+ Population																						21,946
Total Population																						31,685
18+ Population																						21,944
Total Population																						31,140
18+ Population																						22,047
Total Population																						32,875
18+ Population																						22,744
Total Population																						31,364
18+ Population																						21,834
Total Population																						30,071
18+ Population																						20,162
Total Population																						30,151
18+ Population																						17,961
Total Population																						62,632
18+ Population																						43,621
Sum of Total Population	28,778	30,790	27,199	33,656	33,307	31,474	29,762	31,830	36,186	33,074	32,140	28,853	33,597	46,192	29,626	27,192	29,081	26,333	31,197	29,565		626,932
Sum of 18+ Population	20,785	22,350	18,806	23,934	21,968	22,603	21,038	23,670	25,461	23,808	22,893	19,725	22,760	31,451	20,797	18,954	19,734	17,555	18,600	19,323		436,215

Prepared by Alaska Redistricting Board - April 18, 2002

Senate Terms			
Amended Final Plan Senate District	Assignment of Term Length in '02 Election	Previous* Senate District	% Population of Previous* Senate District
A	2**	A	98.9
B	4	B	100
C	2	R	58.7
D	4	O	60.8
E	2	P	68.8
F	4	Q	57.5
G	2	N	67.7
H	4	N	66.9
I	2	M	37.2
J	4	L	40.2
K	2**	K	87.6
L	4	J	50.7
M	2	G	44.7
N	4	F	66.6
O	2	I	47.1
P	4	I	44.6
Q	2	D	51.9
R	4	D	52.4
S	4	T	91.6
T	2**	S	98.2

\* Previous refers to 1994 Proclamation Senate Districts

\*\* Incumbents in those districts will not stand for reelection in 2002

Prepared By Alaska Redistricting Board - April 18, 2002

## **Description of Revised Final Plan House Districts**

[Prepared By Alaska Redistricting Board - May 2002]

### **House District 1 – Senate District A – Ketchikan**

House District 1 includes all uplands and islands bounded by a line beginning at the northernmost point of Coffman Cove City, southeasterly along the city boundary to the western shore of Clarence Strait, south to an intersection with the mouth of Eagle Creek, easterly to the centerline of Clarence Strait, southeasterly along the centerline to a point due west of Lemesurier Point, east to Lemesurier Point, east across Union Bay to Union Point, east across Vixen Inlet to the eastern shore of Ernest Sound, northeasterly along the shore to the head of Santa Anna Inlet, easterly along a nonvisible line to the common boundary of the Wrangell-Petersburg and Prince of Wales-Outer Ketchikan Census Areas, northeasterly along the common census area boundary to Grant Creek, easterly to Burroughs Bay, southerly to Ketchikan Gateway Borough, southerly and westerly along the borough boundary (around Gravina Island) to a point due east of Grindall Island, west to Grindall Island, west along its south shore, west across Grindall Passage to the shore of Kasaan Bay, west along the shore to Kasaan City, north and west around the city boundary to Thorne Bay Road, north along the road to Thorne Bay City, west and south along the city boundary to its southwestern most point in Kasaan Bay, southwesterly through the water to the centerline of Twelvemile Arm, southwest along the centerline of the arm, to and including Cat Island, west to the mouth of Harris River, west and north to its headwaters, west along a nonvisible line to Black Bear Lake, west following its northern shore to a linking creek to Black Lake, north along a linking creek to an intersection (just south of Big Salt Lake) with Big Salt Road, north to North Island Road, northwest to National Forest Development Road 23, north to National Forest Development Road 30, east to Logjam Creek, north to Sweetwater Lake, north along the lake's western shore to Barnes Lake, east along the lake's southern shore to Coffman Cove City, east along the city boundary to point of beginning.

### **House District 2 – Senate District A – Sitka / Wrangell / Petersburg**

House District 2 includes all islands bounded by a line beginning at the center point of the entrance to Cross Sound, northeast along the centerline of Cross Sound to the northernmost island of the Inian Islands, including all of the Inian Islands, continue to the western shore of Idaho Inlet on Inian Peninsula, south along the shore to the mouth of Trail River, southeast to its headwaters, southeast along a nonvisible line feature to the City and Borough of Sitka, east and south along the borough boundary to a point due west of Tebenkof Bay, east along the centerline of Tebenkof Bay to the mouth of Alecks Creek on Kuiu Island, north to Alecks Lake, north along its southern shore to the northeastern most tip of the lake, southeast along a nonvisible line to the head of No Name Bay, east along the centerline of the bay to Keku Strait, north along its centerline to a point due west of Tunehean Creek, east to the coast of Kupreanof Island at the creek, north along the coast to the mouth of Keku Creek, east to its headwaters, south along a nonvisible line to the headwaters of Castle River, east to its mouth at Duncan Canal, north along the canal shore to the mouth of Duncan Creek, east to Duncan Canal Portage Trail, east to Coho Creek, east to Kupreanof City, north and east along the city boundary to Petersburg City, south along the city boundary to its southeastern most point, east to Frederick Sound, south along its

centerline to Dry Strait, south along its centerline to the northern most point of Wrangell City, east along the city boundary to Eastern Passage, south along its centerline to Blake Channel, south along its centerline to the entrance of Bradfield Canal, south across the canal to the southern shore of Ernest Sound, south along the shore to Seward Passage, south to the intersection with House District 1 at the head of Santa Anna Inlet, westerly and northerly along the boundary of House District 1 to Clarence Strait (due east of Eagle Creek), north along its centerline to Snow Passage, northwest along its centerline to Sumner Strait, west and south along its centerline to and around Coronation Island to Chatham Strait, north along its centerline to a point due east of the southernmost point of the City and Borough of Sitka, west to the borough boundary, north along the western borough boundary to its northwestern most point, north through the Pacific Ocean to point of beginning.

### **House District 3 – Senate District B – Juneau / Downtown / Douglas**

House District 3 includes the area of the City and Borough of Juneau bounded by a line beginning at a point on the borough boundary south and west of Outer Point, northeasterly through the center line of Stephens Passage and Fritz Cove to the mouth of Mendenhall River, north along its eastern bank to Egan Drive, east to Jordan Creek, north to Jordan Creek Tributary, east to Thunder Mountain Trail and Heintzleman Ridge, northeast along the ridge to Thunder Mountain, continuing east on the ridge to a point just southeast of the headwaters of Steep Creek, northwest along a nonvisible line to Steep Creek, northwesterly to Glacier Spur Road, north to the shore of Mendenhall Lake, east around the lake to the western edge of Mendenhall Glacier, north to Juneau Ice field, follow western bank of Ice field past Eagle, Thiel, and Gilkey glaciers to intersection with City and Borough of Juneau at the Canadian Border, southerly along and around the borough boundary to point of beginning.

### **House District 4 – Senate District B – Juneau / Mendenhall Valley**

House District 4 includes the area of the City and Borough of Juneau bounded by a line beginning at a point on the northwestern most corner of the borough boundary, east and south along the borough boundary to its intersection with House District 3, south along the House District 3 boundary to its intersection with the borough boundary south and west of Outer Point, northerly along the borough boundary to point of beginning.

### **House District 5 – Senate District C – Cordova / Southeast Islands**

House District 5 includes all uplands and islands bounded by a line beginning at the intersection of a point on the northeastern boundary of the Kenai Peninsula Borough and the northern shore of Blackstone Bay, northeast along the bay shore to its intersection with Whittier City, east along the city boundary to the north shore of Blackstone Bay, east along the bay shore to its end at Strong Point, east across the mouth of Passage Canal and continuing on with a Prince William Sound Traverse across the mouths of Port Wells, Lake Bay, Quillian Bay, Esther Passage, Esther Bay, Squaw Bay, Eaglek Bay, Unakwik Inlet, Wells Bay, Fairmount Bay, Eickelberg Bay, Long Channel, Columbia and Heather Bays, and Sawmill Bay to the western boundary of Valdez City, following the city boundary east and north to Lowe River, east along the river to Chugach National Forest, easterly along the



forest boundary to the Chugach Alaska Native Regional Corporation (ANRC) boundary, east and south along the ANRC boundary to the City and Borough of Yakutat, east along the northern borough boundary to its southern most point, and including all of the remaining areas of Southeast Alaska not contained in House Districts 1, 2, 3 or 4. The bounded area is closed by continuing west along the coastal boundary of the City and Borough of Yakutat to its southwestern most point, following the nautical 3-mile limit to the eastern boundary of Kenai Peninsula Borough, north to point of beginning.

### **House District 6 – Senate District C – Interior Villages**

House District 6 is bounded by a line beginning at the intersection of the common boundary of the Bering Straits and Yukon Koyukuk Rural Education Attendance Areas (REAs) and the Northwest Arctic Borough, north along the borough boundary to its intersection with the North Slope Borough, east along the borough boundary to its intersection with the Alaskan/Canadian border, south along the border to the City and Borough of Yakutat, west along the borough boundary to the Ahtna ANRC, west along the ANRC boundary to the Copper River, north along its western bank to Urantina River, north to its headwaters, north along a nonvisible line to the headwaters of Bernard Creek, north to a point east of the intersection of Bernard Creek Trail and an unnamed trail, north along the creek trail to the Richardson Highway, north to Squirrel Creek, west to Trans Alaska Pipeline (TAPs), east to its intersection with a road just south of Pippin Lake, east to Richardson Highway, north to 16APL-3 Road, west to TAPs, north to 19APL-1 Road, east to Richardson Highway, continuing east along a nonvisible line to the Copper River, north along its western bank to the Klutina River, east to the New Richardson Highway, north to the Old Richardson Highway, north to the southern boundary of Tazlina ANVSA, west along the ANVSA boundary to TAPs, north to the Tazlina River, east along its northern shore to a trail that connects with the intersection of Copperville Road and the Old Richardson Highway, north along the highway to the Glenn Highway, west to TAPs, north to its intersection with the Richardson Highway (just west of Sourdough and Haggard Creeks), north to Paxson Lake Campground Road, east along a nonvisible line to TAPs, north to the Richardson Highway (just west of Fielding Lake), north to Fort Greely Military Reservation (just west of Butch Lake), north and east along the military boundary to the Richardson Highway (just north of TAPs Pump Station 9 Access Road), north along the highway to the City of Delta Junction, east and north along the city boundary to Nistler Road, east to Souhrada Road, north to Jack Warren Road, west to Fales Road, north to Clearwater Lake, west along the shore to an unnamed creek connecting to the Tanana River, east along its south bank to the mouth of Clearwater Creek, north across the Tanana River, continuing east along its northern bank to an intersection with the Volkmar River, north along a nonvisible line to Volkmar Lake, west around the lake to its northern most point, east along a nonvisible line to White Peak, north to the intersection of Goodpaster River and South Fork (Goodpaster River), east along the South Fork to Delta Greely REAA, north along the REAA boundary to Fairbanks North Star Borough, north, west and south around the borough to the Tanana River, west along its southern bank to the City of Nenana, south along the city boundary to FAA Way, south to a sled trail (paralleling George Parks Highway), south to Denali Borough, west and south along the borough boundary to its intersection with Matanuska-Susitna Borough, south along the borough boundary to its intersection with Kenai Peninsula Borough, east along the borough boundary to the midpoint of Cook Inlet, south along the midpoint to its intersection with House District 35, west along the district boundary to the mouth of Drift River, west along the river to Lake Clark National Park and Wilderness Area, west along the park/wilderness boundary to a point due east of Summit Lake, west to and around the lake's south shore to Tlikakila River, west to Lake and Peninsula Borough, north and west along the borough boundary to the

common boundary of Calista and Bristol Bay ANRCs, west along the common boundary to its intersection with the common boundary of Lower Kuskokwim and KuspuK REAAs, west along the common REAA boundary to the Kuskokwim River, north along its western bank to the City of Lower Kalskag, east along the city boundary to the City of Upper Kalskag, north and west around the city boundary to the Yukon Kuskokwim Portage Trail, north to its intersection with Bethel Census Area, west along the census area boundary to a point south of the headwaters of the Pitnik River, north along the river to a point just south of the Kashunuk River, north to the river, east to Driftwood Slough, east to the Yukon River, east along its southern bank to Atchuelinguk River, east along its northern bank to its headwaters, north along a nonvisible line to the Bering Straits ANRC, east and north to point of beginning.

#### **House District 7 – Senate District D – Farmers Loop / Steese Highway**

House District 7 is bounded by a line beginning at the intersection of the Chatanika River and Fairbanks North Star Borough, north and east along the borough boundary to a point north of the headwaters of Ottertail creek, west to the Middle Fork Chena River, west to Chena Hot Springs Road, west to Flat Creek, south to Chena River, west to a point northeast of the end of Repp Road, west along a trail to Repp Road, west to Brock Road, north to Whitman Road, west to an unnamed road that intersects an unnamed stream, northwest along the creek to the Chena River, west along its southern bank to the City of Fairbanks, west and north along the city boundary to College Road, west to the City of Fairbanks, west along the city boundary to a point where it departs from Noyes Slough, west along the northern bank of the slough to Sandvik Street, west to University Avenue, north to Farmers Loop, north to Yankovich Road, west to Miller Hill Road, north to the intersection of Goldstream Creek and O Conner Creek, north along O Conner Creek to Miller Hill Road, north to Goldstream Road, west to Nugget Loop, west to O'Conner Creek, north to Hattie Creek, north to Old Murphy Dome Road, north along an unnamed trail to Our Creek, north to Chatanika River, west to point of beginning.

#### **House District 8 – Senate District D – Denali / University**

House District 8 is bounded by a line beginning at the southwestern most point of Denali Borough, northeasterly along the borough boundary to a "Sled Road" (east of George Parks Highway), north to F A A Way, north to the City of Nenana, north along the city boundary to the Tanana River, east along its southern bank to Fairbanks North Star Borough, north along the borough boundary to the Chatanika River, east to Our Creek, south to an unnamed trail, south to Old Murphy Dome Road, east to an unnamed road, west to Hattie Creek, south to O Conner Creek, south to Nugget Loop, east to Goldstream Road, east to Miller Hill Road, south to O Conner Creek, south to its intersection with Goldstream Creek, south to Miller Hill Road, south to Yankovich Road, east to Farmers Loop Road, south to University Avenue, south to Sandvik Street, east to Noyes Slough, south along its western bank to the Chena River, east to University Avenue, south to Airport Way, west to Sportsman Way, south to Old Airport Road, west to an access road to Robert Mitchell Expressway, south and east to Peger Road, south to the Tanana River, east along its north bank to the City of Fairbanks, east along the city boundary to the point where it turns northerly (at the common boundary with Fort Wainwright Military Reservation), south along the reservation boundary to its second intersection with the Tanana River, east along the military boundary to the easterly most braid of the Tanana River, south along the eastern most bank to Twentythree Mile Slough, south to Eielson Air Force Base, south along the

base boundary to the Tanana River, south along its eastern bank to a point due west of Xantheus Way, west to the river's western bank, south to Fairbanks North Star Borough, westerly along the borough boundary to Denali Borough, south and west along the borough boundary to point of beginning.

#### **House District 9 – Senate District E – City of Fairbanks**

House District 9 is bounded by a line beginning at the intersection of Airport Way and City of Fairbanks, north along the city boundary to the north shore of Chena River, east to Noyes Slough, north and east along its western shore to the City of Fairbanks, north and east along the city boundary to a point where it departs from College Road, east along College Road to the City of Fairbanks, south along the city boundary to Noyes Slough, east along its northern shore to the Chena River, west across the mouth of the slough, west along the northern shore of Chena River to Cushman Street, south to 30<sup>th</sup> Avenue, west to Van Horn Road, south to an unnamed creek (just north of Van Horn Court), west along the creek to Shell Street, south to Standard Avenue, west to the City of Fairbanks, north along the city boundary to the Robert Mitchell Expressway, west to an unnamed road, north to Old Airport Road, east to Sportsman Way, north to Airport Way, east to point of beginning.

#### **House District 10 – Senate District E – Fairbanks / Fort Wainwright**

House District 10 is bounded by a line beginning at the intersection of College Road and the City of Fairbanks, east and south along the city boundary to a point on Holmes Road where it turns north to intersect Badger Loop Road, west along the Fort Wainwright Military Reservation boundary to the City of Fairbanks, south and west along the city boundary to a point where it departs north from the Tanana River, west along the north bank of the Tanana River to a point just south of Peger Road, east along an unnamed water feature to Peger Road, north to Standard Avenue, east to Shell Street, north to an unnamed stream, east to its intersection with Van Horn Road, north to 30<sup>th</sup> Avenue, east to Cushman Street, north to Chena River, east along its northern bank to Noyes Slough, north and west along its eastern bank to the City of Fairbanks, north along the city boundary to point of beginning.

#### **House District 11 – Senate District F - North Pole**

House District 11 is bounded by a line beginning at the intersection of the City of Fairbanks and the Chena River, east along the river's southern bank to a point just past its intersection with Steele Creek, south along an unnamed stream to Whitman Road, east to Brock Road, south to Repp Road, east to its end, northeast along a trail to its end, continuing northeast along a nonvisible line to the Chena River, east along its southern bank to the Yukon Command Training Site, south along the site's western boundary to Eielson Air Force Base, south along the base's western boundary to Twentythree Mile Slough, north to Tanana River, north along the river's eastern bank to Fort Wainwright Military Reservation, west along the reservation boundary to the western bank of the Tanana River, north along the river's western bank to a point just south of the common reservation and City of Fairbanks boundary, north along the reservation boundary to point of beginning.

## House District 12 – Senate District F – Richardson / Glenn Highways

House District 12 is bounded by a line beginning at a point on the northern boundary of Matanuska-Susitna Borough where it meets the common Doyon/Ahtna ANRC boundary, east along the borough boundary to the eastern boundary of Denali Borough, north along the Denali Borough boundary to Fairbanks North Star Borough, east along the borough boundary to the Tanana River, north along its western bank to a point due west of Xantheus Way, east to the river's eastern bank, north to Eielson Air Force Base, north along the base boundary to the Chena River, east to Flat Creek, north to Chena Hot Springs Road, east to a trail which intersects the Chena River and Middle Fork Chena River, east along the Middle Fork Chena River to Ottertail Creek, east and north to Fairbanks North Star Borough, easterly around the borough boundary to the common Delta Greely and Alaska Gateway REAA boundary, south along the common boundary to the South Fork (Goodpaster River), west to Goodpaster River, south from that intersection along a nonvisible line to White Peak, west to Volkmar Lake, south along its eastern shore to the southern tip, south along a nonvisible line to the intersection of the Volkmar River and the Tanana River, west along the northern shore of the Tanana River to a point opposite the mouth of Clearwater Creek, south to the creek mouth, west along the southern shore of the Tanana River to an unnamed creek (connecting to Clearwater Lake), south to and around the lake to Fales Road, south to Jack Warren Road, east to Souhrada Road, south to Nistler Road, west to Delta Junction City, south and west along the city boundary to the Richardson Highway, south to Fort Greely Military Reservation, east and south along the reservation boundary to the Richardson Highway, south to TAPs (just east of Fielding Lake), south along TAPs to a point due east of the intersection of the Richardson Highway and Paxson Lake Campground Road, west along a nonvisible line to Richardson Highway, south along the highway to TAPs (just west of the intersection of Sourdough and Haggard Creeks), south along TAPs to the Glenn Highway, east to Old Richardson Highway, south along the highway to Copperville Road, west from that intersection along an unnamed trail to the Tazlina River, west to TAPs, south along TAPs to the southern boundary of the Tazlina ANVSA, east to Old Richardson Highway, south to New Richardson Highway, south to the Klutina River, east to the Copper River, south along its western bank to a point due east of the intersection of the Richardson Highway and 19APL-1 Road, west along the road to TAPs, south to 16APL-3 Road, east to Richardson Highway, south along the highway to an unnamed road (just south of Pippin Lake), west to TAPs, south to Squirrel Creek, south to Richardson Highway, south to Bernard Creek Trail, south along the trail to Bernard Creek, south to its headwaters, south along a nonvisible line to the headwaters of Uranatina River, south to the Copper River, south along its western bank to Chugach National Forest, west along the forest boundary to Lowe River, west to TAPs, west to the City of Valdez, southerly around the city boundary to the northern shore of Valdez Arm, westerly along a Prince William Sound Traverse across the mouths of Sawmill Bay, Heather and Columbia Bays, Long Channel, Eickelberg Bay, Fairmount Bay, Wells Bay, Unakwik Inlet, Eaglek Bay, Squaw Bay, Esther Bay, Esther Passage, Quillian Bay, Lake Bay, Port Wells and Passage Canal to Strong Point, north along the shore of Passage Canal to the City of Whittier, west to Municipality of Anchorage, north along the municipality boundary to Matanuska-Susitna Borough, west along the borough boundary to Glacier Fork, west to Metal Creek, north to its headwaters, west along a nonvisible line to the headwaters of Carpenter Creek, north to the Matanuska River, west along its northern shore to Palmer-Fishhook Road, west to Werner Road, north to Biscane Drive, east to Monte Carlo Lane, north to Farm Loop Road, west and north to Britchenstrap Drive, north to its end, continuing north along a nonvisible line to Koenen Road, west to Showers Street, south to Crabb Circle, west to Wasilla Creek, north to the end of one of its unnamed tributaries, north along a nonvisible line to the headwaters of Delia Creek, north to Little Susitna River, south to Fishhook Creek, west to Fishhook-Willow Road, west to Bald Mountain Ridge, north and east

along the ridge to the Talkeetna Mountains, east to a point due south of the headwaters of Bartholf Creek, north to its intersection with the Kashwitna River, north along a nonvisible line to the headwaters of Sheep Creek, west to its intersection with the Iron Creek Trail, north along the trail to Iron Creek, west to Talkeetna River, east to Cache Creek, west to its headwaters, north along a nonvisible line to the intersection of Chunilna Creek and a foot trail, north along the trail to Old Bur Rec Trail, east to Susitna River, west to Portage Creek, east to Thoroughfare Creek, north to its headwaters, east along a nonvisible line to the headwaters of Crooked Creek, north to the Ahtna ANRC boundary, west and north to point of beginning.

### **House District 13 – Senate District G – Greater Palmer**

House District 13 is bounded by a line beginning at a point on the Bald Mountain Ridge just opposite the headwaters of Grubstake Gulch, northeasterly along the ridge to Fishhook-Willow Road, east to Fishhook Creek, east to Little Susitna River, north to Delia Creek, south to its headwaters, continuing south along a nonvisible line to a tributary of Wasilla Creek, south to and along Wasilla Creek to Crabb Circle, east to Showers Street, north to its end, east to a path, continuing east to Koenen Road, east to its end, south along a nonvisible line to Britchenstrap Drive, south to Farm Loop, west and south to Corvette Drive, east to Monte Carlo Lane, south to Biscane Drive, west to Werner Road, south to Palmer-Fishhook Road, east to the Matanuska River, south along its western bank to a point due east of the end of Lawalter Road, west to Lawalter Road, west to Outer Springer Loop, south and west to Inner Springer Loop, west to the Alaska Railroad, west to Wasilla Creek, north to George Parks Highway, east to Hyer Road, east to Grantham Road, north to Outer View Drive, north to Portage Drive, west to Glacier Drive, north to Meadow Lane, west to Serrano Drive, north and east to Skip Circle, north to Palmer-Wasilla Highway, west to Luke Street, north to Mayflower Lane, east to Colonial Drive, north to Union Jack Drive, west to Revolutionary Way, east to Freedom Way, north to Windridge Avenue, west to a Portage Trail, north to Cottonwood Lake, west along its shore to a point due south of Blueberry Drive, north to the intersection of Blueberry Drive and Birch Drive, north to Crowberry Drive, east to Cottonwood Loop, north to Aspen Street, west to Alder Drive, north to Estony Hollow Drive, west to Bogard Road, north to Gruman Circle, north to Travel Air Drive, north to a point on the drive just south of its intersection with Sams Drive, west to Anderson Lake, north around the lake's shore to a point due south of Delta Street, north to Delta Street, east to Shaw's Drive, north to Charley Drive, north to Charwood Lane, east to Cedarwood Drive, north to Mosswood Drive, west to Sorrelwood Street, north to its end, continuing north along a nonvisible line to the intersection of Wasilla-Fishhook Road and Pamela Drive, west on Pamela Drive to Starwood Drive, west to Windflower Drive, south to Pamela Drive, west to a point on the drive due north of the end of Tanis Road, north along a nonvisible line to the Little Susitna River, easterly along its north bank to an intersection with an unnamed stream (just east of Coles Patton Extended), north along the creek to point of beginning.

### **District 14 – Senate District G – Greater Wasilla**

House District 14 is bounded by a line beginning at the intersection of Lucile Creek and the western boundary of Wasilla City, north and east along the city boundary to Jacobsen Lake, easterly around the lake to Happy Little Road, east to Seims Street, north to George Parks Highway, west to Stanley Road, north to Machen Road, east to Day Road, north and west to Stanley Road, north to the end of Stanley Road, continuing north along a nonvisible line to intersect an unnamed stream just south of Bruce Lake, east to Church Road, north to

Schrock Road, east to Sushana Drive, north to Coal Creek, north to the creek headwaters, continuing north along a nonvisible line to Bald Mountain Ridge, east to a point on the ridge just opposite Grubstake Gulch, south to the headwaters of an unnamed stream, south along the creek to Little Susitna River, west along the northern bank of the river to a point just west of a trail feature extending from Coles Patton Extended Road, south across the river and continuing south along a nonvisible line to Pamela Drive, east to Windflower Drive, north to Starwood Drive, east to Pamela Drive, east to intersect Wasilla-Fishhook Road, due south from the intersection to the end of Sorrelwood Street, south to Mosswood Drive, east to Cedarwood Drive, south to Charwood Lane, west to Charley Drive, south to Shaw's Drive, west to Delta Street, southwest to intersect Anderson Lake, southerly around the lake to a point opposite the intersection of Travel Air Drive and Sams Drive, east to Travel Air Drive, south to Gruman Circle, south to Bogard Road, south to Estony Hollow Drive, east to Alder Drive, south to Aspen Street, east to Cottonwood Loop, south to Crowberry Drive, west to Blueberry Drive, south to its intersection with Birch Drive and continuing south along a nonvisible line to Cottonwood Lake, west around the lake shore to Portage Trail, south to Windridge Avenue, east to Freedom Way, south to Revolutionary Way, west to Union Jack Drive, east to Colonial Drive, south to Mayflower Lane, west to Luke Street, south to Palmer-Wasilla Highway, east to Skip Circle, south to Serrano Drive, south to Meadow Drive, east to Glacier Drive, south to Portage Drive, east to Outer View Drive, south to Grantham Road, south to Hyer Road, south to George Parks Highway, west to Wasilla Creek, south to the Alaska Railroad, west to Fairview Loop, south and west to Cotton Drive, north to Wasilla City, west along the city boundary to Cottonwood Creek, west to Edlund Road, north to Knik Goose Bay Road, west to Foothills Boulevard, north to Lucile Creek, east to point of beginning.

#### **House District 15 – Senate District H – Rural Mat-Su**

House District 15 includes all uplands and islands bounded by a line beginning at the northwestern most corner of the Matanuska-Susitna Borough, easterly along the borough boundary to Doyon ANRC, south and east along the ANRC boundary to Crooked Creek, south to its headwaters, westerly along a nonvisible line to the headwaters of Thoroughfare Creek, south to Portage Creek, west to Susitna River, east along its northern bank to Old Bur Rec Trail, south along a series of unnamed foot trails and a nonvisible line to the headwaters of Cache Creek, east to Talkeetna River, west to Iron Creek, south to Iron Creek Trail, south along the trail to Sheep Creek, east to the creek headwaters, south along a nonvisible line to the intersection of Kashwitna River and Bartholf Creek, south along the creek to its headwaters in the Talkeetna Mountains, westerly through the Talkeetna Mountains to Bald Mountain Ridge, westerly along the ridge to a point by the headwaters of Coal Creek, south along the creek to Sushana Drive, south to Schrock road, west to Church Road, south to its intersection with an unnamed creek (just east of Bruce Lake), west along the creek to a point due north of Stanley Road, south to and along the road to Day Road, east and south to Machen Road, west to Stanley Road, south to George Parks Highway, east to Seims Street, south to Happy Little Road, south to Jacobsen Lake, east along the lake shore to Wasilla City, west along the city boundary to its intersection with Lucile Creek, west to Foothills Boulevard, south to Knik-Goose Bay Road, west to a point due west of Binnacle Drive, south along a trail to the end of Binnacle Drive, continuing south along a nonvisible line to Crocker Creek, west along the creek to Settlers Bay Drive, south to Crocker Creek, south to the mouth of Crocker Creek, south through Knik Arm to the Matanuska-Susitna Borough boundary, west and north to point of beginning.

### **House District 16 – Senate District H – Chugiak / South Mat-Su**

House District 16 includes all uplands and islands bounded by a line beginning at the mouth of Crocker Creek in the Matanuska-Susitna Borough, north along the creek to Settlers Bay Drive, north to Crocker Creek, east along the creek to a point due south of the end of Binnacle Drive, north along a nonvisible line to the end of Binnacle Drive, continuing north to intersect Knik-Goose Bay Road, east to Edlund Road, south to Cottonwood Creek, east to its intersection with Wasilla City, east and south along the city boundary to Cotton Drive, south to Fairview Loop, east to the Alaska Railroad, east and north to Inner Springer Loop, east to Outer Springer Loop, east and north to Lawalter Road, east to the road's end, continuing east along a nonvisible extension to Matanuska River, north and east along the western river bank to Carpenter Creek, south to the midpoint of a nonvisible line between a mountain peak called "Glacier 7190" and the headwaters of Metal Creek, east along the nonvisible line to Metal Creek, south along the creek to Glacier Fork, east to the Municipality of Anchorage, south along the municipality boundary to the common boundary of Lake George National Natural Landmark and Chugach National Forest, west along the forest boundary to a natural ridge line running along the Eagle Glacier, north to Whiteout Glacier, continuing northwest to Peril Peak, northwest to the headwaters of Peters Creek, north to a point on the creek due east of Mount Magnificent, west along a nonvisible line to Mount Magnificent, west to the headwaters of Meadow Creek, west to Chugach State Park, north along the park boundary to Carol Creek, west to Savage Drive, north to Fish Hatchery Road, west to Old Glenn Highway, east to Lake Ridge Drive, north to Caspian Court, east to Darby Road, east to Old Glenn Highway, north to Birchwood Loop Road, west to on-ramp of New Glenn Highway, continuing north along the highway to Parks Creek, north to Mink Creek, west to Werre Street, north to Richner Road, west to Mink Creek, north to Fire Creek, north to the creek mouth at Knik Arm, north through the waters of Knik Arm to the common boundary of the Municipality of Anchorage and the Matanuska-Susitna Borough, north to point of beginning.

### **House District 17 – Senate District I – Eagle River**

House District 17 is bounded by a line beginning at the intersection of the New Glenn Highway and Eagle River Access Road, east along the access road to Carol Creek, east to Chugach State Park, westerly and southerly along the park boundary to Steeple Drive, south to Eagle River Lane, south to the lane's end, continuing south along a nonvisible line to the eastern end of Highland Ridge Drive, west and south to Driftwood Bay Drive, west to Eagle Loop Road, south to Eagle River, west along its north bank to Fort Richardson Military Base, north along the base boundary to a point due west of the intersection of Breckenridge Drive and Farm Avenue, east to the New Glenn Highway, east to point of beginning.

### **House District 18 – Senate District I – Military**

House District 18 is bounded by a line beginning at a point on the Municipality of Anchorage boundary north of the mouth of Fire Creek, southerly through Knik Arm to the creek, southerly along the creek to Mink Creek, south to a point due west of the end of Richner Road, east to and along the road to Werre Street, south to Mink Creek, east to Parks Creek, south to the New Glenn Highway, south to Birchwood Loop Road, east to Old Glenn Highway, south to Darby Road, west to Caspian Court, west to Lake Ridge Drive, south to Old Glenn Highway, west to Fish Hatchery Road, east to Savage Drive, south to Carol Creek, west to Eagle River Access Road, west to the New Glenn Highway, west to a point on the highway

just west of the intersection of Breckenridge Drive and Farm Avenue, west to Fort Richardson Military Reservation Base, south along the base boundary to Glenn Highway, west along the highway to Centennial Park, south along the park boundary to Boundary Avenue, west to Muldoon Road, south to Duben Avenue, west to Oklahoma Street, north to Access Road, west to Patterson Street, north along a nonvisible line to the Glenn Highway, west to Mc Carrey Street, north to Vandenberg Avenue, west to Pine Street, north to McPhee Avenue, west to the end of McPhee Avenue, continuing west along the Elmendorf Air Force Base boundary to the Alaska Railroad, west along the railroad to Port Access Loop Road, north to Loop Road, east to Bluff Drive, west to Ocean Dock Road, south to Terminal Lease (North Star) Access Road, west to Knik Arm shore, west through Knik Arm to the Municipality of Anchorage boundary, east along the boundary to point of beginning.

#### **House District 19 – Senate District J – Muldoon**

House District 19 is bounded by a line beginning at the intersection of Boniface Parkway and Pilgrim Drive, east to Plymouth Drive, north to 6<sup>th</sup> Avenue, east to Staedem Drive, east to 6<sup>th</sup> Avenue, east to Donna Drive, east to Turpin Street, north to 6<sup>th</sup> Avenue, east to Jordt Circle, east to Fredericks Drive, north and east to Patterson Street, north to Duben Avenue, east to Muldoon Road, north to Boundary Avenue, east to Fort Richardson Military Firing Range, south along the military boundary to a Power Line Right-of-way (ROW), west along the ROW to the end of Northern Lights Boulevard, west to Augustine Drive, north to Lake George Drive, north to Chandalar Drive, east to 21<sup>st</sup> Avenue, west to Paxson Drive, north to Chester Creek South Branch, west to a nonvisible extension of Colgate Drive, west to and along Colgate Drive to Baxter Road, north to Beaver Place, north to an access road to MOA Parks and Rec area, west along the parks and rec boundary to the end of Chester Creek Middle Branch, north to the end of Craig Drive, west to Penn Circle, south to 20<sup>th</sup> Avenue, west to Boniface Parkway, north to point of beginning.

#### **House District 20 – Senate District J – Mountain View / Wonder Park**

House District 20 is bounded by a line beginning at the western end of Thompson Avenue, east to Taylor Street, north to Elmendorf Air Force Base, east along the base boundary to McPhee Avenue, east to Pine Street, south to Vandenberg Avenue, east to Mc Carrey Street, south to Glenn Highway, east to a point on the highway just north of Patterson Street, south to intersection of Patterson Street and Access Road, east to Oklahoma Street, south to Duben Avenue, west to Patterson Street, south to Fredericks Drive, west and south to Jordt Circle, west to 6<sup>th</sup> Avenue, west to Turpin Street, south to Donna Drive, west to 6<sup>th</sup> Avenue, west to Staedem Drive, west to 6<sup>th</sup> Avenue, west to Plymouth Drive, south to Pilgrim Drive, west to Boniface Parkway, south to Debarr Road, west to Pine Street, north to San Roberto Avenue, west to Hoyt Street, north to 7<sup>th</sup> Avenue, west to Penland Parkway, west to Airport Heights Drive, north to Mountain View Drive, east to Porcupine Drive, west to Rampart Drive, east to Commercial Drive, west to Meyer Street, north to point of beginning.

#### **House District 21 – Senate District K – Baxter Bog**

House District 21 is bounded by a line beginning at the intersection of Penn Circle and Craig Drive, east to the end of Craig Drive, south along a nonvisible line to the end of Chester Creek Mid Branch, east along the MOA Parks and Rec boundary to an access Road, east to



Beaver Place, south to Baxter Road, south to Colgate Drive, east to the end of Colgate Drive, continuing east along a nonvisible extension to Chester Creek South Branch, east to Paxson Drive, south to 21<sup>st</sup> Avenue, east to Chandalar Drive, south to Lake George Drive, south to Augustine Drive, south to Northern Lights Boulevard, east to Muldoon Road, continuing east along a Power Line ROW to Fort Richardson Firing Range, south along the range boundary to the northeast corner of Far North Bicentennial Park, west along the park boundary to the end of Tudor Road, west to Boniface Parkway, north to College Drive, east to Pembroke Street, north to Penn Circle, east and north to point of beginning.

### **House District 22 – Senate District K – University / Airport Heights**

House District 22 is bounded by a line beginning at the intersection of Airport Heights Drive and Penland Parkway, east along the parkway to 7<sup>th</sup> Avenue, east to Hoyt Street, south to San Roberto Avenue, east to Pine Street, south to Debarr Road, east to Boniface Parkway, south to 20<sup>th</sup> Avenue, east to Penn Circle, south and west to Pembroke Street, south to College Drive, west to Boniface Parkway, south to Tudor Road, west to Dale Street, north to 43<sup>rd</sup> Avenue, west to the intersection of Piper Street and the southern boundary of the Alaska Psychiatric Institute (API), west along the API boundary to Lake Otis Parkway, north to 20<sup>th</sup> Avenue, east to Toklat Street, north to 17<sup>th</sup> Avenue, east to Logan Street, north to 16<sup>th</sup> Avenue, east to Alder Drive, north to 15<sup>th</sup> Avenue, east to Airport Heights Drive, north to point of beginning.

### **House District 23 – Senate District L – Downtown / Rogers Park**

House District 23 is bounded by a line beginning at a point on the Municipality of Anchorage boundary in Knik Arm west of the Port of Anchorage, east to the Terminal Lease Lot (North Star) Access Road, east to Ocean Dock Road, north to Bluff Drive, east to Loop Road, west to Port Access Loop Road, south to Alaska Railroad, east along the railroad to Elmendorf Air Force Base, south and east along the base boundary to the end of Thompson Avenue, south to and along Meyer Street to Commercial Drive, east to Rampart Drive, south to Porcupine Drive, south to Mountain View Drive, west to Airport Heights Drive, south to 15<sup>th</sup> Avenue, west to Alder Drive, south to 16<sup>th</sup> Avenue, west to Logan Street, south to 17<sup>th</sup> Avenue, west to Toklat Street, south to 20<sup>th</sup> Avenue, west to Lake Otis Road, south to Northern Lights Boulevard, west to C Street. North to Fireweed Lane, west to D Street, north to 22<sup>nd</sup> Avenue, east to C Street, north to 15<sup>th</sup> Avenue, west to E Street, north to 13<sup>th</sup> Avenue, west to L Street, north to 11<sup>th</sup> Avenue, west to P Street, north to 9<sup>th</sup> Avenue, west to the end of 9<sup>th</sup> Avenue, continuing west to the shore of Knik Arm, northwest through Knik Arm to the Municipality of Anchorage, north along the municipality boundary to point of beginning.

### **House District 24 – Senate District L – Midtown / Taku**

House District 24 is bounded by a line beginning at the intersection of C Street and Northern Lights Boulevard, east to Lake Otis Road, south to Lake Otis Parkway, south to the southern boundary of the Alaska Psychiatric Institute, east along the API boundary to Piper Street, south to 43<sup>rd</sup> Avenue, east to Dale Street, south to Tudor Road, east to Bragaw Street, south to the end of Bragaw Street, continuing south along a Power Line ROW through Far North Bicentennial Park to its southern boundary, west along the park boundary to the end of

Dowling Road, west along Dowling Road to Laurel Street, south to its intersection with 64<sup>th</sup> Avenue, west along a nonvisible line to Lake Otis Parkway, south to 68<sup>th</sup> Avenue, west to Brayton Drive, south to its intersection with Lore Road, west along a nonvisible line to the intersection of Homer Drive and 76<sup>th</sup> Avenue, west to Nathan Drive, north to Nathan Circle, west to intersect a stream running south out of Campbell Creek, north along the stream to Campbell Creek, west to the Alaska Railroad, north to 68<sup>th</sup> Avenue, west to C Street, north to point of beginning.

#### **House District 25 – Senate District M – East Spenard**

House District 25 is bounded by a line beginning at the intersection of L Street and 13<sup>th</sup> Avenue, east to E Street, south to 15<sup>th</sup> Avenue, east to C Street, south to 22<sup>nd</sup> Avenue, west to D Street, south to Fireweed Lane, east to C Street, south to Raspberry Road, west to Arlene Street, south to 69<sup>th</sup> Court, west to Smaldon Street, north to Raspberry Street, west to Blackberry Street, north to Jewel Lake Road, north to International Airport Road, east to Northwood Drive, north to Spenard Road, east to the Alaska Railroad, north to 36<sup>th</sup> Avenue, east to Lois Drive, north to 33<sup>rd</sup> Avenue, east to Minnesota Drive, north to Spenard Thru-Way, north and east to L Street, north to point of beginning.

#### **House District 26 – Senate District M – Turnagain / Inlet View**

House District 26 is bounded by a line beginning at the intersection of Postmark Drive and Point Woronzof Road, east to Earthquake Park, north along the park boundary to the shore of Knik Arm, north through Knik Arm to the Municipality of Anchorage, east along the municipality boundary to a point north of where a nonvisible extension of 9<sup>th</sup> Avenue would intersect the shore of Knik Arm, southerly through Knik Arm to the shore and easterly along the extension to 9<sup>th</sup> Avenue, east to P Street, south to 11<sup>th</sup> Avenue, east to L Street, south to the Spenard Thru-Way, south to and along Minnesota Drive to 33<sup>rd</sup> Avenue, west to Lois Drive, south to 36<sup>th</sup> Avenue, west to the Alaska Railroad, south to Spenard Road, west to Northwood Drive, south to International Airport Road, west to Postmark Drive, north to point of beginning.

#### **House District 27 – Senate District N – Sand Lake**

House District 27 is bounded by a line beginning at the intersection of Point Woronzof Road and Postmark Drive, south on Postmark Drive to International Airport Road, east to Jewel Lake Road, south to Blackberry Street, south to Raspberry Road, east to Smaldon Street, south to 69<sup>th</sup> Court, east to Arlene Street, north to Raspberry Road, east to Cheryl Street, south to 70<sup>th</sup> Avenue, west to Chad Street, south to 76<sup>th</sup> Avenue, west to Minnesota Drive, south to Dimond Boulevard, west to Vernye Place, north to 90<sup>th</sup> Avenue, west to Campbell Creek, south to Northwood Street, north to Tasha Drive, west to Flamingo Drive, south to 88<sup>th</sup> Avenue, west to Lakehurst Drive, south to 89<sup>th</sup> Court, west to Jewel Terrace Street, north to 88<sup>th</sup> Avenue, west to Gloralee Street, south to Jewel Lake Park, west to Jewel Lake, north around the lake shore to a point due east of the end of Emerald Circle, west to and along Emerald Circle to Emerald Street, north to 88<sup>th</sup> Avenue, west to Jade Street, south to Dimond Boulevard, west to Endicott Street, continuing due west along a nonvisible line to Kincaid Park, south along the park boundary to the shore of Turnagain Arm, south through Turnagain Arm to the Municipality of Anchorage, following the municipality boundary west

and northeasterly (including Fire Island) to a point due north of Earthquake Park, south through Knik Arm to and along the park's western boundary to Point Woronzof Road, west to point of beginning.

#### **House District 28 – Senate District N – Bayshore / Klatt**

House District 28 is bounded by a line beginning at the intersection of Kincaid Park and the shore of Turnagain Arm, north to a nonvisible line extending due west from the intersection of Endicott Street and Dimond Boulevard, east along the line to Dimond Boulevard, east to Jade Street, north to 88<sup>th</sup> Avenue, east to Emerald Street, south to Emerald Circle, east to Jewel Lake, north around the lake shore to its intersection with the southern boundary of Jewel Lake Park, east to Gloralee Street, north to 88<sup>th</sup> Avenue, east to Jewel Terrace Street, south to 89<sup>th</sup> Court, east to 88<sup>th</sup> Avenue, east to Flamingo Drive, north to Tasha Drive, east to Northwood Street, south to Campbell Creek, east to 90<sup>th</sup> Avenue, east to Vernye Place, south to Dimond Boulevard, east to Minnesota Drive, south to O'Malley Road, east to Johns Road, south to Mariner Drive, east to Furrow Creek, east to Alaska Railroad, south to Cross Rd, east to Oceanview Drive, south and east to Old Seward Highway, south to De Armoun Road, east to New Seward Highway, south to Little Rabbit Creek, west to the mouth of Little Rabbit Creek, south through Turnagain Arm to the Municipality of Anchorage, northwest along the municipality boundary to a point due south of Kincaid Park, north to point of beginning.

#### **House District 29 – Senate District O – Campbell / Independence Park**

House District 29 is bounded by a line beginning at the intersection of Cheryl Street and Raspberry Road, east along Raspberry Road to the Alaska Railroad, south to Campbell Creek, east to a small intersecting stream, south to Nathan Circle, east to Nathan Drive, south to 76<sup>th</sup> Avenue, east to Brayton Drive, south to Abbot Road, east to E Dimond Circle, east to Dimond Boulevard, east to its intersection with Little Campbell Creek, east to Lake Otis Parkway, south to 88<sup>th</sup> Avenue, west to Golovin Street, south to Abbott Road, east to Lake Otis Parkway, south to O'Malley Road, west to Minnesota Drive, north to a point due east of a nonvisible extension of 76<sup>th</sup> Avenue, east to and along 76<sup>th</sup> Avenue to Chad Street, north to 70<sup>th</sup> Avenue, east to Cheryl Street, north to point of beginning.

#### **House District 30 – Senate District O – Lore / Abbott**

House District 30 is bounded by a line beginning at the intersection of Bragaw Street and Tudor Road, east along Tudor Road to its intersection with Muldoon Road, east to Far North Bicentennial Park, east, south and west along the park boundary to Lodge Pole Court, west to Nettleton Drive, south to Hillside Drive, south to O'Malley Road, west to Main Tree Drive, north to Lone Tree Drive, west to W Tree Drive, west to Birch Road, north to 104<sup>th</sup> Avenue, west to Our Road, south to Little Campbell Creek, west to a point on the creek due south of Hanley Circle, north to and along Hanley Circle to 101<sup>st</sup> Avenue, west to Abbott Loop Road, south to O'Malley Road, west to Lake Otis Parkway, north to Abbott Road, west to Golovin Street, north to 88<sup>th</sup> Avenue, east to Lake Otis Parkway, north to Little Campbell Creek, west to E Dimond Boulevard, west to E Dimond Circle, west to Abbott Road, west to Brayton Drive, north to 68<sup>th</sup> Avenue, east to Lake Otis Parkway, north to a point due west of the intersection of Laurel Street and 64<sup>th</sup> Avenue, east along a nonvisible line to said

intersection, north on Laurel Street to Dowling Road, east to the end of Dowling Road, east on a Power Line ROW to a perpendicular Power Line ROW (extending south from the end of Bragaw Street), north along the ROW to Bragaw Street, north to point of beginning.

### **House District 31 – Senate District P – Huffman / Ocean View**

House District 31 is bounded by a line beginning at the intersection of Johns Road and O'Malley Road, east along O'Malley Road to Abbott Loop Road, north to 101<sup>st</sup> Avenue, east to Hanley Circle, south to Little Campbell Creek, east to Our Road, north to 104<sup>th</sup> Avenue, east to Birch Road, south to Tree Drive, east to Lone Tree Drive, east to Main Tree Drive, south to O'Malley Road, east to Hillside Drive, south to Rabbit Creek Road, east to Old Rabbit Creek Road, south to Rabbit Creek, west along the creek to 140<sup>th</sup> Avenue, west to De Armoun Road, west to Old Seward Highway, north to Oceanview Drive, west and north to Cross Road, west to Alaska Railroad, north to Furrow Creek, west to Mariner Drive, west to Johns Road, north to point of beginning.

### **House District 32 – Senate District P – Chugach State Park**

House District 32 is bounded by a line beginning at the intersection of the eastern boundary of Centennial Park and the Glenn Highway, east along the highway to Fort Richardson Military Reservation, north along the reservation boundary to Eagle River, east along its northern bank to Eagle Loop Road, north to Driftwood Bay Drive, east to Highland Ridge Drive, east to its end, north along a nonvisible line to Eagle River Lane, north to Steeple Drive, north to Chugach State Park, north along the park boundary to Meadow Creek, east to its headwaters, east along a nonvisible line to Peters Creek, south to its headwaters, southeast to Peril Peak, continuing southeasterly along a natural ridge line running along Whiteout Glacier, south to Eagle Glacier to its intersection with Chugach National Forest, east along the forest boundary to the Municipality of Anchorage, south along the municipality boundary to the City of Whittier, east along the city boundary to the south shore of Passage Canal, east around Strong Point, westerly along the northern shore of Blackstone Bay to Kenai Peninsula Borough, westerly along the borough boundary to the Alaska Railroad, south to Johnson Pass Trail, north to Lynx Creek Road, west to Lynx Creek, south along a nonvisible line to Juneau Creek, west to Fresno Creek, west to Seward Highway, north to Pin Pass Creek, west to Resurrection Creek, north to Gold Gulch, west to the common boundary of Chugach National Forest and Kenai National Wildlife Refuge, north along the common boundary to the south shore of Turnagain Arm, northerly to the common boundary of Kenai Peninsula Borough and the Municipality of Anchorage, northwesterly to a point on the common boundary just south of the mouth of Little Rabbit Creek, north to the creek, east to New Seward Highway, north to De Armoun Road, east to 140<sup>th</sup> Avenue, east to Rabbit Creek, east to Rabbit Creek Road, north to Hillside Drive, north to Lodge Pole Court, east to Far North Bicentennial Park, north along the park boundary to Fort Richardson Firing Range, north along the range boundary to Centennial Park, north to point of beginning.

### **House District 33 – Senate District Q – Kenai / Soldotna**

House District 33 is bounded by a line beginning at the northeastern most corner of Kenai City, easterly and southerly along the city boundary to Kenai Spur Highway, south to Sports

Lake Road, east to Moser Road, south to the end of Moser Road, continuing south along a nonvisible line to the Alaska Natural Gas Pipeline ROW, westerly along the ROW to Delta Avenue, west to Gibson Boulevard, south to Kilowatt Avenue, west to Kenai Spur Highway, south to Soldotna City, easterly, southerly, and westerly along the city boundary to the Kenai National Wildlife Refuge, westerly along the refuge boundary to Soldotna City, easterly along the city boundary to Gas Well Road, east to Echo Lake Road, south to Evelyn Lane, east to the lane's end, continuing east along a nonvisible line to Slikok Creek, south to Sterling Highway, south to Coal Creek, west to Kalifornsky Beach Road, north to Kasilof Beach Stub, west to the eastern shore of Cook Inlet, northerly along the shore to Kenai City, north along the city boundary to point of beginning.

### **House District 34 – Senate District Q – Rural Kenai**

House District 34 contains all uplands within the area of the Kenai Peninsula Borough bounded by a line beginning at the northwestern most point of Kenai City, proceeding west to the center line of Cook Inlet, northeasterly along centerline to the Kenai Peninsula Borough, easterly along the borough boundary to a point due north of the common boundary of Kenai National Wildlife Refuge Area and Chugach National Forest, south through Turnagain Arm to the common boundary, south along the common boundary to Gold Gulch, east to Resurrection Creek, south to Juneau Creek, south to Slaughter Creek, north to Trout Lake, following its northern shore to Thurman Creek, northwest to common boundary of Kenai National Wilderness Area and Chugach National Forest, south along the common boundary to the Kenai Fjords National Park, south and west along the park boundary to a point where the Kenai National Wilderness Area boundary diverges north, north and west along the wilderness boundary to Cytex Creek, west to Deep Creek, southerly along a series of tributaries and feeder creeks to Anchor River, west to the Anchor River Feeder Creek, west along a nonvisible line to North Fork River, west to North Fork Tributary, west to its end, continuing west along a nonvisible line to Kutayfa Avenue, west to Sterling Highway, north to Whiskey Gulch Spur Road, west to the eastern shore of Cook Inlet, north along the shore to Kenai City, north along the city boundary to point of beginning.

### **House District 35 – Senate District R – Homer / Seward**

House District 35 includes all uplands and islands in the area bounded by a line beginning at the intersection of Tlikakila River and Kenai Peninsula Borough, east along the river to Summit Lake, east along the lake's south shore to its eastern most point, east along a nonvisible line to Lake Clark National Park & Wilderness Area, south along the park and wilderness boundary to Drift River, east to the shore of Cook Inlet, east across the inlet to the northwestern most point of Kenai City, southerly along the city boundary to the shore of Cook Inlet, south along the shore to Whiskey Gulch Spur Road, east to Sterling Highway, south to Kutayfa Avenue, east to its end, continuing east along a nonvisible line to the end of North Fork Tributary, south to North Fork River, east along the river to its headwaters, south to and along a feeder creek to Anchor River, east to a feeder creek just west of its headwaters, northeasterly along Anchor River Feeder Creek to its natural end, east along a nonvisible line to Swift Creek, north to its natural end, north along a nonvisible line to Deep Creek Tributary, north to Deep Creek, northwesterly along Deep Creek to Cytex Creek, east to Kenai National Wilderness Area, east and south along the wilderness boundary to Kenai Fjords National Park, easterly along the park boundary to Chugach National Forest, north along the forest boundary to Thurman Creek, south to Slaughter Creek, south to Juneau Creek, north to Resurrection Creek, northeasterly to Pin Pass Creek, east to the Seward

Highway, south to Fresno Creek, east to Juneau Creek at Canyon Creek, east along Juneau Creek to its headwaters, northeasterly along a nonvisible line to the headwaters of Lynx Creek, north to Lynx Creek Road, north to Johnson Pass Trail, south to the Alaska Railroad, north to Kenai Peninsula Borough, east, south and north along the borough boundary to point of beginning.

#### **House District 36 – Senate District R - Kodiak**

House District 36 includes all uplands and islands in the area bounded by a line beginning at the northwestern most corner of Lake and Peninsula Borough, east and south along the borough boundary to the Kodiak Island Borough, including all of the Kodiak Island Borough, continuing westerly along Katmai National Park boundary to the Lake and Peninsula Borough, northerly along the borough boundary to point of beginning.

#### **House District 37 – Senate District S – Bristol Bay / Aleutians**

House District 37 includes all uplands and islands in the area bounded by a line beginning at the northwestern most corner of the Bristol Bay ANRC, east along the ANRC boundary to Lake and Peninsula Borough, south along the borough boundary to Bristol Bay Borough, east and south around the borough boundary to Katmai National Park, south along the park boundary to Lake and Peninsula Borough, west along the borough boundary to Aleutians East Borough, including all of the Aleutians East Borough, all of the islands of the Aleutian Chain, and the Pribilof Islands, easterly to the common boundary of the Calista and Bristol Bay ANRCs at Hagemeister Strait, north to point of beginning.

#### **House District 38 – Senate District S – Bethel**

House District 38 includes all uplands and islands in the area bounded by a line beginning at the easternmost point of the common boundary of Wade Hampton and Bethel Census Areas at Hazen Bay, east along the common boundary to the Yukon Kuskokwim Portage Trail, south to Upper Kalskag City, northerly around the city boundary to Lower Kalskag City, southerly around the city boundary to the Kuskokwim River, southwesterly along its north bank to the common boundary of Lower Yukon and Kuspuk REAAs, southeasterly along the common REAA boundary to the common Calista and Bristol Bay ANRC boundary, southwesterly along the common ANRC boundary to Hagemeister Strait, northwesterly offshore to include Nunivak Island and St Mathew Island, southeasterly back to point of beginning.

#### **House District 39 – Senate District T – Bering Straits**

House District 39 includes all uplands and islands in the area bounded by a line beginning at the westernmost point of the Bering Land Bridge National Preserve, east and north along the preserve's southern boundary to a nonvisible line, east to the Northwest Arctic Borough, east along the borough boundary to the Bering Straits and Yukon Koyukuk REAAs, south along the common REAA boundary to the Bering Straits and Iditarod REAAs, southerly along the common REAA boundary to the Bering Straits and Lower Yukon REAAs, east along the common REAA boundary to a point just north of the Atchuelinguk River, south along a

nonvisible line to the head waters of the Atchuelinguk River, southwesterly along the Atchuelinguk River to Pilot Station City, southerly around the city boundary to the Yukon River, south across the river to Hills Slough, south to Kashunuk Slough, west to Kashunuk River, southwesterly along Kashunuk River approximately 15 miles to a point opposite the Pikmik River, southwesterly along a nonvisible line to the Pikmik River, south to its head waters, south along a nonvisible line to the common boundary of the Wade Hampton and Bethel Census Areas, westerly along the common boundaries to Hazen Bay, northwesterly offshore to include St. Lawrence Island, northeasterly to include Little Diomed Island, easterly back to point of beginning.

#### **House District 40 – Senate District T – Arctic**

House District 40 includes the North Slope Borough, the Northwest Arctic Borough, and an area of land due west of the Northwest Arctic Borough enclosed by the Bering Land Bridge National Preserve as its southern boundary, west along the preserve boundary to the shore of Bering Strait, west through the strait to the nautical 3-mile limit, north along the limit back to the Northwest Arctic Borough to close.

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ALASKA REDISTRICTING BOARD  
410 Willoughby, Suite 105  
Juneau, Alaska 99801

REGULAR MEETING OF THE BOARD  
(CONTINUED)

April 13, 2002  
Location of Meeting  
Board Conference Room  
410 Willoughby, Suite 105  
Juneau, Alaska

BOARD MEMBERS IN ATTENDANCE

Vicki Otte, Chair  
Michael Lessmeier  
Julian Mason  
Leona Okakok  
Bert Sharp  
Philip Volland, Legal Counsel

Staff

Gordon Harrison, Executive Director  
Kathryn Lizik, Director of GIS Technology  
Elizabeth Snyder, Administrative Assistant  
Gene Soldani, Director of IT Services



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1 Board, to present the kind of -- to prepare the  
2 kind of report similar to what was done with the  
3 proclamation that describes what you did  
4 differently to comply with the order, so there is a  
5 document that a judge in the Supreme Court can look  
6 at that kind of summarizes the changes and what  
7 you've done in compliance with the order. I don't  
8 think that's a lengthy thing to prepare, but it  
9 seems to me that that is what will move it along a  
10 little easier.

11 CHAIR OTTE: So once the -- it goes  
12 to the Superior Court, and if he issues final  
13 judgment, or whatever, then does he send that to  
14 the Supreme Court and then --

15 PHILIP VOLLAND: No. We would ask  
16 him to issue a final judgment and then it becomes a  
17 final judgment. If parties wish to take merit  
18 appeals from the final judgment, they can do that  
19 at that point. It's possible that prior to that  
20 some parties may try to seek an additional petition  
21 for review. I hear, at least with regard to the  
22 proposal, most of the parties saying they think  
23 this is in compliance, which tells me they won't  
24 take a merit appeal.

25 What I think I explained once

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1 pairings are in order, double check that none of  
2 these changes in the districts in any way alter the  
3 proclamation distinction of which senate terms  
4 were -- had to be split and people had to run for  
5 reelection again. There was a very clear dividing  
6 line. I haven't heard anybody say that anything's  
7 dramatically changed, but somebody probably needs  
8 to check that to be sure to make sure that we're  
9 still in line on that because that was part of the  
10 proclamation issue before.

11 CHAIR OTTE: Okay. Five minute  
12 break.

13 (Off record).

14 CHAIR OTTE: Let's come back to  
15 order. All right, we're back. Are there anymore  
16 questions?

17 MICHAEL LESSMEIER: I have some  
18 questions of Philip when we get to the point where  
19 we're going to talk about the Voting Rights Act in  
20 District 5, and I would like him -- so I mean, if  
21 we're there, fine, if not, I can hold those  
22 questions until we are there.

23 CHAIR OTTE: You had your hand up?

24 JULIAN MASON: Let's get there. I  
25 move that the Board make a finding that District 5

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1 before, the oddity of how the Supreme Court dealt  
2 with what we have called the appeals is they dealt  
3 with it in the form of a petition for review. So  
4 there were issues that parties did not appeal. For  
5 instance, there were issues that the Board would  
6 have considered appealing that they did not present  
7 on a petition for review. By that, the parties  
8 reserved their rights to bring those issues in a  
9 final appeal, and so it's possible that there may  
10 be some of that done. I have no idea what, because  
11 all of the litigants aren't here, but I think if  
12 there's future appeals you're going to see them in  
13 that way.

14 The court, Supreme Court might be  
15 called upon to rule if there is objection to this  
16 by the litigants, to rule whether or not the newly  
17 adopted plan is the plan in effect for the 2002  
18 elections, pending any additional appellate review  
19 if there is that, but that's down the road and we  
20 don't know that to be the case.

21 I think there are a couple of  
22 things that technically we need to do first because  
23 I haven't paid attention to them. Maybe Julian or  
24 other plan participants or Kathryn has. I think we  
25 ought to make sure, double check that senate seat

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1 in the proclamation plan is required by the Voting  
2 Rights Act.

3 CHAIR OTTE: Is there a second?

4 LEONA OKAKOK: I second.

5 CHAIR OTTE: Discussion.

6 MICHAEL LESSMEIER: If I may, Madam  
7 Chair, Philip, I guess the question that I would  
8 ask you is my understanding is that, according to  
9 the Supreme Court, that there was nothing in the  
10 record that indicated that the Board had made a  
11 finding on District 5 that that configuration was  
12 necessary in order to comply with the Voting Rights  
13 Act. Is there evidence in the record that you know  
14 of that would indicate that compliance with the  
15 Voting Rights Act requires us to keep the current  
16 configuration of District 5?

17 PHILIP VOLLAND: Yes.

18 MICHAEL LESSMEIER: And what is  
19 that evidence?

20 PHILIP VOLLAND: First, I don't --  
21 I don't read the Supreme Court as saying it wasn't  
22 there. I read them as saying it was there, we  
23 think, you just didn't tell us what it was. The --  
24 there are a number of components to it in various  
25 pieces. The first is the information that you were

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1 provided by consultants and lawyers and others  
2 about what the Voting Rights Act requires and what  
3 preclearance is. And in a simple word, it means no  
4 retrogression from the prior plan, again, viewed in  
5 the eyes of the Department of Justice. So you  
6 never know whether or not you're retrogressive  
7 except on the advice of your lawyers and  
8 consultants and before the Department of Justice  
9 acts.

10 Secondly, you have the evidence  
11 before you of the makeup of districts in the 1990s  
12 plan with the 2000 census data, which becomes the  
13 benchmark, and for whatever someone like the Craig  
14 plaintiffs may want to differ with Dr. Handley  
15 about whether or not her computation on voting age  
16 population is a reliable or accurate one, it's  
17 clear that that senate district, R, former Senate  
18 District R, was an effective senate district only  
19 because it had 40 percent Alaska Native combined.  
20 So even under the simplest formation of  
21 preclearance, and that is looking back at what it  
22 was in '90 with 2000 population you have a  
23 threshold.

24 Secondly -- or thirdly, I guess it  
25 is, you have Dr. Handley's report to you of a more

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1 significant finding of racial block voting in  
2 former District 36 and her caution to you that with  
3 respect to that house district and the senate  
4 district with which it would be a part, number one,  
5 you were going to need a higher percentage of  
6 Native Alaskans, even measured by population or  
7 voting age population; number two, the Department  
8 of Justice was going to scrutinize that house and  
9 senate district very carefully. A suspicion which,  
10 for instance, was confirmed by my office's recent  
11 conversation with the Department of Justice about  
12 how they would examine, you know, any subsequent  
13 plan submitted to them.

14 You have her presentation to you  
15 that if you are to make some reasoned judgment  
16 about the senate district that is matched up with  
17 former District 36 in terms of an Islands District,  
18 the best estimate she can give to you is looking at  
19 voting age population requirements combining old --  
20 the old Ice Worm District and the old District 36  
21 that she said, using as a guideline, it's 43  
22 percent, or thereabouts, Native voting age  
23 population.

24 You have before you the various  
25 alternatives which you looked at before and which

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1 you seem to have re-examined again which don't meet  
2 that threshold measure without creating other  
3 significant problems, either with preclearance or  
4 with other requirements of the constitution in  
5 terms of the formation of appropriate districts.  
6 For example, none of the combinations of the  
7 proposals that you received, like the AFFR ones and  
8 the Ruedrich ones and the Julian proposals,  
9 combined with a -- what I call the revised District  
10 5 of Plan 1 gets you anywhere close to what she  
11 thought was required for the Native voting age  
12 percentage for that projected district.

13 In terms of Native population  
14 looked at in the aggregate, you don't make 40  
15 percent with any of those combinations, except with  
16 the Ruedrich District 6, which I don't consider to  
17 be a reliable alternative for the Board to look at  
18 because the only way they get there is messing  
19 around with otherwise constitutional districts,  
20 like those in the Kenai Peninsula and Kodiak area,  
21 and adjusting different boundaries on the western  
22 districts in a way that's certainly not required  
23 because we've precleared 6 with a lower percentage,  
24 meaning 56 percent. But more importantly, because  
25 that combination, like the other Southeast Plan 1

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1 scenarios, end up with the preclearance problem of  
2 pitting Native and -- a Native and non-Native  
3 incumbent. They clearly are going to draw  
4 objections from the Native communities, from what  
5 we've seen, and because those, in order to get even  
6 a 20 percent or 21 percent Native population in the  
7 proposed District 5 revised from Plan 1, what you  
8 need to do is invade the Haines Borough and invade  
9 the Sitka Borough, as is reflected on what Gordon  
10 showed you yesterday. So you're arguably creating  
11 unconstitutional districts in Southeast with that.  
12 And the percentage of the -- what you get for a  
13 total Native population with the Ruedrich 6 and the  
14 revised District 5 for Plan 1 is just marginally  
15 the same as District R was in 1990, and I certainly  
16 have no confidence that Dr. Handley would support  
17 it.

18 I have every confidence that, given  
19 the dramatic drop in the Native population and the  
20 Native voting age population compared to what was  
21 presented in the proclamation, that it will draw  
22 objection from the Department of Justice, and in my  
23 judgment most likely not be precleared. And that  
24 is the measure of compliance with the Voting Rights  
25 Act. I think all of those things put together

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<p style="text-align: right;">Page 292</p> <p>1 enable you to make that reasoned finding. 2 MICHAEL LESSMEIER: Am I accurate 3 to say that Dr. Handley's advice to us is that the 4 current configuration is necessary to comply with 5 the Voting Rights Act? 6 PHILIP VOLLAND: Yes. I mean, she 7 said that in as many words as she could in her -- 8 her memo. 9 MICHAEL LESSMEIER: Am I also 10 accurate to say that your strong advice to us is 11 that the current configuration is necessary to 12 comply with the Voting Rights Act? 13 PHILIP VOLLAND: Yes. 14 MICHAEL LESSMEIER: Okay. 15 CHAIR OTTE: Anymore discussion? 16 (No response). 17 CHAIR OTTE: Hearing none, all in 18 favor of the motion say aye. 19 (Response). 20 CHAIR OTTE: Opposed say nay. 21 (No response). 22 CHAIR OTTE: Okay. Is there 23 another motion? 24 MICHAEL LESSMEIER: I would move 25 that the Board adopt the Julian Plan.</p>	<p style="text-align: right;">Page 294</p> <p>1 anyone second it. 2 CHAIR OTTE: Okay, all in favor of 3 the motion, signify by saying aye. 4 JULIAN MASON: Wait, did we 5 second? 6 CHAIR OTTE: Yes, Leona seconded. 7 JULIAN MASON: I want to discuss. 8 CHAIR OTTE: Well, I asked for 9 discussion. 10 JULIAN MASON: I'm sorry, I missed 11 the second. 12 CHAIR OTTE: How long do you need? 13 JULIAN MASON: I need 30 seconds, I 14 think. 15 CHAIR OTTE: I'm just teasing. 16 JULIAN MASON: I wanted to speak 17 only to Southeast because I have, like others, 18 particularly Michael, I have wrestled with 19 Southeast. 20 I believe that the plan for 21 Southeast is required by the -- by the Voting 22 Rights Act. I have looked at all that stuff 23 independently and I believe it. But aside from 24 that, I think it is desirable for a number of 25 reasons that I stated earlier on the record. And</p>
<p style="text-align: right;">Page 293</p> <p>1 CHAIR OTTE: The revised. 2 MICHAEL LESSMEIER: The revised 3 Julian Plan so long as we have -- 4 GORDON HARRISON: Of 4/13. 5 MICHAEL LESSMEIER: Of 4/13 of 6 2002, so long as we have that plan adequately 7 documented on the computer and we know what we're 8 talking about. 9 LEONA OKAKOK: Second. 10 CHAIR OTTE: Second? Okay, 11 discussion? 12 JULIAN MASON: Excuse me, I believe 13 if I heard Philip right, that I would ask 14 Mr. Lessmeier to entertain a slight amendment to 15 his motion, which would be that we move to amend 16 the proclamation plan by substituting the -- 17 PHILIP VOLLAND: Some of the 18 districts aren't changed. 19 MICHAEL LESSMEIER: That's fine. 20 CHAIR OTTE: Okay, is that 21 agreeable with the second? 22 LEONA OKAKOK: Yes, that's fine. 23 CHAIR OTTE: Okay, discussion? 24 Bert, you had your hand up? 25 BERT SHARP: No. I didn't hear</p>	<p style="text-align: right;">Page 295</p> <p>1 it was -- was and is widely supported by people in 2 Southeast, including all of the statewide elected 3 officials in Southeast, something that did not 4 happen anywhere else in the state. And so I 5 support that not only because I think it is 6 required, but because I think it is desirable. 7 CHAIR OTTE: Thank you. Anymore 8 discussion? 9 MICHAEL LESSMEIER: I just would 10 like to make a couple of brief comments, too. I 11 think that, from my perspective, this Board and the 12 groups that have worked with this Board have come a 13 long way. We have achieved something that I always 14 wanted to achieve, which is consensus, and I think 15 that's remarkable. 16 To those whose interests we were 17 not able to satisfy, I would say to you that we -- 18 we tried. We tried really hard to keep the Delta 19 Junction area together and we just couldn't find a 20 way that we were able to do that. That's something 21 that if I could draw a perfect plan, I would do 22 that. 23 The people in Craig, I certainly 24 did wrestle about what we could do with Craig and I 25 know Vicki and I spent many, many hours when these</p>

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1 plans were originally prepared trying to come up  
2 with a better solution for Southeast Alaska. And  
3 in the final analysis, I don't think we could  
4 improve upon what we did. I wish there was a way  
5 for us to satisfy the people of Craig.  
6 The people of Southwest Alaska, if  
7 I were drawing this plan, I would even out the  
8 overages in Kenai and I would -- I would join  
9 Kodiak with that part of the Kenai Peninsula. I  
10 would create that district as it is in draft Plan  
11 1, but consensus requires compromise, and I think  
12 the compromises that the Board has reached here are  
13 remarkable. And so I thank everybody that has had  
14 a part in that process.  
15 CHAIR OTTE: Thank you. Bert?  
16 BERT SHARP: Get my oar in the  
17 water on this.  
18 CHAIR OTTE: Which one?  
19 BERT SHARP: The one that moves us  
20 forward, I hope. I, too, realize we've come a  
21 long, long way since back in June, and I feel that  
22 people north of the Range hopefully will recognize  
23 that. What has been done on the highway district,  
24 the Denali Borough people I'm sure will be pleased  
25 with the fact that they are still attached north of

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1 the Range. I have a little concern about the  
2 highway district and the eligible voting pool for  
3 that district out of North Star Borough. Although  
4 we're contributing over a third of the population,  
5 there's only probably 500 adults that will be  
6 considered eligible to be candidates for that  
7 district out of 6500 that's going to be out of  
8 there. But that being said, compromise is the art  
9 of getting things moving ahead, and I think that  
10 we, the Board, has moved both sides a long ways to  
11 meet each other in the middle, and I do appreciate  
12 it and I hope this is a conclusion. Thank you.  
13 CHAIR OTTE: Thank you. Anyone  
14 else? Well, I agree with all that's been said.  
15 It's been a long road and it's going to be nice to  
16 go home.  
17 So, all in favor of the motion, say  
18 aye.  
19 (Response).  
20 CHAIR OTTE: Opposed say nay.  
21 (No response).  
22 CHAIR OTTE: Okay.  
23 PHILIP VOLLAND: There's a related  
24 matter that I --  
25 CHAIR OTTE: Yeah, we do have a

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1 couple of other items that we have to deal with  
2 here. We still have a contract issue to deal  
3 with. But are you talking about related to the  
4 vote we just made?  
5 PHILIP VOLLAND: No, related to  
6 the -- I think it's related to the -- it may be  
7 related to the contract issue.  
8 CHAIR OTTE: Okay.  
9 PHILIP VOLLAND: Aside from that,  
10 Mr. Cole pulled me aside after I spoke about  
11 potential appeals and wants me to relate to all of  
12 you that we're done and out of here. So the -- I  
13 had, you know, asked the Board to -- to make a  
14 request for a supplemental appropriation this year,  
15 at least knowing what some of the litigation  
16 expenses were since, and you did, and it met the  
17 response you know about.  
18 Since then, there have been some  
19 developments that I think bear on that issue for  
20 you, which is that the Supreme Court sort of  
21 invited the plaintiffs to make an application for  
22 public interest attorneys fees for their work on  
23 the appeals, petitions for review. Those have been  
24 submitted. The Board's response is due on  
25 Thursday. There'll be a reply. After that, I

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1 expect the court will rule. It's sort of a novel  
2 decision whether or not you get these fees on  
3 appeal. The Supreme Court's invitation that these  
4 be filed telegraphed something, but in any event,  
5 you should know that the requests are a little --  
6 total a little under \$350,000 for all of the  
7 plaintiffs collectively for the work on the appeal,  
8 and I suspect that there will be an award and a  
9 judgment against the Board for some or all of those  
10 fees.  
11 I mean, I'll have some objections  
12 to them and the court will decide on its own, but  
13 if there is that kind of an order, it's going to  
14 come down this fiscal year, and so you may have  
15 liability to the plaintiffs of this fiscal year,  
16 and I'm just asking you again to re-examine the  
17 issue of appropriations for this fiscal year and at  
18 least let the legislature know that the  
19 supplemental request, if they're going to be  
20 considering it, now has to also consider potential  
21 awards for plaintiff's attorneys fees. You know,  
22 they, like me, wouldn't like to wait till next year  
23 to get paid, and the State has to pay interest on  
24 those judgments, and it's not in anybody's interest  
25 not to try and get them all done.

1           IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
2                           FOURTH JUDICIAL DISTRICT

3  
4           \_\_\_\_\_)  
5           IN RE 2011 REDISTRICTING CASES    )  
6           \_\_\_\_\_)

7           Case No. 4FA-11-1935 CI

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11           DEPOSITION OF THEODORE S. ARRINGTON, Ph.D.  
12                           Washington, D.C.  
13                           Wednesday, November 23, 2011

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22  
23           Reported by:  
24           John L. Harmonson, RPR  
25           Job No. 43927

1 T. ARRINGTON

2 A. Minorities vote overwhelmingly for  
3 Democrats.

4 Q. Including Alaska Natives, right?

5 A. Including Alaska Natives. Although  
6 there are some exceptions. Obviously, if you  
7 look at the precincts in District 38, in  
8 Proclamation 38 there are a few precincts that  
9 have heavy Native population and also have heavy  
10 Republican registration and voting. So you  
11 obviously have some exceptions.

12 But overall, Natives in Alaska vote  
13 Democratically. What I would call Anglos, but I  
14 think in Alaska you simply call them whites,  
15 typically vote Republican. So the voting is  
16 typically polarized. And that's true for  
17 minorities versus whites or Anglos throughout the  
18 country.

19 Q. So you would agree with Dr. Handley's  
20 conclusions that Alaska Natives, their party of  
21 choice is Democrats?

22 A. Yes. With a few exceptions, some of  
23 which are located in District 38, that is the  
24 case.

25 Q. Where are those located in 38?

1 T. ARRINGTON

2 There will be other evidence presented which I do  
3 not have the expertise on.

4 Do you want to take a moment?

5 Q. No. Go ahead, please continue.

6 A. But there are a couple of precincts in  
7 the Native areas, in 38, that have more  
8 substantial Republican vote. Forget about  
9 registration for a second, but if you look, you  
10 can see there is some vote there and those happen  
11 to be areas where there are more Natives.

12 Now, the extent to which that's  
13 important and plays a role is something that  
14 other experts will opine about. All I'm saying  
15 is that yes, she's right, overall Natives in  
16 Alaska vote for Democrats.

17 There are a couple of local exceptions  
18 to that. That's all I'm saying. Where exactly  
19 those are, I couldn't tell you because I don't  
20 know that much about the geography of Alaska.  
21 And I may have indeed misspoke when I said  
22 registration.

23 Q. Because I'm going to ask you to look  
24 at that, because there is no registration data in  
25 there.

1 T. ARRINGTON

2 That's all I can say because I don't  
3 know about things like the differences between  
4 Native groups. Somebody else will testify to  
5 that.

6 But I want the court to understand  
7 that if you have that kind of problem, there may  
8 be difficulty getting the kind of cohesion you  
9 need among Natives for them to elect a candidate  
10 of their choice if their choice is a Native.

11 That's the political thing. That's  
12 all I can add. And the court will have to listen  
13 to other experts about Indian disputes. I can't  
14 testify on that.

15 Q. Sure.

16 You understand or know that the Alaska  
17 proclamation plan was precleared by the  
18 Department of Justice?

19 A. Yes. And I expect that it would be.

20 Q. Because you in fact opined that  
21 Proclamation House District 38 was in fact an  
22 effective district, right?

23 A. On the basis of the numbers that  
24 Dr. Handley and I typically use in case of this  
25 kind.



1 T. ARRINGTON

2 When you apply those numbers to a  
3 specific case, what you're doing is you're taking  
4 things that you've found out about the state as a  
5 whole and you're applying to those specific  
6 districts. If the district is indeed typical,  
7 then it will work.

8 But there may be additional  
9 information which I don't have access to and  
10 Dr. Handley doesn't have access to which will  
11 tell you that in fact it would not be an  
12 effective district.

13 Q. Well, wouldn't DOJ look at those  
14 factors when they're talking about preclearance?

15 A. No, not unless somebody brought it to  
16 their attention.

17 Q. You testified earlier that you can't  
18 just look at the numbers and the DOJ looks at a  
19 number of different things, right?

20 A. But they're not going to look at that  
21 kind of thing unless somebody brought it to their  
22 attention.

23 Q. Well, you understand that in Alaska,  
24 DOJ doesn't recognize any different Alaska  
25 Natives, there's not different subgroups that

1 T. ARRINGTON

2 the effectiveness of a district because you in  
3 your expert opinion believe that they have little  
4 or no probative value?

5 A. That is correct. I said that a second  
6 ago.

7 Q. So are Democrats more likely to  
8 support an Alaska Native-preferred candidate?

9 A. Yes.

10 Q. And conversely, are Native-preferred  
11 candidates most likely to be Democrats?

12 A. Yes.

13 Q. You've done a lot of this talk  
14 about -- and we were talking about the effects of  
15 party and race on voting behavior.

16 And in fact partisan labels can have  
17 an effect on minority voting patterns, can't  
18 they?

19 A. Yes.

20 Q. And you've opined on that in other  
21 cases?

22 A. Yes. I've even written an article  
23 about that subject.

24 Q. And that is because I think roughly,  
25 to use your term, most minorities vote Democratic

1 T. ARRINGTON

2 10 percent, I'll call it tolerance, overall range  
3 in deviation, there is a presumption that it's  
4 constitutional and if you are over, there is a  
5 presumption that it's not constitutional. Would  
6 that be --

7 A. That's another way to say it.  
8 Semantically, I think that's another way of  
9 saying the same thing.

10 Q. All right, we're saying the same  
11 thing.

12 So back to this district now. You're  
13 taking a district, you have to add population to  
14 it in order to get within the legal tolerance.  
15 It's a rural Alaska district. And you have to  
16 add population from an urban area; there is no  
17 other choice that you can do.

18 Does it make a difference who you add  
19 to that district in terms of politically?

20 A. Yeah. You would want to add  
21 Democrats.

22 Q. And that's for the reason we talked  
23 about before, minorities vote Democratic, whites  
24 generally vote Republican?

25 A. That's correct.

1 T. ARRINGTON

2 Q. If you add more Democrats to the  
3 district, that's going to potentially increase  
4 the effectiveness of that district?

5 A. That's correct.

6 Q. If I could ask you to look back at  
7 your report, Doc, and go to page 3 now,  
8 Paragraph 8. That's where you talk about your  
9 review of Dr. Handley's report and testimony.  
10 And there is where you make the comment about  
11 regression is a legal term and the semantics that  
12 we talked about. I don't want to talk too much  
13 about that.

14 But what I want to ask you is this:  
15 Given your opinion that you've stated here, you  
16 cannot say, can you, whether or not DOJ would  
17 consider the demonstrative plan to be  
18 retrogressive?

19 A. I can say that. Whether it has any  
20 probative value or not depends on whether it's a  
21 legal term or a semantic difference.

22 Q. I notice that nowhere in your report  
23 do you say that you believe that this plan would  
24 be precleared by the Department of Justice. By  
25 "this plan," I mean the demonstrative plan.

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

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IN RE 2011 REDISTRICTING  
CASES.

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Consolidated Case No. 4FA-11-2209 CI  
4FA-11-2213 CI  
1JU-11-782 CI

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DEPOSITION OF TAYLOR BICKFORD

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Pages 1 - 127  
Thursday, November 17, 2011  
10:06 A.M.

Taken by Counsel for Plaintiffs Riley, et al.  
at  
Patton Boggs, LLP  
601 West Fifth Avenue, Suite 700  
Anchorage, Alaska

1 racial groups, and whether or not that had an impact  
2 on your ability to effectively elect candidates of  
3 their choice?

4 A Well, we hired Lisa Handley to, I guess,  
5 advise us on these issues, and some of these questions  
6 seem like they would be better for her. I can tell  
7 you that what she told us was that polarized voting in  
8 Alaska did exist, and that it existed at different  
9 rates in different parts of the state, and she gave us  
10 a definition of that that the board can understand and  
11 implement.

12 Q Okay. Let's focus on that. What was her  
13 definition that the board could understand and work  
14 with?

15 A Well, my understanding was that the degree of  
16 racially polarized voting was found to be relatively  
17 consistent throughout the state, with two exceptions,  
18 and the exceptions would be in Benchmark 37, or maybe  
19 not all of Benchmark 37, but at least in parts of it  
20 there was less polarization. I don't know that that  
21 was because -- my understanding would be that that had  
22 a lot to do with the willingness of whites to cross  
23 over -- okay? -- and that areas of Benchmark  
24 District 6 were more polarized, which obviously would  
25 have to be a function of whites crossing over less

1 expert on that particular issue, correct?

2 A On whether or not it was retrogressive?

3 Q What the benchmark standards were.

4 A Yes.

5 Q Ultimately, now, I understand that there  
6 seemed to be some miscommunication between the board,  
7 the staff, and Ms. Handley with regards to what  
8 exactly the benchmark standards were.

9 MR. WHITE: I object to the characterization.

10 BY MR. WALLERI:

11 Q Is that an accurate characterization?

12 A Can you repeat it?

13 Q Was there a disagreement between the board --  
14 or a misunderstanding, let's put it this way, in  
15 communication between the board, Ms. Handley, and/or  
16 the staff as to exactly what the benchmark standards  
17 were?

18 A When? Was there a misunderstanding when? At  
19 any point?

20 Q Yeah. I think it would have been somewhere  
21 between March and May.

22 A There were various times where board  
23 members -- I'd say it took everybody a while, some  
24 period of time to grasp the concepts, and there may  
25 have been a misunderstanding at some point.



1           Q     Now, isn't it true that at least the AFFR and  
2 the RIGHTS Coalition had a number of questions about  
3 exactly what the standard was?

4           A     Well, I remember Kay Brown with the AFFR  
5 sending me an e-mail, and I remember forwarding that  
6 e-mail to Lisa Handley. I remember Lisa Handley  
7 preparing a set of notes in response to that. I  
8 remember sharing that with all of the groups that were  
9 set to present on the 24th, if I remember correctly,  
10 including Kay Brown, including the RIGHTS Coalition.  
11 And I remember Ms. Brown -- I remember asking  
12 Ms. Brown if she understood the issues at that point,  
13 and I remember her telling me that she did.

14          Q     Okay. How would you characterize the  
15 benchmark standard as a result of that discussion? I  
16 think we've got -- I don't think I have it with me  
17 right now.

18                     How would you characterize those benchmark  
19 standards?

20           MR. WHITE: Do you have a time frame?

21           A     Yeah. When?

22 BY MR. WALLERI:

23          Q     In terms of what Lisa Handley was saying --  
24 well, first of all, is there a difference in your  
25 understanding of those benchmark standards now, than

1 shortly after Ms. Handley replied with her notes? The  
2 notes, I believe, would been on May 15?

3 A I remember.

4 MR. WHITE: We'll stipulate that she appeared  
5 telephonically on the record on May 17th, and then  
6 appeared in person on May 24th.

7 THE WITNESS: And then also telephonically on  
8 April 11th.

9 MR. WHITE: I believe that's before she had  
10 done any racial-bloc voting analysis.

11 A Okay. Fundamentally, my understanding has  
12 not changed. Some of the terminology has maybe  
13 change, but fundamentally, no, I understand it the  
14 same way now as I did then.

15 BY MR. WALLERI:

16 Q Okay. There you go. Can you help me?  
17 Because I haven't been able to figure it out.

18 A Well, we'll start with the senate. My  
19 understanding is you needed three districts in the  
20 senate that would offer the ability to elect. They  
21 did not necessarily have to be majority/minority.  
22 Obviously the guidelines issued by the Department of  
23 Justice expressed very clearly that it wasn't just  
24 about strict numerical benchmarks.

25 So we started with the majority/minority

1 consider it an equal opportunity district, but that  
2 even in the case that they considered it an equal  
3 opportunity district, that the board had to be careful  
4 about how low it brought that percentage, and that the  
5 higher that percentage was taken, the better, the more  
6 likely that preclearance would be received.

7 So you had four that were consistently and  
8 clearly effective, you had one in Southeast that was  
9 less so, and then you had HD 6 which there was some  
10 debate over.

11 MR. WALLERI: Do you want to take a lunch  
12 break?

13 MR. WHITE: Yeah.

14 (Lunch recess, 12:10 to 1:20 p.m.)

15 MR. WALLERI: Back on record.

16 BY MR. WALLERI:

17 Q Let's start off with, as we're moving towards  
18 the final plan, from your perspective, the board -- I  
19 believe that we said that Dr. Handley met with the  
20 board roughly three times in public hearings?

21 A Uh-huh.

22 Q Okay. And that she really -- you were here  
23 during Mr. Holm's deposition, correct?

24 A Yes.

25 Q And you were here during Mr. Torgerson's

1 deposition?

2 A Yes.

3 Q It seemed to me there was some kind of  
4 disagreement there about what happened.

5 As I understand it, Mr. Holm, he said at his  
6 deposition, or his testimony was, that Lisa Handley  
7 never really drew any districts or said that any  
8 district as drawn was necessary to comply with the  
9 Voting Rights Act?

10 A Right.

11 MR. WHITE: I object to the characterization.  
12 BY MR. WALLERI:

13 Q Whereas Mr. Torgerson said that she had said  
14 that certain districts needed to be drawn.

15 What's your understanding of that?

16 A About whether Lisa said what?

17 Q That a particular district needed to be drawn  
18 in a particular way in order to comply with the Voting  
19 Rights Act.

20 A Any district in particular, or are you just  
21 saying in general?

22 Q Did she ever say that a particular district  
23 needed to be drawn this particular way to comply with  
24 the Voting Rights Act?

25 A I think that it would be inaccurate to say

1 that Lisa ever told us that any district had to be  
2 drawn specifically exactly the way that it was drawn  
3 bloc by bloc, in the exact configuration that it was  
4 drawn.

5 Q Do you remember at any time Lisa working with  
6 either you or Mr. Sandberg to actually work on  
7 producing the map?

8 A Lisa's role was not to draw plans.

9 Q So as I read it, her first draft report was  
10 actually sent to you and Mr. White on June 10th. Is  
11 that your understanding?

12 A No.

13 Q When was her first draft report sent to you?

14 A Let me clarify. Lisa's -- the report that  
15 Lisa sent us on the 20th, the report that was all  
16 ultimately submitted to DOJ, the majority of that  
17 report had been presented to the board, communicated  
18 to the board, at some point during the process. So I  
19 do not think that it would be accurate to say that  
20 that was the first time that we had seen those  
21 conclusions.

22 Was it the first time that we had seen the  
23 report put together in that way? Yes. Was it the  
24 first time that we had seen that material or those  
25 conclusions? Absolutely not.

1 Q Was there ever -- so that -- but all of those  
2 communications were made -- do you ever remember Lisa  
3 Handley participating in any executive session?

4 A No, not that I can recall.

5 Q So all of the communication from Lisa Handley  
6 would have been in the public record?

7 A What do you mean?

8 Q Well, that's an interesting response.

9 A Communications with who?

10 Q With the board.

11 A With board members?

12 Q Yes.

13 A Just generally speaking, I can't say. I  
14 can't speak for our board members. I can't speak  
15 for -- I can tell you what I'm aware of.

16 Q Okay.

17 A What I'm aware of is that Michael and I were  
18 in pretty regular communication with her over the  
19 course of the process, particularly towards the end.

20 I remember -- I do remember Chairman  
21 Torgerson being involved in a phone conversation or  
22 two, that was not in the public record, at some point.  
23 It might have been with Mr. Miller. I don't remember  
24 exactly when that would have been. I seem to recall  
25 that happening.

1           In general, though, I would say that yeah,  
2 the board members were not communicating with her  
3 directly off the record.

4           Q     From what you know about the situation.

5           A     At least from what I know and from what I  
6 recall right now.

7           Q     Okay. Now, in terms of the communications,  
8 Mr. Torgerson indicated yesterday that there were  
9 communications -- it wasn't exactly clear to me --  
10 that there were communications to him from Handley  
11 through either you or Mr. White. Did that happen?

12          A     Yes.

13          Q     Could you tell me about those communications  
14 that you had that were of that nature?

15          A     Yes.

16                 Now, the exact timeline of these  
17 communications is going to be hard to recall right  
18 now. I can give you a general timeline.

19          Q     That would be great.

20          A     Okay.

21                 Lisa, like we discussed earlier, she -- the  
22 first we heard from her was when Mr. Miller was  
23 around, and she was in Afghanistan, and she called on  
24 a teleconference on April 11th. And it was a  
25 preliminary discussion. I know some board members had

1 questions. She hadn't begun her work at that point, I  
2 do not think, and the purpose of that call was really  
3 just a preliminary discussion.

4 Of course we then heard from her, I think  
5 May 17th. It might have been -- it was sometime in  
6 the middle of May we heard from her. She actually  
7 called in and gave a verbal presentation over the  
8 phone. That was done in public.

9 Q Was the April 11th one done in public?

10 A Yes.

11 Q Okay. And then the other one was around  
12 May 17th? I mean, I think we --

13 MR. WHITE: We'll stipulate it's 4/11, 5/17,  
14 and 5/24, her on-record comments.

15 A So between May 17th and July -- sorry --  
16 June 14th, Michael and myself were, like I said, in  
17 pretty regular communication with her. That occurred  
18 in a few ways. Or two ways, really. It occurred over  
19 e-mail. Much of that, I believe you have at this  
20 point. And we had phone conversations with her.

21 We talked about this a little bit earlier.  
22 After the 17th, there were some questions that came in  
23 from the public, and I remember being in communication  
24 with her to clear some of those up.

25 ///



1 BY MR. WALLERI:

2 Q That was the questions from Kay Brown?

3 A Yeah.

4 And I remember, like I said, asking her to  
5 clarify some of the these questions. And she said,  
6 well, I have notes, I have notes from the presentation  
7 I gave at that verbal presentation, and I think this  
8 does a pretty good job of addressing those questions.

9 We then shared that with the groups. And,  
10 like I said, based on my conversations with them,  
11 their concerns were put to rest. At least that at  
12 that time they were satisfied with what we gave them.

13 So we decided to fly Lisa to Anchorage on  
14 May 24th. We had given -- you know, in light of --  
15 let me back up here.

16 I think, if I recall, the purpose of her  
17 call-in, in that first call-in in May, was to talk  
18 about her -- she had started to do her analysis at  
19 that point, and she wanted to share with us her new  
20 standards and what she had found in her racial-bloc  
21 voting analysis, which changed the standards for us  
22 and all the other groups.

23 And so the board made a decision that we  
24 wanted to give everyone another chance to come back  
25 with plans, in light of that new standard. We didn't

1 think it would be exactly fair if we had them present  
2 on the old standard, and not give them a chance -- you  
3 know, because we were --

4 Q Let's stop there for a second, and then we'll  
5 come back to that.

6 A Sure.

7 Q I'm going to digress for a second.

8 Can you tell me the difference between your  
9 understanding of the old standards and the new  
10 standards?

11 A Okay.

12 Polarization in the state, originally  
13 polarized voting had increased, and the 35 percent  
14 standard was no longer relevant, the one that had been  
15 used in the two previous cycles, and that standard had  
16 increased in general.

17 Q To?

18 A 42 percent in most cases.

19 She found that --

20 MR. WHITE: I'm sorry, I don't mean to  
21 interrupt. I guess I'll object to asked and answered,  
22 but go ahead. I think we already discussed this  
23 earlier.

24 THE WITNESS: Yeah, I think we did.

25 The standard in general was 42 percent, but

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**  
**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In Re 2011 Redistricting Cases. ) **CONSOLIDATED CASE NO.:**  
 ) **4FA-11-2209-CI**  
 ) **4FA-11-2213 CI**  
 ) **1JU-11-782 CI**

**AFFIDAVIT OF TAYLOR R. BICKFORD**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

I, TAYLOR BICKFORD, being first duly sworn, depose and state as follows:

1. I am the Executive Director of Defendant the Alaska Redistricting Board ("the Board") and have personal knowledge of and can testify to all of the facts set forth below.

2. After the Board had drafted and adopted Board Option 1 and 2, and several third parties had submitted plans, Dr. Handley advised the effectiveness standard had changed for Alaska Native districts due to an increase in racially polarized voting. The Board was thus forced to redraw all of its Alaska Native districts, which in turn affected many of the urban district boundaries.

3. Outside of Southeast Alaska, the five rural Alaska Native districts were short a total of over 10,000 persons compared to the ideal population for those areas. This problem was caused by several factors, including "out-migration" of Alaska Natives and the generally slower growth rate in rural Alaska. As a result, at least one of these five districts had to pick up substantial urban population not previously included within this set of districts. This process was further complicated in that there are virtually no substantial Alaska Native population concentrated in areas adjacent to the existing rural Alaska Native districts and the fact it is impossible to create an Alaska Native district in any urban area of the state.

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Fax: (907) 263-6345

4. The Board determined the Ester/Goldstream areas of the FNSB were the best area from which to draw population and add to rural Alaska Native Districts. One factor the Board considered in making this determination was that the FNSB had excess population, just under half an ideal house seat, or approximately 8,700 people.

5. A number of third party plans also combined population from the Fairbanks area with population from rural, Alaska Native districts. All of the AFFR plans, for example, took population out of East Fairbanks while all of the AFFER plans took population out of West Fairbanks. Several Alaska Native groups also took population out of Fairbanks to add to a rural Alaska Native district. Calista Corporation took population out of Northwest Fairbanks and Bering Straits Native Corporation took a large swath starting in the Northwest corner, moving east, and grabbing a significant chunk out of Eastern Fairbanks. The Bush Caucus took population out of Fairbanks in a number of its plans, and Tom Begich took population out of East Fairbanks in both of his plans. A copy of all these plans, including maps and population data, can be found in the Board Record.

6. When drawing the Fairbanks districts, Jim Holm used a slightly different numbering system than the system ultimately adopted by the Board for the Proclamation Plan. The Proclamation districts correspond to the following district numbers used by Jim Holm: HD-1 in the Proclamation was identified as HD-10, HD-2 in the Proclamation was identified as HD-11, HD-3 in the Proclamation was identified as HD-7, HD-4 in the Proclamation was identified as HD-9, HD-5 in the Proclamation was identified as HD-8, and HD-6 in the Proclamation was identified as HD-12.

7. Natural boundaries were used to draw HD-1 and HD-3 before the Board renumbered the final adopted plan. A census block view of the boundary between HD-1 and

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AFFIDAVIT OF TAYLOR R. BICKFORD  
*In Re 2011 Redistricting Cases*, Consolidated Case No. 4FA-11-02209 CI  
Page 2 of 4


Exhibit G  
Page 2 of 4

HD-3 demonstrates the HD-1 boundary veers slightly to the right to grab population from the only adjacent area within the boundaries of the City of Fairbanks. The "appendage" moves westward, following College Road and then follows Noyes Slough until the end of the neighborhood, grabbing census blocks. Without this "appendage," the population of HD-1 would be 681 people of the ideal district size, or a deviation of -3.83%.

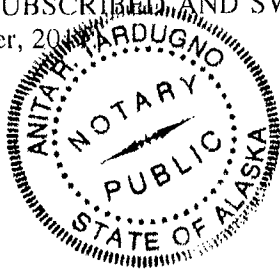
8. The Demonstration Plan pairs Alaska Native incumbents, who are the preferred candidates of choice by Alaska Natives, including Representative Bill Thomas in Southeast, Senator Kookesh, and Senator Stedman.


9. The Aleutian district HD-37 in the current Benchmark Plan, which met constitutional requirements in 2002, scores a "0.05" under the Reock test.

**FURTHER YOUR AFFIANT SAYETH NAUGHT.**

  
Taylor R. Bickford

SUBSCRIBED AND SWORN to before me at Anchorage, Alaska this 13<sup>TH</sup> day of December, 2011.



  
Notary Public in and for the State of Alaska  
My Commission Expires: 1/1/2012

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**CERTIFICATE OF SERVICE**

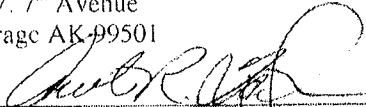
I hereby certify that on the <sup>27<sup>th</sup></sup>13<sup>th</sup> day of December 2011, a true and correct copy of the foregoing document was served on the following via:

**Electronic Mail on:**

Michael J. Walleri; [walleri@gei.net](mailto:walleri@gei.net)  
2518 Riverview Drive  
Fairbanks, AK 99709

Thomas F. Klinkner; [tklinkner@BHB.com](mailto:tklinkner@BHB.com)  
Birch, Horton, Bittner & Cherot  
1127 W. 7<sup>th</sup> Avenue  
Anchorage AK 99501

By: \_\_\_\_\_

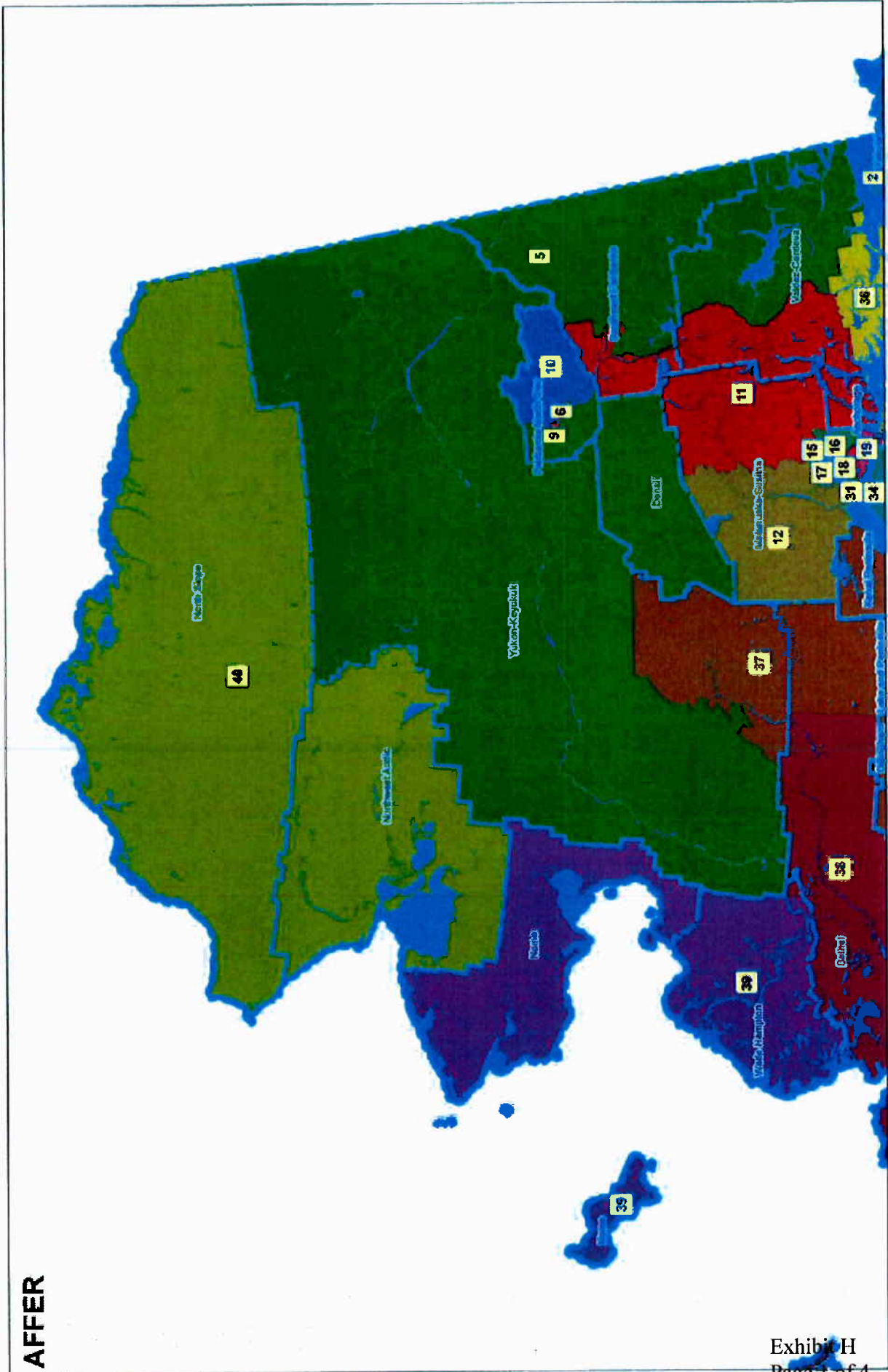
  
Anita R. Tardugno, PLS  
Legal Secretary  
PATTON BOGGS LLP

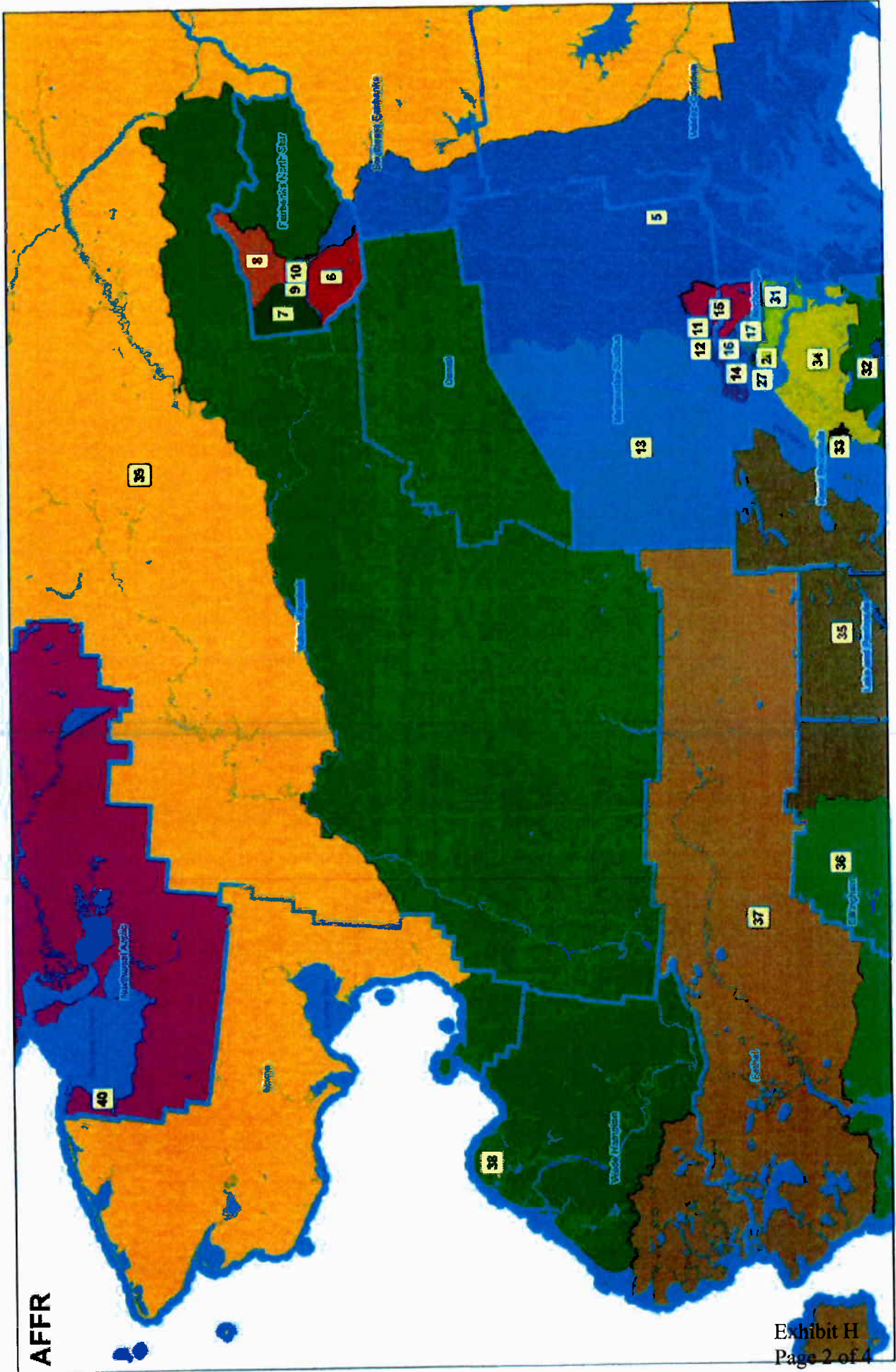
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AFFIDAVIT OF TAYLOR R. BICKFORD  
*In Re 2011 Redistricting Cases*, Consolidated Case No. 4FA-11-02209 CI  
Page 4 of 4

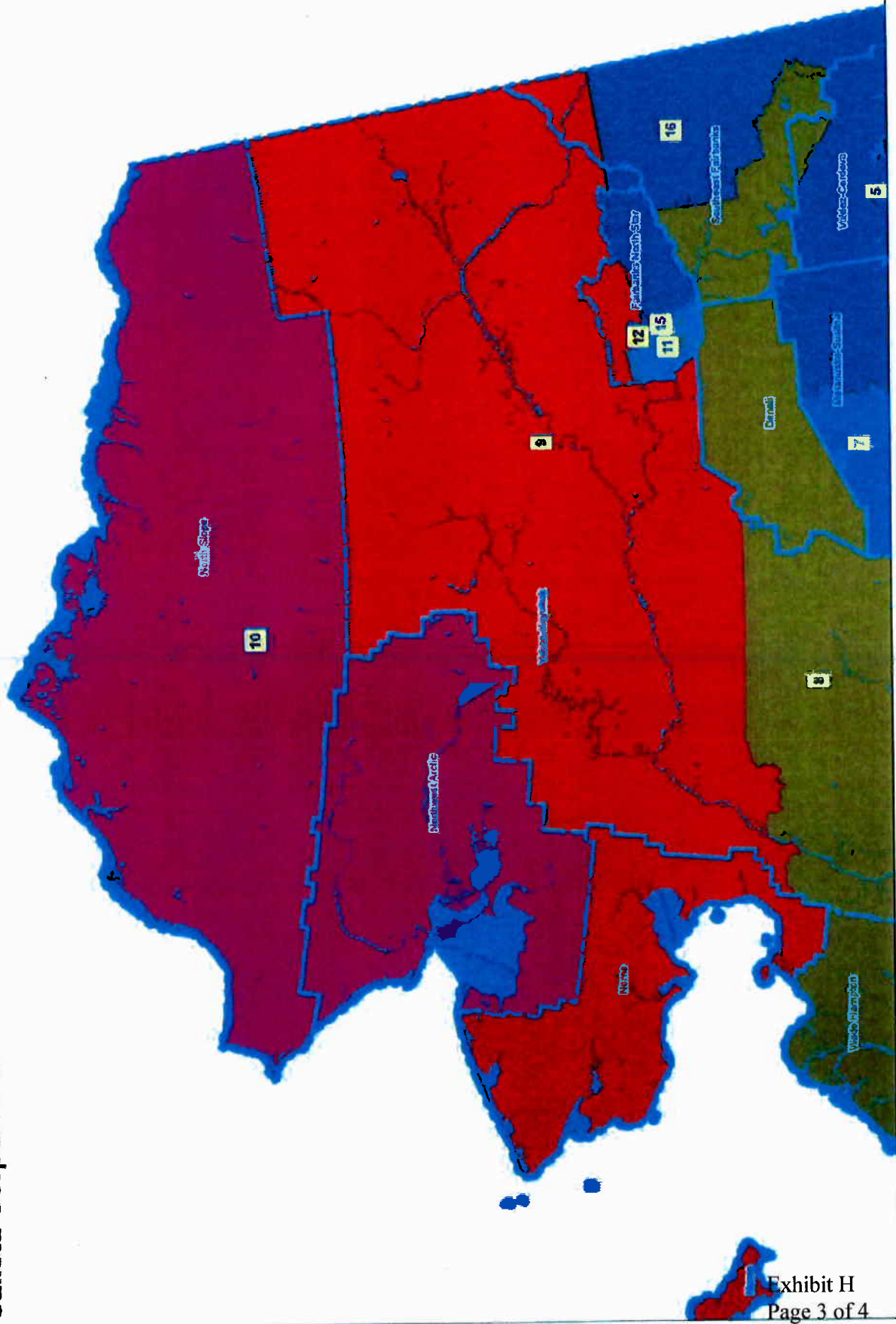
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

RECEIVED

OCT 27 2011

FOURTH JUDICIAL DISTRICT

PATTON BOGGS LLP

IN RE 2011 REDISTRICTING CASES

REPLY THE REQUEST FOR  
ADMISSIONS CONTAINED IN ARB's  
FIRST SET OF DISCOVERY REQUESTS  
TO PLAINTIFFS GEORGE RILEY &  
RONALD DEARBORN

Case No. 4FA-11-1935 CI

COMES NOW, Plaintiffs George Riley and Ronald Dearborn hereby submits its Response to Request for Admissions contained within Defendant Alaska Redistricting Board's First Set of Discovery Requests to Plaintiffs. The following responses are made without waiving, subject to and expressly preserving the following general and identified specific objections.

**OBJECTIONS**

**A) General Objections.** The following responses apply to all discovery responses for reasons set forth in the following general objections as may be applicable to any specific response:

- 1) The requested discovery, in whole or in part, will not be provided because they

Reply.: ARB's 1<sup>st</sup> Discovery/Admissions  
Riley, et. al. v Redistricting Board  
Case No. 4FA-11-02209 Ci

Michael J. Walleri  
2518 Riverview Dr.  
Fairbanks, Alaska 99709  
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Exhibit I  
Page 1 of 47

(16)

are obtainable from other sources, and/or such production/identification by the ARB, its attorneys and agents, would be more convenient, less burdensome and/or less expensive than to the responding parties; including, but not limited to,

- a) documents contained or that should have been contained in the administrative record of ARB proceedings;
  - b) documents in the possession or subject to the control of the requesting party previously or subsequently produced by the requesting party;
- 2) The requested discovery, in whole or in part, will not be provided because it seeks to disclose confidential communications made for the purpose of facilitating the rendition of professional legal services to the client, (1) between the client or the client's representative and the client's lawyer or the lawyer's representative, or (2) between the client's lawyer and the lawyer's representative, or (3) by the client or the client's lawyer to a lawyer representing another in a matter of common interest, or (4) between representatives of the client or between the client and a representative of the client, or (5) between lawyers representing the client.
- 3) The requested discovery, in whole or in part, will not be provided because it seeks information respecting mental impressions, conclusions, opinions or legal theories of Plaintiffs' attorney or other representative of a party concerning the

litigation.

- 4) The requested discovery, in whole or in part, will not be provided because it seeks information discoverable under Civ. R. 26 (b)(1) prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent) and there has been no showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means.
- 5) The requested discovery, in whole or in part, will not be provided because it seeks information that is irrelevant to the issues of this case and is not reasonably calculated to lead to the discovery of admissible evidence.
- 6) The requested discovery, in whole or in part, will not be provided because the request requires the creation of a document not currently in existence or the performance of calculations, investigation and or legal or other professional analysis that has not been performed as of the date of this response.
- 7) The requested discovery, in whole or in part, will not be provided because the requested number of interrogatories exceed the limit provided by the Rules.

B) Specific Objections. The following responses are subject to the objections referenced and indicated by numerical indication.

- 1) Plaintiff objects to this request because the item or category described or referenced is not described with reasonable particularity.
- 2) Plaintiff objects to the request because it is overly broad, burdensome and/or vague.
- 3) Plaintiff objects to this request because it references documents, copies of which were not served with the request or otherwise furnished or made available for inspection and copying.
- 4) Plaintiff objects to this request because it fails relate to statements or opinions of fact or of the application of law to fact, nor the genuineness of any documents described in the request.
- 5) Plaintiff objects to this request because it addresses two or more matters which are not separately set forth.

- 6) Plaintiff objects to this request because the answering party lacks information and/or knowledge sufficient to admit or deny and states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.
- 7) Plaintiff objects to this request because the answering party cannot truthfully admit or deny the matter (reasons set forth).
- 8) Plaintiff objects to this request because the matter of which an admission has been requested presents a genuine issue for trial and the party cannot admit or deny it because (A) the request was is likely to be held objectionable pursuant to Rule 36(a), or (B) the admission sought was of no substantial importance, or (C) the party failing to admit had reasonable ground to believe that the party might prevail on the matter, or (D) there was other good reason for the failure to admit. (reasons set forth).

## REQUESTS FOR ADMISSION

**Request For Admission No. 1:** Please admit that any redistricting plan adopted by the Board must comply with the federal Voting Rights Act of 1965, as amended.

**Reply.: ARB's 1<sup>st</sup> Discovery/Admissions**  
*Riley, et. al. v Redistricting Board*  
*Case No. 4FA-11-02209 Ci*

**Michael J. Walleri**  
*2518 Riverview Dr.*  
*Fairbanks, Alaska 99709*  
*(907) 378-6555*

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**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4 and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the Redistricting Plan adopted by the Alaska Redistricting Board must be done in a manner that complies with the procedures and standards set forth in Voting Rights Act of 1965, as amended.

**Request For Admission No. 2:** Please admit that the Board's Proclamation Plan complies with Section 5 of the federal Voting Rights Act of 1965, as amended.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 1,2,3, 4 and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the Board's Proclamation Plan (which is the subject of this litigation) received pre-clearance non-objection from the Department of Justice pursuant to Section 5 of the VRA. Pursuant to applicable DOJ Sec. 5 regulations and the disclaimers contained in



non-objection letter, such preclearance is non-conclusive with respect to the possible legal deficiencies that may be contained in the plan relative to standard and procedures required by the Voting Rights Act, as amended.

**Request For Admission No. 3:** Please admit that House District 38 in the Board's Proclamation Plan meets the contiguity requirement of Article VI, Section 6 of the Alaska Constitution.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 1, 2, and 3. Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that HD 38 contained in the Board's Proclamation Plan, which is the subject of this litigation, encompasses a contiguous area in the geographic sense.

**Request For Admission No. 4:** Please admit that House District 37 in the Board's Proclamation Plan meets the contiguity requirement of Article VI, Section 6 of the Alaska Constitution.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff

objects based upon Specific Objection No(s). 1, 2, 4 and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: Admit that the boundaries of HD 37 contained in the Board's Proclamation Plan, which is the subject of this litigation, encompasses a geographic area totally within a single uninterrupted geometrical boundary pattern. Deny that the boundaries of HD 37 contained in the Board's Proclamation Plan, which is the subject of this litigation, encompasses a geographic contiguous land mass to the extent practical. Deny that House District 37 meets the contiguity requirement of Article VI, Section 6 of the Alaska Constitution. See, e.g., *Hickel v. Southeast Conference*, 846 P.2d 38, 54 (Alaska 1992).

**Request For Admission No. 5:** Please admit that no redistricting plan provided to the Board by any third party met the requirements of Section 5 of the federal Voting Rights Act of 1965, as amended.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 1,2, 4, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly

preserving such objections, the undersigned respond as follows: Denied

**Request For Admission No. 6:** Please admit that the Board's Proclamation Plan is not retrogressive.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 1,2, 3, 4 and 8. As to Specific Objection No. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the Board's Proclamation Plan, which is the subject of this litigation, is non-retrogressive relative to Alaska Native Voting strength as a whole.

**Request For Admission No. 7:** Please admit that the Board's Proclamation Plan is free from discriminatory purpose with respect to Alaska Natives' exercise of the electoral franchise.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 3, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the Plaintiffs have not had the opportunity to depose members and staff of the

Alaska Redistricting Board; the Alaska Redistricting Board conducted executive sessions, and the content of these meetings has not been made available to the Plaintiffs; Communications with the Board's voting rights expert, Lisa Handley, have also been withheld from the Plaintiffs. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that Plaintiff does not have any direct evidence, at this time, of discriminatory purpose with respect to Alaska Natives' exercise of the electoral franchise, that may have formed in the mind of the Members and/or Staff of the Alaska Redistricting Board except for the possible purpose of enhancing Alaska Native voting strength, as a whole.

**Request For Admission No. 8:** Please admit that Alaska has the largest land area of any state in the United States.

**Response:** Admit without objection.

**Request For Admission No. 9:** Please admit that Alaska has the lowest population density of any state in the United States.

Response: Admit without objection.

Request For Admission No. 10: Please admit that between 2001 and 2010, urban areas of Alaska showed a higher rate of population growth than rural areas.

Response:In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, and 6 Without waiving, and subject to and expressly preserving such objections, and assuming that the term "urban areas of Alaska" means areas within the Fairbanks North Star Borough and the Municipality of Anchorage, and that the term "rural areas" means areas off the connected State Highway System, the undersigned respond as follows: It is admitted that between 2001 and 2010, urban areas of Alaska showed a higher rate of population growth than rural areas.

Request For Admission No.11: Please admit that as of April 2010, at least 49% of Alaska Natives of voting age lived in the urban areas of Alaska.

Response:In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 6, 7 and 8. As to Specific Objection

Nos. 7, Plaintiff has not undertaken the analysis of census data; and the terms "urban" are too vague to allow such analysis; US census data does not breakdown "Alaska Natives" as a identifiable grouping in generally available data at this time, but reports persons as "American Indian/Alaska Native"; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry. As to Specific Objection Nos. 8, see Reasons (B). Without waiving, and subject to and expressly preserving such objections, and assuming that the term "urban areas of Alaska" means areas within the Fairbanks North Star Borough and the Municipality of Anchorage, and further assuming that the term "Alaska Natives" includes all persons enumerated as "American Indian/Alaska Native" in the census, and does not include enumerated persons claiming mixed race (Native +1; Native +2) ancestry, the undersigned respond as follows: Admit that the total percentage of Alaska Native persons living in the Fairbanks North Star Borough and the Municipality of Anchorage are about 26%. See census information at <http://quickfacts.census.gov/qfd/states/02000.html>

**Request For Admission No. 12:** Please admit that it is impossible to create an Alaska

Native Effective District within the borders of the FNSB.

**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request does not identify whether the question relates to a House or Senate District; the request does not identify the meaning of "Native Effective District;" the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to the predictive treatment and analysis of voter turnout rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry.; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that it is it not possible to create an Alaska Native Majority house district within the borders of the FNSB that complies with Alaska Constitutional standards.

**Request For Admission No. 13:** Please admit that it is impossible to create an Alaska

Native Equal Opportunity District within the borders of the FNSB.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request is not clear whether it relates to a House or Senate district; the request does not identify the meaning of "Native Equal Opportunity District" and the term is not a commonly understood term nor a generally accepted term of art in the context of redistricting; the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to the predictive treatment and analysis of voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). The undersigned are unable to respond to this request for the above reasons and objections.

Request For Admission No. 14: Please admit that it is impossible to create an Alaska

Native Influence District within the borders of the FNSB.



**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request is not clear whether it relates to a House or Senate district; the request does not identify the meaning of "Native Influence District" and the term is not a commonly understood term nor, in the context of redistricting, a generally accepted term of art with a clearly identifiable Native population/Native voting age population benchmark; the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry.; Request is vague as to the predictive treatment and analysis of voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). The undersigned are unable to respond to this request for the above reasons and objections.

**Request For Admission No. 15:** Please admit that it is impossible to create an Alaska Native Effective District within any urban areas of Alaska.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request does not identify whether the question relates to a House or Senate District; the request does not identify the meaning of "Native Effective District;" the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to the predictive treatment and analysis of voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; request is vague as to definition of "urban"; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry.; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: Assuming that the definition of "urban areas of Alaska" means the Fairbanks North Star Borough and the Municipality of Anchorage, and assuming no causal effect as to factors such as voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; it is admitted that it is it not possible to create an Alaska Native Majority house district within the borders of those municipalities that complies with the Alaska

Constitutional standards

Request For Admission No. 16: Please admit that it is impossible to create an Alaska Native Equal Opportunity District within any urban areas of Alaska.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request is not clear whether it relates to a House or Senate district; the request does not identify the meaning of "Native Equal Opportunity District" and the term is not a commonly understood term nor a generally accepted term of art in the context of redistricting; the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to the predictive treatment and analysis of voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; request is vague as to definition of "urban"; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry.; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). The undersigned are unable to respond to this request for

the above reasons and objections.

**Request For Admission No. 17:** Please admit that it is impossible to create an Alaska Native Influence District within any urban areas of Alaska.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 4, 6, 7 and 8. As to Specific Objection Nos. 7, the request is not clear whether it relates to a House or Senate district; the request does not identify the meaning of "Native Influence District" and the term is not a commonly understood term nor, in the context of redistricting, a generally accepted term of art with a clearly identifiable Native population/Native voting age population benchmark; the request does not specify what other factors and measures apply to the creation of such a district; Request is vague as to the predictive treatment and analysis of voter turn-out rates, dynamic population statistical modeling, anomalous incidents, and other multivariate factors; Request is vague as to classifications of persons claiming mixed race (Native +1; Native +2) ancestry.; the request would require the production of documents and plans that do not exist at this time; As to Specific Objection Nos. 8, see Reasons (A) and (C). The undersigned are

unable to respond to this request for the above reasons and objections.

Request For Admission No. 18: Please admit that the population of the FNSB represents 5.4956 ideal election districts.

Response:In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 4, 7 and 8. As to Specific Objection Nos. 7, the request is not clear whether it relates to a House or Senate districts; the term "ideal" election district is unclear. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, and assuming that the term "ideal election district" means a district with a total population of 17,755, the the undersigned respond as follows: It is denied that the population of the FNSB based on the 2010 census data is sufficient to constitute 5.4956 ideal election districts for proportional representation purposes as set forth in Plaintiffs complaint. It is admitted that the population of the FNSB based on the 2010 census data is sufficient to constitute 5.4959 ideal election districts for proportional representation purposes as set forth in Plaintiffs complaint.

Request For Admission No. 19: Please admit that your complaint contains no claim or count alleging the Board violated the Alaska Open Meetings Act.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, and 4. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: It is admitted that the complaint filed in this matter does not seek a declaration that the Plan at issue in the above captioned litigation should be invalidated solely based upon a claimed violation of the Alaska Open Meetings Act.

Request For Admission No. 20: Please admit that your complaint contains no claim or count alleging political gerrymandering.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, and 4. Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the complaint filed in this matter does not seek to a declaration that the Plan at issue in the above captioned litigation should be invalidated solely based upon political gerrymandering.

**Request For Admission No. 21:** Please admit that when the requirements of the federal Voting Rights Act of 1965, as amended, conflict with the requirements of the Alaska Constitution, deference must be given to the requirements of the Voting Rights Act.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection Nos. 2 and 4. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: no answer is required.

**Request For Admission No. 22:** Please admit that the Alaska Federation of Natives held its annual convention for 2005, 2007, and 2010 in Fairbanks.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No. 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the Alaska Federation of Natives held its annual convention for 2005, 2007, and 2010 in Fairbanks.

Request For Admission No. 23: Please admit the World Eskimo-Indian Olympics for 2011 was held in Fairbanks.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: It is admitted that the World Eskimo-Indian Olympics for 2011 was held in Fairbanks.

Request For Admission No. 24: Please admit the headquarters of the Tanana Chiefs Conference is located in Fairbanks.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No. 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: It is admitted the headquarters of the Tanana Chiefs Conference is located in Fairbanks.

Request For Admission No. 25: Please admit that the corporate headquarters for



Doyon, Limited is located in Fairbanks.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No. 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: It is admitted the headquarters of the Doyon, Limited is located in Fairbanks.

Request For Admission No. 26: Please admit Senator Albert Kookesh maintains a state legislative office in Fairbanks.

Response: In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No. 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the the undersigned respond as follows: It is admitted that Senator Albert Kookesh maintains a state legislative office in Fairbanks.

Request For Admission No. 27: Please admit that the community of Ester, Alaska is zoned as rural.

**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 6,7, and 8. As to Specific Objection Nos. 7, upon inquiry with the FNSB, there is no zoning classification as "rural". As to Specific Objection Nos. 8 Reasons (A) (B) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: Upon diligent inquiry, it is admitted that the majority of land in the Ester area (defined as land within the zip code 99725) is zoned General Use-1 (GU-1); three subdivisions and several miscellaneous parcels are zoned Rural Estates-2 (RE-2); one parcel is zoned Rural Residential (RR).

**Request For Admission No. 28:** Please admit that the majority of residents of Ester, Alaska rely on individual wells and septic systems.

**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 6,7, and 8. As to Specific Objection No. 8 Reasons (A) (B) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that the majority of residents of Ester, Alaska (defined as land within the zip code 99725) rely

on septic systems. After diligent inquiry, the exact number of Ester residents/residences (Ester, Alaska defined as land within the zip code 99725) who rely on individual wells as opposed to water haul systems and communal wells for water sources is not known at this time.

**Request For Admission No. 29:** Please admit that racially polarized voting in Alaska increased between 2000 and 2010.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: It is admitted that that racially polarized voting in Alaska increased between 2000 and 2010 within certain discrete parts of Alaska.

**Request For Admission No. 30:** Please admit that in the majority of the general elections held between 2000 and 2010, the Ester voting precincts voted in favor of Democratic candidates.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff

objects based upon Specific Objection No(s). 2 and 6. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: It is admitted that in the majority of State of Alaska General Elections involving partisan elections held between 2000 and 2010, more voters casting votes in the Ester Precinct (08-130) voted in favor of Democratic candidates than candidates from other parties.

**Request For Admission No. 31:** Please admit that in the majority of the general elections held between 2002 and 2010, the Goldstream voting precincts voted in favor of Democratic candidates.

**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2 and 6. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: It is admitted that in the majority of State of Alaska General Elections involving partisan elections held between 2000 and 2010, more voters casting votes in the Goldstream #1 (07-235) and Goldstream # 2 Precinct (08-134) voted in favor of Democratic candidates than candidates from other parties.

**Request For Admission No. 32:** Please admit that in the majority of the general elections held between 2002 and 2010, the University Hills voting precincts voted in favor of Democratic candidates.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2 and 6. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: It is admitted that in the majority of State of Alaska General Elections involving partisan elections held between 2000 and 2010, more voters casting votes in the University Hills Precinct (08-134) voted in favor of Democratic candidates than candidates from other parties.

**Request For Admission No. 33:** Please admit Benchmark HD-40 is short 239 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly

preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010 Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 34:** Please admit that Benchmark HD-39 is short 2,113 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010

Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 35:** Please admit that Benchmark HD-38 is short 1,700 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010 Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 36:** Please admit that Benchmark HD-37 is short 2,556 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010 Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 37:** Please admit that Benchmark HD-6 is short 3,520 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection



Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010 Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 38:** Please admit that combined, Benchmark HD-40, HD-39, HD-38, HD-37, and HD-6 are short 10,128 people from the ideal district size of 17,755.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 6, and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in

effect in the 2010 election, it is admitted that the tabulated population analysis (attached and entitled "Current Alaska House Districts; 2000 Census Data vs 2010 Census Data") prepared by the Requesting Party and found at Vol. II, Folder 6 of the ARB DOJ Sec. 5 Submission relating to the Plan which is the subject of this litigation, is accurate.

**Request For Admission No. 39:** Please admit that Benchmark HD-40, HD-39, HD-38, HD-37, and HD-6 are all election districts located in rural Alaska.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 5, 7 and 8. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows:

Assuming that the indicated "Benchmark " Districts refer to districts in the Alaska State Legislative Redistricting Plan in effect in the 2010 election, and assuming that the term "rural" means districts outside the boundaries of the Fairbanks North Star Borough and the Municipality of Anchorage, it is admitted that Benchmark HD-40, HD-39, HD-38, HD-37, and HD-6 are all election districts located in rural Alaska.

**Request For Admission No. 40:** Please admit that in order to comply with the one person-one vote requirement of the equal protection clause of the United States Constitution, population must be added to Benchmark HD-39, HD-38, HD-37, and HD-6.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 5, 6, 7 and 8. As to Specific Objection Nos. 7, because the request fails to identify parameters and variant factors such as the effect of various provisions of the Alaska Constitution, Voting Rights Act or such other factors that may justify a deviation from generally accepted standards (i.e. 10% overall plan deviation) contained in the Equal Protection Clause of the United States Constitution, including the possibility to adjust population by excluding military and or non-voting populations (e.g. prison populations) for Federal law purposes. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, and that no consideration is given as to provisions of the Voting Rights Act, the Alaska Constitution, or other factors that may justify a deviation from generally accepted standards contained in the Equal

**Reply: ARB's 1<sup>st</sup> Discovery/Admissions**  
*Riley, et. al. v Redistricting Board*  
*Case No. 4FA-11-02209 Ci*

**Michael J. Walleri**  
*2518 Riverview Dr.*  
*Fairbanks, Alaska 99709*  
*(907) 378-6555*

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Protection Clause of the United States Constitution, it is admitted one person-one vote requirement of the equal protection clause (sic) of the United States Constitution, may require that population be added to Benchmark HD-39, HD-38, HD-37, and HD-6.

**Request For Admission No. 41:** Please admit that in order to add population to Benchmark HD-39, HD-38, HD-37, and HD-6 in order to comply with the one person-one vote requirement of the equal protection clause of the United States and Alaska Constitutions, population must come from urban areas of Alaska.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4, 5, 6, 7 and 8. As to Specific Objection Nos. 7, because the request fails to identify parameters and variant factors such as the effect of various provisions of the Alaska Constitution, Voting Rights Act or such other factors that may prohibit or justify a deviation from generally accepted standards (i.e. 10% overall plan deviation) contained in the Equal Protection Clause of the United States Constitution, including the possibility to adjust population by excluding military and or non-voting populations (e.g. prison populations) for Federal law purposes. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without

waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that "Benchmark Plan" is the Alaska State Legislative Redistricting Plan in effect in the 2010 election, and assuming that "urban" means areas within the Fairbanks North Star Borough and the Municipality of Anchorage, and assuming that no consideration is given as to provisions of the Voting Rights Act, the Alaska Constitution, or other factors that may prohibit or justify a deviation from generally accepted standards contained in the Equal Protection Clause of the United States Constitution, it is admitted one person-one vote requirement of the equal protection clause (sic) of the United States Constitution, may require that population must be added to Benchmark HD-39, HD-38, HD-37, and HD-6, and that such populations may, but not necessarily must, come from urban areas.

**Request For Admission No. 42:** Please admit that the area of Benchmark HD-6 is 214,739 square miles.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 6, 7 and 8. As to Specific Objection No. 7, because after diligent inquiry, the answer to the admission is not readily

available to the responding party but may be derived or ascertained from the business records, including electronically stored information, of the requesting party and the burden of deriving or ascertaining the answer is substantially the same or greater for the requesting party as for the responding party. As to Specific Objection Nos. 8, see Reasons (A) and (B). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: No response is required.

**Request For Admission No. 43:** Please admit that the area of Benchmark SD-C is 266,478 square miles.

**Response:**In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 6, 7 and 8. As to Specific Objection No. 7, because after diligent inquiry, the answer to the admission is not readily available to the responding party but may be derived or ascertained from the business records, including electronically stored information, of the requesting party and the burden of deriving or ascertaining the answer is substantially the same or greater for the requesting party as for the responding party. As to Specific Objection Nos. 8, see Reasons (A) and (B). Without waiving, and subject to and expressly preserving the

objections stated above, the undersigned respond as follows: No response is required.

**Request For Admission No. 44:** Please admit that the area of Proclamation HD-38 is 72,037 square miles.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 6, 7 and 8. As to Specific Objection No. 7, because after diligent inquiry, the answer to the admission is not readily available to the responding party but may be derived or ascertained from the business records, including electronically stored information, of the requesting party and the burden of deriving or ascertaining the answer is substantially the same or greater for the requesting party as for the responding party. As to Specific Objection Nos. 8, see Reasons (A) and (B). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: No response is required.

**Request For Admission No. 45:** Please admit that the area of Proclamation HD-37 is 26,033 square miles.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff

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Fairbanks, Alaska 99709  
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objects based upon Specific Objection No(s). 2, 3, 6, 7 and 8. As to Specific Objection No. 7, because after diligent inquiry, the answer to the admission is not readily available to the responding party but may be derived or ascertained from the business records, including electronically stored information, of the requesting party and the burden of deriving or ascertaining the answer is substantially the same or greater for the requesting party as for the responding party. As to Specific Objection Nos. 8, see Reasons (A) and (B). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: No response is required.

**Request For Admission No. 46:** Please admit that the area of Proclamation SD-S is 98,070 square miles.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 6, 7 and 8. As to Specific Objection No. 7, because after diligent inquiry, the answer to the admission is not readily available to the responding party but may be derived or ascertained from the business records, including electronically stored information, of the requesting party and the burden of deriving or ascertaining the answer is substantially the same or



greater for the requesting party as for the responding party. As to Specific Objection Nos. 8, see Reasons (A) and (B). Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: No response is required.

**Request For Admission No. 47:** Please admit Representative Allan Dick maintains a state legislative office in Fairbanks.

**Response:Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No. 8, because of Reason B. Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: It is admitted that Representative Allan Dick maintains a state legislative office in Fairbanks.

**Request For Admission No. 48:** Please admit that the population for 5.5 ideal house districts equals 97,652.5 people.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 1,2,4, 7 and 8. As to Specific Objection

Nos. 7, the term "ideal" election district is unclear. As to Specific Objection Nos. 8, see Reasons (A) and (C). Without waiving, and subject to and expressly preserving such objections, the undersigned respond as follows: Assuming that the population of an "ideal district" is 17,755, it is admitted the population for 5.5 ideal house districts equals 97,652.5 people for Alaska State Legislative redistricting plans using 2010 census enumerations.

**Request For Admission No. 49:** Please admit that the Board's Proclamation Plan provides for two house districts in which a majority of the people are residents of the City of Fairbanks.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, and 4. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that the "Board's Proclamation Plan" references the redistricting plan which is the subject of this litigation, it is admitted that the Board's Proclamation Plan provides for two house districts in which a majority of the people are residents of the City of Fairbanks.

**Request For Admission No. 50:** Please admit that the Fairbanks North Star Borough does not contain sufficient population to constitute a majority of three ideal senate districts.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4 and 5. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that sufficient population referenced in the question relates to population without regards to voting age population, turn out statistics nor the effect of coalition/cross over voting, it is admitted that the Fairbanks North Star Borough does not contain sufficient population to constitute a majority of three ideal senate districts.

**Request For Admission No. 51:** Please admit that the Fairbanks North Star Borough does not contain sufficient population to constitute a majority of six ideal house districts.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4 and 5. Without waiving, and

subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that sufficient population referenced in the question relates to population without regards to voting age population, turnout statistics nor the effect of coalition/cross over voting, it is admitted that the Fairbanks North Star Borough does not contain sufficient population to constitute a majority of six ideal house districts.

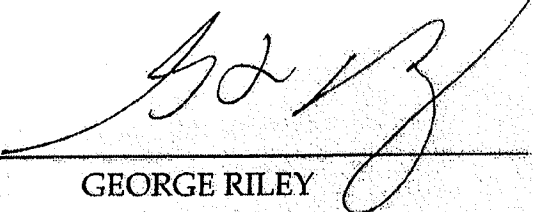
**Request For Admission No. 52:** Please admit that the Board's Proclamation Plan provides for five house districts completely within the boundaries of the Fairbanks North Star Borough.

**Response:** In addition to the denominated General Objections set forth above, Plaintiff objects based upon Specific Objection No(s). 2, 3, 4 and 5. Without waiving, and subject to and expressly preserving the objections stated above, the undersigned respond as follows: Assuming that the "Board's Proclamation Plan" references the redistricting plan which is the subject of this litigation, it is admitted the boundaries of five house districts are completely within the boundaries of the FNSB.

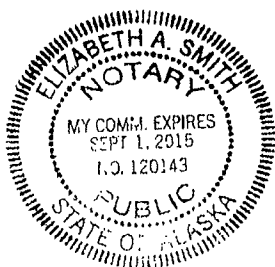
**VERIFICATION**

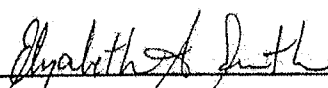
STATE OF ALASKA )  
 )ss.  
FOURTH JUDICIAL DISTRICT )

I, GEORGE RILEY, say on oath or affirm that I have read the foregoing responses to the Requests for Admission contained in the Alaska Redistricting Board's First Set of Discovery Requests, and know the contents thereof. I hereby verify that the responses contained therein are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
GEORGE RILEY

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of October, 2011.



  
\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: 9/1/15

VERIFICATION

STATE OF ALASKA                    )  
  )ss.  
FOURTH JUDICIAL DISTRICT        )

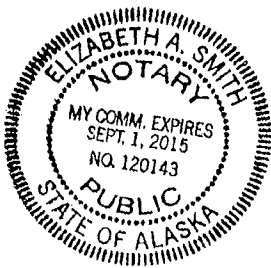
I, RONALD DEARBORN, say on oath or affirm that I have read the foregoing responses to the Requests for Admission contained in the Alaska Redistricting Board's First Set of Discovery Requests, and know the contents thereof. I hereby verify that the responses contained therein are true and correct to the best of my knowledge and belief.

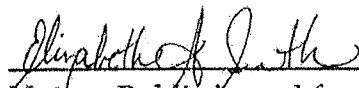


\_\_\_\_\_  
RONALD DEARBORN

SUBSCRIBED AND SWORN TO before me this 26 day of October

2011.





\_\_\_\_\_  
Notary Public in and for Alaska

My Commission Expires: 9/1/15

Certificate of Service

I certify that a true and correct copy of the foregoing  
was served by ~~e-mail~~ *hand deliver* on this October 26, 2011 to:

Mr. Michael D. White  
Patton Boggs, LLP  
601 5<sup>th</sup> Ave., Suite 700  
Anchorage, AK 99501

Ms. Jill Dolan  
Legal Department  
Fairbanks North Star Borough  
P.O. Box 71267  
Fairbanks, AK 99707

Mr. Thomas F. Klinker  
Birch, Horton, Bittner, & Cherot  
127 W. 7<sup>th</sup> Ave.  
Anchorage, AK 99501



ALASKA REDISTRICTING BOARD

**CURRENT ALASKA HOUSE DISTRICTS**  
2000 Census Data vs. 2010 Census Data

District	2000 Total Population	2000 # Deviation	2000 % Deviation	2000 % Alaska Native	2010 Total Population	2010 # Deviation	2010 % Deviation
1	15,031	-642	-4.10%	17.62%	14,333	-3,422	-19.27%
2	14,991	-682	-4.35%	20.14%	14,651	-3,104	-17.48%
3	15,203	-470	-3.00%	17.99%	15,433	-2,322	-13.08%
4	15,508	-165	-1.05%	12.10%	15,842	-1,913	-10.77%
5	15,048	-625	-3.99%	37.90%	13,846	-3,909	-22.02%
6	14,905	-768	-4.90%	54.53%	14,235	-3,520	-19.83%
7	15,494	-179	-1.14%	7.57%	20,982	3,227	18.18%
8	15,552	-121	-0.77%	9.89%	19,960	2,205	12.42%
9	15,723	50	0.32%	16.33%	16,149	-1,608	-9.05%
10	15,999	326	2.08%	8.70%	16,548	-1,207	-6.80%
11	15,904	231	1.47%	7.19%	21,692	3,937	22.17%
12	16,303	630	4.02%	6.62%	14,811	-2,944	-16.58%
13	16,231	558	3.56%	7.93%	23,507	5,752	32.40%
14	16,119	446	2.85%	7.54%	23,682	5,927	33.38%
15	16,137	464	2.96%	8.98%	25,974	8,219	46.29%
16	16,104	431	2.75%	7.18%	21,559	3,804	21.42%
17	15,819	146	0.93%	4.89%	16,349	-1,406	-7.92%
18	15,639	-34	-0.22%	3.52%	19,255	1,500	8.45%
19	15,841	168	1.07%	13.36%	17,804	49	0.28%
20	15,837	164	1.05%	16.51%	18,540	785	4.42%
21	15,850	177	1.13%	8.59%	16,303	-1,452	-8.18%
22	15,831	158	1.01%	15.49%	16,126	-1,629	-9.17%
23	15,847	174	1.11%	16.48%	16,958	-797	-4.49%
24	15,812	139	0.89%	10.30%	19,355	1,600	9.01%
25	15,836	163	1.04%	12.79%	16,201	-1,554	-8.75%
26	15,823	150	0.96%	8.60%	15,814	-1,941	-10.93%
27	15,820	147	0.94%	7.92%	18,047	292	1.64%
28	15,839	166	1.06%	6.44%	18,473	718	4.04%
29	15,846	173	1.10%	11.18%	17,639	-116	-0.65%
30	15,839	166	1.06%	7.92%	18,664	909	5.12%
31	15,811	138	0.88%	5.27%	17,744	-11	-0.06%
32	15,329	-344	-2.19%	4.87%	19,952	2,197	12.37%
33	16,466	793	5.06%	9.14%	18,493	738	4.16%
34	16,409	736	4.70%	7.93%	18,909	1,154	6.50%
35	16,436	763	4.87%	11.44%	17,419	-336	-1.89%
36	14,928	-745	-4.75%	21.26%	14,570	-3,185	-17.94%
37	15,150	-523	-3.34%	47.28%	15,199	-2,556	-14.40%
38	14,921	-752	-4.80%	85.36%	16,055	-1,700	-9.57%
39	14,996	-677	-4.32%	84.82%	15,642	-2,113	-11.90%
40	15,155	-518	-3.31%	79.39%	17,516	-239	-1.35%

\*Current Alaska House Districts were adopted by the Alaska Redistricting Board on April 25, 2002 and approved by the Alaska Supreme Court on May



<b>2010 % Alaska Native</b>
19.53%
20.84%
19.15%
14.65%
36.63%
53.23%
9.18%
10.91%
17.08%
8.96%
7.62%
9.03%
9.32%
9.03%
10.16%
8.40%
6.65%
4.37%
14.08%
15.74%
10.21%
16.76%
16.27%
13.41%
15.51%
9.77%
10.91%
8.33%
13.69%
11.06%
7.48%
5.68%
10.87%
9.86%
12.10%
20.97%
43.76%
86.11%
87.02%
70.78%

24, 2002

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

**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In Re 2011 Redistricting Cases.

) **CONSOLIDATED CASE NO.:**  
) **4FA-11-2209-CI**  
) 4FA-11-2213 CI  
) 1JU-11-782 CI

**ORDER DENYING RILEY PLAINTIFFS' MOTION  
FOR SUMMARY JUDGMENT RE: INVALIDITY OF HD-38  
AND GRANTING SUMMARY JUDGMENT TO BOARD**

Upon careful consideration and review of Plaintiffs George Riley and Ronald Dearborn's ("Riley Plaintiffs") Motion for Summary Judgment: Invalidity of HD 38 ("Motion"), Defendant Alaska Redistricting Board's Opposition thereto, any reply, and all other Matters in the Record, the Court hereby finds and **ORDERS** as follows:

1. The Riley Plaintiffs Motion is hereby **DENIED**.

2. The Board made sufficient findings that the configuration of House District 38 was necessary in order to avoid retrogression and comply with Section 5 of the federal Voting Rights Act in that:

A. The Board unanimously passed its Proclamation, which specifically explained House District 38 was necessitated by the Board's need to draft a plan that was not retrogressive and complied with Section 5 of federal Voting Rights Act.

B. The Board also unanimously passed a separate resolution, Board Resolution 2010-11-1 "Voting Rights Act Compliance" finding House District 38 was required by the federal Voting Rights Act; and

C. The Board Record as a whole contains ample evidence explaining and supporting the Board's decision; and

D. All of the above constitute findings which are adequate findings capable of meaningful judicial review.

2. The Court further finds that Civil Rule 56(c) allows the Court to **GRANT** the Board summary judgment without the need for a cross-motion based on the overwhelming evidence in the Board Record which establishes that the Board's conclusion that the configuration of House District 38 was necessitated by the Board's need to construct a plan that avoided retrogression and therefore complied with Section 5 of federal Voting Rights Act was both reasonable and legally correct. The Board is therefore granted summary judgment on the validity of House District 38 and the Riley Plaintiffs challenges to House District 38 under Article VI, Section 6 of the Alaska Constitution are hereby **DISMISSED** with prejudice.

DATED at Fairbanks, Alaska this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By: \_\_\_\_\_  
HON. MICHAEL McCONAHY  
Superior Court Judge

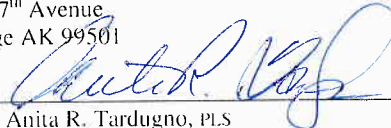
**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of December 2011, a true and correct copy of the foregoing document was served on the following via:

**Electronic Mail on:**

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By:   
Anita R. Tardugno, PLS  
Legal Secretary  
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**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**  
**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In Re 2011 Redistricting Cases. ) **CONSOLIDATED CASE NO.:**  
 ) **4FA-11-2209-CI**  
 ) 4FA-11-2213 CI  
 ) 1JU-11-782 CI

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**ORDER DENYING RILEY PLAINTIFFS' MOTION**  
**FOR SUMMARY JUDGMENT RE: INVALIDTY OF HD-38**  
[ALTERNATIVE]

Upon careful consideration and review of Plaintiffs George Riley and Ronald Dearborn's ("Riley Plaintiffs") Motion for Summary Judgment: Invalidity of HD 38 ("Motion"), Defendant Alaska Redistricting Board's Opposition thereto, any reply, and all other Matters in the Record, the Court hereby finds and **ORDERS** as follows:

1. The Riley Plaintiffs Motion is hereby **DENIED**.
2. The Board made sufficient findings that the configuration of House District 38 was necessary in order to avoid retrogression and comply with Section 5 of the federal Voting Rights Act in that:
  - A. The Board unanimously passed its Proclamation, which specifically explained House District 38 was necessitated by the Board's need to draft a plan that was not retrogressive and complied with Section 5 of federal Voting Rights Act.
  - B. The Board also unanimously passed a separate resolution, Board Resolution 2010-11-1 "Voting Rights Act Compliance" finding House District 38 was required by the federal Voting Rights Act; and
  - C. The Board Record as a whole contains ample evidence explaining and supporting the Board's decision; and

D. All of the above constitute findings which are adequate findings capable of meaningful judicial review.

2. Review of the evidence before this Court, including the Board Record, further establishes there are genuine issues of material fact as to whether the Board's conclusion that the configuration of House District 38 was necessary to avoid retrogression and comply with Section 5 of the federal Voting Rights Act was reasonable and justifiable. The Riley Plaintiffs' Motion for Summary Judgment on that issue is therefore **DENIED**.

DATED at Fairbanks, Alaska this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

By: \_\_\_\_\_  
HON. MICHAEL McCONAHY  
Superior Court Judge

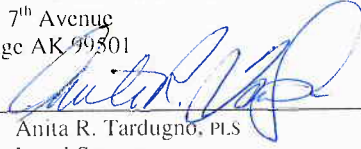
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By:   
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